

**AGENDA
MUNICIPAL COUNCIL
WORKSESSION MEETING
Monday, April 12, 2010
5:30 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. **CLOSED SESSION:**
 - a. Several Litigation Matters
 - b. Attorney Client Privilege
 - c. Contract Negotiations
5. **ORAL PETITIONS AND REMARKS**
6. **APPROVAL OF MINUTES:**
 - a. Regular Meeting of February 24, 2010
 - b. Worksession Meeting of March 8, 2010
 - c. Regular Meeting of March 10, 2010
 - d. Worksession Meeting of March 22, 2010
7. **COUNCIL APPOINTMENTS:**
 - a. Tax Assessor
 - b. Department of Environmental Protection
8. **ADMINISTRATIVE AGENDA:
FROM MAYOR ANTONIA RICIGLIANO:**
 - a. Appointment of Anil Patel as a member of the Environmental Commission
9. **REPORTS FROM ALL COUNCIL COMMITTEES:**
10. **POINTS OF LIGHT**
11. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Resolution authorizing 2010 Smart Growth Planning Assistance Grant
 - b. Resolution authorizing acceptance of State of NJ Department of Law and Public Safety, Juvenile Justice Commission Grant
 - c. Resolution authorizing award of contract for Amusement Rides to NJ Partyworks Inc.
 - d. Resolution authorizing award of contract for Flu Vaccines to Seacoast Medical, LLC
 - e. Award of State contract for Automotive Lubricants

- f. Resolution authoring rejection of bid for Truck Lettering and Sign Painting
 - g. Resolution authorizing award of contracts for Medical Supplies
 - h. Resolution authorizing award of contract for a Fence/Backstop to Gino's Fence
 - i. Resolution authorizing award of contract for renovations and repairs to the Edison Memorial Tower Museum to All Jersey Mechanical
12. **FROM THE DEPARTMENT OF FINANCE:**
- a. Report of Disbursements through April 8, 2010
 - b. Resolution authorizing refund of Developer Escrow Fees
 - c. Resolution authorizing additional veteran's deduction to James Lee Carter.
 - d. Resolution authorizing change in the Petty Cash Amount
 - e. Resolution authorizing refund of tax overpayments, totaling \$58,726.96.
 - f. Resolution authorizing refund for duplicate taxi driver's license
 - g. Resolution authorizing refund in the amount of \$289,998.91 for redemption of tax sale certificates
 - h. Resolution authorizing refund of tax sale certificate
 - i. Introduction 2010 Budget Document
13. **FROM THE DEPARTMENT OF HEALTH:**
- a. Interlocal Animal Control Services Agreement with Dunellen
14. **FROM THE DEPARTMENT OF LAW:**
- a. Ordinance amending Section 11-16 entitled "Precious Metal and Gem Businesses"
 - b. Developer's Agreement for Community Hospital Group, t/a JFK Medical Center
 - c. Ordinance amending various sections of the Township Code with references to a Director of Police and effectuating changes in the structure of the Police Department
 - d. Resolution establishing the extent of the Dismal Swamp
15. **FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**
- a. Traffic Control Signal Ordinance for Kilmer Road and Kilmer Court/NJ Transit Driveway
 - b. Resolution authorizing Change Order and Final Contract Payment to Allstate Power Vac., Inc.
16. **FROM THE CHIEF OF POLICE:**
- a. Resolution authorizing acceptance of the Safe and Secure Communities Grant
17. **FROM THE COUNCIL MEMBER OF THE PLANNING BOARD:**

18. **UNFINISHED BUSINESS:**

**ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING,
AND FINAL ADOPTION:**

O.1735-2010 AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE
1 OF TITLE 39 OF THE REVISED STATUTES OF NEW
JERSEY APPLICABLE TO THE CENTRE PLACE AT EDISON
CONDOMINIUM ASSOCIATION, INC.

O.1736-2010 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP
BANK

19. **PROPOSED RESOLUTIONS:**

None

20. **COMMUNICATIONS:**

- a. Electronic Mail Message from Robert Spiegel regarding textile recycling – receive
- b. Letter from Toula and Stratton Nicolas regarding resident only parking for Marion Street – receive and refer to Administration
- c. Electronic Mail Message from Anthony LaGuardia regarding school taxes – receive

21. **DISCUSSION ITEMS:**

Council President Tomaro

- a. Resolution of Recognition – National Library Week (April 14th)
- b. Resolution of Recognition – Girl Scouts Gold Awards (May 12th)
- c. Underground Storage Tanks – permits and fee
- d. Brotherhood Road - paving
- e. Massage Parlors
- f. Larchmont and Marlin – One Way Street Proposal
- g. Gurley Road, Trenton and Woodbridge Avenue – traffic signal
- h. Inman Avenue, Rahway and Tingley Lane – traffic signal
- i. Duclos and Woodbridge Avenue – traffic signal
- j. Twenty- four hour service stations
- k. Appointment of Joan Kapitan to the Housing Authority

Councilmember Diehl

None

Councilmember Karabinchak

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

Councilmember Lankey

None.

Councilmember Mascola

None

Councilmember Perilstein

- a. Resolution of Recognition – Girl Scouts Gold Awards (May 12th)

Councilmember Prasad

None

22. **ADJOURNMENT**

TOWNSHIP OF EDISON
MUNICIPAL RESOLUTION

WHEREAS, the Environmental Commission of the Township of Edison (ECTE) was established during 1978 and reconstituted, last year (2009), 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, ecological and natural 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, 100% (\$1.00:\$1.00/\$10,000) matching funds are required in order for the ECTE to obtain grant funding of \$10,000 from the ANJEC 2010 Smart Growth Planning Assistance Grant Program, of which 50% (\$.50:\$1.00/\$5,000) of the requisite match will be cash (\$5,000) and which the other 50% (\$.50:\$1.00/\$5,000) will be identified as 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, April 14, 2010.

AUTHORIZING ACCEPTANCE OF THE SAFE AND SECURE COMMUNITIES GRANT PROGRAM AWARD IN THE AMOUNT OF \$60,000, WHICH IS ADMINISTERED BY THE NEW JERSEY DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY.

WHEREAS, the Edison Township Council has approved the application and participation with the State of New Jersey in a Safe and Secure Communities Grant Program (Grant No. 4537) by Resolution (R.071-022010); and

WHEREAS, the project is a joint effort between the New Jersey Department of Law and Safety and the Township of Edison; and

WHEREAS, the State of New Jersey, Division of Criminal Justice, has accepted the application, and requests that the award contract be executed and returned to their office no later than April 20, 2010.

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

1. The subject grant is hereby accepted pursuant to the terms and conditions provided in the grant document and the accompanying agreement.
2. The proper Township Officials are hereby authorized to execute the grant documents and to perform all necessary tasks required to implement the grant and to receive the grant funds being authorized by this resolution.

RESOLUTION

WHEREAS, quotes were received for providing amusement rides at its Family Day Fundraiser on May 16, 2010; and

WHEREAS, NJ Partyworks inc., 1819 Rte.35, South Amboy, NJ 08879 has agreed to supply Seven (7) mechanical rides, Four (4) inflatable, interactive attractions and Two (2) Spin art Booths with cards for a flat fee of \$6,754.50; and

WHEREAS, after review of said quotes it has been recommended by the Business Administrator that this contract be awarded to NJ Partyworks Inc., 1819 Rte. 35, South Amboy, NJ 08879; and

WHEREAS, the maximum amount for this contract shall not exceed \$6,754.50; and

WHEREAS, funds for this purpose are available for the above contract in Account No. T-01-55-0279-000-000.

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 NJ Partyworks Inc., in an amount not to exceed \$6,754.50.

CERTIFICATION

I hereby certify that funds in the amount of \$6,754.50 are available for the above contract in Account No. T-01-55-0279-000-000.

Mark E. Acker
Chief Financial Officer

RESOLUTION

WHEREAS, quotes were received for 200 VIALS (10 DOSES PER VIAL) FLU VACCINES; and

WHEREAS, after review of said quotes it has been recommended by the Business Administrator that this contract be awarded to Seacoast Medical, LLC, 13423 Lynam Drive, Omaha, NE 68138; and

WHEREAS, the maximum amount for this contract shall not exceed \$16,990.00; and

WHEREAS, funds for this purpose are available for the above contract in Account No. 0-01-27-0330-000-211.

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 Seacoast Medical, LLC, in an amount not to exceed \$16,990.00.

CERTIFICATION

I hereby certify that funds in the amount of \$16,990.00 are available for the above contract in Account No. 0-01-27-0330-000-211.

Mark E. Acker
Chief Financial Officer

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED
STATE CONTRACT VENDORS FOR CONTRACTING UNITS
PURSUANT TO N.J.S.A. 40A:11-12a
\$10,000.00**

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 Troil Enterprises, LLC, PO Box 419, Kingston, NJ 08528 which has been awarded Contract Number 70845 under T-0097/ AUTOMOTIVE LUBRICANTS: ENGINE/GEAR OILS, GREASES, ATF & HYDRAULIC OIL; and

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

Now, Therefore, Be It Resolved, that the Township of Edison authorizes the Business Administrator to purchase Automotive Lubricants from Troil Enterprises, LLC, approved New Jersey State Contract Vendor pursuant to all conditions applicable to the State contract in an amount not to exceed \$10,000.00; and

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

RESOLUTION

WHEREAS, the Township of Edison advertised for bids, by public notice published in the Home News on February 11, 2010 for Contract No. 10-05-17, TRUCK LETTERING AND SIGN PAINTING; and

WHEREAS, on February 25, 2010, bids were received for the above project and the sole bidder was Edward Peahota, LLC, 10 Damascus Court, Sewell, NJ 08080 in the amount of \$74.99 per hour for Truck Lettering, \$124.00 per hour for Sign Painting, and 10% above cost for Material; and

WHEREAS, this is more than double our current rates for truck lettering and quadruple our rates for sign painting; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that the bid for Contract No. 10-05-17 entitled "TRUCK LETTERING AND SIGN PAINTING" is hereby rejected pursuant to N.J.S.A 40A:11-13.2A & B.

RESOLUTION

WHEREAS, bids were received for Contract No. 08-06-03, MEDICAL SUPPLIES; and

WHEREAS, a portion of the contract was awarded to School Health Corporation, 865 Muirfield Drive, Hanover Park, IL 60133 for the first year and that first year allotment has been depleted; and

WHEREAS, it has been recommended by the Business Administrator that the second year of this contract be awarded, and

WHEREAS, the maximum amount for this contract cannot be determined at this time, and the total amount of the award of this contract cannot be encumbered; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with School Health Corporation in an amount not to exceed \$5,000.00.

RESOLUTION

WHEREAS, bids were received for Contract No. 08-06-03, MEDICAL SUPPLIES; and

WHEREAS, a portion of the contract was awarded to V.E. Ralph & Son, Inc., 320 Schuyler Avenue, Kearny, NJ 07032 for the first year and that first year allotment has been depleted; and

WHEREAS, it has been recommended by the Business Administrator that the second year of this contract be awarded, and

WHEREAS, the maximum amount for this contract cannot be determined at this time, and the total amount of the award of this contract cannot be encumbered; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with V.E. Ralph & Son, Inc. in an amount not to exceed \$85,000.00.

RESOLUTION

WHEREAS, quotes were received TO SUPPLY AND INSTALL A FENCE/BACKSTOP AT JAMES ELDER PARK, 1070 GROVE AVENUE; and

WHEREAS, after review of said quotes it has been recommended by the Business Administrator that this contract be awarded to Gino's Fence, 11 Dey Place, Edison, NJ 08817; and

WHEREAS, the maximum amount for this contract shall not exceed \$7,400.00; and

WHEREAS, funds for this purpose are available for the above contract in Account No. T-23-00-0000-000-001.

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 with Gino's Fence, in an amount not to exceed \$7,400.00.

CERTIFICATION

I hereby certify that funds in the amount of \$7,400.00 are available for the above contract in Account No. T-23-00-0000-000-001.

Mark E. Acker
Chief Financial Officer

RESOLUTION

WHEREAS, sealed bids were received for Contract No. 10-01-28, HC ACCESSIBILITY RENOVATIONS AND LIMITED SCOPE REPAIRS FOR THE EDISON MEMORIAL TOWER MUSEUM, 37 CHRISTIE STREET, EDISON, NJ; and

WHEREAS, after review of said bids and based on the recommendation by the Edison Memorial Tower Museum's Architect, it has been recommended by the Business Administrator that this contract be awarded to All Jersey Mechanical, 77 Cliffwood Ave 4C, Cliffwood, NJ 07721; and

WHEREAS, the maximum amount for this contract shall not exceed \$109,165.00; and

WHEREAS, funds for this purpose are available for the above contract in Account Numbers T-14-08-0510-001-522 and C-04-03-1352-382-003; and

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 All Jersey Mechanical, in an amount not to exceed \$109,165.00.

CERTIFICATION

I hereby certify that funds in the amount of \$109,165.00 are available as follows:

T-14-08-0510-001-522 - \$30,645.00
C-04-03-1352-382-003 - \$78,520.00

Mark E. Acker
Chief Financial Officer

RESOLUTION

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow Fees posted by Sanket Corporation for a project located at 175 Talmadge Road in Block: 48, Lot: 12 and Application #P5015; and

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

WHEREAS, on April 2, 2007, Sanket Corporation posted fees on deposit with the Township of Edison in account #7760216724 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 \$311.25 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Sanket Corporation; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$311.25 plus accrued interest, if applicable, be refunded to Sanket Corporation, 175 Talmadge Road, Edison, New Jersey 08817.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$311.25, plus accrued interest, if applicable, in account #7760216724 to the applicant.

RESOLUTION

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow Fees posted by Oak Tree Surgery Center, LLC for a project located at 1921 Oak Tree Road in Block: 557.EE, Lot: 3.B2 and Application #Concept; and

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

WHEREAS, on August 1, 2006, Oak Tree Surgery Center, LLC posted fees on deposit with the Township of Edison in account #7200025172 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 \$207.24 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Oak Tree Surgery Center, LLC; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$207.24 plus accrued interest, if applicable, be refunded to Oak Tree Surgery Center, LLC, c/o Gastroenterology Associates of New Jersey, 1921 Oak Tree Road, Suite 101, Edison, New Jersey 08820.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$207.24, plus accrued interest, if applicable, in account #7200025172 to the applicant.

RESOLUTION

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow Fees posted by Robert Behot for a project located at 55 Runyon Avenue in Block: 817, Lot: 31 and Application #Concept; and

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

WHEREAS, on July 30, 2008, Robert Behot posted fees on deposit with the Township of Edison in account #7760295954 for Developers Escrow fees; and

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

WHEREAS, it is in now in order that the sum of \$500.00 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Robert Behot; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$500.00 plus accrued interest, if applicable, be refunded to Robert A. Behot, 495 Knoll Road, Bridgewater, New Jersey 08807.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$500.00, plus accrued interest, if applicable, in account #7760295954 to the applicant.

RESOLUTION

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow Fees posted by Venkata Paruchuri for a project located at 344 Plainfield Road in Block: 82, Lot: 3.C and Application #Concept; and

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

WHEREAS, on July 30, 2008, Venkata Paruchuri posted fees on deposit with the Township of Edison in account #7760295955 for Developers Escrow fees; and

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

WHEREAS, it is in now in order that the sum of \$500.00 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Venkata Paruchuri; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$500.00 plus accrued interest, if applicable, be refunded to Venkata Paruchuri, 15 Norman Street, Edison, New Jersey 08837-3238.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$500.00, plus accrued interest, if applicable, in account #7760295955 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, James Lee Carter, 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 May 15, 2008; and

WHEREAS, real estate taxes on this property known as Block 690-P Lot 14, 3 Timothy Court, have been paid for 2008 and 2009; 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; and

WHEREAS, property taxes that were paid for 2009 were refunded pursuant to R.602-102009 dated October 15, 2009.

NOW, THEREFOR, BE IT RESOLVED by the Township Council of the Township of Edison that property taxes paid on Block 690-P Lot 14, assessed to James Lee Carter, be refunded from his assignment date of May 15, 2008 through December 31, 2008; and

BE IT FURTHER RESOLVED that the Chief Financial Officer of the Township of Edison draw a check to the order of James Lee Carter for taxes he paid for this time period in the amount of \$5,763.73.

Resolution

No. _____

**RESOLUTION AUTHORIZING A CHANGE IN THE PETTY CASH AMOUNT
FOR THE TOWNSHIP OF EDISON**

WHEREAS, the Township Council of the Township of Edison has heretofore adopted a resolution, pursuant to the provisions of N.J.S.A. 40A:5-21, providing for the establishment of a Petty Cash Fund for the Township of Edison, in the amount of \$2,500.00; and

WHEREAS, the Custodian of Record for the Township of Edison, Mark E. Acker, Chief Financial Officer, has indicated the need to decrease the Petty Cash Fund to \$200.00 and it is the desire of the Township Council of the Township of Edison to decrease said fund to \$200.00; and

WHEREAS, Mark E. Acker, is bonded in the amount of \$1,000,000.00 by virtue of a surety bond.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Edison that the Petty Cash Fund for the Township of Edison be and the same is hereby decreased to \$200.00.

BE IF FURTHER RESOLVED that two certified true copies of this resolution with attachments be forwarded to the Director of the Division of Local Government Services of the State of New Jersey, for approval.

RESOLUTION

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 \$58,726.96 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.

APRIL 14, 2010

**AUTHORIZING REFUND OF \$50.00 TO AN EDISON TAXI DRIVER
WHOSE TAXI DRIVER'S LICENSE WAS INADVERTANTLY
DUPLICATED.**

WHEREAS, Raghujit Singh Mangat, 40 Larch Street, Carteret, NJ, 07008 submitted his taxi driver's license application and \$50.00 to obtain a license to drive his own taxi in Edison; and

WHEREAS, he already had an Edison taxi driver license, it was not necessary to obtain another to drive his own taxi; and

WHEREAS, Mr. Mangat has requested a refund of his duplicated payment; and

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

WHEREAS, all paperwork pertaining to the duplicated license has been submitted to the Township

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

The Director of Finance is hereby authorized to refund \$50.00 to Raghujit Singh Mangat in this matter and to perform any and all appropriate actions necessary to accomplish this refund and to adjust the records of the Township accordingly.

RESOLUTION

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 \$289,998.91.

April 14, 2010

RESOLUTION

WHEREAS, the Township of Edison included block 319 lot 21 in a tax sale held on June 26, 2008 and the property was struck off to the Township of Edison as Tax Sale Certificate 08-00507; and

WHEREAS, Tax Sale Certificate 08-00507 was included in an In Rem foreclosure action filed on October 14, 2009; and

WHEREAS, on April 5, 2010 a prior lienholder, Bruce Putz, of Tax Sale Certificate 07-325 redeemed Tax Sale Certificate 08-00507 to protect his interests in the property; and

WHEREAS, incorrect legal fees of \$750.00 were included in the redemption total when the correct amount is \$583.00; and

WHEREAS, it is in now in order that the sum of \$167.00 be refunded to Bruce Putz, 308 Ainsworth Street, Linden, New Jersey 07036; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$167.00 be refunded to Bruce Putz, 308 Ainsworth Street, Linden, New Jersey 07036.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$167.00 to Bruce Putz, 308 Ainsworth Street, Linden, New Jersey 07036.

EXPLANATION: This Resolution authorizes the Mayor and the Township Clerk to execute an Interlocal Service Agreement with the Borough of Dunellen.

**EDISON TOWNSHIP
RESOLUTION**

WHEREAS, The Interlocal Services Act, N.J.S.A. 40:8-1 et seq. authorizes municipal local units to enter into contracts with one another for the purpose of providing shared services; and

WHEREAS, The Borough of Dunellen is desirous of procuring Animal Control Shelter Services for the period of March 15, 2010 through December, 31 2012 inclusive, to comply with the laws of the State of New Jersey; and

WHEREAS, The Township of Edison is desirous of supplying and undertaking the duties of Animal Control Shelter Services and fulfilling the obligations thereof as prescribed by law; and

WHEREAS, the Borough of Dunellen represents that the funds to meet the costs of this contract are included in the current budget of appropriations, or in the alternative, that there has been and there will continue to be an Ordinance authorizing the appropriation sufficient to meet the costs of carrying out the provisions of the contract.

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

1. The Mayor and Township Clerk are hereby authorized to execute the attached interlocal service agreement with the Borough of Dunellen for the purpose of providing Animal Control Services to said Borough.
2. The Township Clerk is directed to forward and execute interlocal service agreement to the Dunellen Borough Clerk, at 355 North Avenue, Dunellen, N.J. 08812, with the instructions to return a fully signed copy to the Township for its records.

Explanation: This Ordinance amends section 11-16 of the Township's Code entitled "Precious Metal and Gem Businesses".

EDISON TOWNSHIP

ORDINANCE

BE IT ORDAINED, by the Township Council of the Township of Edison, Middlesex County, State of New Jersey that Chapter.11 entitled "General Licensing and Business Regulations" is hereby amended as follows:

SECTION I. Section 11-16 of the Township's Code entitled "Precious Metal and Gem Businesses" is hereby amended to read as follows:

11-16.1 [Written Record of Purchases Required] **Definitions**

[Any person, partnership or corporation in the full-or part-time business of purchasing gold, silver, precious metals and gems in Edison Township shall maintain a written record of all purchases].

- a.* Pawnbroker shall mean any person, partnership, association or corporation lending money on deposit or pledge of personal property, other than choses in action, securities, or printed evidences of indebtedness; or purchasing personal property on condition of selling it back at a stipulated price; or doing business as furniture storage warehouseman and lending money on goods, wares or merchandise pledged or deposited as collateral security.
- b.* Person shall mean individual natural persons, partnerships, joint ventures, societies, associates, clubs, trustees, trusts, corporations or unincorporated groups or any officers, agents, employees, servants, factors or any kind of personal representatives of any thereof, in any capacity, acting either for himself or for any other person under either personal appointment or pursuant to law.
- c.* Pledge shall mean an article or articles deposited with a pawnbroker in the course of his business.
- d.* Pledger shall mean a person who delivers the pledge into the possession of a pawnbroker, unless such person discloses that he is or was acting for another, and in such an event "pledger" means the disclosed principal.
- e.* Precious metals and gems shall mean items comprised of gold, silver, platinum, palladium and alloys thereof, gems, coins, containing precious metals and all forms of previously owned jewelry which contain precious metals.

- f. Precious metals and gems buyer shall mean a person engaged in the business of purchasing metals, gems, coins, containing precious metals and all forms of previously owned jewelry, either as a primary business or in connection with another business, from any person who is not in the business of selling precious metals as required under N.J.S.A. 51:6A-1 to 51:6A-8 including but not limited to businesses commonly referred to as “jewelry stores.”*
- g. Secondhand goods shall mean all forms of previously owned goods, including but not limited to: antiques, furniture, watches, china, crystal, paintings, precious metals and gems and goods containing precious metals and gems.*

11-16.2 [Format of Record.] **Purpose and Intent**

[The record shall be in a book, non-loose-leaf form, with all pages numbered in sequence. All entries shall be made in pen or ink. There shall be no spaces between entries, and each entry shall be numbered in sequence.]

The purpose and intent of this Section, 11-16.1 et seq., is to provide licensing and regulation of individuals dealing in precious metals, gems, second hand goods and pawn brokering to protect the residents of Edison, and those transacting business in the Township of Edison as permitted, in part, by N.J.S.A 51:6A-1 et seq. Further, the licensing and regulations of these individuals will further assist the Edison Police Department and others in recovering stolen goods. In addition, in regard to precious metals and gems, this Section, 11-16.1 et seq., shall be complied with in addition to the laws, rules and regulations as contained in N.J.S.A. 51:6A-1 et seq. and N.J.A.C. 13:47C-1.1 et seq.

11-16.3 [Contents of Record] **License Requirement.**

[The record shall contain the following information:

- a. The date of sale;
- b. The name and address of the seller;
- c. A detailed description of items purchased;
- d. The purchase price.]

Any person, partnership or corporation in the full-or part-time business of purchasing gold, silver, precious metals and gems in Edison Township shall maintain a written record of all purchases precious metals or jewels in the Edison Township must, prior to engaging in such business, be duly licenses by the Township. The licensing procedure is to be accomplished as follows.

11-16.4 [Identification of Seller.] **Registration Form.**

[The purchaser shall require that the seller present current, reliable identification. The record shall reflect the nature of the identification presented.]

- a. The business entity shall authorize a representative to complete a registration application.
- b. The registration application shall be made available to persons wishing to secure same through the Township Clerk's office.
- c. The registration shall thereafter be filed with the Chief of Police or his designee.
- d. The registration form shall be executed by that person or persons who are responsible for the day-to-day operation of the business. Where a corporation is involved, the president of the corporation shall sign same, and, where partnerships are involved, the managing partner shall sign same.
- e. The registration form shall contain the following information:
 - 1. The names and current addresses and telephone numbers of all principals of the business. If the business is a corporation, then the information shall include the names and current addresses and telephone numbers of all stockholders.
 - 2. The place or places where the business entity shall operate from, as well as a listing of the hours when the entity proposes to conduct business.
 - 3. The names and addresses of three (3) business references,

4. A statement by the applicant that no principal of the business entity has any arrests or convictions of any crimes. In cases of a corporation, the certification shall apply to all stockholders. If there is an arrest or conviction record, same must be disclosed.

5. A list of business and home addresses of all principals of the business for the past five (5) years.

6. The registration must also include a photograph of the person who will manage the day-to-day operation of the business,' and that individual must also agree to be fingerprinted by the Division of Police.

11-16.5 [Inspection] Effect on Existing Business

[The purchaser shall make the record available for inspection to any law enforcement officer, upon demand, without the need for advance notice. The record shall be kept at the purchaser's business premises.]

As to those business entities which are governed by this section and who are already doing business in the Township prior to the effective date of this section, then the businesses shall be licensed within thirty (30) days of the effective date of this section.

11-16.6 [Violations; Penalties.] Fee; Term.

[Any person who shall violate any provision of this section or shall fail to comply with any of the requirements thereof shall, upon conviction thereof, be liable to the penalty stated in Chapter I, Section 1-5. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.]

The annual fee for the license shall be one hundred (\$100.00) dollars. All such licenses shall be issued for a period of one (1) year commencing January 1 and expiring December 31 next following the date of issuance, and there shall be no rebate for any lesser time. The license shall be conspicuously exhibited upon the premises licensed thereunder.

11-16.7 Record Required.

Any person, partnership or corporation in the business of buying precious metals or gems who buys, attempts to buy or offers to buy precious metals or gems on the basis of bulk value from any person who is not in the business of selling precious metals or gems in Edison Township shall maintain a written record of all purchases and shall be subject to this section

11-16.8 Form of Record.

The record shall be in a book, non-loose-leaf fowl, with all pages numbered in sequence. All entries shall be made in pen or ink. There shall be no spaces between entries, and each entry shall be numbered in sequence.

11-16.9 Contents of Record.

The record shall contain the following information:

- a. Date of sale.
- b. Name and address of seller, sex, date of birth, telephone number, social security number if available.
- c. Detailed description of items purchased including the weight of any precious metal purchased.
- d. Purchase price.

11-16.10 Identification of Seller.

The purchaser shall require that the seller present two (2) current and reliable forms of identification. One of the forms of identification shall bear a photograph of the seller. The record shall reflect the nature of the identifications presented.

11-16.11 Availability of Record for Inspection

The purchaser shall make the record available for inspection to any law enforcement officer, upon demand, without the need for advance notice. The record shall be kept at the purchaser's business premises. The records shall be maintained for two (2) years from the date of purchase

11-16.12 Inspections

Each dealer doing business in Edison Township shall deliver to the Chief of Police or his designee, on forms prescribed by the Edison Township Division of Police a description of all items purchased, received or sold, within twenty-four (24) hours of the completion of the transaction, except for transactions conducted on Saturday in which said list shall be delivered to the Police Department by no later than 12:00 noon of the Monday following.

11-16.13 Prohibition.

No dealer shall sell, melt, change the form of or dispose of any articles purchased or received for a period of ten (10) days from the date the notification is made to the Chief of Police or his designee. All such items shall remain on the premises where the purchase was made until the expiration of the time period set forth herein

11.16.14 **Violations; Penalties.**

Any person who shall violate any provision of this section or shall fail to comply with any of the requirements thereof shall, upon conviction thereof, be liable to the penalty stated in Chapter I, Section 1-5. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues

SECTION II. This ordinance shall take effect twenty (20) days after the adoption and approval by Mayor in accordance with N.J.S.A 40:69A:181(b).

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

Note to Codifier: Deleted provisions indicated by brackets [New provision indicated in underline.

EXPLANATION: This Resolution authorizes the Mayor and Township Clerk to execute the attached Developer's Agreement with The Community Hospital Group, t/a JFK Medical Center in connection with the property identified as Block 643-EE, Lots 17-U-4, 17-S, 18-J-3 and 17-U-3, on the Edison Township tax map (the "Property").

EDISON TOWNSHIP RESOLUTION

NO. R. _____ - _____

WHEREAS, the Property was the subject of an application before the Planning Board of the Township of Edison (hereinafter the "Board"), for final site plan and variance approval to construct a four-story addition to one (1) existing building, where the emergency room is, in addition to interior modifications to the existing emergency room and increasing on-site parking on the Property (the "Project"); and

WHEREAS, the Board granted the requested preliminary site plan and variance approval on December 14, 2009 and memorialized the same by Resolution adopted on January 12, 2010; and

WHEREAS, the Board granted the requested final site plan and variance approval and memorialized the same by Resolution adopted on January 14, 2010; and

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

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

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

1. The Mayor and Township Clerk are hereby authorized to execute the Developer's Agreement with the Developer in the form annexed hereto.
2. The Township Clerk is hereby authorized to forward the original and certified copies of the Developer's Agreement to the Township Attorney for recording with the Clerk of the County of Middlesex.
3. The Township Clerk is also directed to forward a copy of this Resolution, once adopted, to the Township Attorney and Township Engineer for their records.

EXPLANATION: This ordinance amends various sections which contain references to a Director of Police of the Township Code and effectuates the changes in the structure of the Police Department as recommended in the Division of Local Government Services report dated June, 2007.

EDISON TOWNSHIP

ORDINANCE O.____-2010

WHEREAS, by Ordinance 0.1607 - 2008 the position of Director of Police was eliminated from the Township Code, however, various references to a Director of Police in the Township Code were not removed, and/or there is some confusion as to whether certain references were properly removed and therefore this Ordinance removes those references and replaces the references with the appropriate person(s).

WHEREAS, an analysis of the operation and structure of the Edison Township Police Department was conducted by the State of New Jersey, Department of Community Affairs, Division of Local Government Services "DCA" who issued a report dated June, 2007, entitled: "A study to analyze and submit recommendations to the Police Department of the Township of Edison." This ordinance effectuates the changes in the staffing structure of the Police Department as recommended in the report and as set forth in new Sections 2-28.2(a) (1) through (7) below except that this Ordinance increases the number of Patrol Officers from the DCA recommended number of 135 to 140 and increases the number of Sergeants from the DCA recommended number of 31 to 32.

BE IT ORDAINED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that Chapter 2 entitled "Administration" is hereby amended as follows:

SECTION I. Section 2-27 entitled "MAYOR'S AUTHORITY TO SUPERVISE THE DIVISIONS OF FIRE AND POLICE" is hereby amended as follows:

CHAPTER II ADMINISTRATION

Article III Departments

2-27 MAYOR'S AUTHORITY TO SUPERVISE THE DIVISIONS OF FIRE AND POLICE.

2-27.1 [Director of Public Safety;]Appropriate Authority.

Within the Department of Administration there shall be a Division of Fire and Division of Police. Any and all functions, duties or responsibilities which are assigned to the Director of Public Safety by this Code for the Division of Fire shall be assigned to the Mayor. Any and all functions, duties or responsibilities which are assigned to the Director of Public Safety by this Code for the Division of Police shall be assigned to the [Police Director] Mayor. The [Police Director] Mayor shall be designated as the "appropriate authority" as provided by N.J.S.A. 40A:14-118. In the absence of [a Police Director,] the Mayor, the Business Administrator is designated as the "appropriate authority" as provided by N.J.S.A. 40A:14-118. The [Police Director] appropriate authority shall promulgate and adopt such rules and regulations [of] for the government of the Division of Police and for the discipline of its members.

SECTION II. Section 2-28 entitled "DIVISION OF POLICE" is hereby amended as follows:

2-28 DIVISION OF POLICE.

2-28.1 Established; Police [Director] Chief; Appointment.

The Police Force heretofore established by ordinance is continued as the Division of Police and is subject to all laws and ordinances relating to a municipal Police Department. The head of the Division shall be the [Police Director] Chief of Police, who shall be appointed by the [Director of Public Safety] Mayor and shall be the executive head of the Division.

2-28.2 Personnel of Division of Police.

- a. The maximum complement of the Division of Police in the Township is as follows:
 - [1. One (1) Police Director; and
 2. One (1) Chief of Police; and
 3. Two (2) Deputy Chiefs of Police; and
 4. Ten (10) Captains of Police; and
 5. Thirty-two (32) Lieutenants of Police; and
 6. Thirty-five (35) Sergeants of Police; and
 7. One hundred seventy-five (175) Patrol Officers; and

8. Four (4) Parking Enforcement Officers.]

1. One (1) Chief of Police; and

2. One (1) Deputy Chief of Police; and

3. Four (4) Captains of Police; and

4. Sixteen (16) Lieutenants of Police; and

5. Thirty-two (32) Sergeants of Police; and

6. One hundred forty (140) Patrol Officers; and

7. Four (4) Parking Enforcement Officers.

b. The actual complement shall be as determined to be needed by the [Police Director] Mayor, who shall take into consideration the general economic climate and the economic situation of the Township and the real need for the complement in each rank, and shall be appointed by the [Police Director] Mayor, from time to time, all of whom shall act and be known as Police Officers of the Township.

2-28.3 Functions of Division of Police.

The Division of Police shall, within the Township, preserve the peace, protect life and property, prevent and detect crime. It shall have all the functions, powers and duties prescribed by law for a municipal Police Department, generally, or by any provision of the Charter and ordinances relating to the Township Police Department, [Police Director] Mayor, the appropriate authority, Chief of Police or the officers and persons of the Department.

2-28.4 Police Authority.

a. The Police Force is established by authority of the Township ordinance, subsection 2-28.1 of this chapter. The Police Force is continued as to the Division Police and is subject to all laws and ordinances relating to a Municipal Police Department. The Head of the Division shall be the [Police Director] Chief of Police.

b. [Authority. The powers and duties of the Police Department are established by authority of subsection 2-28.3. The Division of Police shall, within the Township, preserve the peace, protect life and property, and prevent and detect crime. It shall have all the functions,

powers and duties described by law for a municipal Police Department generally, or by any provision of the Chapter and ordinances relating to the Township Police Department, Police Director, Chief of Police or the officers and men and women of the department.] The Police Department shall:

1. Preserve the public peace, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the Township, suppress riots, mobs and insurrections, disburse unlawful or dangerous assemblages and preserve order at all elections and public meetings and assemblages;

2. Administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic and the use of streets by vehicles and persons, and make rules and regulations, not inconsistent with the Charter, ordinance and general law, for such a purpose;

3. Remove all nuisances in the public streets, parks and other public places; and inspect and observe all places of public amusement and assemblage and all places of business requiring any State or municipal license or permit;

4. Provide proper Police attendance and protection at fires;

5. Enforce the laws and ordinances in effect within the Township and prevent the violation of them by any person; and apprehend and arrest all persons legally charged with the violations of any law or ordinance;

6. Provide for the attendance of its Police Officers or civilian employees in court as necessary for the prosecution and trial of persons charged with crime and other violations of the law, and cooperate fully with the law enforcement and prosecuting authorities of Federal, State and County governments;

7. Operate a training program to maintain and improve the Police efficiency of the members of the Department.

[8. Make, administer and enforce, adopt and promulgate rules and regulations for the government of the force and for the disposition, conduct and discipline of the members of the Division; for this purpose, the Police Director shall be the appropriate authority to promulgate same.]

2-28.5 Rules and Regulations for Governance.

The appropriate authority as established in this chapter, and in accordance with N.J.S.A. 40A:14-118, shall make, administer and enforce, adopt and promulgate rules and regulations for the governance of the Police Division and for the disposition, conduct and discipline of its members.

2-28.6 Executive Office.

The [Police Director] Chief of Police shall be the executive officer of the Division of Police.

[2-28.7 Duties of Police Director

The Police Director shall be charged with the duties of supervising the Division of Police in all areas and aspects as it shall impact upon policy and the good order and discipline of the Division and shall adopt rules and regulations for the Division of Police and establish policies for the daily operation of the Division of Police and the discipline of its members. These duties shall be consistent with the authority permitted to be vested in the Police Director pursuant to N.J.S.A. 40A:14-118 and shall include, but not be limited to:

- a. Have charge of and responsibility for all property of the Township used by the Division of Police.
- b. Keep a record of all business transacted by the Division of Police and shall approve all bills for the expense of the Division.
- c. Keep and maintain an accurate record and submit an annual report to the Mayor and Township Council, on or before January 1, which report shall assess the operations of the Division, and its personnel, equipment and property.
- d. Keep and maintain all records, reports, documents and data required to be kept and maintained by the Federal and/or State government and/or any of their respective subdivisions.
- e. Keep and maintain a record of all appointments, dismissals, removals, resignations and deaths of officers as they take place, with such other information as may be necessary.
- f. Have responsibility for developing the annual budget for the Division of Police and shall be responsible for overseeing any and all expenditures of the Division.
- g. Analyze crime trends and statistics to ensure that the Division makes the best use of available funds, personnel, equipment and supplies.
- h. Evaluate effectiveness of work programs and procedures of all units and bureaus within the Division and develop effective work methods for subordinates.
- I. Undertake special studies pertaining to public safety functions and promote close coordination of planning efforts.
- j. Establish and maintain helpful and cooperative relations with civic and business organizations, schools, and court offices, and with other groups and police authorities and other jurisdictions, and with others interested in the maintenance of law and order.]

[2-28.8] 2-28.7 Police Chief.

If a Police Chief is appointed, he/she shall exercise any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police as set forth in N.J.S.A. 40A:14-118 and other rights, authorities, powers and responsibilities not reserved solely to the Chief of Police by statute as delegated by the [Police Director] Mayor or appropriate authority. If a Police Chief is not appointed, any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police as set forth in N.J.S.A. 40A:14-118 that cannot be performed by the [Police Director] Mayor or appropriate authority shall be delegated to a Deputy Chief of Police as designated by the [Police Director] Mayor.

[2-28.9 Appointment; Removal from Office.

a. The Police Director shall be appointed by the Mayor and shall serve during the term of the office of the Mayor appointing him, and until the appointment and qualification of his successor.

b. The Police Director shall serve at the pleasure of the Mayor and may be removed by the Mayor at his discretion.]

SECTION III. Section 2-29 entitled "ENTRY LEVEL AND PROMOTIONAL CRITERIA" is hereby amended as follows:

2-29 ENTRY LEVEL AND PROMOTIONAL CRITERIA

2-29.1 Findings.

The Township Council finds that promulgation of appropriate and consistent standards for the hiring and promotion of Police Officers serves the public interest in the following ways:

a. The public is informed and made aware of the criteria pursuant to which such appointments are made.

b. Police Officers currently serving the Township can properly prepare themselves to be eligible for promotion to the next rank.

c. Persons wishing to apply for positions as Police Officers are able to learn and prepare to meet the hiring criteria.

d. Appointments and promotions may be made free of the likelihood of the appearance of arbitrariness.

2-29.2 Entry Level Criteria Established.

a. Applicants for employment as Police Officers must meet the following qualifications:

1. Be a citizen of the United States and a resident of New Jersey by the date of appointment;
2. Be between eighteen (18) and thirty-five (35) years of age;
3. Have good moral character and not been convicted of criminal offense involving mortal turpitude;
4. Be in good physical condition;
5. Be able to read, write and speak the English language conversantly and intelligently;
6. Possess a valid New Jersey driver's license by date of appointment;
7. Shall possess a minimum of sixty (60) credits from an accredited college or university. In lieu of the minimum of sixty (60) college credit requirement, an applicant shall have completed two (2) years of active military service with an honorable discharge and be a high school graduate or equivalent; or have two (2) years of active service in a federal, state, county or municipal law enforcement agency; or have been a member of the Edison Police Auxiliary for a period of two (2) years.
8. Be of sound body and of good health sufficient to satisfy the Board of Trustees of the Police and Firemen's Retirement System of New Jersey as to his/her eligibility;
9. Be psychologically fit to perform all the duties of a Police Officer;
10. Meet such other requirements as are established in the police rules and regulations;
11. Be physically capable of meeting the mandated firearms qualifications mandated by the Attorney General's guidelines.

b. No person shall be hired, or rehired, if that person has ever pled guilty or been convicted of an indictable offense in this State, or any State; or receive the benefit of pre-trial intervention, or an equivalent diversionary program, arising out of an indictable offense, in this or any other State. No person shall be hired or rehired, if that person has pled guilty, been found

guilty, or enrolled in any diversionary program arising from any disorderly or petty disorderly persons offense if such offense involves moral turpitude.

2-29.3 Entry Level Officers.

a. The [Director of Police (the "Director")] Mayor or appropriate authority shall employ one (1) of the following two (2) procedures for accepting applications for the position of entry level Police Officer. The [Director] Mayor or appropriate authority reserves the right to utilize either or both of the following procedures in whatever order of preference he/she chooses.

1. Procedure 1: Any person who has attended and has successfully graduated from a certified New Jersey police training school may be hired by the Mayor.

2. Procedure 2: Police Training Procedure: This procedure will allow the [Director] Mayor or appropriate authority to limit applicants to person(s) who meet the following criteria and examinations and provided that they are PTC (New Jersey Police Training Commission) certified [or who are presently attending a certified New Jersey police training school] at the time of hire. In such case, the following selection criteria shall be used:

(a) [When a hiring need arises, precertified or pending certification applicants will be required to participate in an oral interview given by a ranking officer from within the Division designated by the Director. A list of applicants passing this interview will be established and these applicants may move onto the next phase. Such interview opportunities will be periodic and all applicants passing the interview will be added to the list of qualified, certified or pending certification candidates.] All applicants for the position of entry level police officer will be administered the following tests which will be weighted as indicated:

- (I) Written test eighty percent (80%): to be administered by an outside agency and applicants must achieve a score of seventy percent (70%) or higher.
- (ii) Oral board twenty percent(20%): The oral board will consist of representatives of the Mayor, the Chief of Police and three (3) additional members selected by the Mayor. Each applicant will report at an assigned time to meet the board, The applicant will be required to write a short composition on an assigned question. The applicant will then appear before the board, which will evaluate the applicant's ability to answer questions, think and communicate.
- (iii) Any applicant who is also a veteran as defined in N.J.S.A. 11A:5-1b shall receive a bonus of two (2) points added to his or her final score.

(b) A background check will be conducted on each applicant qualified to this point. Those passing the background check are eligible for the next phase.

(c) The eligible applicant shall undergo an oral interview by the [Director] Mayor. Those passing this interview will be eligible for selection as a Police Officer and the [Director] Mayor may offer a conditional position.

(d) The candidate accepting the tentative offer shall undergo a medical and psychological examination, which shall be conducted by a licensed physician and licensed psychologist select by and paid by the Township.

(e) The applicants passing the aforesaid examinations shall be classified by residency, with a preference for residency as follows and in accordance with the provisions of N.J.S.A. 40A:14-123.1a:

I. Residents of the municipality.

II. Other residents of the county in which the municipality is situate.

III. Other residents of the State.

IV. All other qualified applicants.

(f) The [applicant] applicants passing the aforesaid examinations shall be selected by the [Director] Mayor to fill police officer vacancies, provided that they have completed and received PTC certification at the time of hire. The Mayor reserves the right to use the "Rule of Three" when selecting those individuals to be hired. New appointees hired under this procedure will serve a probationary period as required by the Division of Police Policy Manual.

[2. Letters of Interest Procedure: This procedure will allow the Director to accept letters of interest for those seeking employment who are not either PTC certified or currently attending a certified New Jersey police training school. In such case, the following selection criteria shall be used:

(a) Applicants selected through this screening process will be required to participate in an oral interview given by a ranking officer within the Division designated by the Director. A list of applicants passing this interview will be established and these applicants may move to the next phase. Such interview opportunities will be periodic and all applicants passing the interview will be added to the list of qualified, screened applicants.

(b) A background check will be conducted on each applicant qualified to this point. Those passing the background check are eligible for the next phase.

(c) The eligible applicant shall undergo an oral interview by the Director. Those passing this interview will be eligible for selection as a Police Officer and the Police Director may offer a conditional position.

(d) The person accepting the tentative offer shall undergo a medical and psychological examination, which shall be conducted by a licensed physician and licensed psychologist select by and paid for by the Township.

(e) The applicant passing the aforesaid examinations shall be selected by the Director to fill police officers vacancies, provided that they have completed and received PTC certification at the time of hire.

New appointees hired under this procedure will serve a probationary period as required by Division of Police Policy Manual.]

b. Application.

1. All applicants shall complete a detailed application which will be thoroughly investigated. Failure to pass the background investigation will disqualify an applicant. Major areas of concern which can lead to disqualification are:

- (a) Criminal history;
- (b) Continuous poor driving record;
- (c) Falsification of any information required of the applicant (given at any time);
- (d) Other negative information uncovered by investigators.

2. Final determination as to passage or failure of the background investigation will be made by the [Police Director] Chief of Police or his designee.

c. Applicants will be required to pass a physical examination and a psychological/psychiatric examination prior to appointment.

d. New appointees will be required to attend Police Academy (if necessary) and serve a probationary period as required by law.

e. All applicants shall be charged a non-refundable fee of fifty dollars (\$50.00) and any fees borne by Edison for criminal background checks, finger printing and the like. An applicant who can establish to the satisfaction of the Mayor that he or she is indigent will have the fee waived

2-29.4 Parking Enforcement Officer.

There is hereby established the position of Parking Enforcement Officer for the Township of Edison. Such officers must be trained pursuant to N.J.S.A. 40A:9-154.7 et seq. and shall have all of the powers, duties and responsibilities established by the aforesaid statutes, which shall include, but shall not be limited to those set forth in subsection 2-29.4.1 below.

2-29.4.1 Duties of Parking Enforcement Officer.

- a. Issue parking tickets for parking offenses as those terms are defined in the Parking Offenses Adjudication Act (N.J.S.A. 39:4-139.2 et seq.).
- b. Serve and execute all process for any parking offense.
- c. Cause any vehicle parked, stored or abandoned in the municipality in violation of a statute, ordinance or regulation to be towed away from the scene of the violation and to collect from the vehicle owner or owner's agent, on behalf of the municipality, the cost of the towing and subsequent storage of the vehicle before surrendering the vehicle to the owner or agent.
- d. Such other duties as may be determined by the [Director of Police] Mayor or appropriate authority.

2-29.4.2 Qualifications.

No person shall be appointed to the position of Parking Enforcement Officer within this municipality unless her or she meets the following qualifications:

- a. Is a resident of this State during the term of appointment and has a valid New Jersey Drivers License,
- b. Is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent;
- c. Is sound in body and of good health;
- d. Is of good moral character;
- e. Has not been convicted of any offense involving dishonesty or which would make him unfit to perform the duties of this office.

2-29.4.3 Limitations of Parking Enforcement Officer

- a. The position of Parking Enforcement Officer shall be a temporary position only.
- b. No person shall be appointed to this position for a term exceeding one (1) year.

c. No person, by virtue of appointment, shall be or become a member of the Division of Police.

d. Any person appointed shall be subject to all rules and regulations of the Division of Police.

2-29.4.4 Appointment of Parking Enforcement Officer

Subject to the above qualifications and limitations, the [Director of Police] Mayor or appropriate authority shall make all appointments, limited to four (4) in number, to the position of Parking Enforcement Officer.

2-29.5 Promotional Criteria; Patrol Officer to Sergeant.

All promotions from patrol officer to sergeant shall be made pursuant to the following criteria:

a. Qualifications.

1. A candidate must have reached the top step on the patrol officer pay scale with the Edison Police Department no later than ninety (90) days prior to the announced date for the taking of the written test.

2. All candidates will be administered the following tests which will be weighted as indicated:

(I) Written test eighty percent (80%): The candidate will take and pass a written test as provided below.

(ii) Oral board twenty percent(20%): The candidate will appear before an oral board as provided below. The candidate will be required to write a short composition on an assigned question. The candidate will then appear before the board, which will evaluate the applicant's ability to answer questions, think and communicate.

b. Written Test.

1. The test shall be prepared, administered and scored anonymously by an outside agency.

2. Study guides will be made available prior to the examination.

3. The written test shall be pass/fail. Only those candidates who achieve a score of seventy (70%) percent or higher will be allowed to move to the next phase.

c. Written Recommendation by Superior.

1. A written recommendation by the candidate's sergeant will be submitted for review.

2. The sergeant's written recommendation will be reviewed by the candidate's lieutenant and division commander. The lieutenant and division commander will indicate, in writing, their agreement or disagreement with the sergeant's written recommendation.

d. Review of Personnel File. Personnel files and Internal Affairs files will be reviewed by the [Police Director or his/her designee and the Director of Public Safety] Mayor.

e. Oral Board.

1. All candidates will appear before an oral board consisting of the [Police Chief, Deputy Chief of Police and Edison Police Officers of the rank of Lieutenant or higher, not to exceed nine (9) members] Mayor, the Chief of Police and three (3) additional members selected by the Mayor.

2. The Edison Police Officers, if any, participating on the oral board will be named by the [Director of Public Safety] Mayor.

3. The oral board will possess information from the candidates' personnel files in addition to the recommendations by the aforementioned superiors, and any other information commonly available.

4. Oral board interviews will be videotaped and preserved.

5. Candidates will appear in civilian attire.

6. Candidates may be examined on Edison Police rules and regulations, departmental policy and procedure, commonly from Statute 2C and Title 39 and local ordinances.

7. Questions may also be raised concerning elements from the current contractual agreement between the Township and the bargaining unit, information in personnel files, or other elements of the officer's job performance.

8. Each candidate will be scored by each member of the oral board, with the high and low score discarded and the remaining scores averaged.

f. Veterans. Anyone who 1. is a veteran as defined in N.J.S.A. 11A:5-1(b); 2. who has a minimum of two (2) years service; and 3. has been honorably discharged, shall receive two (2) points for said service.

g. Seniority. Points will be given for fully completed years of service on the Edison Police Department as of the announced closing date for eligibility to take the written test as follows:

Years	Points
06	.25
07	.50
08	.75
09	1.00
10	1.25
11	1.50
12	1.75
13	2.00
14	2.25
15	2.50
16	2.75
17	3.00
18	3.25
19	3.50
20	3.75
21	4.00
22	4.25
23	4.50
24	4.75
25	5.00

h. Scoring.

1. The oral board shall assign a score between one (1) and one hundred (100) to each candidate.

2. Points for veteran status and seniority will be added on as outlined in paragraphs f. and g. of this subsection, independent of the possible top score of one hundred (100) in the written and oral board.

I. Equal Scores. In the event that a tie exists, the following will be the determining factors to break the tie:

1. Seniority with the Edison Police Department;

2. In the event that a tie still exists, an Edison resident will take preference;

3. If candidates are still numerically tied, a military veteran will take preference. For veteran status, a person must have served in the military forces of the United States for a continuous period of one hundred eighty (180) days, excluding military duty for the purpose of military training.

j. Duration of List of Candidates and Promotion.

1. Upon the completion of the ranking of candidates, the list will be certified by the Township Clerk.

2. The list will be in force for two (2) years from the date it is certified and a new list shall be established within ninety (90) days of the expiration of any list.

3. Candidates promoted to the rank of sergeant will be promoted [in numerical order from the top to the bottom of] from the list based on the needs of the Edison Police Department as determined by the [Director of Public Safety] Mayor. [The Director of Public Safety reserves the right to use the "rule of three" when selecting those individuals to be promoted. Promotional opportunities is defined as the promotion of an individual from the list of candidates. The rule of three shall not be used to pass over an individual for more than two (2) promotional opportunities.]

4. The Mayor reserves the right to use the "Rule of Three" when selecting those individuals to be promoted.

k. Miscellaneous.

1. Violation of any Edison Police Department rules and regulations, departmental policy and procedure or violation of any State or Federal statute occurring after the list is certified may result in the candidate being removed from the promotional list or having his or her position lowered on the list.

2. Any change in the status of a candidate on this list pursuant to paragraph k,1. above will be at the ultimate discretion of the [Director of Public Safety] Mayor or appropriate authority.

2-29.6 Promotional Criteria; Sergeant to Lieutenant.

a. Qualifications.

1. The candidate must have a minimum of three (3) years in grade as sergeant to be eligible for promotion to lieutenant.

2. The candidate must be recommended to the command staff for promotion, in writing, by his or her immediate supervisor or his or her division commander.

b. [Command Staff Review] Oral Board.

[1. The command staff will consist of all sworn members of the Edison Police Department at the rank of captain and above.

2. Each member of the command staff will have one (1) vote in a majority-rules system. The person nominated by the command staff for promotion must be approved by the Director of Public Safety. In the event of a tie vote, the Director of Public Safety will make the final decision in conformity with applicable sections of Titles 40 and 40A.]

1. All candidates will appear before an oral board consisting of the Mayor, the Chief of Police and three (3) additional members selected by the Mayor.

c. Promotional Procedure.

1. The command staff, will consist of all sworn members of the Edison Police Department at the rank of captain and above, will meet and discuss the names of all candidates recommended for promotion.

2. The command staff will consider seniority, job performance, attendance and a review of the candidate's personnel file and internal affairs file.

3. After review, the command staff will vote on the candidates and present its results to the [director of Public Safety] Mayor. The [Director of Public Safety] Mayor will then have final approval on the candidate for promotion.

4. The Mayor reserves the right to use the "Rule of Three" when selecting those individuals to be promoted.

2-29.7 Promotional Criteria; Lieutenant to Captain.

a. Qualifications.

1. The candidate must have a minimum of one (1) year in grade as lieutenant to be eligible for promotion to captain.

2. The candidate must be recommended to the command staff for promotion, in writing, by his or her immediate supervisor or his or her division commander.

b. [Command Staff Review] Oral Board.

[1. The command staff will consist of all sworn members of the Edison Police Department at the rank of captain and above.

2. Each member of the command staff will have one (1) vote in a majority-rules system. The person nominated by the command staff for promotion must be approved by the Director of Public Safety. In the event of a tie vote, the Director of Public Safety will make the final decision in conformity with applicable sections of Titles 40 and 40A.]

1. All candidates will appear before an oral board consisting of the Mayor, the Chief of Police and three (3) additional members selected by the Mayor.

c. Promotional Procedure.

1. The command staff, which will consist of all sworn members of the Edison Police Department at the rank of captain and above, will meet and discuss the names of all candidates recommended for promotion.

2. The command staff will consider seniority, job performance, attendance and a review of the candidate's personnel file and internal affairs file.

3. After review, the command staff will vote on the candidates and present its results to the [director of Public Safety] Mayor. The [Director of Public Safety] Mayor will then have final approval on the candidate for promotion.

4. The Mayor reserves the right to use the "Rule of Three" when selecting those individuals to be promoted.

2-29.8 Appointment of Retired or Former Members of the Division of Police.

No person who has previously retired or resigned from the Edison Division of Police shall be reappointed in rank [by the Director of Public Safety] without the prior approval of the Mayor and the Township Council.

2-29.9 Promotional Criteria; Chief of Police or Deputy Chief.

a. Qualifications.

Any individual, officer or candidate to be promoted to the position of Chief of Police or Deputy Chief shall have served in the position of captain or lieutenant of the Police Department for a term of no less than one (1) year.

b. Promotional Procedure

1. The Mayor shall be provided with information on the candidates including seniority, job performance, attendance and a shall review the candidate's personnel file and internal affairs file

2. At the option of the Mayor candidates may appear before an oral board consisting of the Mayor and three (3) additional members selected by the Mayor.

3. The Mayor reserves the right to use the "Rule of Three" when selecting those individuals to be promoted.

2-29.10 Computerized Criminal History Checks.

The Division of Police shall on the request of any of the Township's volunteer first aid squads or the Senior Outreach Service, conduct a computerized criminal history check of perspective members from the State Bureau of Investigation (SBI) in accordance with N.J.S.A. 53:1-20.6 and N.J.A.C. 13:59-1.1 et seq. All such criminal history checks shall be used only for the purpose of the perspective membership application and for no other purpose in accordance with N.J.A.C. 13:59-1.1 et seq.

2-29.11 Criminal Offenses.

Any Police Officer who pleads guilty, or is found guilty of any indictable offense, in this or any other State; or of a disorderly persons offense in this or any other State involving moral turpitude, or enrolled in a diversionary program such as pre-trial intervention, shall forfeit his/her position as a Police Officer upon entry of a judgment of conviction or enrollment into a diversionary program.

SECTION IV. CHAPTER X "POLICE REGULATIONS" is hereby amended as follows:

CHAPTER X POLICE REGULATIONS

10-12.6 Removal of Graffiti.

The occupant, lease, agent and/or landlord of any commercial premises which has any form of graffiti on any building or structure, shall be required to either restore the defaced surface by removing the graffiti or repaint the defaced surface within ten (10) business days after notice to the occupant, lease, agent/or landlord by the [Police Director] Chief of Police or his/her designee to remove same.

10-12.7 Payment of Reward.

A reward of two hundred fifty (\$250.00) dollars shall be paid to any person who provided information or assistance leading to the apprehension and conviction of any person violating this section. This reward shall be payable after conviction out of a fund established for this person, but no reward shall be paid to any public employee whose duty is to investigate or enforce this section. The [Police Director] Mayor or his/her designee is authorized to grant such reward with the consent of the Municipal Council, and the reward shall only be given upon notification by the Municipal Court that the matter has been adjudicated.

10-15.2 Notice of Violations; Liability of Parent.

a. It shall be the duty of the [Police Director] Chief of Police or his/her designee of the Township, or an appropriate member of the Department of Police, to notify the parent of every child convicted of a juvenile offense, which offense shall have been committed within the jurisdiction of the Township, placing that parent upon notice of the potential liability of such parent for the further unlawful acts of his or her juvenile(s). The notice shall be in writing and shall be accompanied by a copy of this section.

SECTION V. CHAPTER XI “GENERAL LICENSING AND BUSINESS REGULATIONS” is hereby amended as follows:

CHAPTER XI GENERAL LICENSING AND BUSINESS REGULATIONS*

11-1 PEDDLERS, SOLICITORS; TRANSIENT MERCHANTS AND RETAIL BUSINESSES.

11-1.5 Investigations and Approval of Persons Exempt from License Fee Requirements.

The investigation required by subsection 11-1.3 shall be limited to that sufficient for the [Police Director] Chief of Police or his/her designee to make a determination that the person or organization is bona fide. Upon making such a determination, the [Police Director] Chief of Police or his/her designee shall approve the application and notify the Supervisor.

11-1.7 Investigation of Applicant; Issuance or Denial of License.

a. When the application is properly filled out and signed by the applicant, the original and duplicate thereof shall be filed with the Supervisor. The Supervisor shall refer the original to the

[Police Director] Chief of Police or his/her designee, who shall make or cause to be made within the time limitations herein prescribed, such investigation of the applicant's business responsibility and character as he deems necessary for the protection of the public good.

1. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the [Police Director] Chief of Police or his/her designee shall endorse on such application his or her disapproval and his or her reasons therefor and shall return the application to the supervisor. Any determination by the [Police Director] Chief of Police or his/her designee that an application is unsatisfactory shall be based on one (1) or more of the following findings with respect to the applicant:

- (a) Conviction of a crime involving moral turpitude;
- (b) Prior violation of an ordinance or law pertaining to solicitors and canvassers;
- (c) Previous fraudulent acts or conduct;
- (d) Record of breaches of solicited contracts;
- (e) Concrete evidence of bad character.

2. In the absence of any such finding, the [Police Director] Chief of Police or his/her designee shall find the application satisfactory, shall endorse his or her approval on the application and shall return the application to the Supervisor.

b. If an application is found unsatisfactory by the [Police Director] Chief of Police or his/her designee and he or she has endorsed his or her disapproval upon the application, the Supervisor shall notify the applicant by mail that the application is disapproved and shall deny the applicant a license. If an application is found satisfactory by the [Police Director] Chief of Police or his/her designee, the Supervisor shall issue a license.

11-1.9 Appeals.

Any person aggrieved by the action of the [Police Director] Chief of Police or his/her designee in the denial of a certificate, as provided in this section, shall have the right of appeal to the [Director of Public Safety] Business Administrator. Such appeal shall be taken by filing with the [Police Director] Business Administrator or his/her designee within fourteen (14) days after the notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The [Director] Business Administrator shall set a time and place for hearing on such appeal, and notice of such hearing shall be given to the applicant in the same manner as provided in this section for notice of hearing and revocation. The decision of the [Director of Public Safety] Business Administrator on such appeal shall be final and conclusive.

11-2 CHARITABLE SOLICITATIONS; POLITICAL CANVASSING.

11-2.2 Canvassing or Soliciting in Connection with Political Campaign or Charitable or Religious Organization.

a. Any person canvassing or soliciting in connection with a political campaign or charitable or religious organization or society or any representative of such organization or society, recognized as tax exempt under the United States Internal Revenue Code, when such canvassing or solicitation does not involve the sale or attempted sale of merchandise, shall, at least twenty-four (24) hours prior to such canvassing or solicitation, present himself or herself to the office of the [Police Director] Chief of Police or his/her designee and shall provide said [Police Director] Chief of Police or his/her designee with the following information:

11-4 HOURS OF OPERATION FOR RETAIL ESTABLISHMENTS.

11-4.3 Permitted Hours; Conditions for Exception.

No retail establishment, as herein defined, to which the general public is invited shall be open for business between the hours of 12:00 a.m. and 6:00 a.m., prevailing time (2400 to 0600 hours) unless the following terms and conditions are implemented and approved:

a. That there are at least two (2) employees on continuous duty in the portion of the retail establishment to which the public is invited or one (1) employee and the following:

1. That the retail establishment shall have in operation a video camera in addition to a silent and/or audible burglar alarm system which is connected to a central security monitoring system designed to activate police response, and

2. That the video camera and burglar alarm system shall be approved by the [Police Director] Chief of Police or his/her designee, Edison Township, or his or her designee;

11-27 ALARM SYSTEMS.

11-27.2 Definitions.

As used in this section:

Auto dialing device means a device which is interconnected to a telephone line and is programmed to select a special telephone number, designated by the [Director of Public Safety] Chief Of Police, at the communications center indicating a need for emergency response.

Coordinator means the [Police Director] Chief of Police or his/her designee who will process initial alarm permit applications and alarm permit fees; issue false alarm warnings; bill and collect administrative charges for excessive false alarms; process annual alarm permit renewals; and issue summons for failure to register an alarm system and/or failure to pay administrative charges.

11-28 TOWING REGULATIONS.

11-28.5 Applications for Licenses.

13. A certification granting permission to the [Police Director] Chief of Police or his/her designee to conduct inspections of the tow trucks and towing agency for the purpose of determining compliance with this section.

11-28.6 Investigation of Applicants; Administering Official Authorized to Grant or Refuse Licenses.

a. The [Police Director] Chief of Police or his/her designee shall conduct or cause to be conducted such investigation as he/she deems necessary to determine the truth and accuracy of the information contained in the application, and the applicant's compliance with this section. This investigation may include a full and complete criminal and driver license background check on each owner, agent thereof, and employee-driver. At the discretion of the [Police Director] Chief of Police or his/her designee, applicants and/or their employee-drivers may be required to submit fingerprints to complete the background investigation(s). Any fees relating to the fingerprint checks shall be borne by the applicant.

c. Upon completion of the background checks, the [Director of Public Safety] Chief of Police shall render a decision on the applicant.

1. A decision to grant the license shall be forwarded, in writing, to the Collector of Revenue for license issuance.

2. A decision to refuse the license shall be forwarded, in writing, to the applicant and Business Administrator. The [Director of Public Safety] Chief of Police shall document the reasons thereof. The denial may be as narrow as to restrict any one employee from performing tows under this license, to a total denial for the entire applicant.

11-28.17 Rotating Lists; Districts; Specific Needs.

a. The [Director of Public Safety] Chief of Police shall create towing districts within the Township. The [Police Director] Chief of Police or his/her designee shall have sole discretion as to district boundaries. Changes to boundary lines shall only be permitted at the commencement of the license year.

b. The [Director of Public Safety] Chief of Police is authorized to create lists for specific towing needs such as heavy duty tow trucks.

c. The [Director of Public Safety] Chief of Police shall create rotating towing lists to be utilized by the Communications Personnel. The list shall be created by district, by specific need at the commencement of each license year. Communications Personnel shall always use the appropriate rotation list when a tow truck is requested under this section. Communications Personnel shall record each tow by date, time, location and towing agency.

11-30 TAXICABS.*

11-30.2 Administering and Enforcing Agencies.

a. *General Jurisdiction and Responsibility of the [Director of Police] Chief of Police.* The [Director of Police] Chief of Police shall have jurisdiction and responsibility for:

1. Conducting examinations of taxicabs; taxicab inspection certification and/or vehicles inspection reports issued by the New Jersey Motor Vehicle Commission;

2. Examination and approval or rejection of applications for both taxicab and operator license;

3. Acting as Enforcement Agent under the provisions of this section.

4. Taking of fingerprints of any applicant (owner or operator) and conducting background investigations as to the applicants fitness for the issuance of any license hereunder.

b. *General Jurisdiction and Responsibility of Bureau of Licenses and Permits.* The Bureau of Licenses and Permits shall have jurisdiction and responsibility for the issuance of licenses, the collection of fees, and certification of insurance compliance. The Bureau of Licenses and Permits shall issue such license after the [Director of Police] Chief of Police has approved the issuance of the license and signed the license, after the satisfactory compliance by the applicant with the provisions of N.J.S.A. 48:16-1 et seq., the payment of the aforesaid fee, the submission of a current certificate of insurance and a signed statement from the Township Zoning Officer certifying that the taxicab service is not operating in a residential zone and that the taxicab business has sufficient off-street parking for any and all taxicabs to be used in the business.

11-30.3 Taxicab License Required; Expiration; Annual Fee.

a. No person shall operate or permit a taxicab owned or controlled by him or her to be operated as a taxicab upon the streets of the Township or within the confines of the Edison Township Train Station unless the owner of the vehicle shall first obtain written approval for a taxicab license from the [Director of Police] Chief of Police.

b. Nothing in this subsection or other subsections of this section shall be construed to require the licensing of any taxicab:

1. Operating from an office outside the Township which enters the Township and responds to a specific call by a patron within the Township;

or

2. Carrying persons from one (1) point outside the Township to any point within the Township.

c. All taxicab licenses shall be issued by the Bureau of Licenses and Permits and approved and signed by the [Director of Police] Chief of Police and shall be issued to expire December 31, next exceeding the date of issuance unless it is sooner suspended or revoked by the [Director of Police] Chief of Police.

11-30.4 Applications for Taxicab Licenses; Rate Changes.

a. Applications for licenses for taxicabs shall be made by the owner, lessee or bailee thereof, upon forms approved by the [Director of Police] Chief of Police and to be furnished by the Bureau of Licenses and Permits. Such application shall contain the full name, business location and address of the owner, lessee or bailee and also of the applicant, the type of vehicle for which the license is desired, the length of time the vehicle has been in use, the rate to be charged and the number of persons it is capable of carrying; the application shall have affixed thereto an affidavit to be sworn to by the applicant.

11-30.5 Administering Official Authorized to Grant or Refuse Taxicab Licenses.

The [Director of Police] Chief of Police shall have the power to authorize the suspension or reinstatement of any license issued under this section.

11-30.6 Inspection of Taxicabs.

No vehicle covered by the terms of this section shall be approved for a license until inspection documentation issued by the Motor Vehicle Commission has been thoroughly and carefully inspected and examined by the [Director of Police] Chief of Police or someone delegated by him or her to conduct such examination, and found to be in a thoroughly safe and sanitary condition for the transportation of passengers. Any vehicle found to be unsafe for the transportation of passengers shall not be licensed. The [Director of Police] Chief of Police is authorized and empowered to establish reasonable rules and regulations for the inspection of taxicabs and their appurtenances and for the construction and condition of fitness for the safe and adequate transportation of passengers.

11-30.7 Issuance of Taxicab License Card; Posting Required.

The Bureau of Licenses and Permits, upon approval of the taxicab for a license, shall issue to the applicant a card approved by the [Director of Police] Chief of Police bearing the name of the applicant, the official license number of the taxicab, date of inspection of the same and a notice that in case of any complaint the Police Department shall be notified, the license number of the taxicab being given. The license shall be required to be affixed to a conspicuous and indispensable part of the interior of each taxicab a small card not exceeding six (6) inches nor less than four (4) inches in dimension, which shall bear the license number of the vehicle and name and photo of the driver.

11-30.14 Revocation and Suspension of Taxicab License.

Licenses granted under the preceding subsections may be revoked or suspended at any time by the [Director of Police] Chief of Police, if the vehicle shall not be in a safe and sanitary condition for the transportation of passengers and kept in conformity with the terms of this section, or for the violation of any of the provisions of this section or any of the rules and regulations made by the [Director of Police] Chief of Police.

11-30.15 Taxicab Renewal: Continuation of Background Check Required.

a. The [Director of Police] Chief of Police shall cause a background check to be completed in a manner consistent with the law. The taking of fingerprints from an owner whose prints are already on file may not be required, as determined by the [Director of Police] Chief of Police.

11-30.16 Taxicab Driver's License Required; Qualifications; Application; Additional Rules.

a. No person shall drive a taxicab until he or she shall have made application, upon a form provided by the Bureau of License and Permits and approved by the [Police Director] Chief of Police, for a taxicab driver's license and shall have procured such license from the Bureau of License and Permits. Every applicant for a license to drive a taxicab shall furnish satisfactory evidence that he or she has received a driver's license under the State Motor Vehicle Law. Each applicant for a driver's license under the terms of this section must conform to the following regulations:

1. Be of the age of twenty-one (21) years or over;
2. Present the certificate of a reputable physician showing that he or she has been examined within sixty (60) days, that he or she is of sound physique, with good eyesight and not subject to epilepsy, vertigo, heart trouble or any other infirmity of mind or body which might render him or her unfit for the safe operation of a taxicab;

3. Be able to read and write the English language and be a resident of the United States;
4. Not be addicted to the use of narcotics or intoxicating liquors;
5. Fill out upon such form to be provided by the Bureau of Licenses and Permits a statement giving said applicant's full name, residence for the preceding five (5) years, age, color, height, weight, color of eyes and hair, place of birth, place of previous employment, whether married or single, whether the applicant has ever been convicted of a felony or misdemeanor, how long the applicant has been a licensed automobile driver of the State of New Jersey, whether his or her automobile driver's license has ever been revoked, and, if so, for what cause, and such other reasonable information as may be required. All applications herein shall be signed and sworn to by the applicant and filed with the Bureau of Licenses and Permits.

b. The [Director of Police] Chief of Police is authorized and empowered to establish from time to time such additional rules and regulations, not inconsistent herewith, as may be necessary and reasonable, governing the issuance of any license provided for in this section.

11-30.17 Issuance of Driver's License; Suspension - Taxicabs.

Upon satisfactory compliance with the above section, there may be issued by the Bureau of Licenses and Permits to the applicant a taxicab driver's license which shall contain a photograph and signature of the licensee. Any license so issued may be suspended upon recommendation of the [Police Director] Chief of Police, for the cause of the violation of this section or the regulations made thereunder. A suspended driver may request a hearing to appeal said suspension.

11-30.19 Renewal of Taxicab Driver's License.

A driver, in applying for a renewal of his or her license, shall make such application upon a form to be furnished by the Bureau of Licenses and Permits. The [Director of Police] Chief of Police shall cause a background check to be completed in a manner consistent with law. The taking of fingerprints from a driver whose prints are already on file may not be required.

11-30.21 Prices Not to Exceed Fixed Rates.

a. The prices that may be charged by the owners or drivers of taxicabs for the transportation of passengers for hire, shall not exceed the rates filed with the Bureau of Licenses and Permits and approved by the [Director of Police] Chief of Police and may not be changed or modified without written approval from him or her.

b. All prices charged shall be subject to a twenty-five (25%) percent discount for persons over the age of sixty-two (62).

11-30.23 Rules of Conduct for Licensees - Taxicabs.

a. No person other than the licensed driver of the taxicab shall drive or sit in the compartment of the taxicab reserved for the driver, nor shall the driver engage in cruising as defined in subsection 11-30.1 except during such hours and over such routes as the [Director of Police] Chief of Police may determine; nor shall any driver or owner invite or permit loitering within or near his or her taxicab, nor solicit, drive or divert prospective patrons of any business establishment to any other similar establishment.

b. Smoking shall not be permitted in any taxicab without the permission of the passenger.

11-30.25 Confusing Vehicle Color Schemes or Names Prohibited - Taxicabs.

No vehicle covered by the terms of this section shall be licensed whose color scheme, or name, monogram or insignia to be used thereon, shall be in conflict with or, in the opinion of the [Director of Police] Chief of Police, imitate any color scheme, monogram, name or insignia, used by any other person, firm or corporation operating a taxicab or taxicabs, in such manner as to be misleading or tend to deceive or defraud the public. Each vehicle covered by the terms of this section shall display on the outside of that vehicle the name of the license holder, its municipality and telephone number on the driver's side door.

SECTION VI. CHAPTER XVI “FIRE PREVENTION AND PROTECTION” is hereby amended as follows:

CHAPTER XVI FIRE PREVENTION AND PROTECTION

16-5 FIRE PREVENTION STANDARDS ADOPTED.

16-5.5 Fire and Emergency Access Lanes.

a. Authority is vested in the Chief of the Fire Department and the [Police Director] Chief of Police or his/her designee to establish and designate fire and emergency access lanes in and around private property, parking areas and parking places which are open to the public or to which the public is invited.

b. The fire and emergency access lanes may include, but are not limited to, no-parking or no-standing areas, traffic directional lanes and areas designated solely for pedestrian traffic. Parking shall be in the designated areas.

c. Fire and emergency access lanes shall be in those locations and of sufficient design as may be reasonably required by the public safety and welfare. The purpose of these lanes is to guarantee unimpaired ingress and egress in and around public parking areas and to and around all buildings located in these areas in the event of fire or other emergency, for police, fire and other emergency vehicles. These lanes shall be installed by the property owner with acceptable signs and paint on the pavement provided by the property owner and installed and maintained under the guidance and direction of the Chief of the Fire Department and the [Police Director] Chief of Police or his/her designee.

d. No person, firm or corporation, or any of their agents or employees, shall leave standing or cause to be parked any vehicle in any of the aforementioned lanes nor cause any other obstruction in these designated lanes.

e. All fire hydrants, standpipes and ten (10) feet on either side of the hydrant and standpipes shall be designated as fire zones. Such designation shall apply to all fire hydrants and standpipes located within the Township.

f. The Chief of the Fire Department and the [Police Director] Chief of Police or his/her designee shall have concurrent jurisdiction to enforce the provision of this subsection by the issuance of summonses or complaints. In addition to the penalties provided hereafter, any vehicle parked in violation of the regulations provided under this subsection may be towed away summarily by the Police Department at the expense of the violator.

g. Any person who shall violate the provisions of this section shall be punished by a fine of not more than five hundred (\$500.00) dollars or by imprisonment of not more than ninety (90) days, or both, at the discretion of the court.

SECTION VII. This ordinance shall take effect twenty (20) days after adoption and approval by the Mayor in accordance with N.J.S.A. 40:69A:181(b).

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

Note to Codifier: Deleted provision are indicated by brackets [].
New provisions are indicated in underline .

FIRST READING		_____	___, 2010
FIRST PUBLICATION	THE HOME NEWS & TRIBUNE	_____	_____, 2010
FINAL READING		_____	_____, 2010
APPROVAL OF THE MAYOR		_____	_____, 2010
FINAL PUBLICATION	THE HOME NEWS & TRIBUNE	_____	_____, 2010

Explanation: This Resolution establishes the extent of the Dismal Swamp by metes and bounds description on the property owned by Dolores Visco and the adjoining Township owned property as directed by the Court.

EDISON TOWNSHIP

RESOLUTION No. R. -042010

WHEREAS, the Township of Edison and the Council of the Township of Edison have been named as defendants in the matter of: South Congregation of Jehovah's Witnesses Edison, NJ Inc. and Dolores Visco v. Edison Township Planning Board; Township of Edison and Municipal Council of the Township of Edison; and State of New Jersey, bearing Docket No. MID-L-000206-10; and

WHEREAS, one of the issues in the lawsuit is the extent of the Dismal Swamp on the property owned by Dolores Visco being Block 595-B, Lots 1 through 31, 32-A through 53A, 54 through 56, Block 595-D Lots 5 through 56, and Block 595-F Lot 2; and, the adjoining Township owned property being Block 595-C, Lot 2; and

WHEREAS, the Court has directed the Township and Council to determine the extent of the Dismal Swamp on the property owned by Dolores Visco and the adjoining Township owned property and if the Swamp exists to delineate it by metes and bounds description as required by the Dismal Swamp Preservation Act, N.J.S.A. 40:55D-88.1 et seq., specifically as provided for in N.J.S.A. 40:55D-88.3, which states, in pertinent part:

"Dismal Swamp" means the area located within Edison Township, Metuchen Borough, and South Plainfield Borough in Middlesex County as delineated by a metes and bounds description approved by resolution adopted by the respective local governing bodies of those municipalities.

WHEREAS, the Court has only directed the Township and Council to determine and/or delineate the extent of the Dismal Swamp as to the property owned by Dolores Visco and the adjoining Township owned property and has not directed the Township and Council to determine and/or delineate the extent of the entire Dismal Swamp in the Township of Edison and therefore this Resolution is limited in that regard.

BE IT RESOLVED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey, determines and finds that the Dismal Swamp exists on the property owned by Dolores Visco being Block 595-B, Lots 1 through 31, 32-A through 53A, 54 through 56, Block 595-D Lots 5 through 56, and Block 595-F Lot 2, and that the metes and bounds description attached hereto as Exhibit A and incorporated herein by reference, is hereby adopted and shall be the extent of the Dismal Swamp on said property, as referenced from an Existing Conditions Map, prepared by Meridian Engineering Group, Inc., dated May 4, 2007, and revised through August 25, 2009 attached hereto as Exhibit B; and

BE IT FURTHER RESOLVED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey, determines and finds that the Dismal Swamp does not extend onto the property owned by the Township of Edison being Block 595-C, Lot 2 and therefore no metes and bounds description is required; and

BE IT FURTHER RESOLVED, that upon adoption of said Resolution, the Township Clerk is hereby directed to forward a certified copy of said Resolution to (i) Metuchen Borough Clerk; (ii) South Plainfield Borough Clerk; and to (iii) Dismal Swamp Preservation Commission.

THIS IS TO CERTIFY that this is a true

and compared copy of a Resolution
adopted by the Municipal Council of the
Township of Edison at their Regular
Meeting of April 14, 2010

Reina A. Murphy, RMC
Municipal Clerk

EXHIBIT A
TO
EDISON TOWNSHIP
RESOLUTION No. R. -042010

EXHIBIT B
TO
EDISON TOWNSHIP
RESOLUTION No. R. -042010

EXPLANATION: this Ordinance authorizes the Township of Edison to establish a Traffic Control Signal at the intersection of Kilmer Road and Kilmer Court / NJ Transit Driveway.

EDISON TOWNSHIP

ORDINANCE

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

SECTION 1. That the intersection of Kilmer Road and Kilmer Court / NJ Transit Driveway shall be controlled by a Traffic Control Signal in accordance with the Traffic Signal Plan bearing the date of September 2008, and shown on the As-Built Plan dated January 2010, and inspected on the date of January 6, 2010 by Malini Swaminathan, P.E., and certified by Donald J. Mauer, Jr., P.E., NJ PE License No. 28231, of STV Incorporated.

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

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

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

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

SECTION 6. Per Jurisdictional Agreement made on May 20, 2009, between the Township of Edison and New Jersey Transit, the Township upon acceptance of said traffic signal, agrees to maintain the traffic signal and pay all utility charges for the operation of said traffic signal on an on-going basis.

EXPLANATION: This resolution provides for Township acceptance of the completed contract work and authorizes Change Order and FINAL CONTRACT PAYMENT to Allstate Power Vac., Inc. for Contract # 08-29-02: Clara Barton Sanitary Sewer Rehabilitation.

TOWNSHIP OF EDISON

RESOLUTION

WHEREAS, Allstate Power Vac., Inc., 928 East Hazelwood Avenue, Rahway, NJ 07065-5634 was awarded a construction contract, Contract No. 08-29-02: Clara Barton Sanitary Sewer Rehabilitation, on November 12, 2008 through resolution R.557-112008 in an amount not to exceed \$124,500.00 (purchase order # 09-02552) for the rehabilitation of sanitary sewer mains and associated improvements within the Clara Barton sewer service area; and

WHEREAS, the Township Engineer has reviewed the contract work with the Director of Public Works, and a change order in the net plus amount of \$1,642.72 has been found to be necessary; and

WHEREAS, the Township Engineer certifies that the construction work has been completed, and states that a two-year maintenance bond, effective from September 17, 2009, in an amount equivalent to 100% of the final as-built construction costs of \$126,142.72 has been received by the Township of Edison and posted with the Township Clerk; and

WHEREAS, the Township Engineer therefore recommends authorization of the required Change Order (# 1 & Final), and further recommends project acceptance and that final payment, inclusive of the net plus change order amount, be made to Allstate Power Vac., Inc., in an amount not to exceed \$4,132.72 for a total contract as-built cost of \$126,142.72.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Contract No. 08-29-02: Clara Barton Sanitary Sewer Rehabilitation is deemed accepted by the Township of Edison, subject to the maintenance bond provisions, and that final payment, inclusive of a net plus change order amount of \$1,642.72, shall be made to Allstate Power Vac., Inc., 928 East Hazelwood Avenue, Rahway, NJ 07065-5634, in an amount not to exceed \$4,132.72 for a total contract as-built cost of \$126,142.72.

CFO CERTIFICATION OF FUNDS:

Funding is available, for Change Order # 1 & Final for Contract No. 08-29-02: Clara Barton Sanitary Sewer Rehabilitation, under account C-08-03-0005-005-000 in an amount not to exceed \$1,642.72.

Mark E. Acker,
Chief Financial Officer

AUTHORIZING ACCEPTANCE OF THE SAFE AND SECURE COMMUNITIES GRANT PROGRAM AWARD IN THE AMOUNT OF \$60,000, WHICH IS ADMINISTERED BY THE NEW JERSEY DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY.

WHEREAS, the Edison Township Council has approved the application and participation with the State of New Jersey in a Safe and Secure Communities Grant Program (Grant No. 4537) by Resolution (R.071-022010); and

WHEREAS, the project is a joint effort between the New Jersey Department of Law and Safety and the Township of Edison; and

WHEREAS, the State of New Jersey, Division of Criminal Justice, has accepted the application, and requests that the award contract be executed and returned to their office no later than April 20, 2010.

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

3. The subject grant is hereby accepted pursuant to the terms and conditions provided in the grant document and the accompanying agreement.
4. The proper Township Officials are hereby authorized to execute the grant documents and to perform all necessary tasks required to implement the grant and to receive the grant funds being authorized by this resolution.

EXPLANATION: This Ordinance makes the provisions of Subtitle 1, Title 39, of the New Jersey Statutes applicable to the Centre Place at Edison Condominium Association, Inc.

**TOWNSHIP OF EDISON
ORDINANCE O.1735-2010**

**AN ORDINANCE MAKING THE PROVISIONS OF
SUBTITLE 1 OF TITLE 39 OF THE REVISED STATUTES
OF NEW JERSEY APPLICABLE TO THE CENTRE PLACE
AT EDISON CONDOMINIUM ASSOCIATION, INC. AS
HIGHLIGHTED ON THE ATTACHED EXHIBIT**

WHEREAS, the Township of Edison has received the application of the Centre Place at Edison Condominium Association, Inc., a private condominium community located off of the intersection of Woodbridge Avenue and Stanley Swiderski Drive in Lot 5 of Block 396 as identified on the Edison Township Tax Map ("Centre Place ") requesting that the provisions of Subtitle 1, Title 39 of the Revised Statutes of New Jersey be made applicable to the Centre Place as highlighted on the attached map identified as Exhibit "A-1."

WHEREAS, the Township Council of the Township of Edison deems that enforcement of the traffic regulations on the aforesaid streets will benefit the citizens of the Township of Edison;

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

SECTION I. The Division of Police of the Township of Edison and other law enforcement agencies be and same are hereby empowered to enforce the provisions of Subtitle 1 of Title 39 of the Revised Statutes of New Jersey within the Centre Place as highlighted on Exhibit "A-1" including the access road connection to the Centre Place from the Beechwood at Edison (CVS Pharmacy site) portion of the development.

SECTION II. All signs, posts, bolts, or other necessary materials to implement this Ordinance shall be installed and paid for by the Centre Place. The work shall be installed and paid for by the Centre Place. The work shall be inspected by the Edison Township Division of Police and the Township Engineer to ensure installations meet federal and state

specifications, and that all signage conform to the current Manual on Uniform Traffic Control Devices. This Ordinance shall not become effective until the Edison Township Division of Police and the Township Engineer have approved the installation of the foregoing, and the cost of installation incurred by the Township is reimbursed by the Centre Place.

SECTION III. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect.

SECTION IV. The New Jersey State Department of Transportation shall, after the first reading of this Ordinance by the Edison Township Council, review this Ordinance by way of an on-site inspection and approve same before it is published and placed on an agenda for a public hearing and final passage.

SECTION V. The Township Clerk is hereby directed to submit a certified copy of this Ordinance to the Commissioner of Transportation of the State of New Jersey.

SECTION VI. This Ordinance shall take effect upon the last to occur (i) twenty (20) days after the adoption, publication and approval by the Mayor in accordance with N.J.S.A. 40:69A-181(b), final passage and publication according to law; (ii) approval of this Ordinance by the Commissioner of Transportation of the State of New Jersey; and (iii) approval by the Edison Township Division of Police and the Township Engineer of the installations required by Section II hereinabove.

**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)**

ORDINANCE O.1736-2010

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.

