

**AGENDA
MUNICIPAL COUNCIL
WORKSESSION MEETING
Monday, May 12, 2014
6:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on December 14, 2013 and posted in the Main Lobby of the Municipal Complex on the same date.
4. **ORAL PETITIONS AND REMARKS**
5. **APPROVAL OF MINUTES:**
 - a. Regular Meeting of February 26, 2014
 - b. Regular Meeting of March 12, 2014
 - c. Regular Meeting of March 26, 2014
 - d. Worksession Meeting of April 7, 2014
6. **ADMINISTRATIVE AGENDA:**
FROM MAYOR THOMAS LANKEY:
 - a. Appointment of Bette Daniele to the Edison Library Board of Trustees.
 - b. Appointment of Patricia Massey to the Edison Library Board of Trustees.
 - c. Appointment of Anthony Russomanno as the Mayor's designee to the Township Planning Board.
7. **REPORTS FROM ALL COUNCIL COMMITTEES:**
8. **POINTS OF LIGHT**
9. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Resolution authorizing additional funds for payment to Louis Rainone of Decotiis, Fitzpartrick & Cole, LLP for previously handled legal matters for the years 2010 and 2011.
 - b. Resolution Awarding a contract for Auctioneer Services.
 - c. Awarding Contract/Purchase Order for Various Computer Equipment.
 - d. Awarding Contract/Purchase Order for Four (4) Televisions for Digital Information Displays.
10. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through May 8, 2014

- b. Resolution authorizing refund in the amount of \$456,452.11 for redemption of tax sale certificates.
 - c. Resolution authorizing refund for disabled Veteran.
 - d. Temporary Emergency Appropriation
11. **FROM THE DEPARTMENT OF HEALTH:**
- a. Resolution approving Development and Submission of Grant Application 2014 Edison Department of Health and Human Services through the Edison Municipal Alliance/Bridges Middlesex County Cultural & Heritage Commission Teen Experiential Theater Arts Program.
 - b. Resolution approving Development and Submission of Grant Application for the 2014 Aetna Foundation Regional Health.
12. **FROM THE DEPARTMENT OF LAW:**
- a. An Ordinance to establish a Government- Private Energy Aggregation Program in the Township of Edison to provide Electric Generation Service and supply service for residential and non-residential customers Pursuant to the Government Energy Aggregation Act of 2003 (P.L.2003, C.24)
 - b. Resolution authorizing execution of a Contract for Energy Consultation Services with respect to Government-Private Energy Aggregation Program.
 - c. Resolution to accept Settlement Agreement and Release regarding Indian Business Association, Inc. and Township of Edison.
13. **FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**
- a. Resolution authoring the development and submission of the grant application for 2014 NJDOT FTQA SAFETEA-LU Map 21 Transportation.
 - b. Awarding of Contract for Public Bid No. 14-25-02 for the 2014 CDBG Curb and Sidewalk Replacement Program for various streets, Phase 2.
 - c. Resolutions releasing Cash Performance Bonds.
 - d. Resolution refunding Tree Maintenance Bonds.
14. **FROM THE DEPARTMENT OF PUBLIC WORKS:**
- a. Awarding Contract/Purchase order for Carpeting in Police Records.
 - b. Awarding Contract/Purchase order for Industrial, Janitorial and Hardware Supplies.
 - c. Resolution correcting Resolution R.158-042014 and Awarding Contract Purchase order for Six (6) Vehicle Maintenance Lifts and eight (8) support Stand for Kilmer Maintenance Center.
 - d. Awarding of Contract/Purchase order for Cold Patch.
 - e. Awarding an additional High Reach Loader under Contract No. 13-08-27.
15. **FROM THE DEPARTMENT OF RECREATION:**
- a. Resolution authorizing a reimbursement for the Kids Fun Clubs.
 - b. Resolutions authorizing a reimbursement for ABC Program.
16. **FROM THE TOWNSHIP CLERK:**

- a. Resolution rescinding Resolution R.480-082013 a place to place transfer of a Liquor License.

17. **FROM THE CHIEF OF POLICE:**

- a. Resolution to apply for and accept \$14,400.00 from the Edward Byrne Memorial Justice Assistance Grant.

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

19. **UNFINISHED BUSINESS:**

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

O.1865-2014 AN ORDINANCE AMENDING THE HIRING AND PROMOTIONAL PROCESS IN THE POLICE DIVISION.

20. **COMMUNICATIONS:**

- a. Letter received from Dana Patterson, Program Supervisor of Edison Wetlands regarding her resignation.

21. **DISCUSSION ITEMS:**

Council President Karabinchak

- a. Oak Tree Road & Woodland Ave. Traffic Light
- b. Building 1072
- c. Overlay Zone Case
- d. Land fill Closure
- e. Coah Fees Calculations

Councilmember Diehl

None

Councilmember Gomez

None

Councilmember Lombardi

None

Councilmember Mascola

None

Councilmember Prasad
None

Councilmember Shah
None

22. **CLOSED SESSION:**
 - a. Litigation Matter of Indian Business Association.
23. **ADJOURNMENT**

RESOLUTION

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING May 8, 2014.

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through May 8, 2014.

FUND	AMOUNT
Current	\$26,618,665.02
Affordable Housing	12,150.63
Capital	109,136.74
Cash Performance	35,157.95
CDBG	67,360.05
Developers Escrow	36,415.51
Dog (Animal Control)	5,730.72
Federal Forfeited	0.00
Grant Funds	77,599.43
Law Enforcement	0.00
Open Space	0.00
Payroll Deduction	107,288.28
Sanitation Fund	117,548.99
Sewer Utility	104,177.48
Tax Sale Redemption	334,851.82
Water Operation Fund	0.00
Tree Planting	2,025.00
Trust	77,436.21
 TOTAL	 \$27,705,543.83

/s/ Agnes Yang
Acting Chief Financial Officer

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

**RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR PAYMENT TO LOUIS RAINONE OF
DECOTIIS, FITZPATRICK & COLE, LLP FOR PREVIOUSLY HANDLED LEGAL MATTERS FOR THE
YEARS 2010 AND 2011**

WHEREAS, there are outstanding legal bills for the years 2010 and 2011 due Louis Rainone, Esq., of DeCotiis, FitzPatrick & Cole, LLP, 500 Frank W. Burr Blvd., Teaneck, NJ 07666 who at that time represented the Township of Edison as Labor Counsel and other matters; and

WHEREAS, compensation for these professional services are at a rate of \$140 per hour for all attorneys and \$70 per hour for legal assistants; and

WHEREAS, the outstanding legal bills for the year of 2010 are in the amount of \$4,202.81 and the outstanding legal bills for the year of 2011 are in the amount of \$29,334.59; and

WHEREAS, funds in the amount of \$33,537.40 have been certified to be available in the Deferred Charges – PY Bills Account, Number 3-01-46-0880-000-020; and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

NOW, THEREFORE IT IS RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that the proper Township officials shall make payment to Louis Rainone, Esq., of DeCotiis, FitzPatrick & Cole, LLP, 500 Frank W. Burr Blvd, Teaneck, NJ 07666 as stated herein.

CERTIFICATION

I hereby certify that additional funds in the amount of **\$33,537.40** will be available for the above in Account No.3-01-46-0880-000-020.

Agnes Yang
Acting Chief Financial Officer

Date

RESOLUTION ACCEPTING AWARDING A CONTRACT TO US GOVBID / AUCTION LIQUIDATION SERVICES COMPANY FOR AUCTIONEER SERVICES

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A-11-36 requires that all such personal property be sold at public auction to the highest bidder; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, Edison Township intends to utilize the online auction services of US GOVBID / AUCTION LIQUIDATION SERVICES COMPANY, PO Box 1216, Eatontown, NJ 07724; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9, 2008-21R – Revised October 2012; and

WHEREAS, US GOVBID / AUCTION LIQUIDATION SERVICES COMPANY, PO Box 1216, Eatontown, NJ 07724 submitted a proposal to conduct online auction services for three and one half percent (3.5%) of the receipt of sales for the period of one year; and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison that the Mayor, or his designee, is hereby authorized to execute a contract with US GOVBID / AUCTION LIQUIDATION SERVICES COMPANY for three and one half percent (3.5%) of the receipt of sales as described herein.

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO HEWLETT PACKARD COMPANY
FOR THE FURNISHING OF COMPUTER EQUIPMENT FOR THE TOWNSHIP OF EDISON**

WHEREAS, there is a need to purchase computer equipment, printers, etc., for the Township of Edison; and

WHEREAS, HEWLETT PACKARD COMPANY, 442 Swan Blvd., Deerfield, IL 60015, has been awarded State Contract Number 70262 under M-0483/WSCA Computer Contract; and

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract; and

WHEREAS, the total amount of this contract, not to exceed \$15,000.00 cannot be encumbered at this time; and

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

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

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$15,000.00 and any other necessary documents, with HEWLETT PACKARD COMPANY, 442 Swan Blvd., Deerfield, IL 60015 as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. 70262 under M-0483.

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO
CDW GOVERNMENT INCORPORATED FOR THE PURCHASE OF FOUR
TELEVISIONS FOR DIGITAL INFORMATION DISPLAYS FOR THE
TOWNSHIP OF EDISON**

WHEREAS, there is a need to purchase four 65" televisions for digital information displays to be displayed throughout the Township of Edison; and

WHEREAS, these televisions shall be displayed in the three lobbies and in the court area and the purchase shall include the televisions, software and related equipment, etc.; and

WHEREAS, N.J.S.A. 40A:11-11 et seq., authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Township of Edison is a member of the MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION PRICING SYSTEM; and

WHEREAS, CDW GOVERNMENT INCORPORATED, 2 Enterprise Dr., Suite 404, Shelton, CT 06484 has been awarded Contract MRESC RFB 13/14-04 (technology catalog) through this Cooperative Pricing System; and

WHEREAS, funds for this purpose in the amount of \$17,174.18 have been certified to be available in the Com/Edison TV Maint. of other Equipment Account, Number 4-01-20-0100-006-026; and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

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

1. The Mayor, or her designee, is hereby authorized to execute a contract/purchase order and any other necessary documents, in the amount of \$17,174.18 with CDW GOVERNMENT INCORPORATED, 2 Enterprise Dr., Suite 404, Shelton, CT 06484, the approved Middlesex Regional Educational Services Commission Cooperative Pricing System vendor through this resolution, which shall be subject to all the conditions applicable to the current Middlesex Regional Educational Services Cooperative Pricing System Contract as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-11 et seq.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$17,174.18** are available for the above in Account No. **4-01-20-0100-006-026**.

Agnes Yang
Acting Chief Financial Officer

Date

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 **\$456,452.11**.

May 16, 2014

RESOLUTION

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

WHEREAS, Gilda Liberto, is a widow of a veteran who has been determined to have suffered a 100% service-related disability; and

WHEREAS, the determination of said disability is retroactive to February 28, 2014; and

WHEREAS, real estate taxes on this property known as Block 757 Lot 41 Qualifier C0033, 33 Liddle Ave, have been billed for 2014, 1st and 2nd quarters of 2014; and the 1st quarter of 2014 has been paid in full; 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

NOW, THEREFOR, BE IT RESOLVED by the Township Council of the Township of Edison that property taxes due on Block 757 Lot 41 Qualifier C0033, assessed to Gilda Liberto, be cancelled for the 2nd quarter of 2014; and also refunded for the time period of February 28, 2014 thru March 31, 2014; and

BE IT FURTHER RESOLVED that the Chief Financial Officer of the Township of Edison draw a check to the order of Gilda Liberto for taxes she paid for this time period in the amount of \$119.18.

May 14, 2014

RESOLUTION

WHEREAS, the Local Budget Law, specifically N.J.S.A. 40A:4-20, requires that the governing body of a municipality shall by Resolution make appropriations if any contract, commitments or payments are to be made between the beginning of the Calendar year and the adoption of budget; and

WHEREAS, the Local budget Law and the Optional Municipal Charter Act of 1950 provide for the adoption of municipal budget by March 20 unless said budget calendar is extended according to law; and

WHEREAS, the date of this Resolution is prior to the adoption of the 2014 Calendar Year Budget,

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey that the following Temporary Emergency Appropriations be made and that a certified copy of this Resolution be transmitted to the Director of Finance for her record.

	<u>2014</u>
CURRENT FUND	
PAYROLL	
SALARIES & WAGES	0.00
OTHER EXPENSES	50,000.00
DIV OF TAX ASSESSM	
SALARIES & WAGES	0.00
OTHER EXPENSES	34,894.30
FIRE FIGHTING	
SALARY & WAGES	0.00
OTHER EXPENSES	
MAINTENANCE OF VEHICLES	25,000.00
OTHER EQUIPMENT & SUPPLIES	5,000.00
JANITORIAL & LAUNDRY SERVICES	3,000.00
TOTAL CURRENT FUND	<u><u>117,894.30</u></u>

TOWNSHIP OF EDISON
MUNICIPAL RESOLUTION

WHEREAS, the Edison Department of Health and Human Services (EDHHS), through the Edison Municipal Alliance (EMA), established the noted BRIDGES (Building Relationships In Diversified Groups of Edison Students) program 17+ years ago, which it continues to effectively administer for the documented benefit of local students and their families to encourage positive, healthy behavior as an alternative to deleterious and potentially dangerous conduct and activities; and

WHEREAS, the Middlesex County Cultural & Heritage Commission recently distributed Applications to Apply for the in-kind use of Crossroads Theater/New Brunswick Cultural Center, as funded by the Johnson & Johnson Foundation and the Middlesex County Cultural & Heritage Commission (MCCHC), Middlesex County Board of Chosen Freeholders, NJ State Council of the Arts/NJ Department of State and the US National Endowment for the Arts; and

WHEREAS, the Edison Department of Health and Human Services, through the EMA/BRIDGES program, intends to apply for the use of the Crossroads Theater/New Brunswick Cultural Center, as well as for a grant of up to \$1,200.00 for related costs, to present an original, experiential, theatrical piece, created by Students of JP Stevens High School participating in the current 2014 EDHHS EMA/BRIDGES MCCHC TEEN EXPERIENTIAL THEATER ARTS PROGRAM, as it will help to further strengthen its mission, focus and vision through an artistic and creative format; and

WHEREAS, no cash or in-kind match is required to apply to for such resources, representing a total value of \$3,200.00, from Middlesex County Cultural & Heritage Commission and the Johnson and Johnson Foundation; and

WHEREAS, as a result, participating Students of JP Stevens High School will experience the presentation of the original, theatrical piece that they created in the venue of an established, professional theater in New Jersey; and

WHEREAS, the Edison Department of Health and Human Services, through the EMA/BRIDGES program, will utilize all resources and grant funds awarded by the Middlesex County Cultural & Heritage Commission and Johnson & Johnson Foundation in compliance with all applicable Middlesex County and New Jersey agency requirements, guidelines, regulations and statutes;

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, County of Middlesex, State of New Jersey, does hereby approve and authorize the development and submission of said grant application at a regularly-scheduled, public meeting on Wednesday, May 14, 2014.

TOWNSHIP OF EDISON
MUNICIPAL RESOLUTION

WHEREAS, the Edison Department of Health and Human Services, established the Edison Senior Citizen Center over thirty years ago; and

WHEREAS, the mission of the Edison Senior Citizen Center is to provide a safe and secure public facility to afford local, senior citizens opportunities for socialization, recreation, nutrition, exercise, health education, disease prevention, screenings, as well as other related Senior activities; and

WHEREAS, the Aetna Foundation has grant funds available, through its 2014 Regional Health Grant Program for eligible programs, projects, activities and related costs of qualified organizations in the communities in which its agencies operate; and

WHEREAS, the Edison Department of Health and Human Services, intends to apply for grant funding for a maximum of \$50,000 from the 2014 Aetna Foundation Regional Health Grant Program, as it will help to support the continuing provision and expansion of exercise, physical activity and related events at the Edison Senior Citizen Center for Edison's Senior Citizens; and

WHEREAS, no matching funds are required in order for the Edison Department of Health and Human Services, through Edison Senior Citizen Center, to apply for grant funding from the 2014 Aetna Foundation Regional Health Grant Program ; and

WHEREAS, the Edison Department of Health and Human Services, through the Edison Senior Citizen Center, will utilize all grant funds awarded to it by the 2014 Aetna Foundation Regional Health Grant Program, as described in its application for said funds and in compliance with all applicable Municipal, Middlesex County, New Jersey and United States Federal agency requirements, guidelines, regulations and statutes; 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, with no requirement for matching funds, at a regularly-scheduled, public meeting on the evening of Wednesday, May 14, 2014.

**AN ORDINANCE TO ESTABLISH A
GOVERNMENT-PRIVATE ENERGY AGGREGATION
PROGRAM IN THE TOWNSHIP OF EDISON
TO PROVIDE ELECTRIC GENERATION SERVICE
AND SUPPLY SERVICE FOR RESIDENTIAL AND
NON-RESIDENTIAL CUSTOMERS PURSUANT TO THE
GOVERNMENT ENERGY AGGREGATION ACT OF 2003 (P.L. 2003, C.24)**

WHEREAS, the State of New Jersey is one of three States that has been engaged in a process to establish a competitive market place through deregulation and restructuring of the electric industry; and

WHEREAS, the Government Energy Aggregation Act of 2003 permits the Township of Edison to become a Government Aggregator in order to provide electric generation service for use by residential and non-residential customers within the municipality's geographic boundaries; and

WHEREAS, residential and non-residential citizens of the Township of Edison have a substantial economic and social interest at stake in the purchase and supply of energy; and

WHEREAS, the Municipal Council of the Township of Edison finds it is in the best interest of the municipality's ratepayers, both residential and non-residential, to create a Government-Private Energy Aggregation Program.

NOW THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Edison, County of Middlesex, State of New Jersey according to the following:

- Section 1. The Township of Edison is authorized to become a Government Aggregator of electric generation service and electric service for residential and non-residential customer's electric power on behalf of its residential and non-residential citizens.
- Section 2. The Township will follow the Government-Private Aggregator Option Two of the BPU Government-Private Aggregator Program pursuant to the rules and regulations of the New Jersey State Board of Public Utilities.
- Section 3. The Mayor and Chief of Staff are hereby authorized to take any and all steps to submit the necessary documentation to the New Jersey Board of Public Utilities and to provide any and all notices to residential customers to opt-out of the Program and to non-residential customers to opt-in to the Program.
- Section 4. The Township is a member of the Middlesex Regional Education Services Commission and the Commission has followed the Fair and Open process to select an energy service provider, Good Energy, L.P. to perform the New Jersey BPU aggregation program adopted by N.J.A.C. 14:4-6 et. seq., for the Commission and its members.
- Section 5. The term of the agreement shall require the Municipal Council to approve by Resolution the extension of the service agreement annually up to no more than five renewals.
- Section 6. If any Section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the Section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.
- Section 7. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.
- Section 8. This Ordinance shall take effect twenty days after final passage, adoption and publication according to law.

**RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT FOR
ENERGY CONSULTATION SERVICES
WITH RESPECT TO A GOVERNMENT-PRIVATE ENERGY AGGREGATION PROGRAM IN THE
TOWNSHIP OF EDISON**

WHEREAS, the Township of Edison is interested in establishing a Government-Private Aggregation Program to provide electric generation service for use by residential and non-residential customers within the municipality's geographic boundaries; and

WHEREAS, the Middlesex Regional Educational Services Commission, of which the Township is a member, has selected Good Energy, L.P. as an energy service provider, to provide certain energy consulting services to the Commission and its members with respect to the Government-Private Energy Aggregation Program, which includes the services necessary to prepare for and manage the Program in accordance with the New Jersey BPU Aggregation Program adopted by N.J.A.C. 14:4-6; and

WHEREAS, the Township desires to enter into a services agreement with Good Energy, L.P as a member of the Commission and in accordance with the Commission's solicitation on behalf of its member, for the company to render the necessary energy consulting services for the management of the Township's Government-Private Energy Aggregation Program; and

WHEREAS, under the proposed agreement, the successful Third Party Supplier shall be responsible for the payment of the Good Energy, L.P. fees associated with providing these services, and in the event the Township elects not to proceed with the Program, Good Energy, L.P. shall not receive a fee..

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute a services agreement with Good Energy, L.P. to provide energy consulting services necessary to manage the Township's Government-Private Energy Aggregation Program and obtain the necessary approvals in connection therewith, and provide the services as solicited by the Commission.
2. The contract with Good Energy, L.P. is being authorized pursuant to the fair and open solicitation conducted by the Commission for such services on behalf of its members.

Explanation: A Resolution authorizing settlement in the matter of: Indian Business Association, Inc. v. Township of Edison, *et als*.

EDISON TOWNSHIP

RESOLUTION _____

WHEREAS, the Township of Edison (“Township”), former Mayor Antonia Ricigliano, the Township Municipal Council (“Township Council”) and Robert Karabinchak are the defendants (referred to herein collectively as “Defendant”) in a lawsuit (Docket No.: MID-L-7149-12) (“Lawsuit”) filed by plaintiff Indian Business Association, Inc. (“Plaintiff,” and together with Defendant, the “Parties”); and

WHEREAS, the Plaintiff asserted various claims in the Lawsuit including that it was improperly denied a permit to host the Indian Independence Day Parade in the Township; and

WHEREAS, Defendant is desirous of avoiding the cost and expense of further litigation; and

WHEREAS, the Parties have reached an agreement to fully and finally resolve all claims among them, including, but not limited to all claims asserted in the Lawsuit, without any admission of liability, premised on the Defendant’s granting to Plaintiff a conditional permit to host the Indian Independence Day Parade for a period of seven (7) years, in exchange for Plaintiff’s release of all asserted claims and dismissal of the Lawsuit; and

WHEREAS, Defendant desires to approve, endorse and accept the Settlement Agreement and Release (“Agreement,” attached hereto as Exhibit A) made by Plaintiff in favor of Defendant in settlement of the Lawsuit.

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 recitals are hereby incorporated as if restated herein in full.
 2. The Agreement, attached hereto as Exhibit A, is hereby authorized, approved and accepted.
 3. The Mayor is hereby authorized to execute any ancillary documents relating to and required by the Agreement as determined reasonably necessary by the Mayor in consultation with counsel to the Township.
 4. This Resolution shall take effect immediately.
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Explanation: Approval and authorization by the Municipal Council of the Township of Edison for the development and submission of a viable grant application to the 2014 NJDOT FTA SAFETEA-LU MAP 21 TRANSPORTATION ALTERNATIVE PROGRAM. The intent of this NJDOT FTA program is to provide financial support for a variety of non-traditional transportation projects, such as bicycle and pedestrian facilities, rail trails, as well as scenic and historic transportation facilities.

TOWNSHIP OF EDISON
MUNICIPAL RESOLUTION

WHEREAS, the Edison Department of Planning and Engineering desires to apply for and obtain grants from the 2014 NJDOT FTA SAFETEA-LU MAP 21 TRANSPORTATION; and

WHEREAS, the Edison Department of Planning and Engineering intends to develop and submit a viable application for a maximum amount of \$200,000, with no requisite cash match; and

WHEREAS, the Edison Department of Planning and Engineering shall work in partnership with such local, non-profit organizations and agencies, such as the Edison Greenways Group, Edison Open Space Advisory Committee, Edison Township Environmental Commission and Edison Sustainable Jersey Green Team; and

WHEREAS, the focus of said development of the 2014 NJDOT FTA SAFETEA-LU MAP 21 TRANSPORTATION grant application by the Edison Department of Planning and Engineering shall be the identification, assessment, preservation, improvement and mapping of pedestrian trails and bicycle trails, in the northern area of Edison.

NOW, THEREFORE, BE IT RESOLVED, the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby authorize the Edison Department of Planning and Engineering to develop and submit a viable grant application to the 2014 NJDOT FTA SAFETEA-LU MAP 21 TRANSPORTATION at a regularly-scheduled Work Session on May 12, 2014 and subsequent Public Meeting on May 14, 2014.

EXPLANATION: RESOLUTION OF AWARD OF PUBLIC BID NO. 14-25-02 FOR THE 2014 CDBG CURB AND SIDEWALK REPLACEMENT PROGRAM, FOR VARIOUS STREETS, PHASE 2, TOWNSHIP OF EDISON, MIDDLESEX COUNTY, NJ.

**TOWNSHIP OF EDISON
RESOLUTION**

WHEREAS, the Township of Edison desires to replace certain curb and sidewalk sections and install barrier-free curb ramps in the designated Census Tract 17.01, Census Block 3 & 4, and Census Tract 18.04, Census Block 2, in the Township of Edison, said improvements funded through the Community Development Block Grant, and under the 2014 CDBG Curb and Sidewalk Replacement Program, For Various Streets, Phase 2, Township of Edison, Middlesex County, NJ; and

WHEREAS, the Edison Township Engineer has prepared bid documents for the 2014 CDBG Curb and Sidewalk Replacement Program, For Various Streets, Phase 2, Township of Edison, with primary emphasis on Glenville Road, Miko Road, Idlewild Road, Tell Place, and Roger Road; and

WHEREAS, nine (9) sealed bids for Public Bid No. 14-25-02, 2014 CDBG Curb and Sidewalk Replacement Program, Phase 2, For Various Streets, Township of Edison, Middlesex County, NJ, were received by and opened on Thursday, April 17, 2014, at 11:00 am; and

WHEREAS, A Team Concrete Inc., 104 George Street, South River, NJ 08882 (phone # 732-558-9156), is the low bidder, with a base bid, and total bid, of \$163,600.00; and

WHEREAS, the Edison Township Engineer has reviewed the bids with the CDBG Coordinator and the Township Engineer has recommended award of a contract to the low bidder, A Team Concrete Inc., 104 George Street, South River, NJ 08882, at the base bid amount, and total bid amount not to exceed \$163,600.00;

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that a construction contract be awarded to A Team Concrete Inc., 104 George Street, South River, NJ 08882, at a total amount not to exceed \$163,600.00, for Public Bid No. 14-25-02, 2014 CDBG Curb and Sidewalk Replacement Program, Phase 2, For Various Streets, Township of Edison, Middlesex County, New Jersey.

CFO CERTIFICATION OF FUNDS:

I hereby certify that funding in the total amount of \$163,600.00 for the above public construction contract is available under account number T-14-13-0520-000-001.

Agnes Yang,
Acting Chief Financial Officer

EXPLANATION: Resolution releasing Cash Performance to Anthony Marra, 1170 Staffler Road, Bridgewater, NJ 08807.

TOWNSHIP OF EDISON

RESOLUTION

WHEREAS, the Township Engineer advises that an inspection has been made of 5 Colletto Ct., Located at Edison, NJ 08820, Block 21-D, Lot 20, and said inspection indicates all improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance posted on May 30, 2002 in the amount of \$10,882.75, plus accrued interest, if applicable, on deposit in account #7200025261 with the Township of Edison;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Cash Performance Bond in the amount of \$10,882.75, plus accrued interest, if applicable, be refunded to the applicant;

BE IT FURTHER RESOLVED that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance Bond in the amount of \$10,882.75 plus accrued interest, if applicable, on deposit in account #7200025261 to the applicant.

S:Eng-Karen-RetReso-CashPerf-AnthonyMarra-5CollettoCt.

EXPLANATION: Resolution Refunding Tree Maintenance Bond to Hanh V. Tran on Established Site Plan Tree Plantings at 5 Berrue Court under Tree Permit No. 11-084.

TOWNSHIP OF EDISON

RESOLUTION

WHEREAS, on June 4, 2012 Hanh V. Tran posted Tree Maintenance Bond fees in the amount of \$900.00 on deposit with the Township of Edison in account #7761963672 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Permit #11-084 for property located at 5 Berrue Court; and

WHEREAS, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that the trees planted have remained alive for the required two year maintenance period; and

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount of \$900.00, be refunded to the applicant;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$900.00 Herein above mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Acting Chief Financial Officer Agnes Yang be and is hereby authorized to refund the sum of \$900.00, on deposit in Account #7761963672 to Hanh V. Tran, having an address of 5 Berrue Court, Edison, N.J. 08817.

S:Eng-TreeMaintBondRefundReso-#11-084-Hanh V. Tran-5BerrueCt.

EXPLANATION: Resolution Refunding Tree Maintenance Bond to Fox & Foxx on Established Site Plan Tree Plantings at 31 Adams Street under Tree Permit No. 10-152.

TOWNSHIP OF EDISON

RESOLUTION

WHEREAS, on November 2, 2011 Fox & Foxx Development, LLC posted Tree Maintenance Bond fees in the amount of \$450.00 on deposit with the Township of Edison in account #7761963532 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Permit #10-152 for property located at 31 Adams Street; and

WHEREAS, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that the trees planted have remained alive for the required two year maintenance period; and

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$450.00, if applicable, be refunded to the applicant;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$450.00 hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Acting Director of Finance be and is hereby authorized to refund the sum of \$450.00, if applicable on deposit in Account #7761963532 to Fox & Foxx Development, LLC having an address of 940 Amboy Ave, Suite 101, Edison, NJ 08837

S:Eng-TreeMaintBondRefundReso-#10-152-Fox&Foxx31AdamsSt.

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO W.W. GRAINGER, INC. FOR THE FURNISHING OF INDUSTRIAL, JANITORIAL AND HARDWARE SUPPLIES FOR THE TOWNSHIP OF EDISON

WHEREAS, there is a need to purchase Industrial, Janitorial and Hardware Supplies for the Township of Edison; and

WHEREAS, W.W. GRAINGER, INC., 55 Jackson Dr., Cranford, NJ 07016, has been awarded State Contract Number 79875 under M-0002 Industrial/MRO Supplies and Equipment; and

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract; and

WHEREAS, the total amount of this contract, not to exceed \$25,000.00, cannot be encumbered at this time; and

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

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

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$25,000.00 and any other necessary documents, with W.W. GRAINGER, INC., 55 Jackson Dr., Cranford, NJ 07016, as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. 79875 under M-0002.

**RESOLUTION CORRECTING RESOLUTION R.158-042014 AND AWARDING
CONTRACT/PURCHASE ORDER TO STERTIL-KONI U.S.A., INC. FOR THE PURCHASE OF SIX (6)
VEHICLE MAINTENANCE LIFTS AND EIGHT (8) SUPPORT STANDS FOR THE KILMER VEHICLE
MAINTENANCE CENTER**

WHEREAS, R.158-042014 awarded Hoffman Services, Inc., as the Stertil-Koni distributor for the State of New Jersey vehicle lifts under State Contract Number 80126/G-8023-Vehicle Lifts and Equipment; and

WHEREAS, to be compliant with the state contract, the purchase order must be payable to Stertil-Koni, 200 Log Canoe Circle, Stevensville, MD 21666 and therefore, Resolution R.158-042014 must be corrected to read Stertil-Koni as the vendor; and

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract; and

WHEREAS, the maximum amount of the purchase shall not exceed \$68,693.00; and

WHEREAS, funds in the amount of \$68,693.00 have been certified to be available in the Various Improvements-Public Works Buildings Account, Number C-04-12-1817-370-002; and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

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

1. Resolution R.158-042014 be replaced by this resolution.
2. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$68,693.00, and any other necessary documents, with to STERTIL-KONI, 200 Log Canoe Circle, Stevensville, MD 21666. as described herein.
3. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law and State Contract, No. 80126 under G-8023.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$68,693.00** are available for the above in Account No. **C-04-12-1817-370-002**.

Agnes Yang
Acting Chief Financial Officer

Date

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO WELDON
MATERIALS FOR THE PURCHASE OF COLD PATCH FOR THE DEPARTMENT OF
PUBLIC WORKS**

WHEREAS, there was a need to purchase cold patch for pothole repairs for the Department of Public Works; and

WHEREAS, STAVOLA CONSTRUCTION MATERIALS, was awarded cold patch under Public Bid No. 13-03-08-Materials, but could not supply the needed materials; and

WHEREAS, WELDON MATERIALS, 141 Central Ave., Westfield, NJ 07090 was able to fulfill the order; and

WHEREAS, the maximum amount of the purchase shall not exceed \$21,060.20; and

WHEREAS, funds in the amount of \$21,060.20 have been certified to be available in the Streets & Roads Materials & Supplies Account, Number 4-01-26-0290-000-030; and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

NOW, THEREFORE, IT IS RESOLVED by the Municipal Council of the Township of Edison, that the Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$21,060.20 and any other necessary documents, with Weldon Materials, 141 Central Ave., Westfield, NJ 07090, as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$21,060.20** are available for the above in Account No **4-01-26-0290-000-030**.

Agnes Yang
Acting Chief Financial Officer

Date

**RESOLUTION AWARDING AN ADDITIONAL HIGH REACH LOADER TO JESCO, INC. UNDER
CONTRACT NO. 13-08-27 FOR THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, bids were received by the Township of Edison on October 17, 2013 for Public Bid No. 13-08-27-High Reach Loader for the Department of Public Works; and

WHEREAS, JESCO, INC., 118 St. Nicholas Ave., South Plainfield, NJ 07080 submitted the lowest legally responsible, responsive bid; and

WHEREAS, Resolution R.691-112013 authorized the award of a contract to JESCO, INC. for the purchase of a High Reach Loader; and

WHEREAS, contract specifications allow for additional purchases under this contract and the Township of Edison wishes to exercise this option to purchase one additional truck; and

WHEREAS, the maximum amount of the purchase shall not exceed \$160,848.00; and

WHEREAS, funds in the amount of \$160,848.00 have been certified to be available in the Sanitation-Reserve Capital Outlay Account, Number 4-09-60-0205-000-000; and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein and as submitted on the summary spreadsheet.

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

1. All bids have been reviewed, and the bid submitted by JESCO, INC., 118 St. Nicholas Ave., South Plainfield, NJ 07080 for the purchase of a High Reach Loader for the Department of Public Works, is determined to be the lowest legally responsible, responsive bid.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$160,848.00, and any other necessary documents, with JESCO, INC. as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$160,848.00** are available in Account No. **4-09-60-0205-000-000**.

Agnes Yang
Acting Chief Financial Officer

Date

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
MARLENE BRILLANTES FOR THE KIDS FUN CLUBS PROGRAM**

WHEREAS Marlene Brillantes made a duplicate payment in the amount of \$20.00 for her child Maris Brillantes' participation in the Kids Fun Clubs Program; and

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$20.00 to Marlene Brillantes, 17 Schuyler Dr., Edison, NJ 08817, which amount represents the duplicate payment.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$20.00 are available in Account #4-01-55-0291-000-000.

Agnes Yang
Acting Chief Financial Officer

Date

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
WENZHEN CAI FOR THE ABC PROGRAM**

WHEREAS Wenzhen Cai made payment in the amount of \$160.00 for her child, Allison Zhou's participation in the afternoon ABC Program at Menlo Park Elementary School; and

WHEREAS the child will be withdrawn from the program as of May 1, 2014; and

WHEREAS payment has already been made for the month of May, 2014.

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$160.00 to Wenzhen Cai, 213 Compton Ave., Edison, NJ 08820, which amount represents the monthly fee for the ABC Program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$160.00 are available in Account #4-01-55-0291-000-000.

Agnes Yang
Acting Chief Financial Officer

Date

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
HUEI-LING CHEN FOR THE ABC/YAP PROGRAMS**

WHEREAS Huei-Ling Chen made a duplicate late payment fee in the amount of \$10.00 for her children Sophie & Sean Yang's participation in the ABC and YAP Programs; and

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$10.00 to Huei-Ling Chen, 6 Concord St., Edison, NJ 08820, which amount represents the duplicate late fee.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$10.00 are available in Account #4-01-55-0291-000-000.

Agnes Yang
Acting Chief Financial Officer

Date

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
GIRISH NORI FOR THE ABC PROGRAM**

WHEREAS Girish Nori made payment in the amount of \$240.00 for the month of June for his children, Pranav & Sumana Nori's participation in the afternoon ABC Program at Ben Franklin Elementary School; and

WHEREAS the children were removed from the program prior to attending in June, 2014.

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$240.00 to Girish Nori, 2128 Edward Stec Blvd., Edison, NJ 08837, which amount represents the monthly fee for the ABC Program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$240.00 are available in Account #4-01-55-0291-000-000.

Agnes Yang
Acting Chief Financial Officer

Date

RESOLUTION

WHEREAS, on, August 28, 2013 the Municipal Council adopted Resolution R.480-082013 which granted a Place to Place Transfer of a Plenary Retail Consumption Liquor License to GMRI, Inc. t/a Season 52.

WHEREAS, the Municipal Council desires to rescind the Resolution R.480-082013 for the reason of duplication.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that Resolution R.480-082013 adopted August 28, 2013 be and the same is hereby rescinded.

Resolution
Edward Byrne Memorial Justice Assistance Grant
(FY 2014 Local Solicitation)
Grant Application and Approval

Whereas; the Division of Police wishes to apply for and approve acceptance of grant funding in the amount of \$14,400.00 to use towards the overall purchase of a new fully equipped police vehicle; and

Whereas; the Edison Division of Police is one of four police departments in Middlesex County that is eligible to receive funding from the Edward Byrne Memorial Justice Assistance Grant; and

Whereas; the grant allows for police departments to purchase much needed additional equipment in the fight against crime.

Now, therefore, be it resolved that the Edison Township Council and the Division of Police declares it's support for the grant application and to approve acceptance of the Edward Byrne Memorial Justice Assistance Grant in the amount of \$14,400.00.

Be It Further Resolved, that the Business Administrator be and is hereby authorized to sign the aforesaid grant application and execute the grant agreement for and on behalf of the Township of Edison.

EXPLANATION: An Ordinance amending the hiring and promotional process in the Police Division.

EDISON TOWNSHIP

ORDINANCE O.1865-2014

WHEREAS, the Township Council wishes to amend the hiring and promotional process in the Police Division.

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

SECTION I. The following existing Code Sections, including any amendment thereto whether codified or not, are hereby deleted in their entirety:

2-27 Mayors' Authority to Supervise the Divisions of Fire and Police.

2-28 Division of Police.

2-29 Entry Level and Promotional Criteria.

SECTION II. The following new Code Sections are hereby adopted:

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 shall be assigned to the Mayor. The Mayor shall be designated as the "appropriate authority" as provided by N.J.S.A. 40A:14-118. The Mayor shall promulgate and adopt such rules and regulations of the government of the Division of Police and for the discipline of its members.

2-28 DIVISION OF POLICE.

2-28.1 Established; Police 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 Chief of Police, who shall be appointed by the 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) Chief of Police; and
2. One (1) Deputy Chief; and
3. Eight (8) Captains of Police; and
3. Nineteen (19) Lieutenants of Police; and
4. Thirty-five (35) Sergeants of Police; and

5. One hundred and forty-five (145) Patrol Officers; and

B. The actual complement shall be as determined to be needed by the Mayor and shall be appointed by the 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, 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 Chief.

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, Chief of Police or the officers and men and women of the department.

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 Division.
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 Mayor 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 promulgate rules and regulations for the governance of the Police Division and for the discipline of its members.

2-28.6 Executive Office.

The Chief of Police shall be the executive officer of the Division of Police.

2-28.7 Chief of Police.

The Police Chief 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 Mayor.

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.

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 a high school graduate or equivalent between eighteen (18) and thirty-five (35) years of age;
 - 3. Have good moral character and not been convicted of criminal offense involving moral turpitude;
 - 4. Be psychologically and physically fit to perform all the duties of a Police Officer;
 - 5. Be able to read, write and speak the English language conversantly;
 - 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 (i) shall have completed two (2) years of active military service with an honorable discharge; or (ii) shall be PTC (New Jersey Police Training Commission) certified or (iii) have been a police officer in good standing for a period of at least one (1) year in another jurisdiction.
 - 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. Meet such other requirements as are established in the police rules and regulations;
 - 10. 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. Application.

1. All applicants shall complete a detailed application which will be thoroughly investigated. Failure to pass the background investigation will disqualify an applicant. Examples 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 Chief of Police or his designee.

B. The Mayor shall employ one (1) of the following two (2) procedures for appointing to the position of entry level Police Officer. The Mayor reserves the right to utilize either or both of the following procedures in whatever order of preference he/she chooses. All applicants shall be charged a non-refundable fee of one hundred dollars (\$100) and reimburse the Township for any fees for criminal background checks or fingerprinting. These fees can be waived by the Mayor on proof of indigence.

OPTION 1.

1. Police Training Procedure: This procedure will allow the Mayor to limit applicants to person(s) who are police officers in good standing in another jurisdiction; or are PTC (New Jersey Police Training Commission) certified; or who are presently attending a certified New Jersey police training school. In such case, the following selection criteria shall be used:

- (a) An application committee designated by the Mayor, which shall include at least the Chief of Police and the Township Administrator, shall review the applications.
- (b) Applicants who are deemed eligible by the application committee shall undergo an oral interview by a review committee designated by the Mayor, which shall include at least the Chief of Police. Applicants who pass the oral interview may move onto the next phase.
- (c) A background check will be conducted on the number of the proposed candidates to be hired plus fifty (50%) of the proposed number of candidates to be hired. Those passing the background check are eligible for the next phase.
- (d) The review committee selected candidates 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 applicant passing the aforesaid examinations may be selected by the Mayor to fill police officer vacancies, provided that they have completed and received PTC certification or are a police officer in good standing at the time of

appointment. The Mayor shall make the final appointment from the list candidates interviewed utilizing the "Rule of Five".

- (f) New appointees hired under this procedure will serve a probationary period of one (1) year as required by the Division of Police Rules and Regulations which shall begin on the first day of employment.

OPTION 2.

1. The Township may establish a list of qualified applicants for the position of police officer for those persons not qualified to be appointed pursuant to Option 1 above, in accordance with the following procedure:

- (a) A written test to be administered a valid and reliable outside testing agency or testing company with a minimum of five years experience in the design and administration of police officer hiring and promotional testing. Applicants must achieve a grade of seventy (70%) or higher to be considered for the next phase.
- (b) All candidates must take a physical agility exam consistent with a police officer's job description. The agility exam shall be graded based upon a testing rubric established by the Police Chief.
- (c) The final score shall consist of sixty (60%) of the written test score and forty (40%) of the physical agility test score for a total of one-hundred (100) points.
- (d) Applicants that have served with the Edison Police Auxiliary for a period of at least four (4) years prior to the commencement of the testing procedure shall have five (5) points added to their score.
- (e) Applicants who are bone fide Edison residents on the date of the examination shall have five (5) points added to their score.
- (f) All eligible applicants shall undergo an oral interview by a review committee designated by the Mayor, which shall include at least the Chief of Police. Applicants who pass the oral interview may move onto the next phase.
- (g) A background check will be conducted on the number of the proposed candidates to be hired plus fifty (50%) of the proposed number of candidates to be hired. Those passing the background check are eligible for the next phase.
- (f) The review committee selected candidates 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.
- (g) The applicant passing the aforesaid examinations may be selected by the Mayor to fill police officer vacancies. The Mayor shall make the final appointment from the list candidates interviewed utilizing the "Rule of Five".
- (h) New appointees selected by option 2 will be required to attend Police Academy and serve a one (1) probationary period which shall begin the first day of employment following graduation from the Police Academy.

C. A list with the rankings of the candidates will be certified by the Township Clerk. The list will be in force for two (2) years from the date that it is certified and a new list shall be established within ninety (90) days of the expiration of any list. The list shall not be extended.

D. 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 the satisfaction of the Mayor that he or she is indigent will have the fee waived.

2-29.4 Reserved.

2-29.5 Promotional Criteria; Patrol Officer to Sergeant.

All promotions from patrol officer to sergeant shall be made pursuant to the following examination criteria, which shall consist of one-hundred (100) total points:

A. *Qualifications.* A candidate must have completed a minimum of seven years (7) of service as a patrol officer with the Edison Police Department on the date of the written examination.

B. *Written Test.*

1. The test shall be drafted specifically for the Edison Police Department which shall be designed and administered by a valid and reliable outside testing agency or testing company with a minimum of five years experience in the design and administration of police officer hiring and promotional testing.
2. Study guides will be made available prior to the examination.
3. The written test shall constitute seventy-five (75%) percent of the officer's score. Only those candidates who achieve a score of seventy-five (75%) percent or higher will be allowed to move to the next phase.
4. The testing agency shall place the names and grades of the passing candidates into a sealed envelope and placed with the Township Administrator. At the end of the process, the Township Administrator shall submit the sealed envelope to the Chief of Police.

C. *Oral Test.* The oral test shall constitute fifteen (15%) percent of the officer's score and shall be conducted by the Command Staff, which shall include the Chief of Police, Deputy Chief, and Captains, who shall rate the candidates on a rubric developed by the Chief of Police. The Command Staff shall not discuss their evaluations with other Command Staff members. The Chief of Police and Deputy Chief shall remove the highest and lowest scores of each candidate and average the remaining scores.

D. *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 1 point for said service.

E. *College Credit.* Anyone who possess a Bachelors degree or higher shall receive 0.5 points.

F. *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
08-10	0.5
11-12	1.0
13-14	1.5
15-16	2.0
17-18	2.5
19-20	3.0

G. *Disciplinary History.*

1. If a candidate has no disciplinary history in the last ten (10) years from the date of the scoring of the examination, the candidate shall receive five and one-half (5.5) points.
2. If a candidate has no more than two (2) written reprimands or one (1) suspension of three (3) days or less in the last ten (10) years from the date of the scoring of the examination, the candidate shall receive two and one half (2.5) points.
3. If a candidate has one (1) discipline of more than three (3) suspension days, said candidate shall receive zero (0) points.

H. *Compiling the Ranking List of Candidates*

1. The Chief of Police shall obtain from the Township Administrator the sealed envelope which contains the results of the written test.
2. The Chief of Police and the Deputy Chief shall compute the scores and issue the list of rankings.
3. The Chief of Police shall maintain the scores and all evaluation sheets until the next promotional test is conducted.

I. *Appointment to Position.*

1. Vacancies shall be filled utilizing the “Rule of Five”. Should the scoring result in a tie in any position but the first rank, the list shall be expanded to include all those candidates eligible in those positions. If there is a tie in the number one position, all of those candidates will be included on the list; however, if there is also a tie in a lower rank necessary to establish the “Rule of Five”, all said candidates will be included to establish the “Rule of Five”.
2. A review committee designated by the Mayor, which shall include at least the Chief of Police, shall review the list comprising the candidates contained in the “Rule of Five” and issue recommendations to the Mayor.
3. The Mayor shall appoint the candidate pursuant to the “Rule of Five”.

J. *Duration of List of Candidates.*

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. The list shall not be extended.

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. If a candidate is lowered on the list, the procedure utilized shall be consistent with “G” of this Section.
2. The removal of a candidate, pursuant to K(1) of this Section will be at the ultimate discretion of the Mayor.

2-29.6 Promotional Criteria; Sergeant to Lieutenant.

A. *Qualifications.*

1. The candidate must have completed a minimum of two (2) years service in grade as sergeant in the Edison Police Department to be eligible for promotion to lieutenant.
2. a. Each candidate for promotion to the rank of lieutenant shall take a written examination drafted specifically for the Edison Police Department which shall be designed and administered by a valid and reliable outside testing agency or testing company with a

minimum of five years experience in the design and administration of police officer hiring and promotional testing.

- b. The testing agency shall place the names and grades of the passing candidates into a sealed envelope and placed with the Township Administrator. At the end of the process, the Township Administrator shall submit the sealed envelope to the Chief of Police.
3. The oral test shall be conducted by the Command Staff, which shall include the Chief of Police, Deputy Chief and Captains, who shall rate the candidates on a rubric developed by the Chief of Police. The Command Staff shall not discuss their evaluations with other Command Staff members. The Chief of Police and Deputy Chief shall remove the highest and lowest scores of each candidate and average the remaining scores.
4. The final score shall consist of the written examination score (50%) and the oral examination score (40%). Candidates will receive one-half point (0.5) for each full year of time in grade as a Sergeant in the Edison Police Department to a maximum of 5 points.
5. *Disciplinary History.*
 - a. If a candidate has no disciplinary history in the last ten (10) years from the date of the scoring of the examination, the candidate shall receive five (5.0) points.
 - b. If a candidate has no more than two (2) written reprimands or one (1) suspension of three (3) days or less in the last ten (10) years from the date of the scoring of the examination, the candidate shall receive two and one half (2.5) points.
 - c. If a candidate has one (1) discipline of more than three (3) suspension days, said candidate shall receive zero (0) points.

B. *Compiling the Ranking List of Candidates*

1. The Chief of Police shall obtain from the Township Administrator the sealed envelope which contains the results of the written test.
2. The Chief of Police and the Deputy Chief shall compute the scores and issue the list of rankings.
3. The Chief of Police shall maintain the scores and all evaluation sheets until the next promotional test is conducted.

C. *Appointment to Position.*

1. Vacancies shall be filled utilizing the "Rule of Five". Should the scoring result in a tie in any position but the first rank, the list shall be expanded to include all those candidates eligible in those positions. If there is a tie in the number one position, all of those candidates will be included on the list; however, if there is also a tie in a lower rank necessary to establish the "Rule of Five", all said candidates will be included to establish the "Rule of Five".
2. A review committee designated by the Mayor, which shall include at least the Chief of Police, shall review the list comprising the candidates contained in the "Rule of Five" and issue recommendations to the Mayor.
3. The Mayor shall appoint the candidate pursuant to the "Rule of Five".

D. *Duration of List of Candidates.*

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. The list shall not be extended.

E. *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. If a candidate is lowered on the list, the procedure utilized shall be consistent with "A(5)" of this Section.
2. The removal of a candidate, pursuant to E(1) of this Section will be at the ultimate discretion of the Mayor.

2-29.7 Promotional Criteria; Lieutenant to Captain.

A. *Qualifications.*

1. The candidate must have completed a minimum of two (2) years service in grade as lieutenant in the Edison Police Department to be eligible for promotion to captain.
2.
 - a. Each candidate for promotion to the rank of captain shall take a written examination drafted specifically for the Edison Police department which shall be designed and administered by a valid and reliable outside testing agency or testing company with a minimum of five years experience in the design and administration of police officer hiring and promotional testing.
 - b. The testing agency shall place the names and grades of the passing candidates into a sealed envelope and placed with the Township Administrator. At the end of the process, the Township Administrator shall submit the sealed envelope to the Chief of Police.
3. The oral test shall be conducted by the Command Staff, which shall include the Chief of Police, Deputy Chief and Captains, who shall rate the candidates on a rubric developed by the Chief of Police. The Command Staff shall not discuss their evaluations with other Command Staff members. The Chief of Police and Deputy Chief shall remove the highest and lowest scores of each candidate and average the remaining scores.
4. The final score shall consist of the written examination score thirty (30%) percent and the oral examination score sixty (60%) percent. Candidates will receive one half point (0.5) for each full year of time in grade as a Lieutenant in the Edison Police Department to a maximum of five (5) points.
5. *Disciplinary History.*
 - a. If a candidate has no disciplinary history in the last ten (10) years from the date of the scoring of the examination, the candidate shall receive five (5.0) points.
 - b. If a candidate has no more than two (2) written reprimands or one (1) suspension of three (3) days or less in the last ten (10) years from the date of the scoring of the examination, the candidate shall receive two and one half (2.5) points.
 - c. If a candidate has one (1) discipline of more than three (3) suspension days, said candidate shall receive zero (0) points.

B. *Compiling the Ranking List of Candidates*

1. The Chief of Police shall obtain from the Township Administrator the sealed envelope which contains the results of the written test.
2. The Chief of Police and the Deputy Chief shall compute the scores and issue the list of rankings.
3. The Chief of Police shall maintain the scores and all evaluation sheets until the next promotional test is conducted.

C. *Appointment to Position.*

1. Vacancies shall be filled utilizing the "Rule of Three". Should the scoring result in a tie in any position but the first rank, the list shall be expanded to include all those candidates eligible in those positions. If there is a tie in the number one position, all of those candidates will be included

on the list; however, if there is also a tie in a lower rank necessary to establish the “Rule of Three”, all said candidates will be included to establish the “Rule of Three”.

2. A review committee designated by the Mayor, which shall include at least the Chief of Police, shall review the list comprising the candidates contained in the “Rule of Three” and issue recommendations to the Mayor.
3. The Mayor shall appoint the candidate pursuant to the “Rule of Three”.

D. *Duration of List of Candidates.*

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. The list shall not be extended.

E. *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. If a candidate is lowered on the list, the procedure utilized shall be consistent with “A(5)” of this Section.
2. The removal of a candidate, pursuant to E(1) of this Section will be at the ultimate discretion of the Mayor.

2-29.8 Promotional Criteria; Deputy Chief of Police.

- A. Any individual, officer or candidate to be promoted to the position of Deputy Chief of Police shall have served in the position of captain for a period of at least two (2) years or lieutenant for a period of at least four (4) years in a permanent capacity in the Edison Police.
- B. The Chief of Police shall give his written recommendations to the Mayor.
- C. The Mayor shall select the Deputy Chief of Police.

2-29.9 Promotional Criteria; Chief of Police.

- A. Any individual, officer or candidate to be promoted to the position of Chief of Police shall have served in the position of Deputy Chief of Police, Captain for a period of at least two (2) years or lieutenant for a period of at least four (4) years in a permanent capacity in the Edison Police.
- B. The Mayor shall select the Chief of Police.

2-29.10 Conflict of Interest

For the purposes of the Command Staff review, if any member of the Command Staff or the Chief of Police has a family member who is a candidate for promotion, said individual shall be recused from the process for that round of oral testing which so affect the Command Staff personnel. Family member is defined in this section as father, mother, brother, sister, brother-in-law, sister-in-law, son, daughter, son-in-law, daughter-in-law, uncle, aunt, nephew, niece, or any person living under the roof of a Command Staff member.

2-29.11 Testing Schedule - Promotional

Pursuant to the subsections of this Ordinance, at the discretion of the Director of Public Safety, promotional testing shall be conducted in two (2) year cycles. Make-up tests shall not be permitted for any reason; except that a make-up test will be permitted for those employees who meet the specific promotional criteria for the original test, are serving active military, and are unavailable to take the promotional test due to deployment or other assignment due to official military service. If it becomes necessary to hold a make-up exam, the test will be held on October 1st, or the first business day following October 1st, in the year following the original promotional test.

2-29.12 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.

2-29.13 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.

2-29.14 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 III. 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 IV. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

