

**AGENDA
MUNICIPAL COUNCIL
COMBINED MEETING
Wednesday, May 22, 2013
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 27, 2012, and posted in the Main Lobby of the Municipal Complex on the same date. An additional notice was sent on April 1, 2013 combining the meeting.
4. **REVIEW OF MINUTES:**
 - a. Combined Meeting of April 10, 2013
 - b. Worksession Meeting of May 6, 2013
5. **2013 CALENDAR YEAR MUNICIPAL BUDGET**
 - a. Public Hearing on Amendment
 - b. Introduction of Second Amendment
6. **REPORTS FROM ALL COUNCIL COMMITTEES:**
7. **POINTS OF LIGHT**
8. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Resolution Awarding Contract to the Community Hospital, inc. t/a JFK Medical Center for basic life support services Emergency Medical and Emergency Transportation Services (Resolution R.281-052013).
 - b. Resolution Awarding Contract for Bid No. 13-02-14 to Total Video Products inc. for equipment and supplies(Resolution R.282-052013
 - c. Resolution Awarding Contract for Bid No. 13-12-04 to WB Mason Company Inc., for office supplies(Resolution R.283-052013).
9. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through May 16, 2013 (Resolution R.273-052013).
 - b. Resolution authorizing refund in the amount of \$416,009.96 for redemption of tax sale certificates (Resolution R.290-052013).
 - c. Resolution authorizing refund of tax overpayments, totaling \$4,589.71 (Resolution R.291-052013).
 - d. Temporary Emergency Appropriations for 2013 (Resolution R.295-052013).

10. **FROM THE DEPARTMENT OF HEALTH:**
 - a. Resolutions authorizing the submission of Grant Applications. (Resolution R.275-052013 through Resolution R.277-052013).
 - b. Resolution Awarding Contract/Purchase order to Peole Pleasers of NJ, LLC dba New Jersey Partyworks for furnishing of amusement rides for Family Day (Resolution R.285-052013).
 - c. Resolution Awarding Contract/Purchase order to Party Perfect Rentals for furnishing of amusement ride for Family Day (Resolution R.286-052013).

11. **FROM THE DEPARTMENT OF LAW:**
 - a. Resolution authorizing a tax abatement agreement with Kilmer Homes Urban Renewal I, LP regarding certain property at Camp Kilmer(Resolution R.292-052013).
 - b. Resolution authorizing a tax abatement agreement with Kilmer Homes Urban Renewal II, LP regarding certain property at Camp Kilmer (Resolution R.293-052013).
 - c. Resolution directing the Clerk's Office to cease accepting, processing or issuing Taxicab Licenses while an Ordinance revising the same is being considered (Resolution R.294-052013)

12. **FROM THE LIBRARY:**
 - a. Resolution authorizing purchases from Baker and Taylor for Books for the Township Libraries (Resolution R.284-052013).

13. **FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**
 - a. Resolution Award of Contract to A-Plus Construction for Home Improvements as part of the Community Development Block Grant Program (Resolution R.287-052013).

14. **FROM THE DEPARTMENT OF PUBLIC WORKS:**
 - a. Resolution awarding an emergency Contract/Purchase order to B & W Construction of NJ, Inc. for repair of Sewer Force Main at Plainfield Avenue. (Resolution R.288-052013).

15. **FROM THE DEPARTMENT OF RECREATION:**
 - a. Resolution authorizing a refund for cancelation of an event (Resolution R.296-052013)

16. **FROM THE CHIEF OF FIRE:**
 - a. Resolution authorizing Garden State Fireworks to discharge fireworks for an Independence Day Celebration at the Plainfield Country Club scheduled for July 3, 2013 with a rain date of July 5, 2013 (Resolution R.280-052013).

17. **FROM THE CHIEF OF POLICE:**
 - a. Resolution approving Acceptance of the Click It or Ticket Mobilization Grant from May 20-June 2, 2013 (Resolution R.278-052013).

- b. Resolution approving participation in 2013 Federal Bulltproof Vest Partnership (Resolution R.279-052013).
- c. Resolution Awarding of Bid No. 13-04-12 to Rodgers Group, LLC for Online training software (Resolution R.289-052013).

18. **FROM THE TOWNSHIP CLERK:**

- a. Resolution waiving permits and/or application fees to New Dover United Methodist Church (Resolution R.274-052013).

19. **FROM THE COUNCIL MEMBER TO THE PLANNING BOARD:**

20. **UNFINISHED BUSINESS:**

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

O.1833-2013 AN ORDINANCE AUTHORIZING THE TOWNSHIP OF EDISON TO ENTER INTO A LEASE AGREEMENT WITH THE EDISON WETLANDS ASSOCIATION, INC. FOR USE OF PORTIONS OF CERTAIN DPW YARDS FOR CLOTHING AND TEXTILE RECYCLING BINS.

O.1834-2013 AN ORDINANCE AUTHORIZING THE TOWNSHIP OF EDISON TO ENTER INTO A LEASE AGREEMENT WITH THE EDISON WETLANDS ASSOCIATION, INC. FOR THE USE OF BLOCK 594-B, LOT 1 OWNED BY THE TOWNSHIP.

O.1835-2013 AN ORDINANCE REVISING THE PROVISIONS OF THE MUNICIPAL OPEN SPACE PRESERVATION TRUST FUND TO REQUIRE THE PAYMENT OF DEBT SERVICE BEFORE TRUST FUND MONIES CAN BE EXPENDED FOR ACQUISITION.

21. **COMMUNICATIONS:**

- a. Letters from Residents regarding Dismal Swamp
- b. Email received from Mr. Tagliaboschi regarding CIC site.

22. **DISCUSSION ITEMS:**

Council President Diehl
NONE

Councilmember Gomez
NONE

Councilmember Karabinchak
a. Tax Appeals

- b. Capital Improvements
- c. Oak Tree & Woodland Intersections
- d. Overlay Zone

Councilmember Lankey

NONE

Councilmember Lombardi

NONE

Councilmember Mascola

NONE

Councilmember Prasad

NONE

23. **APPROVAL OF MINUTES:**

- a. Combined Meeting of April 10, 2013
- b. Worksession Meeting of May 6, 2013

24. **COUNCIL PRESIDENT'S REMARKS**

25. **2013 CALENDAR YEAR MUNICIPAL BUDGET**

- a. Public Hearing on Amendment
- b. Introduction of Second Amendment

26. **RESOLUTIONS OF RECOGNITION:**

- a. Resolutions of Recognition To 2nd Graders Essay Contest Winners (Resolution R. 262-052013-R.271-052013.
- b. Resolution of Recognition to Edison High School Civics and Justice Academy Teacher and Students (Resolution R.272-052013).

27. **UNFINISHED BUSINESS:**

ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING AND FINAL ADOPTION:

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

- | | |
|-------------|--|
| O.1833-2013 | AN ORDINANCE AUTHORIZING THE TOWNSHIP OF EDISON TO ENTER INTO A LEASE AGREEMENT WITH THE EDISON WETLANDS ASSOCIATION, INC. FOR USE OF PORTIONS OF CERTAIN DPW YARDS FOR CLOTHING AND TEXTILE RECYCLING BINS. |
|-------------|--|

O.1834-2013 AN ORDINANCE AUTHORIZING THE TOWNSHIP OF EDISON TO ENTER INTO A LEASE AGREEMENT WITH THE EDISON WETLANDS ASSOCIATION, INC. FOR THE USE OF BLOCK 594-B, LOT 1 OWNED BY THE TOWNSHIP.

O.1835-2013 AN ORDINANCE REVISING THE PROVISIONS OF THE MUNICIPAL OPEN SPACE PRESERVATION TRUST FUND TO REQUIRE THE PAYMENT OF DEBT SERVICE BEFORE TRUST FUND MONIES CAN BE EXPENDED FOR ACQUISITION.

28. **PUBLIC COMMENT ON THE RESOLUTIONS**

29. **PROPOSED RESOLUTIONS**

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

Consent Agenda

R.262-052013 Resolution of Recognition to Contest winner Balan Selva.

R.263-052013 Resolution of Recognition to Contest winner Rudra Singh

R.264-052013 Resolution of Recognition to Contest winner Zainab Sohail

R.265-052013 Resolution of Recognition to Contest winner Viraja Gurrapu

R.266-052013 Resolution of Recognition to Contest winner Annika Santhanam

R.267-052013 Resolution of Recognition to Contest winner Nicholas Linzey

R.268-052013 Resolution of Recognition to Contest winner Jasmin Tubio

R.269-052013 Resolution of Recognition to Contest winner Harini Saravana

R.270-052013 Resolution of Recognition to Contest winner Justin Tam

R.271-052013 Resolution of Recognition to Contest winner Paule Nguetsop

R.272-052013 Resolution of Recognition to Mrs. Jennifer Blevins and Edison School Civics and Justice Academy Students.

R.273-052013 Resolution approving disbursements for the period ending May 16, 2013.

R.274-052013 Resolution to waive any and all permit fees for New Dover United Methodist church.

R.275-052013 Resolution authorizing the development and submission of grant application for FY13 Community Giving Program.

R.276-052013 Resolution authorizing the development and submission of grant application for FY13 Local Store Giving Program.

R.277-052013 Resolution authorizing the development and submission of grant application for FY13 Agency Hands in the Community Program.

R.278-052013 Resolution approving acceptance of the click it or Ticket Mobilization Grant from May 20-June 2, 2013.

R.279-052013 Resolution approving participation in 2013 Federal Bulletproof Vest Partnership.

- R.280-052013 Resolution authorizing Garden State Fireworks to discharge fireworks for an Independence Day Celebration at the Plainfield Country Club scheduled for July 3, 2013 with a rain date of July 5, 2013
- R.281-052013 Resolution Awarding Contract to the Community Hospital, inc. t/a JFK Medical Center for basic life support services Emergency Medical and Emergency Transportation Services.
- R.282-052013 Resolution Awarding Contract for Bid No. 13-02-14 to Total Video Products inc. for equipment and supplies in an amount not to exceed \$25,000.00.
- R.283-052013 Resolution Awarding Contract for Bid No. 13-12-04 to WB Mason Company Inc., for office supplies in an amount not to exceed \$85,000.00.
- R.284-052013 Resolution authorizing purchases from Baker and Taylor for Books for the township libraries in the amount of \$29,000.00.
- R.285-052013 Resolution Awarding Contract/Purchase order to People Pleasers of NJ, LLC dba New Jersey Partyworks for furnishing of amusement rides for Family Day in the amount of \$6,477.00.
- R.286-052013 Resolution Awarding Contract/Purchase order to Party Perfect Rentals for furnishing of amusement ride for Family Day in the amount of \$1,025.00.
- R.287-05201 Resolution Award of Contract to A-Plus Construction for Home Improvements as part of the Community Development Block Grant Program in the amount of \$ 15,250.00.
- R.288-052013 Resolution awarding an emergency Contract/Purchase order to B & W Construction of NJ, Inc. for repair of Sewer Force Main at Plainfield Avenue. In the amount of \$7,100.00
- R.289-052013 Resolution Awarding of Bid No. 13-04-12 to Rodgers Group, LLC for Online training software in an amount not to exceed \$23,424.00.
- R.290-052013 Resolution authorizing refund in the amount of \$416,009.96 for redemption of tax sale certificates.
- R.291-052013 Resolution authorizing refund of tax overpayments, totaling \$4,589.71.
- R.292-052013 Resolution authorizing a tax abatement agreement with Kilmer Homes Urban Renewal I, LP regarding certain property at Camp Kilmer.
- R.293-052013 Resolution authorizing a tax abatement agreement with Kilmer Homes Urban Renewal II, LP regarding certain property at Camp Kilmer.\
- R.294-052013 Resolution directing the Clerk's Office to cease accepting, processing or issuing Taxicab Licenses while an Ordinance revising the same is being considered.
- R.295-052013 Temporary Emergency Appropriations for 2013
- R.296-052013 Resolution authorizing a refund for cancelation of an event to Edward Garber in the amount of \$1,000.00.

30. **COMMUNICATIONS:**

- a. Letters from Residents regarding Dismal Swamp
- b. Email received from Mr. Tagliaboschi regarding CIC site.

31. **ORAL PETITIONS AND REMARKS**

32. **ADJOURNMENT**

RESOLUTION R.273-052013

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF EDISON FOR THE PERIOD ENDING May 16, 2013

WHEREAS, the Director of Finance of the Township of Edison has transmitted
to the Township Council a Report of Disbursements made through May 16, 2013

FUND	AMOUNT
Current	\$29,157,964.12
Affordable Housing	536.40
Capital	134,250.00
Cash Performance	71,088.16
CDBG	120,490.73
Developers Escrow	17,983.53
Dog (Animal Control)	571.40
Federal Forfeited	0.00
Grant Funds	2,336.75
Law Enforcement	0.00
Open Space	0.00
Payroll Deductions	444,134.62
Sanitation Fund	251,234.14
Sewer Utility	2,123,687.99
Tax Sale Redemption	0.00
Tree Fund	0.00
Tree Planting	0.00
Trust	69,189.94
TOTAL	\$32,393,467.78

/s/ Janice Saponaro
Chief Financial Officer

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

RESOLUTION R.274-052013

WHEREAS, New Dover United Methodist Church, 687 New Dover Road, Edison, NJ, has requested a waiver of any and all permit and/or application fees concerning the improvement to their building and

WHEREAS, under the building code, New Dover United Methodist Church, as a non-profit tax exempt organization, is entitled to a waiver of fees due to the Township of Edison, except the DCA fee; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township of Edison, that it does hereby waive any application fees and/or building fees, except the DCA fee, due to the Township of Edison as a result of the application being submitted by New Dover United Methodist Church.

R.275-052013
TOWNSHIP OF EDISON
MUNICIPAL RESOLUTION

WHEREAS, The Edison Department of Health and Human Services established the Edison Municipal Alliance (EMA) as a Township-based, grass-roots volunteer organization comprised of community leaders, private citizens and human service agency representatives, over twenty years ago; and

WHEREAS, the mission of EMA is to promote and support alcohol, tobacco, other drug, and violence prevention, education programs and related activities, in order to encourage positive, healthy behavior among local youths and their families, as an alternative to deleterious and potentially dangerous conduct and activities; and

WHEREAS, the PSE&G Foundation has grant funds available, through its FY13 Community Giving Program for eligible programs, projects, activities and related costs of qualified organizations in the communities PSE&G serves, for which it continues to solicit on-line requests; and

WHEREAS, the Edison Department of Health and Human Services, through EMA, intends to apply for grant funding for a maximum request of \$1,000 from the PSE&G Foundation, as it will help to further strengthen its mission, focus and vision through effective programs, projects, events and activities; and

WHEREAS, no matching funds are required in order for the Edison Department of Health and Human Services, through EMA, to apply for grant funding from the PSE&G Foundation; and

WHEREAS, the Edison Department of Health and Human Services, through EMA, will utilize all grant funds awarded to it by the PSE&G Foundation as described in its application for said funds and in compliance with all applicable Municipal, Middlesex County, New Jersey and United States federal 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, at a regularly-scheduled, public meeting on the evening of Wednesday, May 22, 2013.

R.276-052013
TOWNSHIP OF EDISON
MUNICIPAL RESOLUTION

WHEREAS, The Edison Department of Health and Human Services established the Edison Municipal Alliance (EMA) as a Township-based, grass-roots volunteer organization comprised of community leaders, private citizens and human service agency representatives, over twenty years ago; and

WHEREAS, the mission of EMA is to promote and support alcohol, tobacco, other drug, and violence prevention, education programs and related activities, in order to encourage positive, healthy behavior among local youths and their families, as an alternative to deleterious and potentially dangerous conduct and activities; and

WHEREAS, the Wal-Mart Foundation has grant funds available, through its FY13 Local Store Giving Program for eligible programs, projects, activities and related costs of qualified organizations in the communities Allstate Insurance serves, for which it continues to solicit on-line requests; and

WHEREAS, the Edison Department of Health and Human Services, through EMA, intends to apply for grant funding for a maximum request of \$1,000.00 from the Wal-Mart Foundation, as it will help to further strengthen its mission, focus and vision through effective programs, projects, events and activities; and

WHEREAS, no matching funds are required in order for the Edison Department of Health and Human Services, through EMA, to apply for grant funding from the Wal-Mart Foundation; and

WHEREAS, the Edison Department of Health and Human Services, through EMA, will utilize all grant funds awarded to it by the Wal-Mart Foundation as described in its application for said funds and in compliance with all applicable Municipal, Middlesex County, New Jersey and United States federal 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, at a regularly-scheduled, public meeting on the evening of Wednesday, May 22, 2013.

R.277-052013
TOWNSHIP OF EDISON
MUNICIPAL RESOLUTION

WHEREAS, The Edison Department of Health and Human Services established the Edison Municipal Alliance (EMA) as a Township-based, grass-roots volunteer organization comprised of community leaders, private citizens and human service agency representatives, over twenty years ago; and

WHEREAS, the mission of EMA is to promote and support alcohol, tobacco, other drug, and violence prevention, education programs and related activities, in order to encourage positive, healthy behavior among local youths and their families, as an alternative to deleterious and potentially dangerous conduct and activities; and

WHEREAS, the Allstate Foundation has grant funds available, through its FY13 Agency Hands In The Community Program for eligible programs, projects, activities and related costs of qualified organizations in the communities Allstate Insurance serves, for which it continues to solicit on-line requests; and

WHEREAS, the Edison Department of Health and Human Services, through EMA, intends to apply for grant funding for a maximum request of \$1,000.00 from the Allstate Foundation, as it will help to further strengthen its mission, focus and vision through effective programs, projects, events and activities; and

WHEREAS, no matching funds are required in order for the Edison Department of Health and Human Services, through EMA, to apply for grant funding from the Allstate Foundation; and

WHEREAS, the Edison Department of Health and Human Services, through EMA, will utilize all grant funds awarded to it by the Allstate Foundation as described in its application for said funds and in compliance with all applicable Municipal, Middlesex County, New Jersey and United States federal 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, at a regularly-scheduled, public meeting on the evening of Wednesday, May 22, 2013.

RESOLUTION

**RESOLUTION APPROVING ACCEPTANCE OF THE
CLICK IT OR TICKET MOBILIZATION GRANT FROM MAY 20
– JUNE 2, 2013.**

WHEREAS, there were 591 vehicle fatalities in New Jersey in 2012;
and

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

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

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

WHEREAS, Edison Township will participate in the nationwide Click
It or Ticket seat belt mobilization from May 20 – June 2, 2013 in an
effort to raise awareness and increase seat belt usage from 88.29% to
90% through a combination of enforcement and education; and

WHEREAS, a further increase in seat belt usage in Edison and the
State of New Jersey will save lives on our roadways;

THEREFORE, BE IT RESOLVED that the Township of Edison
declares it's acceptance of the available grant funding of \$4,000 to
support the *Click It or Ticket* safety belt mobilization program from
May 20 – June 2, 2013.

Explanation: Federal Bulletproof Vest Partnership (BVP) through the Office of Justice Programs- Bureau of Justice Assistance to allocate funds to local and state law enforcement agencies for the purchase of body vests as part of a matching funds grant not to exceed \$26,000.00.

R.279-052013
RESOLUTION

RESOLUTION APPROVING PARTICIPATION IN 2013 FEDERAL
BULLETPROOF VEST PARTNERSHIP

WHEREAS, the Federal Bulletproof Vest Partnership is designed to provide matching funds to purchase valuable lifesaving equipment to local law enforcement officers; and

WHEREAS, this grant funding enables local law enforcement agencies to cover up to fifty (50) percent of the cost of each vest purchased or replaced for sworn officers and volunteer officers of the Edison Police Department; and

WHEREAS, this vest replacement grant program demonstrates the Edison Police Department's commitment to helping ensure that law enforcement officers have protective equipment they can rely on to keep our community safe;

THEREFORE, BE IT RESOLVED that the Township of Edison wishes to participate to in the Federal Bulletproof Vest Partnership through the Office of Justice Programs-Bureau of Justice Assistance in a matching funds grant not to exceed \$26,000.00.

R.

EXPLANATION: This Resolution authorizes the Township Council to grant permission to Garden State Fireworks to discharge fireworks for an Independence Day Celebration at the Plainfield Country Club, scheduled for July 3, 2013 with a rain date of July 5, 2013.

TOWNSHIP OF EDISON

RESOLUTION R.280-052013 _____

Whereas, Garden State Fireworks has applied to the Township of Edison for a permit to discharge fireworks on July 3, 2013 with a rain date of July 5, 2013, for an Independence Day Celebration taking place at the Plainfield Country Club; and

Whereas, Garden State Fireworks has provided proof of insurance to the Township of Edison for the purpose of conducting a fireworks display; and

Whereas, under N.J.S.A. 21:3-3, the Chief of Police, the Chief of Fire, and the Fire Official having reviewed the application for the firework display, have determined that the discharge of fireworks does not pose a hazard to anyone's property and/or person(s).

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 Township Council does hereby grant permission for Garden State Fireworks to conduct a fireworks display on the evening of July 3, 2013 With a rain date of July 5, 2013 at approximately 8:30 p.m. on the grounds of the Plainfield Country Club in accordance with N.J.A.C. 5:70-2.7 (a)(5)(iii).
2. The Fire Official shall not issue the fireworks permit until **1.**a permit fee in the amount of \$331.00 is made payable to the Township of Edison pursuant to N.J.A.C. 5:70-2.9 (c)(3), **2.** Garden State Fireworks posts a bond in the amount of \$2,500.00 conditioned for the payment of potential damages pursuant to N.J.S.A. 21:3-5 and **3.** Garden State Fireworks post an escrow in the amount of \$500.00 for legal review of fireworks application and expenses associated with drafting a resolution authorizing the Township Council to issue any such fireworks permit **4.** A fire engine is on standby at the shoot site prior, during, and after the show until the post shell inspection has been conducted.
3. The Chief of the Fire Department and or The Fire Official shall have full enforcement and over sight powers to ensure that all aspects of the fireworks display are handled in accordance with the requirement of law.
4. The Township clerk of Edison Township is directed to forward a copy of this

Resolution to Garden State Fireworks, the Fire Prevention Bureau, Division of Fire and Division of Police.

R.281-052013

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO THE
COMMUNITY HOSPITAL, INC., T/A JFK MEDICAL CENTER FOR BASIC LIFE
SUPPORT SERVICES (BLS) EMERGENCY MEDICAL AND EMERGENCY
TRANSPORTATION SERVICES**

WHEREAS, in conformance with N.J.S.A 40A:11-4.1 et seq, Resolution R.601-092012 dated September 24, 2012 authorized the use of competitive contracting for EMS Services; and

WHEREAS, notice for request for bids were advertised on March 25, 2013 and bids were received April 25, 2013; and

WHEREAS, after review and evaluation of said bids it has been recommended by the Evaluation Committee that this contract be awarded to The Community Hospital, Inc., t/a JFK Medical Center, 65 James Street, Edison, NJ 08820 in accordance with our RFP and their submittal; and

NOW, THEREFORE, IT IS 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 The Community Hospital, Inc., t/a JFK Medical Center for a period of two (2) years with the option for two (2) one (1) year renewals.

R.282-052013

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO TOTAL VIDEO PRODUCTS INCORPORATED FOR PHOTOGRAPHY/VIDEO EQUIPMENT AND SUPPLIES

WHEREAS, bids were received by the Township of Edison on April 9, 2013 for Public Bid No.13-02-14, Photography/Video Equipment and Supplies, for the Township of Edison; and

WHEREAS, TOTAL VIDEO PRODUCTS INCORPORATED, 414 Southgate Court, Mickleton, NJ 08056, submitted the lowest legally responsible, responsive bid for various items of the bid; 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)).

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 TOTAL VIDEO PRODUCTS INCORPORATED, 414 Southgate Court, Mickleton, NJ 08056 for Photography/Video Equipment and Supplies for the Township of Edison, is determined to be the lowest legally responsible, responsive bid for various items of the bid.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$25,000.00 and any other necessary documents, with TOTAL VIDEO PRODUCTS INCORPORATED as described herein.

R.283-052013

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO W.B. MASON COMPANY INCORPORATED FOR OFFICE SUPPLIES

WHEREAS, bids were received by the Township of Edison on April 9, 2013 for Public Bid No.13-12-04, Office Supplies, for the Township of Edison; and

WHEREAS, W.B. MASON COMPANY INCORPORATED, 59 Centre Street, Brockton, MA 02303, submitted the lowest legally responsible, responsive bid; and

WHEREAS, the total amount of this contract, not to exceed \$85,000.00, cannot be encumbered at this time; and

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

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

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

1. All bids have been reviewed, and the bid submitted by W.B. MASON COMPANY INCORPORATED, 59 Centre Street, Brockton, MA 02303 for Office Supplies for the Township of Edison, is determined to be the lowest legally responsible, responsive bid.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$85,000.00 any other necessary documents, with W.B. MASON COMPANY INCORPORATED as described herein.

R.284-052013

**RESOLUTION AUTHORIZING PURCHASES FROM BAKER AND TAYLOR FOR
BOOKS FOR THE TOWNSHIP LIBRARIES**

WHEREAS, The Edison Township Library Board of Trustees has authorized the purchase of books from Baker & Taylor Company; and

WHEREAS, funds in the amount of \$29,000.00 have been certified to be available in the Free Public Library Books and Publications Account, Number 3-01-29-0390-000-033.

NOW, THEREFORE IT IS RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that the proper Township officials shall authorize payment to Baker & Taylor, PO BOX 277930, Atlanta, GA 30384 in the amount not to exceed \$29,000.00.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$29,000.00** are available for the above in Account No. **3-01-29-0390-000-033**.

Janice Saponaro
Chief Financial Officer

Date

R.285-052013

RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT/PURCHASE ORDER TO PEOPLE PLEASERS OF NJ, LLC DBA NEW JERSEY PARTYWORKS FOR FURNISHING OF AMUSEMENT RIDES FOR FAMILY DAY

WHEREAS, quotes were solicited by the Township of Edison for providing amusement rides for Edison Family Day on June 9, 2013; and

WHEREAS, People Pleasers of NJ, LLC dba New Jersey Partyworks, 1819 Rte. 35, South Amboy, NJ 08879 submitted the lowest quote to supply five (5) mechanical rides and three (3) inflatable, interactive attractions for a flat fee of \$6,477.00; and

WHEREAS, the maximum amount for this contract/purchase order shall not exceed \$6,477.00; and

WHEREAS, funds in the amount of \$6,477.00 have been certified to be available in the Reserve-Municipal Alliance Prog. 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/purchase order with People Pleasers of NJ, LLC dba New Jersey Partyworks, in an amount not to exceed \$6,477.00.

CERTIFICATION

I hereby certify that funds in the amount of \$6,477.00 are available for the above contract/purchase order in Account No. T-01-55-0279-000-000.

Janice Saponaro
Chief Financial Officer

Date

R.286-052013

**RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT/PURCHASE
ORDER TO PARTY PERFECT RENTALS FOR FURNISHING OF AMUSEMENT
RIDE FOR FAMILY DAY**

WHEREAS, quotes were solicited by the Township of Edison for providing amusement rides for Edison Family Day on June 9, 2013; and

WHEREAS, Party Perfect Rentals, 1731 Ginesi Drive, Freehold, NJ 07728 submitted the lowest quote to supply one (1) Deluxe Trackless Train; and

WHEREAS, the maximum amount for this contract/purchase order shall not exceed \$1,025.00; and

WHEREAS, funds in the amount of \$1,025.00 have been certified to be available in the Reserve-Municipal Alliance Prog. 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/purchase order with Party Perfect Rentals, in an amount not to exceed \$1,025.00.

CERTIFICATION

I hereby certify that funds in the amount of \$1,025.00 are available for the above contract/purchase order in Account No. T-01-55-0279-000-000.

Janice Saponaro
Chief Financial Officer

Date

R.287-052013

RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT TO A-PLUS CONSTRUCTION FOR HOME IMPROVEMENTS AS PART OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, The Community Development Block Grant (CDBG) funds are used to facilitate various projects throughout the community as outlined in the Program Year 2012 Consolidated Annual Action Plan; and

WHEREAS, part of the funding is for improvements to qualified single family, owner occupied dwellings located in Edison; and

WHEREAS, quotes were solicited by the Township of Edison for Case Number 0312; and

WHEREAS, A-PLUS CONSTRUCTION, 18 Station Road, Lincoln Park, NJ 07035, submitted the sole quote in the amount of \$15,250.00; and

WHEREAS, funds in the amount of \$15,250.00 have been certified to be available in the CDBG Housing Rehabilitation Account Number T-14-12-0510-000-001.

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

1. The sole quote has been reviewed, and the quote in the amount of \$15,250.00 by A-PLUS CONSTRUCTION, 18 Station Road, Lincoln Park, NJ 07035 for home improvements is determined to be the sole quote received.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount of \$15,250.00 and any other necessary documents, with A-PLUS CONSTRUCTION as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$15,250.00** are available for the above contract in Account No. **T-14-12-0510-000-001**.

Janice Saponaro
Chief Financial Officer

Date

R.288-052013

**RESOLUTION AWARDING AN EMERGENCY CONTRACT/PURCHASE ORDER TO
B & W CONSTRUCTION OF NJ, INCORPORATED FOR REPAIR OF SEWER FORCE
MAIN AT PLAINFIELD AVENUE**

WHEREAS, an emergency occurred at Plainfield Avenue approximately 100' south of Brunswick Avenue where a section of the force main collapsed on March 28, 2013, causing an emergency effecting the welfare of the public; and

WHEREAS, upon investigation it was determined that the sewer force main needed to be repaired; and

WHEREAS, pursuant to Local Public Contract Law N.J.S.A. 40A:11-6 et seq, a contract may be awarded and immediate delivery of goods or the performance of services may be provided when an emergency affects the public health, safety or welfare; and

WHEREAS, B & W CONSTRUCTION OF NJ, INCORPORATED, PO BOX 574, South River, NJ 08882 submitted a quote in the amount of \$7,100.00; and

WHEREAS, funds in the amount of \$7,100.00 have been certified to be available in the Wastewater Collection System Account, Number C-08-05-0007-007-000.

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 in the amount of \$7,100.00, and any other necessary documents, with **B & W CONSTRUCTION OF NJ, INCORPORATED**, for repair of the sewer force main.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-6 et seq.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$7,100.00** are available for the above contract in Account No. **C-08-05-0007-007-000**.

Janice Saponaro
Chief Financial Officer

Date

R.289-052013

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO THE RODGERS GROUP, LLC FOR ONLINE TRAINING SOFTWARE FOR THE DIVISION OF POLICE

WHEREAS, bids were received by the Township of Edison on May 3, 2013 for Public Bid No.13-04-12 - Online Training Software for the Division of Police; and

WHEREAS, THE RODGERS GROUP, LLC, P.O. Box 831, Island Heights, NJ 08732, submitted the lowest legally responsible, responsive bid; and

WHEREAS, the total amount of this contract not exceed \$23,424.00, cannot be encumbered at this time; and

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

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

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

1. All bids have been reviewed, and the bid submitted by THE RODGERS GROUP, LLC, P.O. Box 831, Island Heights, NJ 08732 for Online Training Software for the Division of Police, is determined to be the lowest legally responsible, responsive bid.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$23,424.00 and any other necessary documents, with THE RODGERS GROUP, LLC as described herein.

RESOLUTION R.290-052013

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 \$ **416,009.96**

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May 22, 2013

RESOLUTION R.291-052013

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 \$4,589.71 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.

May 22, 2013

Explanation: A Resolution authorizing a tax abatement agreement with Kilmer Homes Urban Renewal I, LP regarding certain property at Camp Kilmer.

RESOLUTION R.292-052013

EDISON TOWNSHIP

WHEREAS, effective November 9, 2005 the Base Closure and Realignment Commission decision to close Camp Kilmer was finalized, and on May 9, 2006 the Township of Edison was recognized by the Office of Economic Adjustment of the Department of Defense ("DOD") as the Local Redevelopment Authority ("LRA") for Camp Kilmer; and

WHEREAS, the Township Council, in its capacity as the LRA determined that the Notice of Interest ("NOI") received from a group known as the Camp Kilmer Collaborative dated November 3, 2006 complied with the requirements of the Enabling Acts, the regulations governing the closure and reuse planning for Camp Kilmer and the provisions dealing with the notices of interest by homeless service providers which Plan has been accepted by the Township Council and the DOD; and

WHEREAS, the Township Council, in its capacity as the LRA for Camp Kilmer and under the redevelopment process, approved and adopted a Reuse and Redevelopment Plan and Homeless Assistance Submission for Camp Kilmer dated January 13, 2008 ("Redevelopment Plan"); and

WHEREAS, by Resolution R.146-032011 dated April 13, 2011 the Council authorized the an Agreement to be submitted as a Legally Binding Agreement "LBA" pursuant to 32 C.F.R. Part 176.30(b)(3), and is a component of the homeless assistance submission ("Homeless Assistance Submission") of the LRA for the redevelopment of Camp Kilmer, as required by the Enabling Acts, and as more specifically required by 32 C.F.R. Part 176; and

WHEREAS, the development of this portion of Camp Kilmer, as set forth in more detail in the LBA, consists of a total of 120 units of homeless, low and moderate income housing with homeless supportive services, to be developed in two 60 unit phases being developed by Kilmer Homes Urban Renewal I, LP and Kilmer Homes Urban Renewal II, LP, respectively, and which is designated as Area 4 in the Redevelopment Plan containing 6.65 acres in current Block 3-E, Lot 3.01 to be designated as Block 3-E, Lot 3.014; and

WHEREAS, Kilmer Homes Urban Renewal I, LP (hereinafter referred to as the "Sponsor") proposes to construct a housing project known as Kilmer Homes I Housing Development that will provide 60 units of affordable rental housing (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage

Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C.5:80-1.1 et seq. and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the “HMFA Requirements”) within the Township of Edison (hereinafter referred to as the “Municipality”) on a site described Block 3-E, Lot 3.015, as shown on the Official Assessment Map of the Township of Edison, Middlesex County; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the “Agency”); and

WHEREAS, pursuant to the HMFA Requirements, the Mayor and Council of the Township of Edison hereby determines that there is a need for this rental housing project in the Township of Edison; and

WHEREAS, the Sponsor has presented to the Mayor and Council, a revenue projection of the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Edison (the “Council”) that:

1. The Council finds and determines that the proposed rental project will meet or meets as existing housing need;

2. The Council does hereby adopt the within Resolution and makes the determination and finding herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and

3. The Council does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit “B”: and

4. The Council hereby authorizes and directs the Mayor of the Township of Edison to execute, on behalf of the Municipality, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit “B”; and

5. The Council understands and agrees that the revenue projections set forth in Exhibit “A” are estimates and that the actual payments in lieu of taxes to be paid

by the Sponsor to the Municipality shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and Municipality.

EXHIBIT "A"

FINANCIAL ESTIMATE
RELATING TO ANNUAL SERVICE CHARGES
OF
KILMER HOMES URBAN RENEWAL I, LP

With regard to a housing development to be constructed, known as Kilmer Homes I Housing Development, to be located in the Township of Edison, (Middlesex County), New Jersey.

Estimated Project Revenues	\$754,526.00
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Estimated Municipal Service Charge of 10% of Project Revenues	\$ 75,453.00
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Total Number of Residential Units: 60

EXHIBIT "B"

AGREEMENT FOR PAYMENT IN LIEU OF TAXES

THIS AGREEMENT, made this ____ day of _____, 2013, between Kilmer Homes Urban Renewal I, LP, a limited partnership of the State of New Jersey, having its principal office at One Parker Plaza, Fort Lee, New Jersey 07024 (hereinafter the "Sponsor") and the Township of Edison, a municipal corporation in the County of Middlesex and State of New Jersey (hereinafter the "Municipality").

WITNESSTH:

In consideration of the mutual covenants herein contained and for other good and valuable consideration, it is mutually covenanted and agreed as follows:

1. This Agreement is made pursuant to the authority contained in Section 37 of the New Jersey Housing and Mortgage Finance Agency Law of 1983 (N.J.S.A. 55:14K-1 et. seq.) (hereinafter "HMFA Law") and a Resolution of the Council of the Municipality dated _____, 2013 (the "Resolution") and with the approval of the New Jersey Housing and Mortgage Finance Agency (hereinafter the "Agency"), as required by N.J.S.A. 55:14K-37.

2. The Project is or will be situated on that parcel of land designated as Block 3-E, Lot 3.015, as shown on the Official Assessment Map of the Township of Edison.

3. As of the date the Sponsor executes a first mortgage upon the Project in favor of the Agency (hereinafter referred to as the "Agency Mortgage"), the land and improvements comprising the Project shall be exempt from real property taxes, provided that the Sponsor shall make payments in lieu of taxes to the Municipality as provided hereinafter. The exemption of the Project from real property taxation and the Sponsor's obligation to make payments in lieu of taxes shall not extend beyond the date on which the Agency Mortgage is paid in full, which according to the HMFA Law, may not exceed fifty (50) years.

4. (a) For projects receiving construction and permanent financing from the Agency, the Sponsor shall make payment to the Municipality of an annual service charge in lieu of taxes in such amounts as follows:

- (1) From the date of the execution of the Agency Mortgage until the date of Substantial Completion of the Project, the Sponsor shall make payment to the Municipality in an amount equal to the amount of taxes due on the property for the year preceding the recording of the Agency Mortgage. As used herein, "Substantial Completion" means the date upon which the Municipality issues the Certificate of Occupancy for all units in the Project.

(2) From the date of Substantial Completion of the Project and for the remaining term of the NJHMFA Mortgage, the Sponsor shall make payment to the Municipality in an amount equal to 10 percent of the Project Revenues.

(b) For projects receiving permanent financing only from the Agency, the Sponsor shall make payment to the Municipality in an amount equal to 10 percent of the Project Revenues from the date of the Agency Mortgage and for the remaining term of the Agency Mortgage.

(c) As used herein, "Project Revenues" means the total annual gross rental or carrying charge or other income of the Sponsor from the Project less vacancies if any.

(d) The amount of payment in lieu of taxes to be paid pursuant to paragraphs (a) or (b) or (c) above is calculated in Exhibit "A" attached hereto. It is expressly understood and agreed that the revenue projections provided to the Municipality as set forth in Exhibit "A" and as part of the Sponsor's application for an agreement for payments in lieu of taxes are estimates only. The actual payments in lieu of taxes to be paid by the Sponsor shall be determined pursuant to Section 5 below.

5 (a) Payments by the Sponsor shall be made on a quarterly basis in accordance with bills issued by the Tax Collector of the Municipality in the same manner and on the same dates as real estate taxes are paid to the Municipality and shall be based upon Project Revenues of the previous quarter. No later than three (3) months following the end of the first fiscal year of the operation after (i) the date of Substantial Completion (for projects receiving construction and permanent financing) or (ii) the date of the Agency Mortgage for projects receiving permanent financing only) and each year thereafter that this Agreement remains in effect, the Sponsor shall submit to the Municipality a certified, audited financial statement of the operation of the Project (the "Audit"), setting forth the Project Revenues and the total payments in lieu of taxes due to the Municipality calculated at 10 percent of Projected Revenues as set forth in the Audit (the "Audit Amount"). The Sponsor simultaneously shall pay the difference, if any, between (i) the Audit Amount and (ii) payments made by the Sponsor to the Municipality for the preceding fiscal year. The Municipality may accept any such payment without prejudice to its rights to challenge the amount due. In the event that the payments made by the Sponsor for any fiscal year shall exceed the Audit Amount for such fiscal year, the Municipality shall credit the amount of such excess to the account of the Sponsor.

(b) All payments pursuant to this Agreement shall be in lieu of taxes and the Municipality shall have all rights and remedies of tax enforcement granted to Municipalities by law just as if said payments constituted regular tax obligations on real property within the Municipality. If, however, the Municipality disputes the total amount of the annual payment in lieu of taxes due it, based upon the Audit, it may apply to the Superior Court, Chancery Divison for an accounting of the service charge due the

Municipality, in accordance with this Agreement and HMFA Law. Any such action must be commenced within one year of the receipt of the Audit by Municipality.

(c) In the event of the delinquency in the aforesaid payments, the Municipality shall give notice to the Sponsor and the NJHMFA in the manner set forth in 9(a) below, prior to any legal action being taken.

6. The tax exemption provided herein shall apply only so long as the Sponsor or its successor and assigns and the Project remain subject to the provisions of the HMFA Law and Regulations made thereunder and the supervision of the Agency, but in no event longer than the term of the Agency Mortgage. In the event of (a) a sale, transfer or conveyance of the Project by the Sponsor or (b) a change in the organizational structure of the Sponsor, this Agreement shall be assigned to the Sponsor's successor and shall continue in full force and effect so long as the successor entity qualifies under the HMFA Law or any other state law applicable at the time of the assignment of this Agreement and is obligated under the Agency Mortgage.

7. Upon termination of such tax exemption, whether by affirmative action of the Sponsor, its successors and assigns, or by virtue of the provisions of the HMFA Law, or any other applicable state law, the Project shall be taxed as omitted property in accordance with the law.

8. The Sponsor, its successor and assigns shall, upon request, permit inspection of property, equipment, buildings and other facilities of the Project and also documents and papers by representatives duly authorized by the Municipality. Any such inspection, examination or audit shall be made during reasonable hours of the business day, in the presence of an officer or agent of the Sponsor or its successors or assigns.

9. Any notice or communication sent by either party to the other hereunder shall be sent by certified mail, return receipt requested, addressed as follows:

- (a) When sent by the Municipality to the Sponsor, it shall be addressed to Joseph Alpert, One Parker Plaza, Fort Lee, New Jersey, 07024 or to such other address as the Sponsor may hereafter designate in writing and a copy of said notice or communication by the Municipality to the Sponsor shall be sent by the Municipality to the New Jersey Housing and Mortgage Finance Agency, 637 South Clinton Avenue, P.O. Box 18550, Trenton, New Jersey 08650-2085.
- (b) When sent by the Sponsor to the Municipality, it shall be addressed to the Office of the Township Manager or to such other address as the Municipality may designate in writing; and a copy of said notice or communication by the Sponsor to the Municipality shall be sent by the Sponsor to the New Jersey Housing and Mortgage Finance Agency, 637 Clinton Avenue, P.O. Box 18550, Trenton, New Jersey 08650-2085.

10. In the event of a breach of this Agreement by either of the parties hereto or a dispute arising between the parties in reference to the terms and provisions as set forth herein, either party may apply to the Superior Court, Chancery Division, to settle and resolve said dispute in such fashion as will tend to accomplish the purposes of the HMFA Law.

11. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement. It shall not be necessary in making proof of this Agreement or produce or account for more than a sufficient number of counterparts to evidence the execution of this Agreement by each party hereto.

ATTEST

KILMER HOMES URBAN RENEWAL I, LP

By: _____
Joseph Alpert
President, Co-General Partner

ATTEST

TOWNSHIP OF EDISON

By: _____
Antonia Ricigliano
Mayor, Township of Edison

Explanation: A Resolution authorizing a tax abatement agreement with Kilmer Homes Urban Renewal II, LP regarding certain property at Camp Kilmer.

RESOLUTION R.293-052013

EDISON TOWNSHIP

WHEREAS, effective November 9, 2005 the Base Closure and Realignment Commission decision to close Camp Kilmer was finalized, and on May 9, 2006 the Township of Edison was recognized by the Office of Economic Adjustment of the Department of Defense ("DOD") as the Local Redevelopment Authority ("LRA") for Camp Kilmer; and

WHEREAS, the Township Council, in its capacity as the LRA determined that the Notice of Interest ("NOI") received from a group known as the Camp Kilmer Collaborative dated November 3, 2006 complied with the requirements of the Enabling Acts, the regulations governing the closure and reuse planning for Camp Kilmer and the provisions dealing with the notices of interest by homeless service providers which Plan has been accepted by the Township Council and the DOD; and

WHEREAS, the Township Council, in its capacity as the LRA for Camp Kilmer and under the redevelopment process, approved and adopted a Reuse and Redevelopment Plan and Homeless Assistance Submission for Camp Kilmer dated January 13, 2008 ("Redevelopment Plan"); and

WHEREAS, by Resolution R.146-032011 dated April 13, 2011 the Council authorized the an Agreement to be submitted as a Legally Binding Agreement "LBA" pursuant to 32 C.F.R. Part 176.30(b)(3), and is a component of the homeless assistance submission ("Homeless Assistance Submission") of the LRA for the redevelopment of Camp Kilmer, as required by the Enabling Acts, and as more specifically required by 32 C.F.R. Part 176; and

WHEREAS, the development of this portion of Camp Kilmer, as set forth in more detail in the LBA, consists of a total of 120 units of homeless, low and moderate income housing with homeless supportive services, to be developed in two 60 unit phases being developed by Kilmer Homes Urban Renewal I, LP and Kilmer Homes Urban Renewal II, LP, respectively, and which is designated as Area 4 in the Redevelopment Plan containing 6.65 acres in current Block 3-E, Lot 3.01 to be designated as Block 3-E, Lot 3.014; and

WHEREAS, Kilmer Homes Urban Renewal II, LP (hereinafter referred to as the "Sponsor") proposes to construct a housing project known as Kilmer Homes II Housing Development that will provide 60 units of affordable rental housing (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage

Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C.5:80-1.1 et seq. and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the “HMFA Requirements”) within the Township of Edison (hereinafter referred to as the “Municipality”) on a site described Block 3-E, Lot 3.015, as shown on the Official Assessment Map of the Township of Edison, Middlesex County; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the “Agency”); and

WHEREAS, pursuant to the HMFA Requirements, the Mayor and Council of the Township of Edison hereby determines that there is a need for this rental housing project in the Township of Edison; and

WHEREAS, the Sponsor has presented to the Mayor and Council, a revenue projection of the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Edison (the “Council”) that:

4. The Council finds and determines that the proposed rental project will meet or meets as existing housing need;

5. The Council does hereby adopt the within Resolution and makes the determination and finding herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and

6. The Council does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit “B”: and

4. The Council hereby authorizes and directs the Mayor of the Township of Edison to execute, on behalf of the Municipality, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit “B”; and

5. The Council understands and agrees that the revenue projections set forth in Exhibit “A” are estimates and that the actual payments in lieu of taxes to be paid

by the Sponsor to the Municipality shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and Municipality.

EXHIBIT "A"

FINANCIAL ESTIMATE
RELATING TO ANNUAL SERVICE CHARGES
OF
KILMER HOMES URBAN RENEWAL II, LP

With regard to a housing development to be constructed, known as Kilmer Homes II Housing Development, to be located in the Township of Edison, (Middlesex County), New Jersey.

Estimated Project Revenues	\$754,526.00
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Estimated Municipal Service Charge of 10% of Project Revenues	\$ 75,453.00
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Total Number of Residential Units: 60

EXHIBIT "B"

AGREEMENT FOR PAYMENT IN LIEU OF TAXES

THIS AGREEMENT, made this ____ day of _____, 2013, between Kilmer Homes Urban Renewal II, LP, a limited partnership of the State of New Jersey, having its principal office at One Parker Plaza, Fort Lee, New Jersey 07024 (hereinafter the "Sponsor") and the Township of Edison, a municipal corporation in the County of Middlesex and State of New Jersey (hereinafter the "Municipality").

WITNESSTH:

In consideration of the mutual covenants herein contained and for other good and valuable consideration, it is mutually covenanted and agreed as follows:

2. This Agreement is made pursuant to the authority contained in Section 37 of the New Jersey Housing and Mortgage Finance Agency Law of 1983 (N.J.S.A. 55:14K-1 et. seq.) (hereinafter "HMFA Law") and a Resolution of the Council of the Municipality dated _____, 2013 (the "Resolution") and with the approval of the New Jersey Housing and Mortgage Finance Agency (hereinafter the "Agency"), as required by N.J.S.A. 55:14K-37.

2. The Project is or will be situated on that parcel of land designated as Block 3-E, Lot 3.015, as shown on the Official Assessment Map of the Township of Edison.

3. As of the date the Sponsor executes a first mortgage upon the Project in favor of the Agency (hereinafter referred to as the "Agency Mortgage"), the land and improvements comprising the Project shall be exempt from real property taxes, provided that the Sponsor shall make payments in lieu of taxes to the Municipality as provided hereinafter. The exemption of the Project from real property taxation and the Sponsor's obligation to make payments in lieu of taxes shall not extend beyond the date on which the Agency Mortgage is paid in full, which according to the HMFA Law, may not exceed fifty (50) years.

4. (a) For projects receiving construction and permanent financing from the Agency, the Sponsor shall make payment to the Municipality of an annual service charge in lieu of taxes in such amounts as follows:

(3) From the date of the execution of the Agency Mortgage until the date of Substantial Completion of the Project, the Sponsor shall make payment to the Municipality in an amount equal to the amount of taxes due on the property for the year preceding the recording of the Agency Mortgage. As used herein, "Substantial Completion" means the date upon which the Municipality issues the Certificate of Occupancy for all units in the Project.

(4) From the date of Substantial Completion of the Project and for the remaining term of the NJHMFA Mortgage, the Sponsor shall make payment to the Municipality in an amount equal to 10 percent of the Project Revenues.

(b) For projects receiving permanent financing only from the Agency, the Sponsor shall make payment to the Municipality in an amount equal to 10 percent of the Project Revenues from the date of the Agency Mortgage and for the remaining term of the Agency Mortgage.

(c) As used herein, "Project Revenues" means the total annual gross rental or carrying charge or other income of the Sponsor from the Project less vacancies if any.

(d) The amount of payment in lieu of taxes to be paid pursuant to paragraphs (a) or (b) or (c) above is calculated in Exhibit "A" attached hereto. It is expressly understood and agreed that the revenue projections provided to the Municipality as set forth in Exhibit "A" and as part of the Sponsor's application for an agreement for payments in lieu of taxes are estimates only. The actual payments in lieu of taxes to be paid by the Sponsor shall be determined pursuant to Section 5 below.

5 (a) Payments by the Sponsor shall be made on a quarterly basis in accordance with bills issued by the Tax Collector of the Municipality in the same manner and on the same dates as real estate taxes are paid to the Municipality and shall be based upon Project Revenues of the previous quarter. No later than three (3) months following the end of the first fiscal year of the operation after (i) the date of Substantial Completion (for projects receiving construction and permanent financing) or (ii) the date of the Agency Mortgage for projects receiving permanent financing only) and each year thereafter that this Agreement remains in effect, the Sponsor shall submit to the Municipality a certified, audited financial statement of the operation of the Project (the "Audit"), setting forth the Project Revenues and the total payments in lieu of taxes due to the Municipality calculated at 10 percent of Projected Revenues as set forth in the Audit (the "Audit Amount"). The Sponsor simultaneously shall pay the difference, if any, between (i) the Audit Amount and (ii) payments made by the Sponsor to the Municipality for the preceding fiscal year. The Municipality may accept any such payment without prejudice to its rights to challenge the amount due. In the event that the payments made by the Sponsor for any fiscal year shall exceed the Audit Amount for such fiscal year, the Municipality shall credit the amount of such excess to the account of the Sponsor.

(b) All payments pursuant to this Agreement shall be in lieu of taxes and the Municipality shall have all rights and remedies of tax enforcement granted to Municipalities by law just as if said payments constituted regular tax obligations on real property within the Municipality. If, however, the Municipality disputes the total amount of the annual payment in lieu of taxes due it, based upon the Audit, it may apply to the Superior Court, Chancery Divison for an accounting of the service charge due the

Municipality, in accordance with this Agreement and HMFA Law. Any such action must be commenced within one year of the receipt of the Audit by Municipality.

(c) In the event of the delinquency in the aforesaid payments, the Municipality shall give notice to the Sponsor and the NJHMFA in the manner set forth in 9(a) below, prior to any legal action being taken.

6. The tax exemption provided herein shall apply only so long as the Sponsor or its successor and assigns and the Project remain subject to the provisions of the HMFA Law and Regulations made thereunder and the supervision of the Agency, but in no event longer than the term of the Agency Mortgage. In the event of (a) a sale, transfer or conveyance of the Project by the Sponsor or (b) a change in the organizational structure of the Sponsor, this Agreement shall be assigned to the Sponsor's successor and shall continue in full force and effect so long as the successor entity qualifies under the HMFA Law or any other state law applicable at the time of the assignment of this Agreement and is obligated under the Agency Mortgage.

7. Upon termination of such tax exemption, whether by affirmative action of the Sponsor, its successors and assigns, or by virtue of the provisions of the HMFA Law, or any other applicable state law, the Project shall be taxed as omitted property in accordance with the law.

8. The Sponsor, its successor and assigns shall, upon request, permit inspection of property, equipment, buildings and other facilities of the Project and also documents and papers by representatives duly authorized by the Municipality. Any such inspection, examination or audit shall be made during reasonable hours of the business day, in the presence of an officer or agent of the Sponsor or its successors or assigns.

9. Any notice or communication sent by either party to the other hereunder shall be sent by certified mail, return receipt requested, addressed as follows:

- (c) When sent by the Municipality to the Sponsor, it shall be addressed to Joseph Alpert, One Parker Plaza, Fort Lee, New Jersey, 07024 or to such other address as the Sponsor may hereafter designate in writing and a copy of said notice or communication by the Municipality to the Sponsor shall be sent by the Municipality to the New Jersey Housing and Mortgage Finance Agency, 637 South Clinton Avenue, P.O. Box 18550, Trenton, New Jersey 08650-2085.
- (d) When sent by the Sponsor to the Municipality, it shall be addressed to the Office of the Township Manager or to such other address as the Municipality may designate in writing; and a copy of said notice or communication by the Sponsor to the Municipality shall be sent by the Sponsor to the New Jersey Housing and Mortgage Finance Agency, 637 Clinton Avenue, P.O. Box 18550, Trenton, New Jersey 08650-2085.

10. In the event of a breach of this Agreement by either of the parties hereto or a dispute arising between the parties in reference to the terms and provisions as set forth herein, either party may apply to the Superior Court, Chancery Division, to settle and resolve said dispute in such fashion as will tend to accomplish the purposes of the HMFA Law.

11. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement. It shall not be necessary in making proof of this Agreement or produce or account for more than a sufficient number of counterparts to evidence the execution of this Agreement by each party hereto.

ATTEST

KILMER HOMES URBAN RENEWAL II, LP

By: _____
Joseph Alpert
President, Co-General Partner

ATTEST

TOWNSHIP OF EDISON

By: _____
Antonia Ricigliano
Mayor, Township of Edison

EXPLANATION: A Resolution directing the Clerk's Office to cease accepting, processing or issuing Taxicab Licenses while an Ordinance revising the same is being considered.

EDISON TOWNSHIP

RESOLUTION R.294-052013

WHEREAS, the Township Council at its May 6, 2013 Work Session and its May 9, 2013 Council Meeting considered Ordinance O.1836-2013 making comprehensive changes to the Township Code Section 11-30 regarding the issuance of Taxicab Licenses and the regulation of the operation of Taxicabs; and

WHEREAS, that Ordinance was not acted upon at the May 9, 2013 Council Meeting and is being further considered by the Township Council; and

WHEREAS, the Township Council wishes to direct the Clerk's Office to cease accepting, processing or issuing Taxicab Licenses while the Ordinance revising the same is being considered as the Ordinance may have a substantial impact upon any License issued or being processed and the Township Council believes it could be unfair for an applicant to go through these procedures and/or obtain a License that could be impacted by the Ordinance being considered and would also avoid possibly unnecessary and/or redundant work by the Clerk's Office; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Edison, Middlesex County, New Jersey, that the Clerk's Office is hereby directed to cease accepting, processing or issuing Taxicab Licenses while Ordinance O.1836-2013 revising the same is being considered, however, this direction shall not operate to cease or limit the enforcement of any of the rules and regulations for existing Taxicab Licenses and/or the operation of Taxicabs in Township Code Section 11-30 or under New Jersey law.

R.295-052013

AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS FOR 2013

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

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

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

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

R.296-052013

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
EDWARD GARBER FOR PUBLIC ENTERTAINMENT PERMIT**

WHEREAS Edward Garber made application for a public entertainment permit and payment in the amount of \$1,000.00 to hold a Major League Baseball Pitch Hit & Run Event at Papaiani Park; and

WHEREAS this event was cancelled; 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 \$1,000.00 to Edward Garber, 1163 Inman Ave., Suite 102B, Edison, NJ 08820, which amount represents the amount of the payment.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$1,000.00 are available in Account #3-01-55-0291-000-000.

Janice Saponaro
Chief Financial Officer

Date