

**AGENDA
MUNICIPAL COUNCIL
REGULAR MEETING
Wednesday, February 24, 2010
7:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on December 10, 2009, and posted in the Main Lobby of the Municipal Complex on the same date.
4. **APPROVAL OF MINUTES:**
 - a. Special Meeting of January 5, 2010
 - b. Worksession Meeting of January 25, 2010
 - c. Closed Session Meeting of February 8, 2010
5. **COUNCIL PRESIDENT'S REMARKS**
6. **ADMINISTRATIVE AGENDA:
FROM MAYOR ANTONIA RICIGLIANO:**
 - a. Appointment of Olga Sgambettera as a Class IV Member of the Planning Board.
7. **UNFINISHED BUSINESS:
ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING
AND FINAL ADOPTION:**

The following Ordinances have been published according to law, the affidavits are in the possession of the Township Clerk, and copies are posted in the Council Chambers:

O.1732-2010 AN ORDINANCE AUTHORIZING A TRAFFIC CONTROL
SIGNAL AT THE INTERSECTION OF RARITAN CENTER
PARKWAY AND MAYFIELD AVENUE/CAMPUS DRIVE
8. **PUBLIC COMMENT ON THE RESOLUTIONS**
9. **PROPOSED RESOLUTIONS**

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

Consent Agenda

- R.075-022010 Resolution authorizing transfer of funds. (Tabled at the meeting of February 10, 2010)
- R.089-022010 Resolution approving disbursements for the period ending February 18, 2010.
- R.090-022010 Resolution confirming appointments to the Fair Rental Housing Agency.
- R.091-022010 Resolution confirming appointment of Ms. Joyce Ship as a member of the Library Board of Trustees, term to expire December 31, 2010.
- R.092-022010 Resolution confirming appointments to the Health Advisory Board.
- R.093-022010 Resolution authorizing award of State contract for the purchase of two Ford Crown Victoria Police Cars to Chas S. Winner, Inc., in an amount not to exceed \$40,658.00.
- R.094-022010 Resolution authorizing award of State Contract for the purchase of Equipment for two Ford Crown Victoria Police Cars to Chas S. Winner, Inc., in an amount not to exceed \$17,978.00.
- R.095-022010 Resolution authorizing award of contract for Incident Command System Software to Fieldsoft, Inc., in an amount not to exceed \$5,985.00.
- R.096-022010 Resolution authorizing award of quote for Citizen Corp/Neighborhood Watch equipment and training to National Neighborhood Watch Program, in an amount not to exceed \$7,081.00.
- R.097-022010 Resolution authorizing refund of developer's escrow fees to W. Lane Miller, for property located at 401 Clearview Road.
- R.098-022010 Resolution authorizing refund of developer's escrow fees to Volkswagen of America, Inc., for property located at 782 United States Route 1.
- R.099-022010 Resolution authorizing refund of developer's escrow fees to Z & A Infotek Corporation, for property located at 1920 Oak Tree Road.
- R.100-022010 Resolution authorizing refund of developer's escrow fees to M.P.P.L. Realty Company, for property located at 78 Ethel Road.
- R.101-022010 Resolution authorizing refund of tax overpayments, totaling \$5,556.08.
- R.102-022010 Resolution authorizing refund in the amount of \$52,802.76 for redemption of tax sale certificates.
- R.103-022010 Resolution authorizing refund of sewer use fees to Federal Business Centers, in the amount of \$81,285.15.
- R.104-022010 Resolution authorizing refund due to reductions in assessments, totaling \$1,092,330.82.
- R.105-022010 Resolution authorizing additional temporary appropriations.
- R.106-022010 Resolution authorizing refund in the amount of \$378.13 for redemption of tax sale certificates.

- R.107-022010 Resolution consenting to appointments of Freeholder Carol Barrett and Mayor Robert J. Seader of Dunellen as members of the Dismal Swamp Commission.
- R.108-022010 Resolution consenting to appointment of Robert Spiegel as a member of the Dismal Swamp Commission.
- R.109-022010 Resolution authorizing extension of agreement for the Senior Meal Program for the Elderly.
- R.110-022010 Resolution authorizing Developer's Agreement with park and Kang Associates, LLC, for property known as 3848 Park Avenue.
- R.111-022010 Resolution authorizing engineering inspection fee refund for 95 Ethel, LLC, for 95 Ethel Road, Application #P25-06/07.
- R.112-022010 Resolution authorizing release of cash and performance bond for 95 Ethel, LLC, for 95 Ethel Road, Application #P25-06/07.
- R.113-022010 Resolution authorizing amendment to Resolution R.026-012010 regarding release of performance bonds for 19 Langstaff Avenue.
- R.114-022010 Resolution authorizing amendment to Resolution R.056-012010 regarding release of performance bonds for BP Amoco.
- R.115-022010 Resolution authorizing final acceptance of Contract No. 09-25-02A, Papaiani Park and Papaiani Lake Pathway Improvements.
- R.116-022010 Resolution authorizing application for the State of New Jersey Public Archives and Records Infrastructure Support (PARIS) grant program.
- R.117-022010 Resolution expressing opposition to Senate Bill S82 and Assembly Bill A437 which are intended to modify the "time of decision" rule.
- R.118-022010 Resolution expressing support of various pending legislation to reform the pension systems, benefit systems and use of sick leave for public employees.
- R.119-022010 Resolution regarding Generated Materials.
- R.120-022010 Resolution requesting the Mayor and Administration meet with the Attorney representing Police Officers Formica and Todd to attempt to resolve their claims.

10. **COMMUNICATIONS:**

- a. Letter from Robert Spiegel regarding Edison Township tax maps – receive and refer to Administration
- b. Letter from Stephen Hunter regarding request for recession of demotions - receive

11. **ORAL PETITIONS AND REMARKS**

12. **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.

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

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.

RESOLUTION R.089-022010

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF
THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING FEBRUARY 18, 2010

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through February 18, 2010

FUND	AMOUNT
Current	\$23,318,355.31
Dog (Animal Control)	\$1,115.10
Sewer Utility	\$45,970.14
Capital	\$45,345.20
CDBG	\$145,956.75
Trust	\$171,273.63
Grant Funds	\$40,821.86
Sanitation Fund	\$182,247.13
Payroll Deductions	\$427,894.39
Park Improvement	\$6,287.50
Developer's Escrow	\$155,966.37
Cash Performance	\$68,887.99
Federal Forfeited	\$0.00
Public Assistance	\$0.00
Law Enforcement	\$0.00
Affordable Housing	\$832.50
Tree Planting	\$4,995.00
Self Insurance	\$3,405.28
TOTAL	\$24,619,354.15

/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.090-022010

WHEREAS, a recommendation was made by Mayor Antonia Ricigliano to appoint/re-appoint the following members to the Fair Rental Housing Board:

- Esther Nemitz, 162B Fay Street, Edison, 08837, Member, term expiring Feb 10, 2013
- Carlos Sanchez, 3 McEvoy Road, Edison, 08837, Member, term expiring Feb 10, 2013
- Ajay Patel, 10 Dayton Road, Apt. 46A, Edison, 08817, Member, term expiring Feb 10, 2013
- Donald Corrette, 278 Grandview Avenue, Edison, 08837, Member, term expiring Feb 10, 2012
- Harish Verma, 29 Prestwick Way, Edison, 08820, Member, term expiring Feb 10, 2011
- Stacy Palmer, 46 Dalton Place, Edison 08817, First Alt Member, term expiring Feb. 10, 2011
- Kirit Patel, 1 Marcols Court, Edison, 08820, Second Alt Member, term expiring Feb. 10, 2011

WHEREAS, the Municipal Council wishes to confirm these appointments/reappointments;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that the above be appointed/reappointed to the Fair Rental Housing Board.

RESOLUTION R.091-022010

WHEREAS, a recommendation was made by Mayor Antonia Ricigliano to appoint Ms. Joyce Ship, 41 Main Street, 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. Joyce Ship be appointed as a member of the Library Board of Trustees, term to expire December 31, 2010.

RESOLUTION R.092-022010

WHEREAS, a recommendation was made by Mayor Antonia Ricigliano to appoint/re-appoint the following members to the Health Advisory Board:

- Helene Kenny, 8 Merker Drive, Edison, 08837, term expiring April 10, 2010
- Avinka Patel, RN, 135 Tived Lane East, Edison, 08837, term expiring April 9, 2013
- Judith L. Gillingham, 21 Wayne Street, Edison, 08817, term expiring April 20, 2013
- Joan Kapitan, 184 Echo Avenue, Edison 08837, term expiring April 20, 2011

WHEREAS, the Municipal Council wishes to confirm these appointments/re-appointments;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that the above be appointed/reappointed to the Health Advisory Board.

R.093-022010

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS FOR CONTRACTING UNITS
PURSUANT TO N.J.S.A. 40A:11-12a
\$40,658.00**

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

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

Whereas, the Township of Edison intends to enter into a contract with Chas S. Winner, Inc., 250 Haddonfield Berlin Road, Cherry Hill, NJ 08034-3409, which has been awarded State Contract No. 72467 / T-0098;

Now, Therefore, Be It Resolved, that the Township of Edison authorizes the appropriate township officials to purchase two (2) Ford Crown Victoria Police Cars from the approved New Jersey State Contract Vendor through this resolution and properly executed contract, which shall be subject to all the conditions applicable to the current State Contracts; and

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

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

R.094-022010

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT VENDORS FOR CONTRACTING UNITS
PURSUANT TO N.J.S.A. 40A:11-12a
\$17,978.00**

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

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

Whereas, the Township of Edison intends to enter into a contract with Chas S. Winner, Inc., 250 Haddonfield Berlin Road, Cherry Hill, NJ 08034-3409, which has been awarded State Contract No. 74939 / T-1786;

Now, Therefore, Be It Resolved, that the Township of Edison authorizes the appropriate township officials to purchase Equipment for two (2) Ford Crown Victoria Police Cars from the approved New Jersey State Contract Vendor through this resolution and properly executed contract, which shall be subject to all the conditions applicable to the current State Contracts; and

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

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

RESOLUTION R.095-022010

WHEREAS, the Township of Edison has received funds through the 2007 Buffer Zone Protection Grant; and

WHEREAS, a portion of this grant specifies funds to be spent on the purchase of Incident Command System (ICS) software; and

WHEREAS, after extensive search for quotes for software with specific capabilities and within the grant limits, Fieldsoft, Inc., PO BOX 1378, Chandler, AZ 85244-1378 is the sole vendor who can supply this; and

WHEREAS, the maximum amount for this contract shall not exceed \$5,985.00; and

WHEREAS, funds for this contract are available in Account No. G-02-08-0240-746-000.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison in the County of Middlesex, New Jersey, that the appropriate Township Officials are hereby authorized to execute a contract with Fieldsoft, Inc., in an amount not to exceed \$5,985.00.

RESOLUTIONR.096-022010

WHEREAS, the Township of Edison has received funds through the 2007 Buffer Zone Protection Grant; and

WHEREAS, a portion of this grant specifies funds to be spent on Citizen Corp/Neighborhood Watch equipment and training; and

WHEREAS, quotes were received for Neighborhood Watch products and signs; and

WHEREAS, after review of said quotes it has been recommended by the Business Administrator that this contract be awarded to National Neighborhood Watch Program, 1450 Duke Street, Alexandria, VA 22314-3490; and

WHEREAS, the maximum amount for this contract shall not exceed \$7,081.00; and

WHEREAS, funds for this contract are available in Account No. G-02-08-0240-746-000.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison in the County of Middlesex, New Jersey, that the appropriate Township Officials are hereby authorized to execute a contract with National Neighborhood Watch Program, in an amount not to exceed \$7,081.00.

RESOLUTION R.097-022010

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow Fees posted by W. Lane Miller, Attorney for a project located at 401 Clearview Road in Block: 390.C, Lot: 20 and Application Concept-Macy's Addition; and

WHEREAS, the applicant was required to post developers escrow fees, pursuant to Township Ordinance; and

WHEREAS, on January 26, 2007, W. Lane Miller, Attorney posted inspection fees on deposit with the Township of Edison in account #7760216708 for Developers Escrow fees; and

WHEREAS, the applicant has requested the return of the unused portion of Developers Escrow fees, as provided by law; and

WHEREAS, it is in now in order that the sum of \$500.00, which represents the amount due and owing the applicant, be returned to W. Lane Miller, Attorney; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$500.00 plus accrued interest, if applicable, be refunded to W. Lane Miller, Attorney, 1203 Route 9, Woodbridge, New Jersey 07095-1303.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$500.00, plus accrued interest, if applicable, in account #7760216708 to the applicant.

RESOLUTION R.098-022010

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow Fees posted by Volkswagen of America, Inc. for a project located at 782 United States Route 1 in Block: 265.BB, Lots: 34.C, 47.C and Application #P26-05/06; and

WHEREAS, the applicant was required to post developers escrow fees, pursuant to Township Ordinance; and

WHEREAS, on March 24, 2006, Volkswagen of America, Inc. posted inspection fees on deposit with the Township of Edison in account #7200025141 for Developers Escrow fees; and

WHEREAS, the applicant has requested the return of the unused portion of Developers Escrow fees, as provided by law; and

WHEREAS, it is in now in order that the sum of \$1,145.69 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Volkswagen of America, Inc.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$1,145.69 plus accrued interest, if applicable, be refunded to Volkswagen of America, Inc., C/O Audi of America, Inc., 2200 Ferdinand Porsche Drive, Herndon, Virginia 20171.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$1,145.69, plus accrued interest, if applicable, in account #7200025141 to the applicant.

RESOLUTIONR.099-022010

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow Fees posted by Z & A Infotek Corporation for a project located at 1920 Oak Tree Road in Block: 545.T, Lot: 24.C, and Application #P34-05/06; and

WHEREAS, the applicant was required to post developers escrow fees, pursuant to Township Ordinance; and

WHEREAS, on June 27, 2006 Z & A Infotek Corporation posted inspection fees on deposit with the Township of Edison in account #7200025164 for Developers Escrow fees; and

WHEREAS, the applicant has requested the return of the unused portion of Developers Escrow fees, as provided by law; and

WHEREAS, it is in now in order that the sum of \$3,506.35 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Z & A Infotek Corporation; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$3,506.35 plus accrued interest, if applicable, be refunded to Z & A Infotek Corporation, 35 Waterview Boulevard, 2nd Floor, Parsippany, New Jersey, 07054.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$3,506.35, plus accrued interest, if applicable, in account #7200025164 to the applicant.

RESOLUTIONR.100-022010

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow Fees posted by Fourth M.P.P.L. Realty Company for a project located at 78 Ethel Road in Block: 20, Lot: 4.C, and Application #P5093; and

WHEREAS, the applicant was required to post developers escrow fees, pursuant to Township Ordinance; and

WHEREAS, on June 27, 2006 Fourth M.P.P.L. Realty Company posted inspection fees on deposit with the Township of Edison in account #7200025165 for Developers Escrow fees; and

WHEREAS, the applicant has requested the return of the unused portion of Developers Escrow fees, as provided by law; and

WHEREAS, it is in now in order that the sum of \$708.95 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Fourth M.P.P.L. Realty Company; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$708.95 plus accrued interest, if applicable, be refunded to Fourth M.P.P.L. Realty Company, 16 East Blancke Street, P.O. Box 2177, Linden, New Jersey 07036.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$708.95, plus accrued interest, if applicable, in account #7200025165 to the applicant.

RESOLUTION R.101-022010

Whereas, on various properties located within the Township of Edison, overpayments of real estate taxes have been made due to erroneous or duplicate payments: and

Whereas, applications have been made to the Tax Collector for refunds of said overpayments, totaling \$5,556.08 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.

RESOLUTIONR.102-022010

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 \$52,802.76

RESOLUTION

WHEREAS, THE COLLECTOR OF SEWER UTILITY

advises that the following Taxpayer and/or their agents
overpaid their

sewer user fee due to improperly coded sprinkler, irrigation and
fire meters

after the conversion of the sewer data base
in 2008.

Payable
to:

Amount

**Federal Business
Centers**

\$81,285.15

(Itemization of all accounts affected are attached)

NOW, THEREFORE BE IT RESOLVED by the
Municipal Council of the

Township of Edison that the Municipal Comptroller be,
and he is hereby

authorized to issue checks as indicated
above.

R.104-022010

RESOLUTION

WHEREAS, THE COLLECTOR OF TAXES advises that the following Taxpayers

and/or their agents have successful judgments in the Tax Court of New Jersey and are

entitled to refunds of taxes already paid or credits for taxes currently due:

**REFUND
S**

<u>BLOCK</u>	<u>LOT</u>	<u>APPELLANT AND PAYABLE TO:</u>	<u>YEARS</u>	<u>AMOUNT</u>
3.B	9.A	Carlene Associates, Inc. Make check payable to: McCarter and English, LLP PO Box 652 Newark, NJ 07102	2008 2009 Total	\$ 7,862.39 <u>\$ 9,288.00</u> \$ 17,150.39
56	9.A	Durham Woods Associates Make check payable to: Durham Woods Associates c/o Lasser Hochman, L.L.C. 75 Eisenhower Parkway - Suite No. 120 Roseland, NJ 07068-1694	2009	\$ 211,807.68
265.GG	11	Advanced Stor Edge LLC Make check payable to: Advanced Stor Edge, LLC and/or the Irwin Law Firm, P.A., as attorneys for Advanced Stor Edge, LLC c/o The Irwin Law Firm, P.A. 80 Main Street, Suite 410 West Orange, NJ 07052	2007 2008 Total	\$ 25,086.56 <u>\$ 26,575.07</u> \$ 51,661.63
678	1.A	Parsonage Hill Village Associates Make check payable to: Parsonage Hill Village Associates c/o Lasser Hochman, L.L.C. 75 Eisenhower Parkway - Suite No. 120 Roseland, NJ 07068-1694	2009	\$ 72,081.51
			Total of all Refunds	\$ 352,701.21

CREDITS

<u>BLOCK</u>	<u>LOT</u>	<u>APPELLANT AND PAYABLE TO:</u>	<u>YEARS</u>	<u>AMOUNT</u>
4.A	19.A	Edison Village Associates (Credit to be taken against open tax quarter)	2009	\$ 24,573.98
123	11.B	Edison Square LP (Credit to be taken against open tax quarter)	2008	\$ 47,384.48
			2009	\$ 69,418.56
			Total	\$ 116,803.04
375.FF	13.K	Millbrook Garden Associates (Credit to be taken against open tax quarter)	2008	\$ 138,098.67
			2009	\$ 222,643.68
			Total	\$ 360,742.35
375.FF	13.P2	Millbrook Garden Associates (Credit to be taken against open tax quarter)	2008	\$ 9,207.63
			2009	\$ 14,844.29
			Total	\$ 24,051.92
375.FF	13.X1	Millbrook Garden Associates (Credit to be taken against open tax quarter)	2008	\$ 36,826.58
			2009	\$ 59,373.02
			Total	\$ 96,199.60
676	3.C	Greenfield Gardens, LLC (Credit to be taken against open tax quarter)	2008	\$ 33,757.90
			2009	\$ 83,682.82
			Total	\$ 117,440.72
			Total of all Credits	\$ 739,811.61
			Total of all Refunds	\$ 352,701.21
			Total of Refunds and Credits	\$1,092,512.82

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison

that the Municipal Comptroller be, and he is hereby authorized

to issue checks as indicated above

and the Tax Collector can process credits against open tax
balances.

RESOLUTION R.105-022010

WHEREAS, the Local Finance Board recently modified several statutory budget deadlines in order to accommodate the planned March 16, 2010 Gubernatorial presentation of the State of New Jersey FY 2011 Budget; and

WHEREAS, the introduction and adoption dates for the Township of Edison 2010 Budget have been extended to March 31, 2010 and May 11, 2010, respectfully; and

WHEREAS, the Municipal Council of the Township of Edison may, by resolution adopted by February 27, 2010, increase its Temporary Budget to provide for the period between March 20, 2010 and May 11, 2010.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey that the following additional, temporary appropriations be made to provide for the extended budget period between March 20, 2010 and May 11, 2010 and that a certified copy of this Resolution be transmitted to the Director of Finance for his record.

TEMPORARY BUDGET APPROPRIATIONS	CY 2010
CURRENT FUND	
Office of the Mayor	
Salaries and Wages	0
Other Expenses	2,000.00
Municipal Council	
Salaries and Wages	4,000.00
Other Expenses	0
Office of the Township Clerk	
Salaries and Wages	22,000.00
Other Expenses	0
Office of the Business Administrator	
Salaries and Wages	45,000.00
Other Expenses	0
Communications	
Salaries and Wages	25,000.00
Other Expenses	0
Division of Central Purchases	
Salaries and Wages	22,000.00
Postage	
Other Expenses	20,000.00
Centralized Stores	
Other Expenses	10,000.00
Miscellaneous	
Other Expenses	0
Division of Personnel	
Salaries and Wages	23,000.00
Other Expenses	12,000.00
Department of Law	
Salaries and Wages	11,000.00
Other Expenses	8,000.00
Department of Finance	
Salaries and Wages	18,000.00
Other Expenses	5,000.00
Division of Accounts and Controls	
Salaries and Wages	8,000.00
Other Expenses	0
Data Processing	
Other Expenses	0
Division of Custody and Disbursements	

Salaries and Wages	20,000.00
Other Expenses	1,000.00
Division of Tax Collection	
Salaries and Wages	23,000.00
Other Expenses	0
Division of Tax Assessment	
Salaries and Wages	27,000.00
Other Expenses	5,000.00
Legal Tax Appeals	
Other Expenses	23,000.00
Division of Revenue (L&P)	
Salaries and Wages	8,000.00
Other Expenses	0
Department of Recreation and Parks	
Division of Recreation	
Salaries and Wages	175,000.00
Other Expenses	15,000.00
Telephone	
Other Expenses	15,000.00
Heat, Light and Power	
Other Expenses	75,000.00
Division of Parks	
Salaries and Wages	82,000.00
Other Expenses	10,000.00
Department of Health	
Division of Health	
Salaries and Wages	160,000.00
Other Expenses	15,000.00
Division of Human Resources	
Salaries and Wages	4,000.00
Other Expenses	0
Division of Senior Citizen Services	
Salaries and Wages	35,000.00
Other Expenses	4,000.00
Community Shuttle	
Salaries and Wages	20,000.00
Other Expenses	4,000.00
Bridges Youth Program	0
Division of Police	
Salaries and Wages	2,120,000.00
Other Expenses	0
Emergency Dispatch	
Salaries and Wages	130,000.00
Other Expenses	0
Police Vehicle Maintenance	
Salaries and Wages	17,000.00
Other Expenses	5,000.00
Uniform Fire Safety Act	
Salaries and Wages	0
Other Expenses	2,000.00
Division of Fire	
Salaries and Wages	1,525,000.00

Other Expenses	10,000.00
Fire Hydrant Services	
Other Expenses	150,000.00
Aid to Volunteer Fire Companies	
Other Expenses	0
Department of Public Works	
Municipal Garage	
Salaries and Wages	88,000.00
Other Expenses	2,000.00
Vehicle Impound Area	
Salaries and Wages	8,000.00
Other Expenses	0
Fuels and Lubricants for Municipal Equipment	
Other Expenses	85,000.00
Street Lighting	
Other Expenses	100,000.00
Division of Streets	
Salaries and Wages	300,000.00
Other Expenses	80,000.00
Division of Public Buildings	
Salaries and Wages	165,000.00
Other Expenses	20,000.00
Division of Sanitation	
Salaries and Wages	115,000.00
Other Expenses	10,000.00
Public Defender	
Salaries and Wages	3,000.00
Other Expenses	0
Department of Planning and Engineering	
Division of Planning and Zoning	
Salaries and Wages	40,000.00
Other Expenses	0
Community Development	
Salaries and Wages	5,000.00
Planning Board	
Other Expenses	1,000.00
Zoning Board	
Salaries and Wages	1,000.00
Other Expenses	2,000.00
Rent Control Board	
Salaries and Wages	1,000.00
Other Expenses	0
Environmental Commission	
Other Expenses	0
Division of Engineering	
Salaries and Wages	70,000.00
Other Expenses	10,000.00
Group Insurance for Employees	
Other Expenses	1,000,000.00
Other Insurance and Surety Bonds	
Other Expenses	0
First Aid Organizations	
Other Expenses	0

Office of Emergency Management	
Other Expenses	0
Condominium Services	
Other Expenses	10,000.00
Employees' Unemployment Insurance	
Other Expenses	15,000.00
Celebration of Public Events	
Other Expenses	0
Municipal Court	
Salaries and Wages	55,000.00
Other Expenses	10,000.00
Uniform Construction Code	
Salaries and Wages	68,000.00
Other Expenses	0
Prior Year's Bills	
Other Expenses	0
Social Security	
Other Expenses	230,000.00
Library	
Other Expenses	500,000.00
Division of Fire EMT Services	
Salaries and Wages	65,000.00
Other Expenses	40,000.00
Clean Communities	73,478.00
 Total Current Fund	 8,087,478.00

SEWER OPERATING UTILITY FUND

Salaries and Wages	155,000.00
Other Expenses	40,000.00
 Middlesex County Utility Authority Charges	 500,000.00
 Social Security	 10,000.00
 Total Sewer Fund	 705,000.00

SANITATION FUND

Salaries and Wages	250,000.00
Other Expenses	40,000.00
Social Security	7,000.00
Disposal Fees	400,000.00
 Total Sanitation Fund	 697,000.00

RESOLUTION R.106-022010

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 \$378.13

Explanation: This Resolution fulfills the Township Council's responsibility as to the establishment of the Dismal Swamp Commission by offering its advice and consent to the recommendation of the appointment of Freeholder Carol Barrett and Mayor Robert J. Seader of Dunellen as the two elected officials from Middlesex County to the Dismal Swamp Commission.

EDISON TOWNSHIP

RESOLUTION R.107-022010

BE IT RESOLVED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey, that the Township formally desires to establish the Dismal Swamp Commission in accordance with the Dismal Swamp Preservation Act, P.L. 2009, c. 132 as codified at N.J.S.A. 40:55D-88.1 et seq. (the "Act") ; and

BE IT FURTHER RESOLVED, that the Township Council wishes to recommend the appointment of Freeholder Carol Barrett and Mayor Robert J. Seader of Dunellen as the two elected officials from Middlesex County on the Dismal Swamp Commission per N.J.S.A. 40:55D-88.4(a)(4) each for a five (5) year term effective as of the date the Dismal Swamp Commission first meets; and

BE IT FURTHER RESOLVED, that upon adoption of said Resolution, the Township Clerk is hereby directed to forward a certified copy of said Resolution to (i) Metuchen Borough Clerk; (ii) South Plainfield Borough Clerk; (iii) John Pulomena, Middlesex County Administrator, for distribution to all Middlesex County Freeholders, and to (iv) Assemblyman Peter J. Barnes, III.

Explanation: This Resolution fulfills the Township Council's responsibility as to the establishment of the Dismal Swamp Commission by offering its advice and consent to the recommendation of the appointment of Robert Spiegel as a representative of the Edison Wetlands Association on the Dismal Swamp Commission.

EDISON TOWNSHIP

RESOLUTION R.108-022010

BE IT RESOLVED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey, that the Township formally desires to establish the Dismal Swamp Commission in accordance with the Dismal Swamp Preservation Act, P.L. 2009, c. 132 as codified at N.J.S.A. 40:55D-88.1 et seq. (the "Act"); and

BE IT FURTHER RESOLVED, that the Township Council wishes to recommend the appointment of Robert Spiegel as a representative of the Edison Wetlands Association on the Dismal Swamp Commission per N.J.S.A. 40:55D-88.4(a)(4) for a five (5) year term effective as of the date the Dismal Swamp Commission first meets; and

BE IT FURTHER RESOLVED, that upon adoption of said Resolution, the Township Clerk is hereby directed to forward a certified copy of said Resolution to (i) Metuchen Borough Clerk; (ii) South Plainfield Borough Clerk; (iii) John Pulomena, Middlesex County Administrator, for distribution to all Middlesex County Freeholders, and to (iv) Assemblyman Peter J. Barnes, III.

Explanation: This Resolution authorizes an extension of the agreement with the County of Middlesex for a period not to exceed two years from the adoption of this Resolution in order to facilitate the Senior Meal Program for the Elderly.

EDISON TOWNSHIP

RESOLUTION R.109-022010

WHEREAS, the County of Middlesex wishes to use the Edison Township Senior Citizen Recreation Center located at 2963 Woodbridge Avenue, Edison, N.J., for the operation of its Senior Meal Program for the Elderly, and;

WHEREAS, the senior citizens of Edison Township would benefit from daily hot meals and nutrition support services provided by County program, and;

WHEREAS, the Senior Citizen Center has a fully equipped and under-utilized kitchen ideal for conducting this food program, and;

WHEREAS, this program also benefits our neediest, homebound seniors with home delivery of nutritious meals.

WHEREAS, by Resolution R.244-052008 dated May 14, 2008 the Council authorized entering into an agreement with the County of Middlesex for a period not to exceed two years for the use of the Senior Citizen Center for the operation of the County's Senior Meal Program for the Elderly.

WHEREAS, the original two year term authorized by Resolution R.244-052008 has elapsed and the Township wishes to renew the agreement with the County for another two year term with all other terms and conditions of the agreement remaining in full force and effect.

WHEREAS, as Mayor Ricigliano has requested this Resolution and consents to the two year extension, this Resolution shall serve as the amendment to the agreement with the County and should the County require a written amendment to the agreement that the Mayor, Township Clerk, Township Attorney and other necessary Township Officials are hereby authorized to execute and deliver the amendment and all other documents and undertake all actions reasonably necessary to effectuate the amendment of the agreement as authorized by this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Edison that the extension of the agreement with the County of Middlesex for a period not to exceed two years from the adoption of this Resolution in order to facilitate the Senior Meal Program for the Elderly is hereby authorized and that the Mayor, Township Clerk, Township Attorney and other necessary Township Officials are hereby authorized to execute and deliver the amendment and all other documents and undertake all actions reasonably necessary to effectuate the amendment of the agreement as authorized by this Resolution.

EXPLANATION: This Resolution authorizes the Mayor and Township Clerk to execute the attached Developer's Agreement with Park and Kang Associates, LLC, in connection with the property identified as Block 590, Lot 7-B-1 on the Edison Township tax map (the "Property").

**EDISON TOWNSHIP
RESOLUTION R.110-022010**

WHEREAS, the Property was the subject of an application before the Planning Board of the Township of Edison (hereinafter the "Board"), for final site plan and variance approval to construct a one-story, 8,763 square foot addition to one (1) existing building on the Property (the "Project"); and

WHEREAS, the Board granted the requested preliminary site plan and variance approval on April 20, 2009 and memorialized the same by Resolution adopted on May 18, 2009; and

WHEREAS, the Board granted the requested final site plan and variance approval and memorialized the same by Resolution adopted on December 14, 2009; and

WHEREAS, the Resolution and the code of the Township of Edison require the developer to enter into a Developer's Agreement with the Township of Edison in connection with the project; and

WHEREAS, the Developer's Agreement attached hereto has been prepared by the Township Attorney and has been reviewed and approved by the Township Engineer and by the attorney for the developer;

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

1. The Mayor and Township Clerk are hereby authorized to execute the Developer's Agreement with the Developer in the form annexed hereto.

2. The Township Clerk is hereby authorized to forward the original and certified copies of the Developer's Agreement to the Township Attorney for recording with the Clerk of the County of Middlesex.

3. The Township Clerk is also directed to forward a copy of this Resolution, once adopted, to the Township Attorney and Township Engineer for their records.

RESOLUTION R.111-022010

WHEREAS, the Township Engineer advises that a final inspection was done of 95 Ethel LLC, located at 95 Ethel Road in Block: 22-A, Lot: 14 and Application #P25-06/07; and

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

WHEREAS, on July 7, 2009, The Brian Group, posted a check #2037 in the amount of \$9,888.25, on deposit with the Township of Edison in account #7760296023, for engineering fees; and

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

WHEREAS, the sum expended for engineering inspections totals \$1,649.35; and

WHEREAS, it is in now in order that the sum of \$8,238.90, which represents the amount due and owing the applicant, be returned to The Brian Group; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$8,238.90, plus accrued interest, be refunded to The Brian Group having offices at 125 Moen Ave., Cranford, N.J. 07016 ; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$8,238.90, plus accrued interest in account #7760296023 to the applicant.

RESOLUTION R.112-022010

WHEREAS, the Township Engineer advises that an inspection has been made of 95 Ethel LLC located at 95 Ethel Road, in Block: 22-A, Lot: 14, and Application #P25-06/07 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, on February 1, 2010 a Maintenance Bond Check #1354744 of The Provident Bank in the amount of \$29,664.75 was posted by 95 Ethel LLC; and

WHEREAS, the Township Engineer recommends the release of the Performance Bond Irrevocable Standby Letter of Credit No. 8050002080 of The Provident Bank in the amount of \$213,586.20 with the Township of Edison, principal being 95 Ethel LLC, and acceptance of the subject improvements; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Bond, Check #2036 in the amount of \$23,731.80, on deposit in account #7760013388 with the Township of Edison, principal being The Brian Group having offices at 125 Moen Avenue, Cranford, N.J. 07016 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 \$213,586.20 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 \$23,731.80 plus accrued interest, on deposit in account #7760013388 to the applicant.

**RESOLUTION AUTHORIZING AN AMENDMENT TO R.026-012010 THAT
AUTHORIZED A RETURN OF PERFORMANCE BOND AND CASH
PERFORMANCE BOND BY AUTHORIZING RETURN OF THE PRINCIPAL
BOND AMOUNTS PLUS ANY ACCRUED INTEREST.**

R.113-022010

WHEREAS, the Council of the Township of Edison adopted **R.026-012010** on **January 13, 2010** authorizing the proper Township Officials to refund applicant's performance bond and cash performance bond upon recommendation of the Township Engineer; and **WHEREAS**, the adopted Resolution authorized refund of specific dollar amounts with no reference to accrued interest; and

WHEREAS, the Finance Office has reported that accrued interest is owed to the applicant and the Finance office has reported an amount of money owed to the applicant in excess of that authorized by the adopted Resolution in this matter; and

WHEREAS, it is respectfully requested that the prior resolution be amended by authorizing the proper Township Officials to refund the principal amount of the bonds, plus any accrued interest due and owing to the applicant

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

Resolution **R.026-012010** is hereby amended to authorize the repayment of the principal amount due on both the Performance Bond and the cash Performance Bond, plus any accrued interest that is owed to the applicant.

R.114-022010

RESOLUTION AUTHORIZING AN AMENDMENT TO R.056-012010 THAT AUTHORIZED A RETURN OF PERFORMANCE BOND AND CASH PERFORMANCE BOND BY AUTHORIZING RETURN OF THE PRINCIPAL BOND AMOUNTS PLUS ANY ACCRUED INTEREST.

WHEREAS, the Council of the Township of Edison adopted **R.056-012010** on **January 27, 2010** authorizing the proper Township Officials to refund applicant's performance bond and cash performance bond upon recommendation of the Township Engineer; and **WHEREAS**, the adopted Resolution authorized refund of specific dollar amounts with no reference to accrued interest; and

WHEREAS, the Finance Office has reported that accrued interest is owed to the applicant and the Finance office has reported an amount of money owed to the applicant in excess of that authorized by the adopted Resolution in this matter; and

WHEREAS, it is respectfully requested that the prior resolution be amended by authorizing the proper Township Officials to refund the principal amount of the bonds, plus any accrued interest due and owing to the applicant

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

Resolution **R.056-012010** is hereby amended to authorize the repayment of the principal amount due on both the Performance Bond and the cash Performance Bond, plus any accrued interest that is owed to the applicant.

EXPLANATION: This resolution provides for Township Acceptance of the constructed improvements under Contract # 09-25-02A: Papaianni Park, Papaianni Lake Pathway Improvements, and this resolution also authorizes Final Contract Retainage Payment to Fischer Contracting, Inc., for a total construction contract as-built cost of \$42,333.75.

TOWNSHIP OF EDISON
RESOLUTION R.115-022010

WHEREAS, Fischer Contracting, Inc., 10 Short Hills Lane, Scotch Plains, New Jersey 07076, was awarded a construction contract (no. 09-25-02A) on 10/15/2009 (resolution R.605-102009, and purchase order # 10-01618) in an amount not to exceed \$46,135.00, for Papaianni Park, Papaianni Lake Pathway Improvements, Township of Edison, Middlesex County, New Jersey.

WHEREAS, the construction work was inspected by the Township under the supervision of the Township Engineer; and

WHEREAS, the Township Engineer has reviewed the project and certifies that the construction work under contract has been completed, and states that a two-year maintenance bond, effective from December 21, 2009 in the amount of 100% of the final construction cost of \$42,333.75 has been received by the Township of Edison, and recommends project acceptance and that final payment, representing retainage held, be made to Fischer Contracting, Inc. in an amount not to exceed \$4,233.38 for a total project as-built cost of \$42,333.75.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the Improvement of the Papaianni Park, Papaianni Lake Pathway, Township of Edison project is deemed accepted by the Township of Edison, subject to maintenance bond provisions, and that final payment, representing retainage held, be made to Fischer Contracting, Inc., 10 Short Hills Lane, Scotch Plains, New Jersey 07076, in an amount not to exceed \$4,233.38 for a total project as-built cost of \$42,333.75 for Contract # 09-25-02A: Papaianni Park, Papaianni Lake Pathway Improvements, Township of Edison, Middlesex County, New Jersey.

RESOLUTION R.116-022010

WHEREAS, the Municipal Council of the Township of Edison as agreed to apply for a PARIS Grant in the amount of \$62,238; and

WHEREAS, the Municipal Council of the Township of Edison is acknowledging and accepting the responsibility of acting as applicant for this grant; and

WHEREAS, the State of New Jersey has made PARIS grants available to assist county and municipal governments in their records management, preservation and storage efforts; and

WHEREAS, the purpose of this grant is to continue the employment of a Record Analyst;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that the Municipal Clerk be authorized to apply for a PARIS Grant for the purpose cited above.

EXPLANATION: This Resolution expresses the Edison Township Council's opposition to S-82 and A-437 which are intended to modify the "time of decision" rule.

EDISON TOWNSHIP

RESOLUTION R.117-022010

**RESOLUTION OPPOSING LEGISLATION AMENDING
THE TIME OF DECISION RULE**

WHEREAS, S-82 and A-437 are intended to modify the "time of decision" rule, which currently allows municipalities to change the zoning regulations during the pendency of an application for development; and

WHEREAS, the Bills would deem as complete the ordinances in effect at the time of an application and shall govern the review of that application, and any decision made following upon that review;

WHEREAS, "the time of decision rule" is a judicially recognized principal that decisions are to be made on the basis of laws, ordinances and regulations in effect at the time the decision is rendered not upon application; and

WHEREAS, courts have applied the "time of decision rule" to correct errors in zoning ordinances, thus giving local legislators the opportunity to correct legislative policy that had been found to be imperfectly expressed; and

WHEREAS, the "time of decision rule" has permitted a municipality to give additional legislative consideration to serious and substantial land use planning concerns that, for whatever reason, had not been previously addressed in the ordinance; and

WHEREAS, application and zoning changes require public discussion and hearings, and S-82/A-437 would permit developers to "beat the clock" by filing applications and freezing the ability of local officials to act;

NOW, THEREFORE, BE IT RESOLVED, by the Edison Township Council in the County of Middlesex in the State of New Jersey hereby urges our State Legislators to oppose A-4 and S-82, and any legislation which would eliminate or otherwise weaken the "time of decision" rule at the local level; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Senator Barbara Buono, Assemblyman Peter J. Barnes III, Assemblyman Patrick J. Diegnan Jr., the New Jersey State League of Municipalities and the Office of the Governor.

EXPLANATION: This Resolution expresses the Edison Township Council's support of various pending legislation to reform the pension systems, benefit systems and use of sick leave for public employees.

EDISON TOWNSHIP

RESOLUTION R.118-022010

**RESOLUTION SUPPORTING LEGISLATION
REFORMING THE PENSION SYSTEMS, BENEFIT SYSTEMS AND USE OF SICK
LEAVE FOR PUBLIC EMPLOYEES**

WHEREAS, the following Bills regarding public employee pension benefits, health benefits and sick leave have been introduced in the New Jersey Senate:

S-2 Makes various pension system changes concerning eligibility, retirement allowance formula, compensation definition, position eligible for service credit, non-forfeitable rights, enrollment waiver, prosecutors part, Police and Firemen's Retirement System "PFRS" special retirement, and employer contributions.

S-3 Makes various changes to State Health Benefits Program "SHBP" and School Employees' Health Benefits Program "SEHBP" concerning eligibility, cost sharing, choice of plan, application of benefit change, waiver of coverage, and multiple coverage.

S-4 Makes various changes concerning payments to public employees for unused sick leave, sick leave injury in State service, and Public Employees' Retirement System "PERS" and Teachers' Pension and Annuity Fund "TPAF" disability retirement.

SCR1 Amends the State Constitution to require annual contributions by the State to State-administered retirement systems.

WHEREAS, these Bills while reforming various provisions of the pension systems, benefit systems and use of sick leave for public employees, will also continue to provide these employees with fair and reasonable pensions, benefits and use of sick time which will benefit the employees and state and local governments alike; and

NOW, THEREFORE, BE IT RESOLVED, by the Edison Township Council in the County of Middlesex in the State of New Jersey hereby urges our State Legislators to support S-2, S-3, S-4 and SCR-1; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Senator Barbara Buono, Assemblyman Peter J. Barnes III, Assemblyman Patrick J. Diegnan Jr., the New Jersey State League of Municipalities and the Office of the Governor.

Explanation: This Resolution requests that the Mayor and the Administration meet with the Attorney representing Police Officers Formica and Todd to attempt to resolve their claims.

EDISON TOWNSHIP

RESOLUTION R.120-022010

WHEREAS, the Township Council has received a letter dated February 16, 2010 from Stephen Hunter, Esq. to the Township's Labor Attorney Louis Rainone, Esq., attached hereto, and;

WHEREAS, the letter raises concerns regarding the demotion of Police Officer Gregory Formica and Police Officer Frank Todd, and;

WHEREAS, the Township Council requests that the Mayor and the Administration, including the Township Attorney and/or the Township's Labor Attorney, meet with the Attorney representing Police Officers Formica and Todd to attempt to resolve their claims, and;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Edison hereby requests that the Mayor and the Administration, including the Township Attorney and/or the Township's Labor Attorney, meet with the Attorney representing Police Officers Formica and Todd to attempt to resolve their claims.