

**MINUTES OF A REGULAR MEETING  
OF THE MUNICIPAL COUNCIL - TOWNSHIP OF EDISON**

**March 13, 2013**

A Regular Meeting of the Municipal Council was held in the Council Chambers of the Municipal Building on Wednesday, March 13, 2013. The meeting was called to order at 7:05 p.m. by Council President Diehl followed by the Pledge of Allegiance.

Present were Councilmembers Diehl, Gomez, Karabinchak, Lankey, Lombardi, and Mascola. Councilmember Dr. Prasad entered at 7:09 p.m.

Also present were Acting Township Clerk Russomanno, Deputy Township Clerk Kenny, Township Attorney Kemm, Management Specialists Stephens, Business Administrator Ruane, Finance Director Saponaro, Public Works Director Roderman, Health Director Elliot, Recreation Director Halliwell, Township Engineer Medina, Police Chief Bryan, Fire Chief Latham and Cameraman Cologna.

The Acting Township Clerk advised that 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 27, 2012, and posted in the Main Lobby of the Municipal Complex on the same date.

**APPROVAL OF MINUTES:**

On a motion made by Councilmember Lankey, seconded by Councilmember Karabinchak, and duly carried, the Minutes of Closed Session Meeting of February 11, 2013 & February 25, 2013, and Worksession Meeting of February 25, 2013 were accepted as submitted.

**COUNCIL PRESIDENT'S REMARKS:**

Council President Diehl said the County Hazardous Waste disposal program will be held on Sunday at Middlesex County College.

**CY 2013 MUNICIPAL BUDGET:**

**2013 MUNICIPAL BUDGET**

**of the Township of Edison, County of  
Middlesex for the Fiscal Year 2013**

**Revenue and Appropriation Summaries**

Summary of Revenues	Anticipated	
	2013	2012
1. Surplus	\$ 7,916,158.00	\$ 8,309,881.10
2. Total Miscellaneous Revenues	31,994,135.06	29,113,421.17
3. Receipts from Delinquent Taxes	107,702.00	233,642.00
4. a) Local Tax for Municipal Purposes	73,469,492.38	73,962,207.03
b) Addition to Local District School Tax		
c) Municipal Library Tax	4,691,904.00	4,951,798.00
Total Amount to be Raised by Taxes for Support of Municipal Budget	78,161,396.38	78,914,005.03
<b>Total General Revenues</b>	<b>\$118,179,391.44</b>	<b>\$116,570,949.30</b>

Summary of Appropriations	2013 Budget	Final 2012 Budget
1. Operating Expenses: Salaries & Wages	\$ 57,565,140.29	\$ 56,550,747.00
Other Expenses	36,975,096.67	48,243,187.17
2. Deferred Charges & Other Appropriations		

	15,438,009.91	13,587,333.73
3. Capital Improvements	173,000.00	173,000.00
4. Debt Service	6,026,499.00	6,560,035.83
5. Reserve for Uncollected Taxes	2,001,645.57	2,001,645.57
Total General Appropriations	\$118,179,391.44	\$127,115,949.30
Total Number of FT Employees		

<b>2013 Dedicated Water Utility Budget</b>		
<b>Summary of Revenues</b>	<b>Anticipated</b>	
	<b>2013</b>	<b>2012</b>
1. Surplus	\$ 37,044.00	
2. Miscellaneous Revenues		
3. Deficit (General Budget)		19,452.73
Total Revenues	\$ 37,044.00	\$ 19,452.73
<b>Summary of Appropriations</b>	<b>2013 Budget</b>	<b>Final 2012 Budget</b>
1. Operating Expenses: Salaries & Wages		
Other Expenses		
2. Capital Improvements		
3. Debt Service	37,044.00	14,635.15
4. Deferred Charges & Other Appropriations		4,817.58
5. Surplus (General Budget)	-	
Total Appropriations	\$ 37,044.00	\$ 19,452.73
Total Number of FT Employees		

<b>2013 Dedicated Sewer Utility Budget</b>		
<b>Summary of Revenues</b>	<b>Anticipated</b>	
	<b>2013</b>	<b>2012</b>
1. Surplus	\$ 1,800,000.00	\$ 3,684,751.85
2. Miscellaneous Revenues	12,315,177.00	11,200,000.00
3. Deficit (General Budget)		-
Total Revenues	\$ 14,115,177.00	\$ 14,884,751.85
<b>Summary of Appropriations</b>	<b>2013 Budget</b>	<b>Final 2012 Budget</b>
1. Operating Expenses: Salaries & Wages	1,821,747.00	1,800,000.00
Other Expenses	11,555,181.30	12,485,870.54
2. Capital Improvements	142,469.00	
3. Debt Service	212,774.00	199,280.30
4. Deferred Charges & Other Appropriations	383,005.70	399,601.01
5. Surplus (General Budget)	-	
Total Appropriations	\$ 14,115,177.00	\$ 14,884,751.85
Total Number of FT Employees	650	650

<b>Balance of Outstanding Debt</b>				
	General	Water Utility	Sewer Utility	Utility Other
Interest	\$ 13,239,261	n/a	\$ 1,318,993	
Principal	53,962,904	n/a	2,126,000	
Outstanding Balance	67,202,165	n/a	3,444,993	

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Township Council of the Township of Edison, County of Middlesex on March 13, 2013.

A Hearing on the Budget and Tax Resolution will be held at the Municipal Building on April 24, 2013 at 7:00 o'clock P.M., at which time and place objections to said budget and Tax Resolution for the year 2013 may be presented by taxpayers or other interested persons.

A Motion was made by Councilmember Lankey, seconded by Councilmember Karabinchak, to introduce the CY 2013 Municipal Budget.

AYES – Councilmembers Gomez, Karabinchak, Lankey, Lombardi, Mascola and Council President Diehl

NAYS – None  
Councilmember Prasad was absent.

**NEW BUSINESS**

**PROPOSED ORDINANCES (PUBLIC HEARING SET DOWN FOR WEDNESDAY, MARCH 27, 2013)**

The following Ordinance was introduced by title:

**O.1826-2013                      ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK.**

On a motion made by Councilmember Karabinchak, seconded by Councilmember Lombardi, this Ordinance was passed on first reading and ordered published according to law for further consideration and Public Hearing at the next Regular Meeting of the Township Council to be held on March 27, 2013.

AYES - Councilmembers Gomez, Karabinchak, Lankey, Lombardi, Mascola, and Council President Diehl

NAYS - None  
Councilmember Prasad was absent.

**O.1827-2013                      ORDINANCE ESTABLISHES RESIDENTIAL PERMIT PARKING FOR ALEXIS LANE, BOTH SIDES, UNDER RESIDENTIAL PARKING ZONE #5, FROM THE SOUTHERLY INTERSECTION OF TALMADGE AND ALEXIS LANE UP TO AND THROUGH THE NORTHERLY INTERSECTION OF TALMADGE ROAD AND ALEXIS**

On a motion made by Councilmember Lombardi, seconded by Councilmember Lankey, this Ordinance was passed on first reading and ordered published according to law for further consideration and Public Hearing at the next Regular Meeting of the Township Council to be held on March 27, 2013.

AYES - Councilmembers Gomez, Karabinchak, Lankey, Lombardi, Mascola, and Council President Diehl

NAYS - None

Councilmember Prasad was absent.

#### **PUBLIC COMMENTS AS TO PROPOSED RESOLUTIONS**

Council President Diehl opened public comments on Resolutions R.015-012013, R.016-012013, R.100-022013 and R.133-032013 – R.155-032013.

Lois Wolke, 10 Peake Road, on Resolution R.142-032013, she questioned if Mr. Rainone was less expensive and if that is why he was chosen as tax appeal attorney.

Ms. Ruane said he was chosen based on his experience and the volume of tax appeals he handles. He currently works in Atlantic City and Paramus which are other large municipalities.

Bruce Diamond, Calvert Avenue, asked how much we currently owe in tax appeals.

Ms Ruane said last year the figure was \$9.5 million.

Mr. Diamond asked the break down between residential and commercial.

Mr. Kemm said there are more commercial than residential.

Mr. Diamond said Mr. Rainone's Resolution is not to exceed \$ 200,000. He asked how much we spent in attorney fees last year.

Ms. Ruane replied \$245,000.

Mr. Diamond asked if any Councilmembers currently have a tax appeal pending.

Councilmember Karabinchak said he has filed on his home and office building. His property taxes are \$18,000 and his office building is \$20,000 and it is only half occupied. He reported we will be looking at tax appeals of \$12.5 million again this year.

Mr. Diamond asked how the tax appeal process works.

Mr. Kemm explained how the appeals are calculated and the difference between residential and commercial.

Mr. Diamond asked when the last assessment of the Township was done.

Fred Wolke, 10 Peake Road, asked the difference between Resolution R. 015-012013 and R. 142-032013.

Mr. Kemm said one is for labor counsel and the other is for tax appeal attorney.

Councilmember Dr. Prasad said he is an owner in several commercial properties, but to the best of his knowledge he has not filed any tax appeals.

Hearing no further comments, the public hearing was closed on a motion made by Councilmember Lankey, seconded by Councilmember Mascola and duly carried.

Councilmember Lankey requested that Resolution R.133-032013 be pulled for separate vote.

Councilmember Mascola requested that Resolution R.142-032013 be pulled for separate vote. Council President Diehl requested that Resolutions R.015-012013 and R.016-012013 be pulled for separate vote.

The following Resolutions R.100-022013 and R.134-032013 through R.141-032013 and R.143-032013 through R.155-032013 were adopted under the Consent Agenda on a motion made by Councilmember Lankey and seconded by Councilmember Lombardi.

AYES - Councilmembers Gomez, Karabinchak, Lankey, Lombardi, Mascola, Prasad, and Council President Diehl

NAYS - None

**RESOLUTION R.100-022013**

**AUTHORIZING THE TRANSFER OF FUNDS IN THE CALENDAR YEAR 2012 CURRENT FUND BUDGET APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-59**

**WHEREAS**, N.J.S.A. 40A:4-59 authorizes the transfer of funds during the last two months of a fiscal year and during the first three months of the subsequent fiscal year; and

**WHEREAS**, certain calendar year 2012 appropriations as budgeted are insufficient to meet the needs for which those appropriations were originally established while certain other appropriations appear to have surplus balances not currently needed to pay claims for which they were budgeted; and

**WHEREAS**, the following details explain the accounts to which funds need to be transferred and the accounts from which funds will be transferred from to insure that adequate appropriation balances exist where needed to pay approved claims against the Township;

<b><u>FROM:</u></b>			<b><u>TO:</u></b>		
PAYROLL	OE		LEGAL	OE	
2-01-20-0130-003-020		\$116,500.00	2-01-20-0155-001-020		\$265,500
TAX COLLECTION	OE				
2-01-20-0145-000-020		\$23,000.00			
ENGINEERING					
2-01-20-0165-000-020		\$19,000.00			
CONSTRUCTION CODE	OE				
2-01-22-0195-000-020		\$64,000.00			
POLICE DEPARTMENT	OE				
2-01-25-0240-000-020		\$43,000.00			
<b>TOTAL</b>		<b>\$265,500</b>	<b>TOTAL</b>		<b>\$265,500</b>

**NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF EDISON IN THE COUNTY OF MIDDLESEX, NEW JERSEY, THAT** the proper Township Officials are hereby authorized to transfer funds as indicated on the annexed spread sheet from those designated appropriations having apparent surplus balances to those designated appropriations having apparent insufficient balances to insure that adequate appropriation balances exist where needed.

**RESOLUTION R.134-032013**

**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 \$422,077.63.

**RESOLUTION R.135-032013**

**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 \$11,671.52 and

**WHEREAS**, the attached listing is a detail of the requested refund.

**NOW THEREFORE, BE IT RESOLVED**, by the Municipal Council of the Township of Edison that the Director of Finance shall and is hereby authorized to draw checks to the parties in the amounts specified on the attached listing.

**RESOLUTION R.136-032013**

**WHEREAS**, on various properties located within the Township of Edison, overpayments of sewer use fees have been made due to erroneous or duplicate payments; and

**WHEREAS**, applications have been made to the Tax Collector for refund of said overpayments, totaling \$136.72 and

**WHEREAS**, the attached listing is a detail of the requested refunds.

**NOW THEREFORE, BE IT RESOLVED**, by the Municipal Council of the Township of Edison that the Director of Finance shall and is hereby authorized to draw checks to the parties in the amounts specified on the attached listing.

**RESOLUTION R.137-032013**

**Resolution Authorizing a Two Year Extension to Cherokee Equities to Foreclose Tax Sale Certificate**

**WHEREAS**, the governing body of the Township of Edison in accordance with Resolution No. 432-072-009 authorized a restricted Assignment of a certain Tax Sale Certificate described as:

TSC No: 91-204 on Block 692.B, Lot 50 from the Township of Edison to Cherokee Equities, LLC; and

**WHEREAS**, pursuant to N.J.S.A. 54:5-114 et. seq./Jones Act provisions, Cherokee is required to record a Tax Foreclosure Final Judgment within two years of August 12, 2009; and

**WHEREAS**, pursuant to Resolution No. 777-112011, the Township of Edison granted a two year extension to allow Cherokee Equities, LLC to complete its foreclosure and said two year extension would mean that Cherokee must record its Final Judgment on or before August 12, 2013; and

**WHEREAS**, Cherokee has been diligently pursuing this Tax Sale Foreclosure but due to extremely complicated title and due to the title company being selected by Cherokee Equities, LLC having sustained substantial damage as a result of Super Storm Sandy which caused some additional delays in this matter, while the foreclosure Complaint has been filed in this matter, Cherokee is diligently pursuing complicated service in this matter and appearing to Cherokee that this foreclosure cannot be completed on or before August 12, 2013; and

**WHEREAS**, N.J.S.A. 54:5-114.5 provides the Township of Edison to grant a two year extension if a timely application is made; and

**WHEREAS**, Cherokee has filed this Tax Sale Foreclosure Complaint and is diligently pursuing completion of foreclosure on complicated title;

**NOW, THEREFORE, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013, IT IS HEREBY RESOLVED** by the governing body of the Township of Edison, County of Middlesex and State of New Jersey as follows:

A two year extension to foreclose Tax Sale Certificate No: 91-204, and therefore the Final Judgment needs to be recorded on or before August 12, 2015.

**RESOLUTION R.138-032013**

**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS FOR 2013**

**WHEREAS**, the Local Budget Law (N.J.S.A. 40A:4-20), directs that the Governing Body of a municipality may adopt an Emergency Temporary Resolution after the adoption of Temporary Appropriations but before the adoption of the annual budget to authorize additional appropriations; and

**WHEREAS**, the initial temporary appropriations were adopted on December 26, 2012 and ;

**WHEREAS**, the temporary appropriations on the annexed spread sheet are calculated the rate of 1/12<sup>th</sup> the corresponding 2012 .

**NOW, THEREFORE, IT IS RESOLVED** by the **COUNCIL OF THE TOWNSHIP OF EDISON**, in the County of Middlesex, New Jersey that the foregoing emergency temporary appropriations above are hereby approved and the proper Township Officials are authorized to process these accordingly.

Emergency temporary appropriations be and the same are hereby made in the amount of \$11,115,024.44 as follows:

PARKS	3-01-28-0375-000-016	S&W	\$ 4,651.61
BUILDING & GROUNDS	3-01-26-0310-000-011	S&W	\$ 11,300.16

STREETS & ROADS	3-01-26-0290-000-016	S&W	\$ 6,794.88
GARBAGE	3-01-26-0315-001-016	S&W	\$ 7,163.04
SOLID WASTE	3-01-26-0305-000-016	S&W	\$ 4,714.56
POLICE VEHICLE	3-01-26-0315-002-011	S&W	\$ 1,395.13
SANITATION	3-09-55-0800-001-101	S&W	\$ 12,267.52
PERS pension	3-01-36-0471-000-020	OE	\$8,914,132.00
PFRS pension	3-01-36-0471-000-020	OE	\$2,152,605.54
		TOTAL:	\$11,115,024.44

**RESOLUTION R.139-032013**

**WHEREAS**, New Jersey American Water (NJAW) applauds the men and women who volunteer for and support our communities fire departments; and

**WHEREAS**, NJAW recognizes that such volunteers provide an invaluable service to the community through enhanced fire protection; and

**WHEREAS**, NJAW developed the Volunteer Fire Fighter Emergency Grant Program to publically acknowledge and support those volunteer efforts; and

**WHEREAS**, NJAW recently announced the availability of funding through the 2013 NJAW Volunteer Fire Fighter Emergency Responder Grant Program; and

**WHEREAS**, the NJAW 2013 Volunteer Fire Fighter Emergency Responder Grant Program will award up to \$1,000 to innovative programs that support costs associated with local Volunteer Fire Fighter and Emergency Responder needs; and

**WHEREAS**, local, volunteer organizations engaged in activities that provide Fire Fighting and/or Emergency Responder services will be considered for funding; and

**WHEREAS**, approximately 40% of the Township of Edison Department of Public Safety Division of Fire is composed of Volunteer Fire Fighters; and

**WHEREAS**, the Township of Edison intends to apply to the NJAW 2013 Volunteer Fire Fighter Emergency Responder Grant Program for funding up to \$1,000.00 to purchase Carbon Monoxide Detectors for distribution by EDF Volunteer Fire Fighters to local residents at risk of Carbon Monoxide Poisoning; and

**WHEREAS**, the proposed use of such funds is germane, as during 2012 the Township of Edison responded 265 Carbon Monoxide incidents, resulting in two (2), local, civilian fatalities, as well as forty nine (49) local, civilians requiring medical treatment; and

**WHEREAS**, matching funds are not required to apply for NJAW 2013 Volunteer Fire Fighter Emergency Responder 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 2013 Volunteer Fire Fighter Emergency Responder Grant Program, at a regularly-scheduled, public meeting, on the evening of Wednesday, March 13, 2013.

**RESOLUTION R.140-032013**

**WHEREAS**, New Jersey American Water (NJAW) recently announced its 2013 Environmental Grant Program; and

**WHEREAS**, the NJAW 2013 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, 2013; 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 2013 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 2013 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 2013 Environmental Grant Program, at a regularly-scheduled, public meeting, on the evening of Wednesday, March 13, 2013.

**RESOLUTION R.141-032013**

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO RETIREE ANNA POLITES FOR OVERPAYMENT OF MEDICAL BENEFITS**

**WHEREAS**, Anna Polites, made an overpayment for Medical Benefits to the Township of Edison for the amount of \$331.02; and

**WHEREAS**, in accordance with the Code of the Township of Edison, Section 12-6.2(m) the appropriate fee for Anna Polites for overpayment of \$331.02.

**NOW, THEREFORE, IT IS RESOLVED** by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$331.02 to Anna Polites of 18 Colton Road Edison, NJ 08817, which amount represents the amount of overpayment for Medical Benefits

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount not to exceed **\$331.02** are available for the above refund in Account No. **2-01-23-0220-000-253**.

/s/ Janice Saponaro  
Chief Financial Officer

**RESOLUTION R.143-032013**

**RESOLUTION AUTHORIZING PAYMENT OF \$9,900.00 TO MCNAUGHTON SUBSCRIPTIONS (DIV. OF BODART BOOKS) FOR BOOK LEASING SERVICES FOR THE TOWNSHIP LIBRARIES**

**WHEREAS**, The Edison Township Library Board of Trustees has authorized payment for Book Leasing Services from May, 2013 through April, 2014; and

**WHEREAS**, funds in the amount of \$9,900.00 have been certified to be available in the Free Public Library Books & Publications Account, Number 3-01-29-0390-000-033.

**NOW, THEREFORE IT IS RESOLVED** by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that the proper Township officials shall make payment to MCNAUGHTON SUBSCRIPTIONS (DIV. OF BODART BOOKS), P.O. Box 3488, Williamsport, PA 17701-3488 in the amount of \$9,900.00.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of **\$9,900.00** are available for the above in Account No. **3-01-29-0390-000-033**.

/s/ Janice Saponaro  
Chief Financial Officer

**RESOLUTION R.144-032013**

**RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT/PURCHASE ORDER TO PEPITONE CLEANING SERVICES FOR CLEANING SERVICES FOR THE TOWNSHIP OF EDISON-LIBRARIES**

**WHEREAS**, quotes were solicited by the Township of Edison Libraries and approved by the Libraries Board of Trustees for Cleaning Services at the Townships three (3) Libraries; and

**WHEREAS**, PEPITONE CLEANING SERVICES, P.O. Box 372, South Bound Brook, NJ 08880, submitted the lowest quote; and

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



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

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

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

1. All quotes have been reviewed, and the quote by PEPITONE CLEANING SERVICES, P.O. Box 372, South Bound Brook, NJ 08880, for Cleaning Services at the Township of Edison Libraries, is determined to be the lowest quote.
2. The Mayor, or her designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$30,000.00 and any other necessary documents, with PEPITONE CLEANING SERVICES, as described herein

**RESOLUTION R.145-032013**

**RESOLUTION AUTHORIZING A PURCHASE FROM COMPRISE TECHNOLOGIES, INC. FOR TIME MANAGEMENT SOFTWARE/HARDWARE FOR THE TOWNSHIP LIBRARIES**

**WHEREAS**, The Edison Township Library Board of Trustees has authorized the purchase of Time Management Software/Hardware for Library Services; and

**WHEREAS**, funds in the amount of \$7,950.00 have been certified to be available in the Free Public Library Computer Hardware and Software Account, Number 3-01-29-0390-000-059.

**NOW, THEREFORE IT IS RESOLVED** by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that the proper Township officials shall make payment to COMPRISE TECHNOLOGIES, INC., 1041 ROUTE 36 WEST, P.O. BOX 425, NAVESINK, NJ 07752 in the amount of \$7,950.00.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of **\$7,950.00** are available for the above in Account No. **3-01-29-0390-000-059**.

/s/Janice Saponaro  
Chief Financial Officer

**RESOLUTION R.146-032013**

**RESOLUTION ACCEPTING QUOTE AND AWARING CONTRACT/PURCHASE ORDER TO QC LABORATORIES FOR GROUND WATER TESTING AT THE EDISON LANDFILL MONITORING WELLS**

**WHEREAS**, quotes were solicited by The Township of Edison for ground water testing at the Edison Landfill Monitoring Wells; and

**WHEREAS**, QC LABORATORIES, 1205 Industrial Boulevard, P.O. Box 514, Southampton, PA 18966-0514 submitted the lowest quote in the amount of \$15,534.00; and

**WHEREAS**, funds in the amount of \$15,534.00 have been certified to be available in the Engineering Services – Other Contractual Account, No. 3-01-20-0165-000-029; and

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

1. All quotes have been reviewed, and the quote as submitted by QC LABORATORIES, 1205 Industrial Boulevard, P.O. Box 514, Southampton, PA 18966-0514 for ground water testing at the Edison Landfill Monitoring Wells; is determined to be the lowest quote.
2. The Mayor, or her designee, is hereby authorized to execute a contract/purchase order in the amount of \$15,534.00, and any other necessary documents, with QC LABORATORIES.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of **\$15,534.00** are available for the above contract/purchase order in Account No. **3-01-20-0165-000-029**.

/s/ Janice A. Saponaro  
Chief Financial Officer

**RESOLUTION R.147-032013**

**WHEREAS**, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund;

**WHEREAS**, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, A resolution authorizing this municipality to apply for the **2012 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of The Edison Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW THEREFORE BE IT RESOLVED** by the Township Council of Edison that the Township of Edison hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Jeffrey Roderman, CRP to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

**RESOLUTION R.148-032013**

**RESOLUTION APPROVING GRANT APPLICATION IN SUPPORT OF THE *CLICK IT OR TICKET* MOBILIZATION DURING MAY 20, 2013 – JUNE 2, 2013.**

**WHEREAS**, there were 638 vehicle fatalities in New Jersey in 2011; and

**WHEREAS**, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

**WHEREAS**, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

**WHEREAS**, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975 – 2000; and

**WHEREAS**, the State of New Jersey will participate in the nationwide Click It or Ticket seat belt mobilization from May 20 – June 2, 2013 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

**WHEREAS**, a further increase in seat belt usage in New Jersey will save lives on our roadways;

**THEREFORE, BE IT RESOLVED** that the Township of Edison declares it's intention to apply for available grant funding to support the *Click It or Ticket* safety belt mobilization from May 20 – June 2, 2013 and pledges to increase awareness of the mobilization and the benefits of safety belt use.

**RESOLUTION R.149-032013**

**2014 Pedestrian Safety Enforcement and Education  
Grant Application and Initiative**

**WHEREAS**, the Division of Police wishes to apply for grant funding in the amount of \$15,000.00 to provide additional manpower hours to educate the public in pedestrian laws, increased enforcement of traffic laws, and additional signage; and

**WHEREAS**, in 2009, 4,092 pedestrians were killed in traffic accidents in the United States and more than 60,000 pedestrians were injured; and

**WHEREAS**, between 2009 – 2011, 11 pedestrians have lost their lives on Edison roadways, and

**WHEREAS**, an enforcement crackdown is planned to combat traffic violations related to pedestrian laws; and

**WHEREAS**, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the State to participate in the Pedestrian Safety Grant; and

**WHEREAS**; the project will involve increased enforcement and education from July 1, 2013 through June 30, 2014; and

**WHEREAS**; an increase in education and enforcement will save pedestrians lives on our roadways;

**THEREFORE**, be it resolved that the Edison Township Council and the Division of Police declares it's support for the grant application and participation in *The Pedestrian Safety Grant Program FY 2014* from July 1, 2013 through June 30, 2014 and pledges to increase awareness of pedestrian safety laws.

**BE IT FURTHER RESOLVED**, that the Business Administrator be and is hereby authorized to sign the aforesaid grant application for and on behalf of the Township of Edison.

**RESOLUTION R.150-032013**

**Federal Highway Safety Fund 2014  
Grant Application and Initiative**

**WHEREAS**, the Division of Police wishes to apply for grant funding not to exceed \$25,000.00 to provide additional manpower hours for speed enforcement as well as to combat distracted driving and to purchase speed enforcement equipment; and

**WHEREAS**, an enforcement crackdown is planned to reduce violations related to speeding and distracted driver's to reduce the number of crashes and potential fatalities related to these offenses; and

**WHEREAS**, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the State to participate in the grant; and

**WHEREAS**; the project will involve increased enforcement from October 1, 2013 through September 30, 2014; and

**WHEREAS**; an increase in enforcement will reduces accidents and save lives on our roadways;

**THEREFORE**, be it resolved that the Edison Township Council and the Division of Police declares it's support for the grant application and participation in the Federal Highway Safety Fund Grant Program 2014.

**BE IT FURTHER RESOLVED**, that the Business Administrator be and is hereby authorized to sign the aforesaid grant application for and on behalf of the Township of Edison.

**RESOLUTION R.151-032013**

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO  
MELISSA COHEN FOR THE ABC PROGRAM**

**WHEREAS** Melissa Cohen made payment in the amount of \$240.00 for her children, Darren & Ethan's participation in the afternoon ABC/YAP Programs at Washington Elementary School; and

**WHEREAS** due to medical reasons, the children are being removed from the program.

**WHEREAS** payment was made prior to their attendance in the program.

**NOW; THEREFORE, IT IS RESOLVED** by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$240.00 to Melissa Cohen, 27 Matson Rd., Edison, NJ 08817, which amount represents the monthly fee for the ABC Program.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of \$240.00 are available in Account #3-01-55-0291-000-000.

/s/ Janice Saponaro  
Chief Financial Officer

**RESOLUTION R.152-032013**

**WHEREAS**, Dependable Electric Company, Inc., 28 May Street, Edison, NJ has requested a waiver of any and all permit fees concerning the installation of a scoreboard at the Edison Jets Football Complex in Papianni Park, Edison, NJ; and

**WHEREAS**, since the property in question, Papaiani Park, is owned and maintained by the Township of Edison, Dependable Electric Company, Inc. is entitled to a waiver of fees due to the Township of Edison; and

**WHEREAS**, the Municipal Council of the Township of Edison feels that it would be appropriate to waive any applicable fees;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township of Edison, that it does hereby waive any application fees and/or building fees due to the Township of Edison as a result of work being performed on Township of Edison property.

**RESOLUTION R.153-032013**

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO  
EVA SCHONBERGER FOR THE YAP PROGRAM**

**WHEREAS** Eva Schonberger made payment in the amount of \$80.00 for her child, Joshua Schonberger's participation in the YAP Program at Thomas Jefferson Middle School; and

**WHEREAS** payment was made prior to his attendance in the program.

**NOW; THEREFORE, IT IS RESOLVED** by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$80.00 to Eva Schonberger, 61 Eden Ave., Edison, NJ 08817, which amount represents the monthly sibling fee for the YAP Program.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of \$80.00 are available in Account #3-01-55-0291-000-000.

/s/ Janice Saponaro  
Chief Financial Officer

**RESOLUTION R.154-032013**

**RESOLUTION AUTHORIZING PAYMENT OF \$7,642.50 TO NEW YORK YANKEES BASEBALL CLUB  
FOR YANKEE TICKETS FOR THE DEPARTMENT OF RECREATION**

**WHEREAS**, The Edison Township Department of Recreation wishes to purchase Yankee tickets for games to be held on June 3, July 11 and August 30, 2013; and

**WHEREAS**, funds in the amount of \$7,642.50 have been certified to be available in the Recreation-Recreation Supplies Account, Number 3-01-28-0370-000-066.

**NOW, THEREFORE IT IS RESOLVED** by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that the proper Township officials shall make payment to NEW YORK YANKEES BASEBALL CLUB GROUP SALES TICKET OFFICE, Yankee Stadium, Bronx, NY 10451 in the amount of \$7,642.50.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of **\$7,642.50** are available for the above in Account No. **3-01-28-0370-000-066**.

/s/ Janice Saponaro  
Chief Financial Officer

**RESOLUTION R.155-022013**

**WHEREAS**, applications have be made for the renewal of Plenary Retail Consumption Licenses, issued by the Municipal Council of the Township of Edison, expiring on June 30, 2012; and

**WHEREAS**, the proper applications and fees have been received; and

**WHEREAS**, no legally valid objections have been made as to why these applications should not be approved.

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey, that the following Plenary Retail Consumption Licenses expiring on June 30, 2012, for which the required fees of \$2,500.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be the same hereby granted and renewed, effective March 13, 2013.

<b><u>LICENSE NUMBER</u></b>	<b><u>LICENSEE AND LOCATION</u></b>	<b><u>ADDRESS</u></b>
1205-36-053-004	Restaurant Route 27 LLC t/a Crowne Plaza Hotel	Edison, NJ 08817

The following Resolutions will be voted upon separately:

**RESOLUTION R.015-012013**

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

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

**WHEREAS**, the Mayor recommends, with the approval of the Director of Law, that Louis Rainone, Esq., for the position of Labor Counsel; and

**WHEREAS**, the Local Public Contracts Law N.J.S.A.. 40A: 11-1 *et seq.*, more specifically N.J.S.A. 40A:11-5, allows for the awarding of a contract for "Professional Services" without public advertising for bids; and

**WHEREAS**, prior to the execution of a contract, Louis Rainone, Esq., will have completed and submitted a Business Entity Disclosure Certification which certifies that no individual with a 10% interest or larger in DeCotiis, FitzPatrick & Cole, LLP, has made any reportable contributions to a political or candidate committee in the Township Council of the Township of Edison in the previous year, and that the contract will prohibit an individual with a 10% interest or larger in DeCotiis, FitzPatrick & Cole, LLP, from making any reportable contributions through the term of the contract, pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

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

**WHEREAS**, compensation for the professional services shall be at a rate of \$140 per hour for all attorneys and \$70 per hours for legal assistants, in an amount not to exceed the amount certified below by the Chief Financial Officer (inclusive of expenses); and

**WHEREAS**, the Township Council feels that it is in the best interest of the Township of Edison to enter into the attached Contract for Professional Services with Louis Rainone, Esq. of DeCotiis, FitzPatrick & Cole, LLP, to represent the Township as special counsel for the limited outstanding tax appeals herein identified, and

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Contract for Professional Services with Louis Rainone, Esq. of DeCotiis, FitzPatrick & Cole, LLP, to represent the Township as Labor Counsel.
2. The Contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law, more specifically N.J.S.A. 40A:11-5, because the services in question are of a specialized, technical and professional nature.
3. A certificate showing the availability of funds for the Contract authorized hereby has been provided by the Chief Financial Officer and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable accounts and is contingent upon the adoption of a temporary and/or permanent budget for the 2013 calendar year.
4. No payments in excess of the "not-to-exceed" Contract amount will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
5. Any modification to the Contract shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.
6. The Township of Edison may, upon ten (10) days written notice, and without cause, terminate the Contract.
7. The Contract shall, for all purposes, be deemed a New Jersey Contract and any provisions of the Contract shall be governed and interpreted according to the Laws of the State of New Jersey.
8. The contractor shall report directly to the Edison Township Attorney, who will be the chief contact with the Township of Edison.
9. The contractor shall notify the Edison Township Attorney when 80% of the "not-to-exceed" amount is attained.
10. All work relating to the demotions of policemen and fireman in the letters of January 8, 2010 from Mayor Ricigliano will be billed separately.

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

#### **CERTIFICATION**

I hereby certify that, contingent upon the adoption of a temporary and/or permanent budget for the 2013 calendar year, funds in the amount of \$415,000.00 are available in Account No. \_\_\_\_\_.

/s/ Janice Saponaro  
Chief Financial Officer

Council President Diehl said in the past we have not approved the contracts to hire the Township Attorney and the Township Labor Attorney and yet they are both still here. He asked for an explanation.

Mr. Kemm said the position must be filled in order for the Township to function.

A motion was made by Councilmember Lankey, seconded by Councilmember Lombardi, to adopt this Resolution.

AYES - Councilmembers Gomez, Karabinchak, Lankey, and Lombardi

NAYS - Councilmember Mascola, Prasad, and Council President Diehl

#### **RESOLUTION R.016-012013**

**Explanation:** This Resolution awards a Professional Services Contract to Karl P. Kemm, Esq. to represent the Township of Edison as Township Attorney.

**WHEREAS**, Karl P. Kemm, Esq., previously handled various legal matters on behalf of the Township of Edison, has an excellent reputation in the area of municipal government, has practiced law for many years, has knowledge of the Township of Edison ("Township") and has extensive legal staff and resources and a multi-disciplinary practice necessary to handle any matter in the municipal arena and any other unanticipated legal issue which may arise from time to time; and

**WHEREAS**, for these reasons the Mayor and the Township Council recommend Karl P. Kemm, Esq., for the position of Township Attorney; and

**WHEREAS**, the Local Public Contracts Law N.J.S.A. 40A: 11-1 *et seq.*, more specifically N.J.S.A. 40A:11-5, allows for the awarding of a contract for "Professional Services" without public advertising for bids; and

**WHEREAS**, prior to the execution of a contract, Karl P. Kemm, Esq., will have completed and submitted a Business Entity Disclosure Certification which certifies that no individual with a 10% interest or larger in Hoagland, Longo, Moran, Dunst & Doukas, LLP, has made any reportable contributions to a political or candidate committee in the Township Council of the Township of Edison in the previous year, and that the contract will prohibit an individual with a 10% interest or larger in Hoagland, Longo, Moran, Dunst & Doukas, LLP, from making any reportable contributions through the term of the contract, pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

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

**WHEREAS**, compensation for the professional services included under the Township Attorney Retainer shall be the sum of \$33,000.00, payable in 12 monthly installments at the first Council Meeting of each month, and shall include:

Advise the Council. Advise the Council or its committees or any Township Officer, when thereto requested, upon all legal questions arising in the conduct of the Township's business;

Prepare Ordinances. Prepare and revise all ordinances of the Code when so requested by the Council or any committee thereof;

Prepare Resolutions. Prepare or draft and revise all resolutions when so requested by the Council or any committee or member thereof;

Render Opinions. Render his or her opinion on any legal matter or question submitted to him or her by the Council or any of its committees or by any Township officer, in writing or orally;

Attend Council Meetings. Attend Council meetings, including special meetings and conference meetings, for the purpose of giving the Council any legal advice requested by its members;

Bid Openings. Attend and advise the Council or any designated officer of the Township in the opening and awarding of public bids; and

**WHEREAS**, compensation for the professional services outside of the scope of the above Township Attorney Retainer including but not limited to:

Advise the Mayor and Administration or any Township Officer, when thereto requested, upon all legal questions arising in the conduct of the Township's business; and

Represent the Township in all legal matters and litigation matters and before all boards and government agencies.

shall be at a rate of \$140 per hour for all attorneys and \$70 per hours for legal assistants; and

**WHEREAS**, the Township Council feels that it is in the best interest of the Township of Edison to enter into the attached Contract for Professional Services with Karl P. Kemm, Esq. to represent the Township as Township Attorney; and

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

9. The Mayor and Township Clerk are hereby authorized and directed to execute the Contract for Professional Services with Karl P. Kemm, Esq. to represent the Township as Township Attorney.
10. The Contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law, more specifically N.J.S.A. 40A:11-5, because the services in question are of a specialized, technical and professional nature.
11. A certificate showing the availability of funds for the Contract authorized hereby has been provided by the Chief Financial Officer and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable accounts and is contingent upon the adoption of a temporary and/or permanent budget for the 2013 calendar year.
12. No payments in excess of the "not-to-exceed" Contract amount will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
13. Any modification to the Contract shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.
14. The Mayor of Edison may, upon ten (10) days written notice, and without cause, terminate the Contract.
15. The Contract shall, for all purposes, be deemed a New Jersey Contract and any provisions of the Contract shall be governed and interpreted according to the Laws of the State of New Jersey.

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

#### **CERTIFICATION**

I hereby certify that, contingent upon the adoption of a temporary and/or permanent budget for the 2013 calendar year, funds in the amount of \$290,000.00 are available in Account No\_\_\_\_\_.

/s/ Janice Saponaro  
Acting Chief Financial Officer

A motion was made by Councilmember Lankey, seconded by Councilmember Lombardi, to adopt this Resolution.

AYES - Councilmembers Gomez, Karabinchak, Lankey, and Lombardi

NAYS -Councilmember Mascola, Prasad, Council President Diehl

#### **RESOLUTION R.133-032013**

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING March 7, 2013

**WHEREAS**, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through March 7, 2013

FUND	AMOUNT
Current	\$28,765,676.16
Affordable Housing	0.00
Capital	111,918.49
Cash Performance	114,530.97
CDBG	16,100.00
Developers Escrow	20,634.31
Dog (Animal Control)	12,508.74
Federal Forfeited	4,890.00
Grant Funds	78,784.11
Law Enforcement	0.00
Park Improvement	0.00
Payroll Deductions	472,422.19
Sanitation Fund	90,250.53
Sewer Utility	234,142.74
Tax Sale Redemption	282,658.24
Tree Fund	0.00
Tree Planting	25,215.72
Trust	99,283.24
<b>TOTAL</b>	<b>\$30,329,015.44</b>

/s/ Janice Saponaro  
Chief Financial Officer

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

A motion was made by Councilmember Karabinchak, seconded by Councilmember Gomez, to adopt this Resolution.

AYES - Councilmembers Gomez, Karabinchak, Lombardi, Mascola, Prasad, and Council President Diehl

NAYS - None  
Councilmember Lankey abstained from voting.

#### **RESOLUTION R.142-032013**

#### **RESOLUTION AWARDING CONTRACT TO DECOTIIS, FITZPATRICK & COLE, LLP FOR TAX APPEAL ATTORNEY**

**WHEREAS**, the Township of Edison advertised on the Township website for Request for Proposals on January 31, 2013, for RFP 13-02 FOR TAX APPEAL ATTORNEY for a bid opening date of February 15, 2013 and five (5) proposals were received; and

**WHEREAS**, after review of said proposals, it has been recommended by the Township that the contract be awarded to DECOTIIS, FITZPATRICK & COLE, LLP, 500 Frank W. Burr Blvd., Teaneck, NJ 07666 in the amount of \$140.00 per hour for all attorneys and \$70 per hour for legal assistants in the amount not to exceed \$200,000.00; and

**WHEREAS**, the total amount of this contract, not to exceed \$200,000.00, cannot be encumbered at this time; and

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

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

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

1. All proposals have been reviewed, and the proposal as submitted by DECOTIIS, FITZPATRICK & COLE, LLP, 500 Frank W. Burr Blvd., Teaneck, NJ 07666 is determined to be in the best interest of the township, price and other factors considered, for Tax Appeal Attorney.



2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$200,000.00, and any other necessary documents, with DECOTIIS, FITZPATRICK & COLE, LLP in accordance with their proposal.

Councilmember Mascola said he will not be supporting this as he feels there was another attorney that was the low bidder. He also said this firm has recently lost two of their tax attorney's.

A motion was made by Councilmember Lankey, seconded by Councilmember Gomez, to table Resolution R.142-032013.

AYES - Councilmembers Gomez, Lankey, Lombardi, Mascola, Prasad, and Council President Diehl

NAYS – None

Councilmember Karabinchak abstained from voting.

### **COMMUNICATIONS:**

- A. Letter to Chief Bryan from the United States Postal Service - regarding parking on Kilmer Road. (added at the meeting)

On a motion made by Councilmember Diehl seconded by Councilmember Lankey, and duly carried, the above Communications were received.

### **ORAL PETITIONS AND REMARKS:**

Bruce Diamond, Calvert Avenue, said in general, he feels that the Council meetings are not aired often enough on Edison TV. He also said when a Councilmember abstains on an item, he would like to know what the conflict is. He asked who the tax appeal attorney was last year.

Ms. Ruane said it was Mr. Kemm's firm.

Mr. Diamond asked how the Council could vote on Resolution R.015-012013 and not on Resolution R.142-032013.

Ms. Ruane said one is for labor attorney and the other is for tax appeal attorney.

Mr. Diamond asked what a commercial tax appeal is based upon.

Mr. Kemm explained the tax appeal formula for commercial properties.

Mr. Diamond asked if we settle tax appeals because it is cheaper

Mr. Kemm explained the process involved.

Council President Diehl said that we do not get our fair share of State aid in order to help with our property taxes.

Lois Wolke, 10 Peake Road, reported that our school tax will be going up \$75.00 per assessed value. She congratulated the fifteen members of the Police Department that were promoted but was concerned that this took Patrolmen off the street and asked how this affects public safety.

Chief Bryan explained the promotions and said no Officers were taken off the street.

Hearing no further comments from the public Councilmember Lombardi made a motion to close the public hearing, which was seconded by Councilmember Prasad and duly carried.

Having no further business to discuss, on a motion made by Councilmember Mascola, seconded by Councilmember Karabinchak, the meeting was adjourned at 7:47pm.

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Robert Diehl  
Council President

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Cheryl Russomanno  
Acting Municipal Clerk

