

**AGENDA
MUNICIPAL COUNCIL
WORKSESSION MEETING
Monday, March 8, 2010
6:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on December 10, 2009, and posted in the Main Lobby of the Municipal Complex on the same date.
4. **ORAL PETITIONS AND REMARKS**
5. **APPROVAL OF MINUTES:**
 - a. Regular Meeting of January 27, 2010
 - b. Worksession Meeting of February 8, 2010
 - c. Closed Session Meeting of February 22, 2010
6. **REPORTS FROM ALL COUNCIL COMMITTEES:**
7. **POINTS OF LIGHT**
8. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Award of quote for 95 Gallon Refuse Containers
 - b. Award of State contract for dell computers/hardware
 - c. Resolution authorizing competitive contracting for Patrol Car Video Systems
 - d. Resolution authorizing interlocal services agreement for snacks for the AM & PM Latch Key Program
 - e. Resolutions authorizing various grant applications
9. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through March 4, 2010
 - b. Resolution authorizing refund in the amount of \$44,876.23 for redemption of tax sale certificates.
 - c. Resolution authorizing refund of sewer use overpayments, totaling \$448.74.
 - d. Refund of Developer's Escrow Fees to Nimish J. Shukla, for property located at 1802 Oak Tree Road.
 - e. Resolution authorizing cancellation of small balances
 - f. Refund of Developer's Escrow Fees to Summit Associates, Inc., for property located at 87 Sunfield Avenue.
 - g. Resolutions authorizing veteran deductions.
 - h. Ordinance authorizing to exceed the appropriation limits and establish a cash bank
 - i. Resolution authorizing transfer of funds.
 - j. Resolution authorizing refund of sewer user fee to Federal Business Centers.
10. **FROM THE DEPARTMENT OF HEALTH:**
 - a. Resolution authorizing application for 2010 Mini E-Grants in the ARTS program
11. **FROM THE DEPARTMENT OF LAW:**
 - a. Ordinance amending Administrative Code regarding public comment time

12. **FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**
- a. Resolution authorizing bond reduction for Antmar, LLC, Application #P5087, Wood Avenue and Sherwood Avenue
 - b. Resolutions amending Resolutions R.077-022010 and R.079-022010
 - c. Resolution authorizing final acceptance of Contract #07-10-30, Turning Lane Construction for Safe Streets to Schools
 - d. Additional bond reduction for Estates at North Edison a/k/a Woodland Estates by Fenix, LLC, 1741 Woodland Avenue, Application #P5015
 - e. Resolution authorizing bond reduction for Community Hospital Group t/a/ JFK Medical Center Parking Lot Expansion, 80 James Street, Application #P27-05/06
 - f. Tree Maintenance Bond Refund for Roy and Patricia Rittman, 285 Central Avenue, Permit #06-46
 - g. Resolution authorizing refund of sewer connection charge to Arnulfo M. Vidal, 83 Union Avenue
 - h. Resolution authorizing refund of Commercial Certificate of Continue Occupancy to Hanssem Corporation, 2900 Woodbridge Avenue.

13. **FROM THE CHIEF OF FIRE:**
- a. Approval of volunteer firefighters

14. **FROM THE COUNCIL MEMBER OF THE PLANNING BOARD:**

15. **COMMUNICATIONS:**
None

16. **DISCUSSION ITEMS:**

Council President Tomaro

- a. Appointment of Joan Kapitan to the Housing Authority
- b. Resolution of Recognition – John Grun (March 24, 2010)
- c. Veteran’s Committee
- c. Open Space Committee
- d. Housing Authority Appointments
- e. Sidewalk Waivers
- f. Administration Ordinance
- g. Normandy Street Problem
- h. Vending Machine Donations
- i. Ordinance Amendments

Councilmember Diehl

None

Councilmember Karabinchak

- a. Oak Tree and Woodland Intersection
- b. Tax Appeals

Councilmember Lankey

None

Councilmember Mascola

None

Councilmember Perilstein

None

Councilmember Prasad

None

17. **CLOSED SESSION:**

- a. Personnel

18. **ADJOURNMENT**

RESOLUTION

WHEREAS, quotes were received for one hundred fifty (150), 95 Gallon Refuse Containers; and

WHEREAS, after review of said quotes it has been recommended by the Business Administrator that this contract be awarded to Schaefer, 10021 Westlake Drive, Charlotte, NC 28273; and

WHEREAS, the maximum amount for this contract shall not exceed \$7,299.00; and

WHEREAS, funds for this purpose are available for the above contract in Account No. C-04-07-1565-396-001.

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 in the form of a purchase order with Schaefer, in an amount not to exceed \$7,299.00.

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE
CONTRACT VENDORS FOR CONTRACTING UNITS
PURSUANT TO N.J.S.A. 40A:11-12a
\$20,000.00**

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 **Dell Marketing**, LP, One Dell Way, Round Rock, TX 78682 which has been awarded Contract number 70256 under M-0483/ **Dell WSCA Computer Contract**;

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, that the Township of Edison authorizes the Business Administrator to purchase **Dell Computers/Hardware** from Dell Marketing, LP, approved New Jersey State Contract Vendor pursuant to all conditions applicable to the State contract in an amount not to exceed \$20,000.00; and

Be It Further Resolved, that the duration of the contract between the Township of Edison and the Dell Marketing, LP shall be for a period of one (1) year.

RESOLUTION
AUTHORIZING COMPETITIVE CONTRACTING

WHEREAS, NJSA 40A:11-4.1 et sec, provides for the utilization of a process called competitive contracting in lieu of public bidding for procurement of specific goods and/or services; and

WHEREAS, said process allows for competition, the award being based on a methodology which includes an evaluation, ranking, and weighing of criteria as well as cost; and

WHEREAS, the Township wishes to initiate competitive contracting for Patrol Car Video Systems in accordance with 40A:11-4.1(a); and

WHEREAS, N.J.S.A. 40A11-4-3(a) requires that in order to initiate competitive contracting, the governing body shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in 40A:11-4.1 are desired to be contracted; and

NOW, THEREFORE BE IT RESOLVED, that the appropriate township officials are hereby authorized to initiate competitive contracting for the aforesaid project in conformance with 40A:11-4.1 et sec.

RESOLUTION

A RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO ENTER INTO AN
INTERLOCAL SERVICE AGREEMENT

\$96,000.00

WHEREAS, N.J.S.A. 40:8A-1 - authorizes contracting units to enter into Interlocal Service Agreements; and

WHEREAS, the Edison Township Board of Education, herein referred to as the "Lead Agency", has offered voluntary participation in an **Interlocal Service Agreement for the purchase of snacks for the AM & PM Latch Key Program for the 2010 school year**; and

WHEREAS, the Township of Edison, County of Middlesex, State of New Jersey, desires to participate in the Middlesex County Food Service Program; and

WHEREAS, **Compass Group d/b/a Chartwells, 498 Ocean Avenue, Sea Bright NJ 07760** is the vendor selected for the Edison Board of Education; 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.

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise call 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 Office, 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 Compass Group d/b/a/ Chartwells in an amount not to exceed **\$96,000.00**.

TOWNSHIP OF EDISON
MUNICIPAL RESOLUTION

WHEREAS, the Environmental Commission of the Township of Edison (ECTE) was established during 1999 and reconstituted, last year, with seven commissioners and one liaison from the Municipal Council; and

WHEREAS, the focus of the ECTE is to review, investigate and recommend the address of local, environmental and ecological issues, on an advisory basis; and

WHEREAS, the ECTE intends to apply to the Association of New Jersey Environmental Commissions for funding under its 2010 Smart Growth Planning Assistance Grant Program; and

WHEREAS, the ECTE will work in partnership with the previously-established Township of Edison Open Space Advisory Committee and the recently-established Township of Edison Sustainable Jersey Green Team on this grant application and subsequent project; and

WHEREAS, the focus of ECTE's ANJEC 2010 Smart Growth Planning Assistance Grant Program will be to obtain grant funding to hire a consultant to examine, research, investigate and re-write the Township of Edison's Natural Resource Inventory, which was last completed during 1992; and

WHEREAS, matching funds 50% are required in order for the ECTE to obtain grant funding of up to \$20,000.00 from the ANJEC 2010 Smart Growth Planning Assistance Grant Program, of which half of the requisite match may be identified as local, in-kind values; and

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 submission of said grant application, at a regularly-scheduled, public meeting, on the evening of Wednesday, March 10, 2010.

TOWNSHIP OF EDISON
MUNICIPAL RESOLUTION

WHEREAS, New Jersey American Water (NJAW) recently announced its 2010 Environmental Grant Program; and

WHEREAS, the NJAW 2010 Environmental Grant Program will award up to \$10,000 to innovative programs that address waters source or watershed protection needs; and

WHEREAS, organizations engaging in activities that improve a community's water supply or improve, restore or protect watersheds will be considered for funding; and

WHEREAS, such projects may include wildlife habitat improvement, storm water management, wellhead protection initiatives, watershed clean-ups or reforestation efforts; and

WHEREAS, to be eligible, applicant organizations: Must be located within NJAW service areas; Must complete the project between May 1 and November 30, 2010; Must establish a new or innovative program or a significant expansion to an existing program; Can be a partnership between two or more organizations; Must provide evidence of sustainability; and

WHEREAS, the Township of Edison intends to apply to the NJAW 2010 Environmental Grant Program for funding up to \$10,000.00 for an eligible, local project; and

WHEREAS, matching funds are not required to apply for NJAW 2010 Environmental Grant Program for project support;

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 submission of said grant application to the NJAW 2010 Environmental Grant Program, at a regularly-scheduled, public meeting, on the evening of Wednesday, March 10, 2010.

TOWNSHIP OF EDISON

MUNICIPAL RESOLUTION

WHEREAS, the American Recovery and Reinvestment Act (ARRA) of 2009, Public Law 111-5, appropriates federal monies for the United States Department of Energy (USDOE) to issue/award grants to states, counties and local governments under the Energy Efficiency and Conservation Block Grant Program (EECBG); and

WHEREAS, the purpose of the USDOE EECBG Program is to assist eligible entities in creating and implementing strategies to: Reduce fossil fuel emissions in a manner that is environmentally sustainable and to the maximum extent practicable, maximizes benefits for local and regional communities; Decrease the total energy use of the eligible entities; Improve energy efficiency in the building sector, the transportation sector and other appropriate sectors; and

WHEREAS, \$999,700.00 was appropriated for the Township of Edison under the 2009 USDOE EECBG, with no matching funds required; and

WHEREAS, with energy costs predicted to substantially escalate over the next decade, it is in the best interest of the Township of Edison to develop viable and effective plans and strategies now in order to anticipate and control such imminent costs through innovative energy conservation and alternative energy projects, programs and initiatives; and

WHEREAS, projects funded under the USDOE EECBG Program are to stimulate local, regional and national economies, as well as to create and retain jobs; and

WHEREAS, the Township of Edison intends to develop and submit an application to the NJBPU Direct Install Program for Government Facilities in order to leverage its 2009 USDOE EECBG funds by 80%, with Township of Edison 2009 USDOE EECBG program grant funds (\$999,700.00) providing the requisite 20% match; and

WHEREAS, the NJBPU Direct Install Program for Government Facilities has been identified in the Township of Edison 2009 USDOE EECBG requisite Energy Efficiency Conservation Strategy as a potential resource to leverage its 2009 USDOE EECBG funds by 80%; and

WHEREAS, grant funds awarded the Township of Edison from the NJBPU Direct Install Program for Government Facilities will leverage the Township's 2009 USDOE EECBG grant funds by 80% to execute program based on-site energy audits that identify fundable projects for cost-effective, energy-saving and carbon-reducing retrofit projects in municipal buildings throughout the community;

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 submission of said grant application to the NJBPU Direct Install Program for Government Facilities, at a regularly-scheduled, public meeting, on the evening of Wednesday evening, March 10, 2010.

TOWNSHIP OF EDISON

MUNICIPAL RESOLUTION

WHEREAS, the American Recovery and Reinvestment Act (ARRA) of 2009, Public Law 111-5, appropriates federal monies for the United States Department of Energy (USDOE) to issue/award grants to states, counties and local governments under the Energy Efficiency and Conservation Block Grant Program (EECBG); and

WHEREAS, the purpose of the USDOE EECBG Program is to assist eligible entities in creating and implementing strategies to: Reduce fossil fuel emissions in a manner that is environmentally sustainable and to the maximum extent practicable, maximizes benefits for local and regional communities; Decrease the total energy use of the eligible entities; Improve energy efficiency in the building sector, the transportation sector and other appropriate sectors; and

WHEREAS, \$999,700.00 was appropriated for the Township of Edison under the 2009 USDOE EECBG, with no matching funds required; and

WHEREAS, with energy costs predicted to substantially escalate over the next decade, it is in the best interest of the Township of Edison to develop viable and effective plans and strategies now in order to anticipate and control such imminent costs through innovative energy conservation and alternative energy projects, programs and initiatives; and

WHEREAS, projects funded under the USDOE EECBG Program are to stimulate local, regional and national economies, as well as to create and retain jobs; and

WHEREAS, the Township of Edison intends to develop and submit an application to the NJBPU Pay For Performance Program for Government Facilities in order to leverage its 2009 USDOE EECBG funds by 50%, with Township of Edison 2009 USDOE EECBG program grant funds (\$999,700.00) providing the requisite 50% match; and

WHEREAS, the NJBPU Pay For Performance Program for Government Facilities has been identified in the Township of Edison 2009 USDOE EECBG requisite Energy Efficiency Conservation Strategy as a potential resource to leverage its 2009 USDOE EECBG funds by 50%; and

WHEREAS, grant funds awarded the Township of Edison from the NJBPU Pay For Performance Program for Government Facilities will leverage the Township's 2009 USDOE EECBG grant funds by 50% to execute program based on-site energy audits and plans that identify fundable projects for cost-effective, energy-saving and carbon-reducing retrofit projects for the interiors and shells of municipal buildings and facilities throughout the community resulting in documented, combined heat and energy savings;

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 submission of said grant application to the NJBPU Pay For Performance Program for Government Facilities, at a regularly-scheduled, public meeting, on the evening of Wednesday evening, March 10, 2010.

RESOLUTION

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 \$44,876.23.

RESOLUTION

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 \$448.74 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

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow Fees posted by Nimisha J. Shukla for a project located at 1802 Oak Tree Road in Block: 546.K, Lot 1 and Application #P19-06/07; and

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

WHEREAS, on December 28, 2006, Nimisha J. Shukla posted developer escrow fees on deposit with the Township of Edison in account #7760216693 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 \$47.89, which represents the amount due and owing the applicant, be returned to Nimisha J. Shukla; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$47.89 plus accrued interest, if applicable, be refunded to Nimisha J. Shukla, 158 James Street, Edison, New Jersey 08820.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$47.89, plus accrued interest, if applicable, in account #7760216693 to the applicant.

RESOLUTION AUTHORIZING CANCELLATION OF SMALL BALANCES OF \$5.00 OR LESS

WHEREAS, N.J.S.A. 40A:5-17 allows for the cancellation of property tax credit or debit balances of \$5.00 or less; and

WHEREAS, the governing body may authorize a municipal employee chosen by said body to process, without further action on their part, any cancellation of property tax credit or debit balances of \$5.00 or less.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Edison, County of Middlesex, State of New Jersey hereby authorize the Tax Collector to cancel said tax amounts as deemed necessary.

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Tax Collector and the Township Auditor.

RESOLUTION

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow Fees posted by Summit Associates, Inc. for a project located at 87 Sunfield Avenue in Block: 395 Lot: 31.04 and Application #P22-06/07; and

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

WHEREAS, on January 22, 2007, Summit Associates, Inc. posted inspection fees on deposit with the Township of Edison in account #7760216704 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 \$1,872.21, which represents the amount due and owing the applicant, be returned to Summit Associates, Inc.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$1,872.21 plus accrued interest, if applicable, be refunded to Summit Associates, Inc., Raritan Plaza I, Raritan Center, Edison, New Jersey 08818.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$1,872.21, plus accrued interest, if applicable, in account #7760216704 to the applicant.

RESOLUTION

WHEREAS, pursuant to N.J.S.A. 54:4.3-30, the dwelling of a disabled veteran shall be exempt from real property taxes; and

WHEREAS, Edward Lebowitz, is a veteran who has been determined to have suffered a 100% service-related disability; and

WHEREAS, the determination of said disability is retroactive to March 30, 2009; and

WHEREAS, real estate taxes on this property known as Block 802 Lot 19, 15 Tived Lane, have been billed for 2010; and

WHEREAS, pursuant to N.J.S.A. 54:4-32, the governing body of a municipality may by resolution cancel taxes due on a property which would have been exempt had the claim been made at the time they were due.

NOW, THEREFOR, BE IT RESOLVED by the Township Council of the Township of Edison that property taxes due on Block 802 Lot 19, assessed to Edward Lebowitz, be cancelled for the full year 2010 and also refunded for 2009 from his assignment date of March 30, 2009 through December 31, 2009; and

BE IT FURTHER RESOLVED that the Chief Financial Officer of the Township of Edison draw a check to the order of Edward Lebowitz for taxes he paid for this time period in the amount of \$7,720.39.

RESOLUTION

WHEREAS, pursuant to N.J.S.A. 54:4.3-30, the dwelling of a disabled veteran shall be exempt from real property taxes; and

WHEREAS, John Pelak, is a veteran who has been determined to have suffered a 100% service-related disability; and

WHEREAS, the determination of said disability is retroactive to July 8, 2009; and

WHEREAS, real estate taxes on this property known as Block 1200 Lot 17, 14 Yuro Drive, have been billed for 2010; and

WHEREAS, pursuant to N.J.S.A. 54:4-32, the governing body of a municipality may by resolution cancel taxes due on a property which would have been exempt had the claim been made at the time they were due.

NOW, THEREFOR, BE IT RESOLVED by the Township Council of the Township of Edison that property taxes due on Block 1200 Lot 17, assessed to John Pelak, be cancelled for the full year 2010 and also refunded for 2009 from his assignment date of July 8, 2009 through December 31, 2009; and

BE IT FURTHER RESOLVED that the Chief Financial Officer of the Township of Edison draw a check to the order of John Pelak for taxes he paid for this time period in the amount of \$3,250.97.

**CALENDAR YEAR 2010
AUTHORIZATION TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, it has been determined by the Division of Local Government Services that a municipality that received Local Finance Board approval for a Calendar Year reversion may, in the preparation of its first Calendar Year budget, include an additional 1.25 % percentage rate as an exception for a total 4.75 % percentage rate as an exception to its final appropriation in either of the next succeeding years; and,

WHEREAS, the Township Council of the Township of Edison in the County of Middlesex finds it advisable and necessary to increase its CY 2010 budget by up to 4.75% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 4.75 % increase in the budget for said year, amounting to \$2,132,344.98 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Edison, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Township of Edison shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 4.75 %, amounting to \$4,501,617.18, and that the CY 2010 municipal budget for the Township of Edison be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**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

Group Insurance	\$10,000.00	
Law Department		\$10,000.00
TOTAL OTHER EXPENSES	<hr/> \$10,000.00	<hr/> \$10,000.00
TOTAL TRANSFER	<hr/> \$10,000.00	<hr/> \$10,000.00 <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.

RESOLUTION

***WHEREAS, THE
COLLECTOR OF THE
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

\$101,370.59

(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.

TOWNSHIP OF EDISON

Authorizing the Proper Township Officials to accept a grant from the Middlesex County Cultural and Heritage Commission in the amount of \$1,704.00 and to administer and execute the needed activities to comply with the Grant terms and Conditions.

RESOLUTION

WHEREAS, the Township of Edison, Municipal Alliance/Youth Services Commission applied for funding not to exceed \$2,500 from the Middlesex County Cultural & Heritage Commission for grant funding under the 2010 Mini E-Grants in the ARTS Program, as funded by the Middlesex County Cultural & Heritage Commission, Middlesex County Board of Chosen Freeholders, NJ State Council of the Arts/NJ Department of State and the US National Endowment for the Arts; and

WHEREAS, the Edison Municipal Alliance/Youth Services Commission was successfully awarded grant funding in the amount of \$1,704.00 from the MCCHC under the 2010 Mini E-Grants in the ARTS Program, to support the planning, development and implementation of a Slam Poetry training and implementation program and;

WHEREAS, the Municipal Council of the Township of Edison finds that acceptance of these funds to be in the best interests of the Township of Edison and;

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

- (1) that as a matter of public policy the Township of Edison wishes to participate the 2010 Mini E-Grants in the Arts Program; and
- (2) that the appropriate Township Officials are hereby authorized to enter into agreements and contracts with the Middlesex County Cultural & Heritage Commission; and
- (3) that the Township of Edison agrees to accept funds from the Middlesex County Cultural & Heritage Commission to administer said program and to expend the authorized funds consistent with the grants and the requirements of the grant program.

RESOLUTION

WHEREAS, ANTMAR, L.L.C., posted a Performance Bond #15008 posted on October 23, 2006 of United States Surety Company, in the amount of \$70,226.46, principal being ANTMAR, L.L.C., having offices at 492 Inman Avenue, Colonia, N.J. 07067 to guarantee the installation of improvements for the project known as ANTMAR, L.L.C. located in Block #546-E & Block #546-G and Lots #14-C & 2 and designated Application #P5087; and

WHEREAS, a Cash Performance Bond check #1150 was posted on September 12, 2007, in the amount of \$7,802.94, on deposit in account #7760013320; 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; and

WHEREAS, it is the recommendation of the Township Engineer that the Performance Bond be reduced by 70% from \$70,226.46 to \$21,067.93, or 30% of the original amount; therefore refunding the amount of \$49,158.53.

WHEREAS, it is further the recommendation of the Township Engineer that the Cash Performance Bond check #1150, posted by ANTMAR L.L.C., posted on September 12, 2007, be reduced by 70%, from \$7,802.94 to \$2,340.88, or 30% of the original amount, therefore refunding the amount of \$5,462.06, plus any accrued interest if applicable; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Performance Bond hereinabove mentioned be reduced to \$21,067.93, by virtue of a substitute bond or endorsement to the Performance Bond presently in place, 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 \$5,462.06, plus any accrued interest if applicable, on deposit in Account #7760013320 to ANTMAR, L.L.C. having offices at 492 Inman Avenue, Colonia, N.J. 07067, with the sum of \$2,340.88 remaining on deposit until such time as Final Acceptance is granted.

AMENDMENT RESOLUTION

RESOLUTION AUTHORIZING AN AMENDMENT TO R.077-022010 THAT AUTHORIZED A RETURN OF INSPECTION FEES BY AUTHORIZING RETURN OF THE AMOUNT PLUS ANY ACCRUED INTEREST, IF APPLICABLE.

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, **PLUS ACCRUED INTEREST, IF APPLICABLE**, 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, **PLUS ACCRUED INTEREST, IF APPLICABLE**, 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, **PLUS ACCRUED INTEREST, IF APPLICABLE**, in account #7200025197 to the applicant.

AMENDMENT RESOLUTION

RESOLUTION AUTHORIZING AN AMENDMENT TO RESOLUTION R.079-022010 THAT AUTHORIZED A RETURN OF PERFORMANCE BOND AND CASH PERFORMANCE BOND BY AUTHORIZING RETURN OF THE PRINCIPAL BOND AMOUNTS PLUS ANY ACCRUED INTEREST, IF APPLICABLE.

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, **PLUS ACCRUED INTEREST, IF APPLICABLE**, 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, **PLUS ACCRUED INTEREST, IF APPLICABLE**, 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, **PLUS ACCRUED INTEREST, IF APPLICABLE**, 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, **PLUS ACCRUED INTEREST, IF APPLICABLE**, on deposit in account #7760013305 to the applicant.

EXPLANATION: This resolution authorizes contract Change Order # 1 and Final Change Order in an amount of +\$1,814.57 for the NJDOT Municipal Aid Fiscal Year 2006, Safe Streets to Schools project, Contract # 07-10-30: Turning Lane Construction for Safe Streets to Schools at James Madison School, New Dover Road, Township of Edison, and this resolution also provides for Township Acceptance of the completed improvements and authorizes Final Contract Payment to A. Montone Construction, Inc., for a total as-built contract amount of \$45,674.92.

RESOLUTION

TOWNSHIP OF EDISON

WHEREAS, the Township of Edison received a FY 2006 Municipal Aid allotment from the NJDOT Bureau of Local Aid in an amount not to exceed \$39,000 for a contract to construct a left turn lane on New Dover Road into James Madison School, and associated improvements on New Dover Road, in the Township of Edison, Middlesex County, New Jersey; and

WHEREAS, A. Montone Construction, Inc., PO Box 760, Holmdel, NJ 07733 (phone # 732-765-8700) was awarded a construction contract through resolution R.218-042008 in a contract amount not to exceed \$43,860.35 for the construction of a left turn lane on New Dover Road into James Madison School, and associated improvements on New Dover Road, in the Township of Edison, Middlesex County, New Jersey; and

WHEREAS, upon tabulation and review of as-built construction quantities, a 4.14% contract Change Order # 1 and Final Change Order has been reviewed by the Township Engineer and has been found to be necessary, and as such is recommended for approval and authorization in the net amount of \$1,814.57 resulting in a revised and final total construction contract amount not to exceed \$45,674.92; and

WHEREAS, the Township Engineer has reviewed the project and certifies the project has been completed, and that a two-year (2-year) maintenance bond, effective from September 1, 2008, (received on December 14, 2009) in an amount equal to 100% of the final as-built construction costs of \$45,674.92 for the project has been received by the Township of Edison, and the Township Engineer recommends project acceptance and that final payment (including retainage) be made to A. Montone Construction, Inc. in an amount not to exceed \$8,131.19 for a total construction contract as-built cost of \$45,674.92.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that contract Change Order # 1 and Final Change Order in an amount not to exceed \$1,814.57 shall be approved and authorized for Contract # 07-10-30: Turning Lane Construction for Safe Streets to Schools at James Madison School, New Dover Road, Township of Edison, and that the project is deemed accepted by the Township of Edison, subject to the provisions of the maintenance bond and the NJDOT Bureau of Local Aid, and that final payment (including retainage) shall be made to A. Montone Construction, Inc. in an amount not to exceed \$8,131.19 for a total construction contract as-built cost of \$45,674.92.

RESOLUTION

WHEREAS, Woodland Estates by Fenix, LLC, posted a Performance Bond #5027982 posted on June 19, 2007 of Bond Safeguard Insurance Company, in the amount of \$1,124,477.37, principal being Woodland Estates by Fenix, LLC, having offices at 64 Macculloch Ave., Morristown, N.J. 07960 to guarantee the installation of improvements for the project known as Estates at North Edison located in Block#415 and Lots #20-A-1 & 20-A-3 and designated Application #P5015; and

WHEREAS, a Cash Performance Bond was posted on March 17, 2006, in the amount of \$124,941.93, on deposit in account #7760013276; 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, an additional bond reduction is in order; and

WHEREAS, a Bond Reduction for the Performance Bond was posted on May 29, 2008, the original amount was \$1,124,477.37 less Bond Reduction of \$562,238.69 Resolution #354-062008, therefore leaving a balance of \$562,238.68. An additional Bond Reduction is now requested by the applicant in the amount of \$224,895.47 leaving a balance of \$337,343.21 to be held by Edison Township; and

WHEREAS, a Bond Reduction for the Cash Performance Bond was posted on May 29, 2008, the original amount was \$124,941.93 less Bond Reduction of \$62,470.97 Resolution #354-062008, therefore leaving a balance of \$62,470.96. An additional Bond Reduction is now requested by the applicant in the amount of \$24,988.38 leaving a balance of \$37,482.58 to be held by Edison Township; and

WHEREAS, it is the recommendation of the Township Engineer that the Performance Bond be additionally reduced to \$337,343.21 and the Cash Performance Bond be additionally reduced to \$37,482.58; and

NOW, THEREFORE, BE IT RESOLVED, By the Municipal Council of the Township of Edison, that the Performance Bond hereinabove mentioned be reduced to \$337,343.21, by virtue of a substitute bond or endorsement to the Performance Bond presently in place, 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 \$24,988.38, plus any accrued interest if applicable, on deposit in Account #7760013276 to Woodland Estates by Fenix, LLC having offices at 64 Macculloch Ave., Morristown, N.J. 07960, with the sum of 37,482.58 remaining on deposit until such time as Final Acceptance is granted.

RESOLUTION

WHEREAS, Community Hospital Group t/a JFK Hospital, posted a Performance Bond Irrevocable Standby Letter of Credit #SM223999W posted on January 23, 2007 of Wachovia Bank, in the amount of \$486,340.03, principal being Community Hospital Group t/a JFK Medical Center, to guarantee the installation of improvements for the project known as Community Hospital Group t/a JFK Medical Center, Parking Lot Expansion located in Block: 643-EE and Lots: 17-U-4 & 17-S and designated Application #P27-05/06; and

WHEREAS, a Cash Performance Bond check #807806328 was posted on January 23, 2007, in the amount of \$54,037.78, on deposit in account #7760013298; 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; and

WHEREAS, it is the recommendation of the Township Engineer that the Performance Bond be reduced by 70% from \$486,340.03 to \$145,902.00, or 30% of the original amount; therefore refunding the amount of \$340,438.03.

WHEREAS, it is further the recommendation of the Township Engineer that the Cash Performance Bond check #807806328, posted by Community Hospital Group Inc. t/a JFK Hospital, posted on January 23, 2007, be reduced by 70%, from \$54,037.78 to \$16,211.33, or 30% of the original amount, therefore refunding the amount of \$37,826.45, plus accrued interest, if applicable; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Performance Bond hereinabove mentioned be reduced to \$145,902.00, by virtue of a substitute bond or endorsement to the Performance Bond presently in place, 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 \$37,826.45, plus accrued interest, if applicable, on deposit in Account #7760013298 to Community Hospital Group Inc. t/a JFK Hospital having offices at 80 James Street, Edison, N.J., with the sum of \$16,211.33 remaining on deposit until such time as Final Acceptance is granted.

EXPLANATION: This resolution provides for refund of tree maintenance bond for 21 trees planted at the site identified as 285 Central Avenue.

TOWNSHIP OF EDISON

RESOLUTION

WHEREAS, Roy & Patricia Rittman, LLC posted a Tree Maintenance Bond check #497 in the amount of \$945.00, principal being Roy & Patricia Rittman, LLC to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #06-46 located at 285 Central Avenue, Block: 100 and Lot: 16-C; and

WHEREAS, a Tree Maintenance Bond for 21 trees was posted on September 19, 2007 in the amount of \$945.00 (\$45.00 per tree), on deposit in account #7760237741; 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 \$945.00 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 \$945.00 hereinabove mentioned be refunded to the applicant, plus any accrued interest if applicable; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$945.00, plus any accrued interest if applicable, on deposit in Account #7760237741 to Patricia & Roy Rittman, LLC having offices at 285 Central Avenue, Edison, N.J. 08817.

EXPLANATION: This resolution provides for refund of the applicant fee posted for a Sanitary Sewer Connection Charge.

TOWNSHIP OF EDISON
RESOLUTION

WHEREAS, On February 2, 2010 a Sanitary Sewer Connection Charge Fee, check #345, was posted by Arnulfo M. Vidal in the amount of \$2,940.00 for 83 Union Avenue, Block 652, Lot 1; and

WHEREAS, a demolition on an existing lot (Block 652, Lot 1,) 83 Union Avenue, occurred replacing an existing home that was previously connected to the sanitary sewer system; and

WHEREAS, It is therefore appropriate that the Sanitary Sewer Connection Charge Fee in the amount of \$2,940.00 be refunded to the applicant; and

WHEREAS, the Township Engineer recommends the refund of the Sanitary Sewer Connection Charge Fee for the above referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum of \$2,940.00 for Sanitary Sewer Connection Charge Fee be refunded to Arnulfo M. Vidal, for Block 652, Lot 1, 83 Union Avenue.

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$2,940.00 from the Township of Edison Sewer Utility Fund to the applicant.

EXPLANATION: This resolution provides for the refund of applicant fee posted for a Commercial Certificate of Continued Occupancy (C.C.O.).

TOWNSHIP OF EDISON
RESOLUTION

WHEREAS, On November 10, 2009, Commercial Continued Certificate of Occupancy fee check #197797 was posted in the amount of \$150.00 by Hanssem Corporation for 2900 Woodbridge Avenue; and

WHEREAS, the application was submitted, the contract to purchase the property was broken and the inspection was never conducted.

WHEREAS, it is therefore appropriate that fee in the amount of \$150.00 be refunded to the applicant; and

WHEREAS, the Township Engineer recommends the refund of the Commercial Continued Certificate of Occupancy Fee in the amount of \$150.00 for the above referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum of \$150.00 posted by Hanssem Corporation for Commercial Continued Certificate of Occupancy for 2900 Woodbridge Avenue be refunded to Hanssem Corporation.

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$150.00 from the Refund of Revenue Fund to the applicant.

EXPLANATION: This resolution provides for the refund of applicant fee posted for a Commercial Certificate of Continued Occupancy (C.C.O.).

TOWNSHIP OF EDISON
RESOLUTION

WHEREAS, On November 10, 2009, Commercial Continued Certificate of Occupancy fee check #197797 was posted in the amount of \$150.00 by Hanssem Corporation for 2900 Woodbridge Avenue; and

WHEREAS, the application was submitted, the contract to purchase the property was broken and the inspection was never conducted.

WHEREAS, it is therefore appropriate that fee in the amount of \$150.00 be refunded to the applicant; and

WHEREAS, the Township Engineer recommends the refund of the Commercial Continued Certificate of Occupancy Fee in the amount of \$150.00 for the above referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum of \$150.00 posted by Hanssem Corporation for Commercial Continued Certificate of Occupancy for 2900 Woodbridge Avenue be refunded to Hanssem Corporation.

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$150.00 from the Refund of Revenue Fund to the applicant.