

**AGENDA
MUNICIPAL COUNCIL
REGULAR MEETING
Wednesday, June 22, 2016
7:00 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 12, 2015 and posted in the Main Lobby of the Municipal Complex on the same date.
4. **APPROVAL OF MINUTES:**
 - a. Regular Meeting of May 11, 2016
 - b. Worksession Meeting of May 23, 2016
5. **COUNCIL PRESIDENT'S REMARKS**
6. **RESOLUTIONS OF RECOGNITION:**

Girl Scout Gold Awards

Resolution R.441-062016 - Jennifer Burkart
Resolution R.442-062016 – Rhea Kanwar
Resolution R.443-062016 - Ruhi Kanwar
Resolution R.444-062016 - Kelly Kovalcik
Resolution R.445-062016 – Karishma Patel
Resolution R.446-062016 - Karin Glorious- Patrick
Resolution R.447-062016 – Sara Reed
Resolution R.448-062016 – Cambria Rotondo
Resolution R.449-062016 – Shyamala Subramanian
Resolution R.450-062016 – Nicolette Wilkey

7. **UNFINISHED BUSINESS:
ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING, AND
FINAL ADOPTION:**

O.1930-2016 ORDINANCE APPROVING THE APPLICATION FOR
FINANCIAL AGREEMENT PURSUANT TO THE LOCAL
REDEVELOPMENT AND HOUSING LAW N.J.S.A. 40A:12A-1
ET SEQ.

- O.1931-2016 ORDINANCE AUTHORIZING THE SALE OF UNDERSIZED LAND NOT NEEDED FOR PUBLIC USE PURSUANT TO N.J.S. A. 40A:12-13.
- O.1932-2016 ORDINANCE APPROVING MUNICIPAL SERVICES AGREEMENT WITH OUT OF BOUNDS ASSOCIATION, INC.
- O.1933-2016 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND ESTABLISH A CAP BANK.

8. **PUBLIC COMMENT ON THE RESOLUTIONS:**

9. **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.451-062016 Resolution approving disbursements for the period ending June 16, 2016.
- R.452-062016 Resolution authorizing refund in the amount of \$181,771.30 for redemption of tax sale certificates.
- R.453-062016 Resolution authorizing refund for tax overpayments totaling \$5,265.02.
- R.454-062016 Resolution authorizing refund for Sewer Charge Overpayments totaling \$444.79.
- R.455-062016 Resolution regarding the appointment of Joseph Coyle to fill a vacancy for Former Councilman Robert Karabinchak.
- R.456-062016 Resolution regarding the appointment of Michael Comba to fill a vacancy for Former Councilman Robert Karabinchak.
- R.457-062016 Resolution regarding the appointment of Steve Nagel to fill a vacancy for Former Councilman Robert Karabinchak.
- R.458-062016 Awarding the Second year of the Data and Voice Service Contract to Data Network Solutions in an amount not to exceed \$30,000.00.
- R.459-062016 Award of Contract/Purchase Order for Tires and Tubes to Edwards Tire Company for Bridgestone/Firestone Tires in an amount not to exceed \$50,000.00.
- R.460-062016 Award of Contract/Purchase Order for Tires and Tubes to Edwards Tire Company for Goodyear Tires and Tubes in an amount not to exceed \$100,000.00.
- R.461-062016 Awarding/Amending Contract for Radio Communications System Consultant to acquire 700 MHZ Frequencies to V-Comm, LLC in the amount of \$34,450.00.
- R.462-062016 Resolution authorizes the settlement of tax appeals filed by Verizon New Jersey for the tax years 2011,2012,2013 and 2014 for Blk. 104.N Lot 23.

- R.463-062016 Resolution authorizes the settlement of tax appeals filed by Morris Route 27 Associates, LLC for the tax years 2010,2011 and 2012 for Blk. 124 Lot 2.E5.
- R.464-062016 Resolution authorizes the settlement of tax appeals filed by Nydia Pena for the Tax Year 2013 for Blk. 288 Lot 13.
- R.465-062016 Resolution authorizes the settlement of tax appeals filed by Basell USA ,N/K/A Equistar Chemicals, LP for the tax years 2011,2012,2013.2014,2015 and 2016 for Blk. 390.B Lot 15.
- R.466-062016 Resolution authorizes the settlement of tax appeals filed by EMBA Realty Corporation for the tax years 2010 and 2011, Blk 390.E Lot 6.01.
- R.467-062016 Resolution authorizes the settlement of tax appeals filed by BT-Newyo LLC/UPS for tax years 2012,2013,2014 and 2015, Blk. 390.R Lot 10.A.
- R.468-062016 Resolution authorizes the settlement of tax appeals filed by Oak Groive Assoc. for tax years 2012,2013,2014,2015 and 2016, Blk. 433.A lot 58.
- R.469-062016 Resolution authorizes the settlement of tax appeals filed by Kanuga and Doshi, LLC for tax years 2012,2013,2014,2015 and 2016 Blk. 546.NN Lot 17.
- R.470-062016 Resolution authorizes the settlement of tax appeals filed by Sugarbush Associates, LLC for tax year 2014 Blk. 755.B Lot 38.
- R.471-062016 Resolution authorizing the Award of a Non-Fair and Open Contract for the Maintenance and Support of Data Processing Tax Assessor Software to Vital Communications, Inc. in the amount of \$48,000.00
- R.472-062016 Resolution authorizing a Professional Services Contract for Financial Management and Advisory Services to Government Strategy Group in an amount not to exceed \$178,800.00.
- R.473-062016 Resolution referring the Townships Final 2016 housing Element and Fair Share Plan (2016 HEFSP) to the Edison Planning Board for review and adoption of a Resolution approving the Final 2016 HEFSP as an amendment to the Township's Master Plan.
- R.474-062016 Resolution authorizing a Contract for Special Legal Services related to potential claims against certain Pharmaceutical companies.
- R.475-062016 Resolution authorizing the submission of a claim to surety involving Woodland Estates by Fenix LLC.
- R.476-062016 Resolution authorizes the Mayor to execute the attached Developer's Agreement with Edison Towne Square with respect to the property identified as Block 198-L Lot 37-01(formerly Ford Plant Property) as shown on the Edison Township Tax Map.
- R.477-062016 Resolution designating Property identified as 225 Raritan Center (Block 390.DD, Lot 8.B) in the Township as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law N.J.S.A 40A:12A-1 et seq.
- R.478-062016 Resolution support the adoption of Senate Bill S2254 and Assembly Bill A3821, which clarify that a municipality's present and prospective fair share of the housing need in a given region shall be computed for a 10

year period, and shall not include a retrospective obligation arising from any so called gap period. The Resolutions authorizes the Mayor and Council to send to the appropriate letters of support to the Legislature.

- R.479-062016 Resolution refunding Tree Maintenance Bond to Ramen Patel for 915 Beatrice Parkway for Permit #12-056, account #7762575921 in the amount of \$2,025.00.
- R.480-062016 Resolution amends R.070-022016 authorizing the increase of certain funds to the Edison Housing Authority for the Township's Affordable Housing Emergency Generator Program for Julius Engels Apartment, South Edson due to additional P.S.E & G charges.,
- R.481-062016 Resolution replacing R.069-022016 for the grant of certain funds in the amount of \$9,440.00 to Enable, Inc. (replacing former owner of 2031 Oak Tree Road.) from the Affordable Housing Emergency Generator Program.
- R.482-062016 Resolution authorizing change order No. 1 in the amount of \$600.00 for case number 0315 for a total revised contract amount of \$20,700.00 to A-Plus Construction for Case Number 0315.
- R.483-062016 Resolution authorizes the Township Council to approve a qualified pool of engineers on an as needed basis for Township projects.
- R.484-062016 Resolution authorizes the Township Council to approve CME Associates for engineering services on an as needed basis with regard to Landfill closure in an amount not to exceed \$100,000.00.
- R.485-062016 Award of Contract for Public Bid No. 16-08-25R Sewer Pump Rentals to Xylem Dewaterings Solutions Inc.d/b/a Godwin Pumps of America in an amount not to exceed \$200,000.00.
- R.486-062016 Resolution authorizing a reimbursement for the Summer Playground Program to Shabana Ahmed in the amount of \$30.00.
- R.487-062016 Resolution authorizes the Township Council to grant permission to Garden State Fireworks to discharge Fire Works at Lake Papaiani for Independence Day Celebration scheduled for July 4, 2016 with a rain date of July 5, 2016.
- R.488-062016 Resolution authorizes the Township Council to grant permission to Garden State Fireworks to discharge Fire Works at Plainfield Country Club for Independence Day Celebration scheduled for July 1, 2016 with a rain date of July 2, 2016.
- R.489-062016 Award of Contract for Public Bid No. 16-04-12 – Online Training Software to the Rodgers Group, LLC in an amount not to exceed \$20,000.00.
- R.490-062016 Award of a Non Fair and Open Contract for the Maintenance and support of the Software Computer Aided Dispatch and Records Management System used by Police and Fire to Queues Enforth Development, Inc. in the amount of \$40,152.00.
- R.491-062016 Resolution authorizing the 2016/2017 Liquor License Renewals for Club Licenses.
- R.492-062016 Resolution authorizing the 2016/2017 Liquor License Renewals for Plenary Retail Consumption Licenses.

R.493-062016 Resolution authorizing the 2016/2017 Liquor License Renewals for Plenary Retail Consumption Hotel/Motel Licenses.

R.494-062016 Resolution authorizing the 2016/2017 Liquor License Renewals for Plenary Retail Distribution Licenses.

R.495-062016 Resolution authorizing a refund for a Raffle Permit not needed to Enable, Inc. in the amount of \$20.00.

R.496-062016 Resolution authorizing the sale of One (1) Plenary Retail Distribution Liquor License and further authorizing the Township Clerk to advertise for bid proposals for same pursuant to N.J.S.A. 33:1-19.1.

10. **COMMUNICATIONS:**

- a. Electronic mail received from BAPS regarding their fee waiver.
- b. Electronic mail received from Ralph Bucci regarding Council Seat.

11. **ORAL PETITIONS AND REMARKS**

12. **ADJOURNMENT**

ORDINANCE

EXPLANATION: An Ordinance approving the application for a financial agreement pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*

WHEREAS, Roosevelt Hospital Housing Urban Renewal Associates, LLC (the “**Entity**”) is the redeveloper of a portion of the property known as Block 690, Lots 1 and 2.B (the “**Project Area**”), which is located in an area previously designated as an area in need of rehabilitation; and

WHEREAS, the Township of Edison (the “**Township**”) and the Entity will enter into a Redevelopment Agreement pursuant to which, among other things, the Entity will rehabilitate the Project Area by constructing thereon a project consisting of an approximately 22,000 square foot medical office building and an affordable senior citizen housing facility, with associated parking, landscaping and site improvements (the “**Project**”); and

WHEREAS, the Entity submitted to the Mayor of the Township (the “**Mayor**”) an application (the “**Application**”), which is on file with the Township Clerk, to make payments to the Township in lieu of taxes in connection with the Project; and

WHEREAS, the Entity also submitted to the Mayor a form of financial agreement (the “**Financial Agreement**”), a copy of which is attached hereto as **Exhibit A**, establishing the rights, responsibilities and obligations of the Entity; and

WHEREAS, the Mayor submitted the Application and Financial Agreement to the Township Council with his recommendation for approval, a copy of which recommendation is on file with the Township Clerk; and

WHEREAS, the Township Council has determined that the Project represents an undertaking permitted by the Act.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Application and Financial Agreement are hereby approved.
3. The Mayor is hereby authorized to execute the Financial Agreement substantial in the form attached hereto as **Exhibit A**, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.
4. The Clerk of the Township is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Township upon such document.
5. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
6. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
7. This ordinance shall take effect in accordance with applicable law.

ORDINANCE

EXPLANATION: An Ordinance authorizing the sale of undersized land not needed for public use pursuant to N.J.S.A. 40A:12-13.

WHEREAS, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. (the “**Act**”), the municipal council (the “**Township Council**”) of the Township of Edison (the “**Township**”) may sell any real property, capital improvement or personal property, or interests therein, not needed for public use, as set forth in an ordinance authorizing the sale; and

WHEREAS, certain properties currently owned by the Township, which properties are identified in **Exhibit A** attached hereto (the “**Properties**”), are undersized; and

WHEREAS, there exists a property holder that owns land contiguous to the Properties who seeks to purchase the Properties to create one (1) contiguous lot measuring 100 feet by 100 feet; and

WHEREAS, the Township Council hereby determines that the Property is less than the minimum size required for development under the Township’s Zoning Regulations (Chapter 37 of the Township’s Code of General Ordinances), and without any capital improvements thereon, and may therefore be offered for purchase to the owner of real property contiguous thereto by private bid pursuant to *N.J.S.A. 12-13(b)(5)*, and

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Township Clerk is authorized, subject to the terms and conditions hereafter set forth, to offer for private sale pursuant to *N.J.S.A. 40A:12-13(b)* all of the Township's rights, title and interest in the Properties, at not less than fair market value thereof, to the owner of real property contiguous thereto.
3. This Ordinance shall be published twice in a newspaper approved for legal publications, once not less than seven (7) days prior to the second reading thereof in accordance with law applicable to the adoption of ordinances generally, and a second time within five (5) days after adoption hereof, at which time it shall also be posted on the bulletin board in the Township Municipal Building and remain so posted for at least twenty (20) days thereafter. Sworn proof of such publication(s) shall be filed by the Township Clerk with the Director of the State Division of Local Government Services in the Department of Community Affairs. A copy of this Ordinance shall also be mailed to the two owners of land contiguous to the Properties.
4. Offers by the owner to purchase the Properties may be made in writing addressed to the Township Clerk, Township of Edison, Edison Municipal Complex, 100 Municipal Boulevard, Edison, New Jersey 08817, for a period of twenty (20) days following the second advertisement hereof. Every bid shall be submitted as a sealed bid clearly indicating on the face of the envelope that it is a “Bid for Block 491-A, Lots 30 and 33.” The Township reserves the right to reject all bids in each instance where the highest bid is not accepted, and to re-advertise the Property for public sale following reconsideration within thirty (30) days of the date of adoption of this Ordinance.
5. In the event that more than one bid is received for the Property from multiple contiguous owners thereof, only the highest such bid will be considered for acceptance or rejection, which shall occur by formal resolution of the Municipal Council.
6. The conveyance of the Property to any successful bidder shall be: (1) for the total parcel without the subdivision or sale of a portion thereof; (2) by quit claim deed without any covenants; (3) subject to any

statement or facts which an accurate survey would show; (4) subject to all covenants, conditions, easements, liens and restrictions of record, as well as applicable ordinances of the Township; (5) without obligation of the Township to provide access, public or private, or any improvements thereon or thereto; and (6) with all sales being "as is" without any representation whatever as to character, quality, condition or otherwise, bidder being deemed to have inspected the Property and waived any objections to the conditions thereon. The Township offers no warranty as to any environmental condition which may exist on the Property and no representation as to the Property's development potential.

7. The Properties shall be deemed to merge and become one parcel for all purposes, including taxation and land use control, with the adjacent parcel owned by the successful bidder. In the event the successful bidder is the owner of more than one adjacent lot, the successful bidder shall be entitled to designate which of the adjacent parcels shall be consolidated with the Properties.

8. The acceptance of any bid by the Township shall be subject to receipt, within ten (10) days of such acceptance, of a certified deposit check of the bidder (or cashier's check) in the amount of ten percent (10%) of the accepted bid price, which shall be non-refundable, the balance to be paid not later than ninety (90) days from the date of bid, again by certified or cashier's check, at which time title shall be conveyed to bidder by the Township and the deed delivered therefore. Concurrently with payment of the ten percent (10%) deposit, bidder shall execute an agreement to accept the terms and conditions of sale set forth herein on a form to be prescribed by the Township. The terms of said agreement shall provide for the successful bidder's payment to the Township for all costs pertaining to this Ordinance and its attendant duties, including fees of the Township Attorney and the costs of applicable surveying and notice publication(s) (said costs not to exceed the sum of \$5,000.00). The successful bidder shall also pay all recording fees and pro-rated real estate taxes for the balance of the current year at the time of closing.

9. In no event shall the sale for the Properties alone be for less than fair market value, with an appraisal of the Properties being a condition of sale.

10. In the event the successful bidder should for any reason not pay the purchase price balance due as above provided, the Township reserves the right to cancel the sale and retain the ten percent (10%) deposit as liquidated damages for non-performance.

11. In the event title is not insurable by the bidder at prevailing rates by a reputable title insurance company, the successful bidder's sole remedy shall be to give written notice of cancellation of the bid to the Township within ninety (90) days of the date of bid. In that case, the Township shall refund the deposit, and there shall be no further obligation by either party to the other respecting said bid or any obligations created by the giving or acceptance of said bid.

12. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

13. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

ORDINANCE

EXPLANATION: An Ordinance Approving Municipal Services Agreement with Out of Bounds Association, Inc

Ordinance Approving Municipal Services Agreement with Out of Bounds Association, Inc.

WHEREAS, the Township of Edison (the “**Township**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Out of Bounds Association, Inc. (hereinafter referred to as the “Development” or “Association”), is a residential development located within the Township, and is a qualified private community as contemplated by and defined in the New Jersey Municipal Services Act (hereinafter referred to as the “Act”), P. L. 1989, C.299 (*N.J.S.A. 40:67-23.1 et seq.*); and

WHEREAS, the Township is required under the Act, to perform certain specified services on roads and streets in the Development, or if services are not performed directly by the Township, to reimburse the Development, to the extent specified in the Act and interpretive case law, for the actual, reasonable costs to the Association of providing said specified services, but in no event, in an amount exceeding the cost that would be incurred by the Township in providing those services directly on its own; and

WHEREAS, the Development seeks reimbursement from the Township for certain street lighting costs and snow removal costs for calendar years 2014 and 2015; and

WHEREAS, in consequence of the forgoing, the Township and the Association desire to resolve all issues relating to payment for such reimbursement, and to set forth a schedule for future payment for street lighting costs and snow removal services costs, all as provided in a Municipal Services Agreement appearing in substantially the form appended hereto as Exhibit A, and which shall be in such final form as may be approved by legal counsel.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby approves of the Municipal Services Agreement with the Association appearing in substantially the form appended hereto as Exhibit A, and which shall be in such final form as may be approved by legal counsel.
3. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance insofar as they may be so construed to give effect to the remaining provisions hereof.
4. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
5. This Ordinance shall take effect all as required by law.

**TOWNSHIP OF EDISON
COUNTY OF MIDDLESEX, NEW JERSEY**

**CALENDAR YEAR 2016
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

WHEREAS, the Township Council of the Township of Edison in the County of Middlesex, N.J., finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$3,723,395.37 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Edison in the County of Middlesex, N.J., a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Township of Edison shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$3,723,395.37 and that the CY 2016 municipal budget for the Township of Edison be approved and adopted in accordance with this ordinance; and,

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

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

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

RESOLUTION R.451-062016

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING JUNE 16, 2016

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through June 16, 2016

FUND	AMOUNT
Current	\$13,047,241.56
Affordable Housing	57,162.70
Capital	1,049,933.78
Cash Performance	0.00
CDBG	339.36
Developers Escrow	27,074.21
Dog (Animal Control)	340.00
Federal Forfeited	2,595.00
Grant Funds	2,158.20
Law Enforcement	0.00
Open Space	0.00
Park Improvements	0.00
Payroll Deduction	496,320.56
Sanitation Fund	189,224.86
Sewer Utility	48,698.53
Tax Sale Redemption	128,729.24
Tree Fund	0.00
Tree Planting	0.00
Trust	103,960.82
TOTAL	\$15,153,778.82

/s/ Nicholas C. Fargo
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.452-062016

Authorizing refund for redemption of tax sale certificates

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that 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 Tax Collector further reports that the said tax sale certificates have been redeemed thereof, and further advises that 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 aforementioned recitals are incorporated herein as though fully set forth at length.

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison, that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing, totaling **\$181,771.30**.

June 22, 2016

RESOLUTION R.453-062016

Authorizing refund for tax overpayments

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that 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 the said overpayments, and the Tax Collector advises that the requesters are entitled to refunds as provided the attached listing; and

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the aforementioned recitals are incorporated herein as though fully set forth at length.

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing totaling **\$5,265.02**.

June 22, 2016

RESOLUTION R.454-062016

Authorizing the refund of sewer charge overpayments to certain property owners in the Township

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that certain property owners in the Township have overpaid for sewer use charges due to erroneous or duplicate payments totaling amounts greater than that assessed to them for the year **2015**; and

WHEREAS, applications have been made to the Tax Collector for refunds of the aforesaid overpayments, and the Tax Collector advises that the property owners are entitled to refunds as provided for below; and

WHEREAS, the Municipal Council of the Township of Edison desires to authorize the refund of these sewer charge overpayments.

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

1. The aforementioned Recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby authorizes the appropriate official of the Township to draw and issue checks to the person(s) in the amounts provided for below, in satisfaction of sewer charge overpayments:

Property Owner:	RABBATH, RAYMOND S & BETTY A
Property Location:	125 MONROE AVE
Block/Lot/Qualifier	619.A / 3
Sewer Account:	16426-0
Amount to be Refunded:	\$ 131.47
Property Owner:	TASEVSKIS & S & COTO, SLAVICA
Property Location:	74 WINTHROP RD
Block/Lot/Qualifier	1136/9
Sewer Account:	22955-0
Amount to be Refunded:	\$ 313.32
GRAND TOTAL:	\$ 444.79

3. This Resolution shall take effect immediately.

June 22, 2016

EXPLANATION: A Resolution regarding the appointment of Joseph Coyle to fill a vacancy of Former Councilman Robert Karabinchak pursuant to *N.J.S.A. 14A:16-1 et seq.*

RESOLUTION R.455-062016

WHEREAS, at the November 3, 2015 general election Robert Karabinchak was elected to the office of Council Member for a four (4) year term commencing on January 1, 2016 and expiring on December 31, 2019; and

WHEREAS, Robert Karabinchak has resigned from his office as Council Member, after being chosen to serve as New Jersey Assemblyman for the 18th Legislative District, effective May 26, 2016 and as such there is a vacancy of his former office as Council Member pursuant to the New Jersey Municipal Vacancy Law, N.J.S.A. 40A:16-1 *et seq.*; and

WHEREAS, the Edison Democratic Organization did submit names of proposed nominees to fill the vacancy within the statutorily prescribed time-frames as set forth in N.J.S.A. 40A:16-11; and

WHEREAS, pursuant to N.J.S.A. 40A:16-5(b) as the remaining term of the vacant Council Member office became vacant prior to September 1 of the next-to-the last year of the term of the office, the Municipal Council may temporarily fill the vacancy until the next general election, being November 8, 2016 at which time this office will be on the ballot for the balance of the term; and

WHEREAS, Robert Karabinchak was a nominee of a municipal political committee for his former office as a Council Member, being the Edison Democratic Organization, and the Edison Democratic Organization submitted the names of three (3) proposed nominees to fill the vacancy within the statutorily prescribed time frames as set forth in N.J.S.A. 40A:16-11; and,

WHEREAS, the Municipal Council of the Township of Edison are authorized by N.J.S.A. 40A:16-11 to fill the vacancy by the appointment of a successor from the aforementioned list of nominees, and are within the time frames set forth in N.J.S.A. 40A:16-11 to make such an appointment; and

WHEREAS, the Municipal Council of the Township of Edison desire to appoint Joseph Coyle who is qualified pursuant to N.J.S.A. 40A:16-10 to temporarily fill the unexpired office of Council Member formerly held by Robert Karabinchak until the next general election, being November 8, 2016, at which time this office will be on the ballot for the balance of the term.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that Joseph Coyle is hereby appointed to temporarily fill the unexpired office of Council Member formerly held by Robert Karabinchak until the next general election, being November 8, 2016 at which time this office will be on the ballot for the balance of the term, which appointment is effective immediately and upon taking the oath of office pursuant to N.J.S.A. 40A:16-21.

EXPLANATION: A Resolution regarding the appointment of Michael Comba to fill a vacancy of Former Councilman Robert Karabinchak pursuant to *N.J.S.A. 14A:16-1 et seq.*

RESOLUTION R.456-062016

WHEREAS, at the November 3, 2015 general election Robert Karabinchak was elected to the office of Council Member for a four (4) year term commencing on January 1, 2016 and expiring on December 31, 2019; and

WHEREAS, Robert Karabinchak has resigned from his office as Council Member, after being chosen to serve as New Jersey Assemblyman for the 18th Legislative District, effective May 26, 2016 and as such there is a vacancy of his former office as Council Member pursuant to the New Jersey Municipal Vacancy Law, N.J.S.A. 40A:16-1 *et seq.*; and

WHEREAS, the Edison Democratic Organization did submit names of proposed nominees to fill the vacancy within the statutorily prescribed time-frames as set forth in N.J.S.A. 40A:16-11; and

WHEREAS, pursuant to N.J.S.A. 40A:16-5(b) as the remaining term of the vacant Council Member office became vacant prior to September 1 of the next-to-the last year of the term of the office, the Municipal Council may temporarily fill the vacancy until the next general election, being November 8, 2016 at which time this office will be on the ballot for the balance of the term; and

WHEREAS, Robert Karabinchak was a nominee of a municipal political committee for his former office as a Council Member, being the Edison Democratic Organization, and the Edison Democratic Organization submitted the names of three (3) proposed nominees to fill the vacancy within the statutorily prescribed time frames as set forth in N.J.S.A. 40A:16-11; and,

WHEREAS, the Municipal Council of the Township of Edison are authorized by N.J.S.A. 40A:16-11 to fill the vacancy by the appointment of a successor from the aforementioned list of nominees, and are within the time frames set forth in N.J.S.A. 40A:16-11 to make such an appointment; and

WHEREAS, the Municipal Council of the Township of Edison desire to appoint Michael Comba who is qualified pursuant to N.J.S.A. 40A:16-10 to temporarily fill the unexpired office of Council Member formerly held by Robert Karabinchak until the next general election, being November 8, 2016 at which time this office will be on the ballot for the balance of the term.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that Michael Comba is hereby appointed to temporarily fill the unexpired office of Council Member formerly held by Robert Karabinchak until the next general election, being November 8, 2016 at which time this office will be on the ballot for the balance of the term, which appointment is effective immediately and upon taking the oath of office pursuant to N.J.S.A. 40A:16-21.

EXPLANATION: A Resolution regarding the appointment of Steve Nagel to fill a vacancy of Former Councilman Robert Karabinchak pursuant to *N.J.S.A. 14A:16-1 et seq.*

RESOLUTION R.457-062016

WHEREAS, at the November 3, 2015 general election Robert Karabinchak was elected to the office of Council Member for a four (4) year term commencing on January 1, 2016 and expiring on December 31, 2016; and

WHEREAS, Robert Karabinchak has resigned from his office as Council Member, after being chosen to serve as New Jersey Assemblyman for the 18th Legislative District, effective May 26, 2016 and as such there is a vacancy of his former office as Council Member pursuant to the New Jersey Municipal Vacancy Law, N.J.S.A. 40A:16-1 *et seq.*; and

WHEREAS, the Edison Democratic Organization did submit names of proposed nominees to fill the vacancy within the statutorily prescribed time-frames as set forth in N.J.S.A. 40A:16-11; and

WHEREAS, pursuant to N.J.S.A. 40A:16-5(b) as the remaining term of the vacant Council Member office became vacant prior to September 1 of the next-to-the last year of the term of the office, the Municipal Council may temporarily fill the vacancy until the next general election, being November 8, 2016 at which time this office will be on the ballot for the balance of the term; and

WHEREAS, Robert Karabinchak was a nominee of a municipal political committee for his former office as a Council Member, being the Edison Democratic Organization, and the Edison Democratic Organization submitted the names of three (3) proposed nominees to fill the vacancy within the statutorily prescribed time frames as set forth in N.J.S.A. 40A:16-11; and,

WHEREAS, the Municipal Council of the Township of Edison are authorized by N.J.S.A. 40A:16-11 to fill the vacancy by the appointment of a successor from the aforementioned list of nominees, and are within the time frames set forth in N.J.S.A. 40A:16-11 to make such an appointment; and

WHEREAS, the Municipal Council of the Township of Edison desire to appoint Steve Nagel who is qualified pursuant to N.J.S.A. 40A:16-10 to temporarily fill the unexpired office of Council Member formerly held by Robert Karabinchak until the next general election, being November 8, 2016 at which time this office will be on the ballot for the balance of the term.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that Steve Nagel is hereby appointed to temporarily fill the unexpired office of Council Member formerly held by Robert Karabinchak until the next general election, being November 8, 2016 at which time this office will be on the ballot for the balance of the term, which appointment is effective immediately and upon taking the oath of office pursuant to N.J.S.A. 40A:16-21.

RESOLUTION R.458-062016

RESOLUTION AWARDING THE SECOND YEAR OF THE DATA AND VOICE SERVICE CONTRACT TO BUSINESS AUTOMATION TECHNOLOGIES, INC. D/B/A DATA NETWORK SOLUTIONS

WHEREAS, bids were received by the Township of Edison on April 14, 2015 for Public Bid No. 15-01-23-Data and Voice Service for the Township of Edison; and

WHEREAS, BUSINESS AUTOMATION TECHNOLOGIES, INC. D/B/A DATA NETWORK SOLUTIONS, 116 Oceanport Ave., Bldg. 1, Little Silver, NJ 07739 submitted the lowest legally responsible, responsive bid; and

WHEREAS, R.284-052015 dated May 13, 2015 authorized the first year of a two year contract with BUSINESS AUTOMATION TECHNOLOGIES, INC. D/B/A DATA NETWORK SOLUTIONS for the period of July 8, 2015 through July 7, 2016; and

WHEREAS, we are awarding the second year contract for the period of July 7, 2016 through July 6, 2017; with all terms and conditions of the contract remaining the same although we will be disconnecting the services at 205 Raritan Center Parkway which is allowable as per the contract; and

WHEREAS, the total amount of the second year contract shall not exceed \$30,000.00; and

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

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

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)); 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 the second year of the contract in the amount not to exceed \$30,000.00 and any other necessary documents, with BUSINESS AUTOMATION TECHNOLOGIES, INC. D/B/A DATA NETWORK SOLUTIONS as described herein.

RESOLUTION R.459-062016

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER(S) TO EDWARDS TIRE COMPANY
INCORPORATED FOR BRIDGESTONE/FIRESTONE TIRES AND
TUBES**

WHEREAS, there is a need to purchase Bridgestone/Firestone Tires and Tubes for the maintenance of the Township of Edison vehicles; and

WHEREAS, EDWARDS TIRE COMPANY INCORPORATED, P.O. Box 704, Farmingdale, NJ 07727 has been awarded State Contract Number 82528 under M-8000/Tires, Tubes and Services; 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 \$50,000.00, 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(s) in the amount not to exceed \$50,000.00 and any other necessary documents, with EDWARDS TIRE COMPANY INCORPORATED, P.O. Box 704, Farmingdale, NJ 07727 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. 82528/M-8000.

RESOLUTION R.460-062016

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDERS TO EDWARDS TIRE
COMPANY INCORPORATED FOR GOODYEAR TIRES AND TUBES**

WHEREAS, there is a need to purchase Goodyear Tires and Tubes for the maintenance of the Township of Edison vehicles; and

WHEREAS, EDWARDS TIRE COMPANY INCORPORATED, P.O. Box 704, Farmingdale, NJ 07727 has been awarded State Contract Number 82527 under M-8000/Tires, Tubes and Services; and

WHEREAS, the total amount of this contract, not to exceed \$100,000.00, cannot be encumbered at this time; 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, 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 orders in the amount not to exceed \$100,000.00 and any other necessary documents, with EDWARDS TIRE COMPANY INCORPORATED, P.O. Box 704, Farmingdale, NJ 07727 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. 82527/M-8000.

RESOLUTION R.461-062016

RESOLUTION AWARDING/AMENDING CONTRACT TO V-COMM, LLC FOR RADIO COMMUNICATION SYSTEM CONSULTANT TO ACQUIRE 700 MHZ FREQUENCIES

WHEREAS, V-COMM, LLC, 2540 US Highway 130, Ste. 101, Cranbury, NJ 08512 was awarded RFP 15-03, Radio Communication System Consultant, on October 14, 2015 by Resolution R.700-102015; and

WHEREAS, RFP 15-03 included a provision for additional work that may be needed during the course of the project and requested and received an hourly rate schedule for said additional work needed; and

WHEREAS; Edison Township is in need of 700 MHZ frequency acquisition services; and

WHEREAS; V-COMM, LLC has submitted a proposal to provide complete 700 MHZ Frequency Acquisition Services for a price not to exceed \$34,450.00; and

WHEREAS, funds in the amount of \$34,450.00 have been certified to be available in the Section 20 Costs Account, No. C-04-14-1872-490-000; and

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

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

1. The proposal as submitted by V-COMM, LLC, 2540 US Highway 130, Ste. 101, Cranbury, NJ 08512 for 700 MHZ frequency acquisition services is accepted.
2. The Mayor, or his designee, is hereby authorized to amend the original contract with V-COMM, LLC in the amount not to exceed \$34,450.00, in accordance with the proposal.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$34,450.00** are available for the above contract in Account No. **C-04-14-1872-490-000**.

Nicholas C. Fargo
Chief Financial Officer

EXPLANATION: This Resolution authorizes the settlement of tax appeals filed by VERIZON NEW JERSEY INC for tax years 2011, 2012, 2013 and 2014.

RESOLUTION R.462-062016

WHEREAS, Verizon New Jersey Inc., (the "Taxpayer"), the owner of property located at 1879 Lincoln Highway Route 27 in Edison Township, County of Middlesex, and known as Block 104.N, Lot 23 on the Township of Edison's Tax Assessment Maps (the "Property"), filed tax appeals for the years 2011, 2012, 2013 and 2014 with the Tax Court of New Jersey, Docket Number 014313-2011, 012762-2012, 014502-2013 and 012567-2014; and

WHEREAS, the Township Council of the Township of Edison met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor and Tax Appeal Attorney; and

WHEREAS, The Township Assessor has made such an examination of the value and proper assessment of the Property and has obtained such appraisals, analysis, and information with respect to the valuation and assessment of the Property as deemed necessary and appropriate, and has been consulted by the attorney for the taxing district with respect to this settlement; and

WHEREAS, an acceptable settlement of the aforesaid tax appeals has been negotiated in which the Taxpayer agrees to settle its appeals for an assessment at the fair assessable value of the property consistent with the assessing practices generally applicable in the taxing district and as required by law; and

WHEREAS, the reduction would result in a nominal tax refund when compared with the litigation costs involved in defending the assessment at trial; and

WHEREAS, the property was originally assessed as follows:

Land	\$ 702,000.00
Improvements	\$ 298,000.00
Total	\$1,000,000.00

WHEREAS, the proposed settlement provides for an assessment of the years 2011, 2012, 2013 and 2014 as follows:

Year	2011	2012	2013	2014
Land	\$ 702,000.00	\$ 702,000.00	\$ 702,000.00	\$ 502,000.00
Improvements	\$ 298,000.00	\$ 298,000.00	\$ 298,000.00	\$ 198,000.00
Total	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$ 700,000.00

WHEREAS, the Taxpayer acknowledges that the Township has in part agreed to the settlement in consideration for the waiver of tax appeals set forth above; and

WHEREAS, the aforesaid settlement has no general application to other properties within the Township of Edison as a result of the aforesaid specific facts situation; and

WHEREAS, pursuant to the settlement, the Taxpayer will waive prejudgment interest; and

WHEREAS, if the refunds as a result of this settlement set forth herein are to be refunded, the refund is to be made payable to "Verizon New Jersey Inc." and forwarded to "Kevin H. Giordano, Assistant General Counsel, Verizon, One Verizon Way, VC54S230, Basking Ridge, NJ 07920"; and

WHEREAS, the Township Council will make this settlement with the Taxpayer without prejudice to its dealing with any other Edison Township taxpayer's request for tax assessment reduction;

WHEREAS, pursuant to the settlement approved herein, the Taxpayer is entitled to a refund as follows:

2011	2012	2013	2014
\$0.00	\$0.00	\$0.00	\$14,778.00

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

1. For the 2011, 2012, 2013 and 2014 Tax Years, the Township of Edison Tax Assessor is hereby directed to establish the allocation between land and improvements as follows:

Year	2011	2012	2013	2014
Land	\$ 702,000.00	\$ 702,000.00	\$ 702,000.00	\$ 502,000.00
Improvements	\$ 298,000.00	\$ 298,000.00	\$ 298,000.00	\$ 198,000.00
Total	\$1,000,000.00	\$1,000,000.00	\$1,000,000.00	\$ 700,000.00

2. Interest is waived on the refunds, provided such refunds are provided as specified herein; and

3. The Tax Appeal Attorney for the Township, is hereby authorized to execute a Stipulation of Settlement relative to the property tax appeals filed for the years 2011, 2012, 2013 and 2014, Docket Number 014313-2011, 012762-2012, 014502-2013 and 012567-2014, by the taxpayer, owning the property located at 1879 Lincoln Highway Route 27 in Edison Township, known as Block 104.N, Lot 23;

4. The Freeze Act will apply to the judgment to be issued by the New Jersey Tax Court; and

5. The form of Stipulation of Settlement is annexed hereto, having been reviewed by and approved by the Township Council of the Township of Edison.

NOW, THEREFORE, BE IT RESOLVED, that upon the receipt of the appropriate Tax Court Judgment(s), the proper Township Officials are hereby authorized to process credits against open tax balances and issue checks consistent with the amount credited for the foregoing assessment reduction.

EXPLANATION: This Resolution authorizes the settlement of tax appeals filed by Morris Route 27 Associates, LLC for tax years 2010, 2011 and 2012.

RESOLUTION R.463-062016

WHEREAS, Morris Route 27 Associates, LLC and Edison Business Centers, LLC, (the "Taxpayer"), the owner of property located at 2147 Lincoln Highway Route 27N in Edison Township, County of Middlesex, and known as Block 124, Lot 2.E5; 55 Talmadge Road in Edison Township, County of Middlesex, and known as Block 124, Lot 22; 2121 Lincoln Highway Route 27 in Edison Township, County of Middlesex, and known as Block 124, Lot 21 on the Township of Edison's Tax Assessment Maps (the "Property"), filed tax appeals for the years 2010,2011 and 2012 with the Tax Court of New Jersey, Docket Number 008668-2010, 004341-2011 and 001378-2012; and

WHEREAS, the Township Council of the Township of Edison met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor and Tax Appeal Attorney; and

WHEREAS, The Township Assessor has made such an examination of the value and proper assessment of the Property and has obtained such appraisals, analysis, and information with respect to the valuation and assessment of the Property as deemed necessary and appropriate, and has been consulted by the attorney for the taxing district with respect to this settlement; and

WHEREAS, an acceptable settlement of the aforesaid tax appeals has been negotiated in which the Taxpayer agrees to settle its appeals for an assessment at the fair assessable value of the property consistent with the assessing practices generally applicable in the taxing district and as required by law; and

WHEREAS, the reduction would result in a nominal tax refund when compared with the litigation costs involved in defending the assessment at trial; and

WHEREAS, the property was originally assessed as follows:

As to Block 124, Lot 22 – 55 Talmadge Road:

Land	\$ 3,000,000.00
Improvements	\$ 1,934,500.00
Total	\$ 4,934,500.00

As to Block 124, Lot 21 – 2121 Lincoln Highway Route 27:

Land	\$ 1,377,500.00
Improvements	\$ 6,446,500.00
Total	\$ 7,824,000.00

As to Block 124, Lot 2.E5 - 2147 Lincoln Highway Rt. 27 N:

Land	\$ 3,714,600.00
Improvements	\$ 9,861,400.00
Total	\$13,576,000.00

WHEREAS, the proposed settlement provides for an assessment of the years 2010, 2011 and 2012 as follows:

Year	2010	2010	2010
	As to Block 124, Lot 21 -	As to Block 124, Lot 22	As to Block 124, Lot 2.E5
Land	\$1,377,500.00	\$3,000,000.00	\$1,500,000.00
Improvements	\$6,446,500.00	\$1,934,500.00	\$2,139,200.00
Total	\$7,824,000.00	\$4,934,500.00	\$3,639,200.00

Year	2011	2011	2011
	As to Block 124, Lot 21 -	As to Block 124, Lot 22	As to Block 124, Lot 2.E5
Land	\$1,377,500.00	\$3,000,000.00	\$1,500,000.00
Improvements	\$6,446,500.00	\$1,934,500.00	\$2,212,800.00
Total	\$7,824,000.00	\$4,934,500.00	\$3,712,800.00

Year	2012	2012	2012
	As to Block 124, Lot 21 -	As to Block 124, Lot 22	As to Block 124, Lot 2.E5
Land	\$1,377,500.00	\$3,000,000.00	\$1,500,000.00
Improvements	\$6,446,500.00	\$1,934,500.00	\$2,328,800.00
Total	\$7,824,000.00	\$4,934,500.00	\$3,828,800.00

WHEREAS, the Taxpayer acknowledges that the Township has in part agreed to the settlement in consideration for the waiver of tax appeals set forth above; and

WHEREAS, the aforesaid settlement has no general application to other properties within the Township of Edison as a result of the aforesaid specific facts situation; and

WHEREAS, pursuant to the settlement, the Taxpayer will waive prejudgment interest; and

WHEREAS, if the refunds as a result of this settlement set forth herein are to be refunded, the refund is to be made payable to “Garippa, Lotz & Giannuario PC, Attorney Trust Fund” and the taxpayer and forwarded to “Philip J. Giannuario, Esq. of Garippa, Lotz & Giannuario, PC, 66 Park Street, Montclair, NJ 07042”; and

WHEREAS, the Township Council will make this settlement with the Taxpayer without prejudice to its dealing with any other Edison Township taxpayer's request for tax assessment reduction;

WHEREAS, pursuant to the settlement approved herein, the Taxpayer is entitled to a refund as follows:

As to Block 124, Lot 21:

2010	2011	2012
\$0.00	\$0.00	\$0.00

As to Block 124, Lot 22:

2010	2011	2012
\$0.00	\$0.00	\$0.00

As to Block 124, Lot 2.E5:

2010	2011	2012
\$441,293.29	\$466,430.73	\$465,526.27

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

1. For the 2010, 2011 and 2012 Tax Years, the Township of Edison Tax Assessor is hereby directed to establish the allocation between land and improvements as follows:

Year	2010	2010	2010
	As to Block 124, Lot 21 -	As to Block 124, Lot 22	As to Block 124, Lot 2.E5
Land	\$1,377,500.00	\$3,000,000.00	\$1,500,000.00
Improvements	\$6,446,500.00	\$1,934,500.00	\$2,139,200.00
Total	\$7,824,000.00	\$4,934,500.00	\$3,639,200.00

Year	2011	2011	2011
	As to Block 124, Lot 21 -	As to Block 124, Lot 22	As to Block 124, Lot 2.E5
Land	\$1,377,500.00	\$3,000,000.00	\$1,500,000.00
Improvements	\$6,446,500.00	\$1,934,500.00	\$2,212,800.00
Total	\$7,824,000.00	\$4,934,500.00	\$3,712,800.00

Year	2012	2012	2012
	As to Block 124, Lot 21 -	As to Block 124, Lot 22	As to Block 124, Lot 2.E5
Land	\$1,377,500.00	\$3,000,000.00	\$1,500,000.00
Improvements	\$6,446,500.00	\$1,934,500.00	\$2,328,800.00
Total	\$7,824,000.00	\$4,934,500.00	\$3,828,800.00

2. Interest is waived on the refunds, provided such refunds are provided as specified herein; and

3. The Tax Appeal Attorney for the Township, is hereby authorized to execute a Stipulation of Settlement relative to the property tax appeals filed for the years 2010, 2011 and 2012, Docket Number 008668-2010, 004341-2011 and 001378-2012, by the taxpayer, owning the property located at 2147 Lincoln Highway Route 27N in Edison Township, County of Middlesex, and

known as Block 124, Lot 2.E5; 55 Talmadge Road in Edison Township, County of Middlesex, and known as Block 124, Lot 22; 2121 Lincoln Highway Route 27 in Edison Township, County of Middlesex, and known as Block 124, Lot 21;

4. The Freeze Act will apply to the judgment to be issued by the New Jersey Tax Court; and
5. The form of Stipulation of Settlement is annexed hereto, having been reviewed by and approved by the Township Council of the Township of Edison.

NOW, THEREFORE, BE IT RESOLVED, that upon the receipt of the appropriate Tax Court Judgment(s), the proper Township Officials are hereby authorized to process credits against open tax balances and issue checks consistent with the amount credited for the foregoing assessment reduction.

EXPLANATION: This Resolution authorizes the settlement of Tax Appeal filed by Nydia Pena for the Tax Year 2013.

RESOLUTION R.464-062016

WHEREAS, Nydia Pena (“Taxpayer”), the owner of property located at 1830 Woodbridge Avenue in the Township of Edison, County of Middlesex, and known as Block 288, Lot 12 on the Township of Edison’s Tax Assessment Maps (“Property”), filed Tax Appeal for the year 2013 with the Tax Court of New Jersey under Docket Number 015787-2013; and

WHEREAS, the Township Council for the Township of Edison met and discussed the aforesaid tax appeal and the recommendations of its Township Assessor and Tax Appeal Attorney; and

WHEREAS, the Township Assessor has made such an examination of the value and proper assessment of the Property and has obtained such appraisals, analysis, and information with respect to the valuation and assessment of the Property as deemed necessary and appropriate and has been consulted by the attorney for the taxing district with respect to this settlement; and

WHEREAS, an acceptable settlement of the aforesaid tax appeal has been negotiated in which the Taxpayer agrees to settle its appeal for an assessment at the fair assessable value of the Property consistent with the assessing practices generally applicable in the taxing district and as required by law; and

WHEREAS, the property was originally assessed for the 2013 Tax Year as follows:

	<u>2013</u>	
Land		\$284,000.00
Improvements		\$216,700.00
Total		\$500,700.00

WHEREAS, the proposed settlement provides for an assessment of the 2013 Tax Year as follows:

	<u>2013</u>	
Land		\$234,000.00
Improvements		\$104,200.00
Total		\$338,200.00

WHEREAS, the Taxpayer acknowledges that the Township has in part agreed to the settlement in question in consideration for a waiver of the Tax Appeal set forth above; and

WHEREAS, the aforesaid settlement has no general application to other properties within the Township of Edison as a result of the aforesaid specific facts situation; and

WHEREAS, pursuant to the settlement, the Taxpayer will waive prejudgment; and

WHEREAS, if the refund as a result of this settlement set forth herein is to be refunded, the refund is to be made payable to the “Blau & Blau, Attorney Trust Fund” and the Taxpayer and forwarded to “Robert D. Blau, Esq., 223-B Mountain Avenue, Springfield, New Jersey 07081” within sixty (60) days of the date of the entry of judgment; and

WHEREAS, the Township Council will make this settlement with the Taxpayer without prejudice to its dealing with any other Edison Township Taxpayer’s request for tax assessment reduction; and
WHEREAS, pursuant to the settlement approved herein, the Taxpayer is entitled to a refund in the amount of **\$7,761.00** for the 2013 Tax Year Appeal.

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

1. For the 2013 Tax Year, the Township of Edison Tax Assessor is hereby directed to establish the allocation between land and improvement as follows:

	<u>2013</u>	
Land		\$234,000.00
Improvements		\$104,200.00
Total		\$338,200.00

2. Interest is waived on the refund, provided such refund is provided as specified herein; and
3. The Tax Appeal Attorney for the Township is hereby authorized to execute a Stipulation of Settlement relative to the Property for Tax Appeals filed for the year 2013, Docket Number 015787-2013 by the Taxpayer, owner of the property located at 1830 Woodbridge Avenue , Block 288, Lot 12;
4. The Freeze Act will not apply to the judgment to be issued by the New Jersey Tax Court; and
5. The Form of Stipulation of Settlement is annexed hereto, having been received by and approved by the Township Council of the Township of Edison

NOW, THEREFORE BE IT RESOLVED, that upon receipt of the appropriate Tax Court Judgment(s), the proper Township Officials are hereby authorized to process credits against open tax balances and issue checks consistent with the amount credited for the foregoing assessment reduction.

EXPLANATION: This Resolution authorizes the settlement of tax appeals filed by BASELL USA, N/K/A EQUISTAR CHEMICALS, LP for tax years 2011, 2012, 2013, 2014, 2015 AND 2016.

RESOLUTION R.465-062016

WHEREAS, BASELL USA, N/K/A EQUISTAR CHEMICALS, LP, (the "Taxpayer"), the owner of property located at Meadow Road in Edison Township, County of Middlesex, and known as Block 366.B, Lot 15; Meadow Road in Edison Township, County of Middlesex, and known as Block 366.B, Lot 4.B1; Meadow Road in Edison Township, County of Middlesex, and known as Block 366.B, Lot 14.A; 340 Meadow Road in Edison Township, County of Middlesex, and known as Block 366.B, Lot 16 on the Township of Edison's Tax Assessment Maps (the "Property"), filed tax appeals for the years 2011, 2012, 2013, 2014, 2015 and 2016 with the Tax Court of New Jersey, Docket Number 008372-2011; 002279-2012; 006663-2013; 006372-2014; 005252-2015 and 000563-2016; and

WHEREAS, the Township Council of the Township of Edison met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor and Tax Appeal Attorney; and

WHEREAS, The Township Assessor has made such an examination of the value and proper assessment of the Property and has obtained such appraisals, analysis, and information with respect to the valuation and assessment of the Property as deemed necessary and appropriate, and has been consulted by the attorney for the taxing district with respect to this settlement; and

WHEREAS, an acceptable settlement of the aforesaid tax appeals has been negotiated in which the Taxpayer agrees to settle its appeals for an assessment at the fair assessable value of the property consistent with the assessing practices generally applicable in the taxing district and as required by law; and

WHEREAS, the reduction would result in a nominal tax refund when compared with the litigation costs involved in defending the assessment at trial; and

WHEREAS, the property was originally assessed as follows:

As to Meadow Road; Block 366.B, Lot 15:

Land	\$1,519,200.00
Improvements	\$2,416,400.00
Total	\$3,935,600.00

As to Meadow Road; Block 366.B, Lot 4.B1:

Land	\$1,500,000.00
Improvements	\$0.00
Total	\$1,500,000.00

As to Meadow Road; Block 366.B, Lot 14.A:

Land	\$ 124,000.00
Improvements	\$0.00
Total	\$ 124,000.00

As to 340 Meadow Road; Block 366.B, Lot 16:

Land	\$ 922,600.00
Improvements	\$ 962,900.00
Total	\$1,885,500.00

WHEREAS, the proposed settlement provides for an assessment of the years 2011, 2012, 2013, 2014, 2015 and 2016 as follows:

As to Meadow Road; Block 366.B, Lot 15:

Year	2011	2012	2013	2014
Land	\$1,519,200.00	\$1,519,200.00	\$1,519,200.00	\$1,519,200.00
Improvements	\$1,691,400.00	\$1,691,400.00	\$1,691,400.00	\$1,691,400.00
Total	\$3,210,600.00	\$3,210,600.00	\$3,210,600.00	\$3,210,600.00

Year	2015	2016
Land	\$1,519,200.00	\$ 600,000.00
Improvements	\$1,691,400.00	\$1,367,800.00
Total	\$3,210,600.00	\$1,967,800.00

As to Meadow Road; Block 366.B, Lot 4.B1:

Year	2011	2012	2013	2014
Land	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN
Improvements				
Total				

Year	2015	2016
Land	WITHDRAWN	\$ 750,000.00
Improvements		\$0.00
Total		\$ 750,000.00

As to Meadow Road; Block 366.B, Lot 14.A:

Year	2011	2012	2013	2014
Land	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN
Improvements				
Total				

Year	2015	2016
Land	WITHDRAWN	\$ 62,000.00
Improvements		\$0.00
Total		\$ 62,000.00

As to 340 Meadow Road; Block 366.B, Lot 16:

Year	2011	2012	2013	2014
Land	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN
Improvements				
Total				

Year	2015	2016
Land	WITHDRAWN	\$ 400,000.00
Improvements		\$ 542,800.00
Total		\$ 942,800.00

WHEREAS, the aforesaid settlement has no general application to other properties within the Township of Edison as a result of the aforesaid specific facts situation; and

WHEREAS, pursuant to the settlement, the Taxpayer will waive prejudgment interest. Interest will accrue on refund if not paid within 90 days of Final Judgment; and

WHEREAS, if the refunds as a result of this settlement set forth herein are to be refunded, the refund is to be made payable to “Jeffrey M. Pypcznski, Esq. of Porzio, Bromberg & Newman, PC, Attorney Trust Fund” and the taxpayer and forwarded to “Jeffrey M. Pypczynski, Esq., Porzio, Bromberg & Newman, PC, 100 Southgate Parkway, PO Box 1997, Morristown, NJ 07962-1997”; and

WHEREAS, the Township Council will make this settlement with the Taxpayer without prejudice to its dealing with any other Edison Township taxpayer's request for tax assessment reduction;

WHEREAS, pursuant to the settlement approved herein, the Taxpayer is entitled to a refund as follows:

As to Meadow Road; Block 366.B, Lot 15:

2011	2012	2013	2014	2015	2016
\$33,930.00	\$34,285.25	\$34,626.00	\$0.00	\$36,786.50	\$100,003.60

As to Meadow Road; Block 366.B, Lot 4.B1:

2011	2012	2013	2014	2015	2016
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$38,115.00

As to Meadow Road; Block 366.B, Lot 14.A:

2011	2012	2013	2014	2015	2016
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,150.84

As to 340 Meadow Road; Block 366.B, Lot 16:

2011	2012	2013	2014	2015	2016
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$47,908.01

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

1. For the 2011, 2012, 2013, 2014, 2015 and 2016 Tax Years, the Township of Edison Tax Assessor is hereby directed to establish the allocation between land and improvements as follows:

Year	2011	2012	2013	2014
Land	\$1,519,200.00	\$1,519,200.00	\$1,519,200.00	\$1,519,200.00
Improvements	\$1,691,400.00	\$1,691,400.00	\$1,691,400.00	\$1,691,400.00
Total	\$3,210,600.00	\$3,210,600.00	\$3,210,600.00	\$3,210,600.00

Year	2015	2016
Land	\$1,519,200.00	\$ 600,000.00
Improvements	\$1,691,400.00	\$1,367,800.00
Total	\$3,210,600.00	\$1,967,800.00

As to Meadow Road; Block 366.B, Lot 4.B1:

Year	2011	2012	2013	2014
Land	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN
Improvements				
Total				

Year	2015	2016
Land	WITHDRAWN	\$ 750,000.00
Improvements		\$0.00
Total		\$ 750,000.00

As to Meadow Road; Block 366.B, Lot 14.A:

Year	2011	2012	2013	2014
Land	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN
Improvements				
Total				

Year	2015	2016
Land	WITHDRAWN	\$ 62,000.00
Improvements		\$0.00
Total		\$ 62,000.00

As to 340 Meadow Road; Block 366.B, Lot 16:

Year	2011	2012	2013	2014
Land	WITHDRAWN	WITHDRAWN	WITHDRAWN	WITHDRAWN
Improvements				
Total				

Year	2015	2016
Land	WITHDRAWN	\$ 400,000.00
Improvements		\$ 542,800.00
Total		\$ 942,800.00

2. The Tax Appeal Attorney for the Township, is hereby authorized to execute a Stipulation of Settlement relative to the property tax appeals filed for the years 2011, 2012, 2013, 2014, 2015 and 2016, Docket Number 008372-2011; 002279-2012; 006663-2013; 006372-2014; 005252-2015 and 000563-2016, by the taxpayer, owning the property located at Meadow Road in Edison Township, County of Middlesex, and known as Block 366.B, Lot 15; Meadow Road in Edison Township, County of Middlesex, and known as Block 366.B, Lot 4.B1; Meadow Road in Edison Township, County of Middlesex, and known as Block 366.B, Lot 14.A; 340 Meadow Road in Edison Township, County of Middlesex, and known as Block 366.B, Lot 16; and
4. The Freeze Act will apply to the judgment to be issued by the New Jersey Tax Court; and
5. The form of Stipulation of Settlement is annexed hereto, having been reviewed by and approved by the Township Council of the Township of Edison.

NOW, THEREFORE, BE IT RESOLVED, that upon the receipt of the appropriate Tax Court Judgment(s), the proper Township Officials are hereby authorized to process credits against open tax balances and issue checks consistent with the amount credited for the foregoing assessment reduction.

EXPLANATION: This Resolution authorizes the settlement of tax appeals filed by EMBA Realty Corp. for tax years 2010 and 2011.

RESOLUTION R.466-062016

WHEREAS, EMBA Realty Corp, (the "Taxpayer"), the owner of property located at 141 Fieldcrest Avenue in Edison Township, County of Middlesex, and known as Block 390.E, Lot 6.01 on the Township of Edison's Tax Assessment Maps (the "Property"), filed tax appeals for the years 2014 with the Tax Court of New Jersey, Docket Number 009128-2010 and 002294-2011; and

WHEREAS, the Township Council of the Township of Edison met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor and Tax Appeal Attorney; and

WHEREAS, The Township Assessor has made such an examination of the value and proper assessment of the Property and has obtained such appraisals, analysis, and information with respect to the valuation and assessment of the Property as deemed necessary and appropriate, and has been consulted by the attorney for the taxing district with respect to this settlement; and

WHEREAS, an acceptable settlement of the aforesaid tax appeals has been negotiated in which the Taxpayer agrees to settle its appeals for an assessment at the fair assessable value of the property consistent with the assessing practices generally applicable in the taxing district and as required by law; and

WHEREAS, the reduction would result in a nominal tax refund when compared with the litigation costs involved in defending the assessment at trial; and

WHEREAS, the property was originally assessed as follows:

Land	\$ 699,400.00
Improvements	\$1,831,500.00
Total	\$2,530,900.00

WHEREAS, the proposed settlement provides for an assessment of the 2010 and 2011 as follows:

Year	2010	2011
Land	\$ 699,400.00	\$ 699,400.00
Improvements	\$1,744,800.00	\$1,744,800.00
Total	\$2,444,200.00	\$2,444,200.00

WHEREAS, the aforesaid settlement has no general application to other properties within the Township of Edison as a result of the aforesaid specific facts situation; and

WHEREAS, pursuant to the settlement, the Taxpayer will waive prejudgment interest; and

WHEREAS, if the refunds as a result of this settlement set forth herein are to be refunded, the refund is to be made payable to "Zipp & Tannenbaum, LLC., Attorney Trust Fund" and the taxpayer and forwarded to "Peter J. Zipp, Esq., Zipp & Tannenbaum, LLC, 280 Raritan Center Parkway, Edison, NJ 08837"; and

WHEREAS, the Township Council will make this settlement with the Taxpayer without prejudice to its dealing with any other Edison Township taxpayer's request for tax assessment reduction;

WHEREAS, pursuant to the settlement approved herein, the Taxpayer is entitled to a refund as follows:

2010	2011
\$3,850.35	\$4,057.56

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

1. For the 2010 and 2011 Tax Years, the Township of Edison Tax Assessor is hereby directed to establish the allocation between land and improvements as follows:

Year	2010	2011
Land	\$ 699,400.00	\$ 699,400.00
Improvements	\$1,744,800.00	\$1,744,800.00
Total	\$2,444,200.00	\$2,444,200.00

2. Interest is waived on the refunds, provided such refunds are provided as specified herein; and
3. The Tax Appeal Attorney for the Township, is hereby authorized to execute a Stipulation of Settlement relative to the property tax appeals filed for the years 2010 and 2011, Docket Number 009128-2010 and 002294-2011, by the taxpayer, owning the property located at 141 Fieldcrest Avenue in Edison Township, known as Block 390.E, Lot 6.01; and
4. The form of Stipulation of Settlement is annexed hereto, having been reviewed by and approved by the Township Council of the Township of Edison.

NOW, THEREFORE, BE IT RESOLVED, that upon the receipt of the appropriate Tax Court Judgment(s), the proper Township Officials are hereby authorized to process credits against open tax balances and issue checks consistent with the amount credited for the foregoing assessment reduction.

EXPLANATION: This Resolution authorizes the settlement of tax appeals filed by BT-Newyo LLC/UPS for tax years 2012, 2013, 2014 and 2015.

RESOLUTION R.467-062016

WHEREAS, BT-Newyo LLC/UPS, (the "Taxpayer"), the owner of property located at 1 Clover Place in Edison Township, County of Middlesex, and known as Block 390.R, Lot 10.A on the Township of Edison's Tax Assessment Maps (the "Property"), filed tax appeals for the years 2012, 2013, 2014 and 2015 with the Tax Court of New Jersey, Docket Number 005468-2012; 002238-2013; 001432-2014 and 000996-2015; and

WHEREAS, the Township Council of the Township of Edison met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor and Tax Appeal Attorney; and

WHEREAS, The Township Assessor has made such an examination of the value and proper assessment of the Property and has obtained such appraisals, analysis, and information with respect to the valuation and assessment of the Property as deemed necessary and appropriate, and has been consulted by the attorney for the taxing district with respect to this settlement; and

WHEREAS, an acceptable settlement of the aforesaid tax appeals has been negotiated in which the Taxpayer agrees to settle its appeals for an assessment at the fair assessable value of the property consistent with the assessing practices generally applicable in the taxing district and as required by law; and

WHEREAS, the reduction would result in a nominal tax refund when compared with the litigation costs involved in defending the assessment at trial; and

WHEREAS, the property was originally assessed as follows:

Land	\$3,628,800.00
Improvements	\$1,507,200.00
Total	\$5,136,000.00

WHEREAS, the proposed settlement provides for an assessment of the years 2012, 2013, 2014 and 2015 as follows:

Year	2012	2013	2014	2015
Land	WITHDRAWN	WITHDRAWN	\$3,628,800.00	\$3,628,800.00
Improvements			\$ 871,200.00	\$ 871,200.00
Total			\$4,500,000.00	\$4,500,000.00

WHEREAS, the Taxpayer acknowledges that the Township has in part agreed to the settlement in consideration for the waiver of tax appeals set forth above; and

WHEREAS, the aforesaid settlement has no general application to other properties within the Township of Edison as a result of the aforesaid specific facts situation; and

WHEREAS, pursuant to the settlement, the Taxpayer will waive prejudgment interest; and

WHEREAS, if the refunds as a result of this settlement set forth herein are to be refunded, the refund is to be made payable to "Janata, Lacap & Hazen, LLP., Attorney Trust Fund" and the taxpayer and forwarded to "Michael A. Hazen, Esq. of Janata, Lacap & Hazen, LLP, Crossroads Corporate Center, One International Boulevard, Suite 400, PMB #14, Mahwah, NJ 07495-0400" within sixty (60) days of the date of the entry of

judgment; and

WHEREAS, the Township Council will make this settlement with the Taxpayer without prejudice to its dealing with any other Edison Township taxpayer's request for tax assessment reduction;

WHEREAS, pursuant to the settlement approved herein, the Taxpayer is entitled to a refund as follows:

2012	2013	2014	2015
\$0.00	\$0.00	\$31,329.36	\$32,270.64

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

1. For the 2012, 2013, 2014 and 2015 Tax Years, the Township of Edison Tax Assessor is hereby directed to establish the allocation between land and improvements as follows:

Year	2012	2013	2014	2015
Land	WITHDRAWN	WITHDRAWN	\$3,628,800.00	\$3,628,800.00
Improvements			\$ 871,200.00	\$ 871,200.00
Total			\$4,500,000.00	\$4,500,000.00

2. Interest is waived on the refunds, provided such refunds are provided as specified herein; and

3. The Tax Appeal Attorney for the Township, is hereby authorized to execute a Stipulation of Settlement relative to the property tax appeals filed for the years 2012, 2013, 2014 and 2015, Docket Number 005468-2012; 002238-2013; 001432-2014 and 000996-2015, by the taxpayer, owning the property located at 1 Clover Place in Edison Township, known as Block 390.R, Lot 10.A;

4. The Freeze Act will apply to the judgment to be issued by the New Jersey Tax Court; and

5. The form of Stipulation of Settlement is annexed hereto, having been reviewed by and approved by the Township Council of the Township of Edison.

NOW, THEREFORE, BE IT RESOLVED, that upon the receipt of the appropriate Tax Court Judgment(s), the proper Township Officials are hereby authorized to process credits against open tax balances and issue checks consistent with the amount credited for the foregoing assessment reduction.

EXPLANATION: This Resolution authorizes the settlement of tax appeals filed by Oak Grove Assoc c/o Mint Management Co. for tax years 2012, 2013, 2014, 2015 and 2016.

RESOLUTION R.468-062016

WHEREAS, Oak Grove Assoc c/o Mint Management Co., (the "Taxpayer"), the owner of property located at 1065-1133 Inman Avenue in Edison Township, County of Middlesex, and known as Block 433.A, Lot 58 on the Township of Edison's Tax Assessment Maps (the "Property"), filed tax appeals for the years 2012, 2013, 2014, 2015 and 2016 with the Tax Court of New Jersey, Docket Number 006027-2012, 005284-2013, 004330-2014, 007481-2015 and 000513-2016; and

WHEREAS, the Township Council of the Township of Edison met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor and Tax Appeal Attorney; and

WHEREAS, The Township Assessor has made such an examination of the value and proper assessment of the Property and has obtained such appraisals, analysis, and information with respect to the valuation and assessment of the Property as deemed necessary and appropriate, and has been consulted by the attorney for the taxing district with respect to this settlement; and

WHEREAS, an acceptable settlement of the aforesaid tax appeals has been negotiated in which the Taxpayer agrees to settle its appeals for an assessment at the fair assessable value of the property consistent with the assessing practices generally applicable in the taxing district and as required by law; and

WHEREAS, the reduction would result in a nominal tax refund when compared with the litigation costs involved in defending the assessment at trial; and

WHEREAS, the property was originally assessed as follows:

Land	\$ 4,449,000.00
Improvements	\$ 8,873,900.00
Total	\$13,322,900.00

WHEREAS, the proposed settlement provides for an assessment of the years 2012, 2013, 2014, 2015 and 2016 as follows:

Year	2012	2013	2014	2015	2016
Land	\$ 4,449,000.00	\$ 4,449,000.00	\$ 4,449,000.00	\$ 4,449,000.00	\$ 4,449,000.00
Improvements	\$ 8,873,900.00	\$ 6,271,400.00	\$ 6,213,600.00	\$ 5,576,300.00	\$ 3,587,700.00
Total	\$13,322,900.00	\$10,720,400.00	\$10,662,600.00	\$10,025,300.00	\$ 8,036,700.00

WHEREAS, the aforesaid settlement has no general application to other properties within the Township of Edison as a result of the aforesaid specific facts situation; and

WHEREAS, pursuant to the settlement, the Taxpayer will waive prejudgment interest; and

WHEREAS, if the refunds as a result of this settlement set forth herein are to be refunded, the refund is to be made payable to "Brach Eichler LLC, Attorney Trust Fund" and the taxpayer and forwarded to "M. Sidney Donica, Esq., Brach Eichler, LLC, 101 Eisenhower Parkway, Roseland, NJ 07068" within sixty (60) days of the date of the entry of judgment; and

WHEREAS, the Township Council will make this settlement with the Taxpayer without prejudice to its dealing with any other Edison Township taxpayer's request for tax assessment reduction;

WHEREAS, pursuant to the settlement approved herein, the Taxpayer is entitled to a refund as follows:

2012	2013	2014	2015	2016
\$0.00	\$119,090.40	\$125,725.78	\$160,395.26	\$268,644.68

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

1. For the 2012, 2013, 2014, 2015 and 2016 Tax Years, the Township of Edison Tax Assessor is hereby directed to establish the allocation between land and improvements as follows:

Year	2012	2013	2014	2015	2016
Land	\$ 4,449,000.00	\$ 4,449,000.00	\$ 4,449,000.00	\$ 4,449,000.00	\$ 4,449,000.00
Improvements	\$ 8,873,900.00	\$ 6,271,400.00	\$ 6,213,600.00	\$ 5,576,300.00	\$ 3,587,700.00
Total	\$13,322,900.00	\$10,720,400.00	\$10,662,600.00	\$10,025,300.00	\$ 8,036,700.00

2. Interest is waived on the refunds, provided such refunds are provided as specified herein; and

3. The Tax Appeal Attorney for the Township, is hereby authorized to execute a Stipulation of Settlement relative to the property tax appeals filed for the years 2012, 2013, 2014, 2015 and 2016, Docket Number 006027-2012, 005284-2013, 004330-2014, 007481-2015 and 000513-2016, by the taxpayer, owning the property located at 1065-1133 Inman Avenue in Edison Township, known as Block 433.A, Lot 58;

4. The Freeze Act will apply to the judgment to be issued by the New Jersey Tax Court; and

5. The form of Stipulation of Settlement is annexed hereto, having been reviewed by and approved by the Township Council of the Township of Edison.

NOW, THEREFORE, BE IT RESOLVED, that upon the receipt of the appropriate Tax Court Judgment(s), the proper Township Officials are hereby authorized to process credits against open tax balances and issue checks consistent with the amount credited for the foregoing assessment reduction.

EXPLANATION: This Resolution authorizes the settlement of tax appeals filed by Kanuga and Doshi, LLC for tax years 2012, 2013, 2014, 2015 and 2016.

RESOLUTION R.469-062016

WHEREAS, Kanuga and Doshi, LLC, (the "Taxpayer"), the owner of property located at 1740 Oak Tree Road in Edison Township, County of Middlesex, and known as Block 546.NN, Lot 17 on the Township of Edison's Tax Assessment Maps (the "Property"), filed tax appeals for the years 2012, 2013, 2014, 2015 and 2016 with the Tax Court of New Jersey, Docket Number 008057-2012; 004898-2013; 003245-2014; 005458-2015 and 006677-2016; and

WHEREAS, the Township Council of the Township of Edison met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor and Tax Appeal Attorney; and

WHEREAS, The Township Assessor has made such an examination of the value and proper assessment of the Property and has obtained such appraisals, analysis, and information with respect to the valuation and assessment of the Property as deemed necessary and appropriate, and has been consulted by the attorney for the taxing district with respect to this settlement; and

WHEREAS, an acceptable settlement of the aforesaid tax appeals has been negotiated in which the Taxpayer agrees to settle its appeals for an assessment at the fair assessable value of the property consistent with the assessing practices generally applicable in the taxing district and as required by law; and

WHEREAS, the reduction would result in a nominal tax refund when compared with the litigation costs involved in defending the assessment at trial; and

WHEREAS, the property was originally assessed as follows:

Land	\$ 266,200.00
Improvements	\$ 793,900.00
Total	\$1,060,100.00

WHEREAS, the proposed settlement provides for an assessment of the years 2012, 2013, 2014, 2015 and 2016 as follows:

Year	2012	2013	2014	2015	2016
Land	\$ 266,200.00	\$ 266,200.00	\$ 266,200.00	\$ 266,200.00	\$ 266,200.00
Improvements	\$ 793,900.00	\$ 793,900.00	\$ 693,900.00	\$ 693,900.00	\$ 693,900.00
Total	\$1,060,100.00	\$1,060,100.00	\$ 960,100.00	\$ 960,100.00	\$ 960,100.00

WHEREAS, the Taxpayer acknowledges that the Township has in part agreed to the settlement in consideration for the waiver of tax appeals set forth above; and

WHEREAS, the aforesaid settlement has no general application to other properties within the Township of Edison as a result of the aforesaid specific facts situation; and

WHEREAS, pursuant to the settlement, the Taxpayer will waive prejudgment interest; and

WHEREAS, if the refunds as a result of this settlement set forth herein are to be refunded, the refund is to be made payable to "Sitar Law Offices, LLC, Attorney Trust Fund" and the taxpayer and forwarded to "William J. Sitar, Esq. of Sitar Law Offices, LLC, 1481 Oak Tree Road, Iselin, NJ 08830"; and

WHEREAS, the Township Council will make this settlement with the Taxpayer without prejudice to its dealing with any other Edison Township taxpayer's request for tax assessment reduction;

WHEREAS, pursuant to the settlement approved herein, the Taxpayer is entitled to a refund as follows:

2012	2013	2014	2015	2016
\$0.00	\$0.00	\$4,726.00	\$4,864.00	\$5,082.00

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

1. For the 2012, 2013, 2014, 2015 and 2016 Tax Years, the Township of Edison Tax Assessor is hereby directed to establish the allocation between land and improvements as follows:

Year	2012	2013	2014	2015	2016
Land	\$ 266,200.00	\$ 266,200.00	\$ 266,200.00	\$ 266,200.00	\$ 266,200.00
Improvements	\$ 793,900.00	\$ 793,900.00	\$ 693,900.00	\$ 693,900.00	\$ 693,900.00
Total	\$1,060,100.00	\$1,060,100.00	\$ 960,100.00	\$ 960,100.00	\$ 960,100.00

2. Interest is waived on the refunds, provided such refunds are provided as specified herein; and

3. The Tax Appeal Attorney for the Township, is hereby authorized to execute a Stipulation of Settlement relative to the property tax appeals filed for the years 2012, 2013, 2014, 2015 and 2016, Docket Number 008057-2012; 004898-2013; 003245-2014; 005458-2015 and 006677-2016, by the taxpayer, owning the property located at 1740 Oak Tree Road in Edison Township, known as Block 546.NN, Lot 17;

4. The Freeze Act will apply to the judgment to be issued by the New Jersey Tax Court; and

5. The form of Stipulation of Settlement is annexed hereto, having been reviewed by and approved by the Township Council of the Township of Edison.

NOW, THEREFORE, BE IT RESOLVED, that upon the receipt of the appropriate Tax Court Judgment(s), the proper Township Officials are hereby authorized to process credits against open tax balances and issue checks consistent with the amount credited for the foregoing assessment reduction.

EXPLANATION: This Resolution authorizes the settlement of tax appeals filed by Sugarbush Associates, LLC for tax years 2014.

RESOLUTION R.470-062016

WHEREAS, Sugarbush Associates, LLC, (the "Taxpayer"), the owner of property located at 1075 King George Post Road in Edison Township, County of Middlesex, and known as Block 755.B, Lot 38 on the Township of Edison's Tax Assessment Maps (the "Property"), filed tax appeals for the years 2014 with the Tax Court of New Jersey, Docket Number 007592-2014; and

WHEREAS, the Township Council of the Township of Edison met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor and Tax Appeal Attorney; and

WHEREAS, The Township Assessor has made such an examination of the value and proper assessment of the Property and has obtained such appraisals, analysis, and information with respect to the valuation and assessment of the Property as deemed necessary and appropriate, and has been consulted by the attorney for the taxing district with respect to this settlement; and

WHEREAS, an acceptable settlement of the aforesaid tax appeals has been negotiated in which the Taxpayer agrees to settle its appeals for an assessment at the fair assessable value of the property consistent with the assessing practices generally applicable in the taxing district and as required by law; and

WHEREAS, the reduction would result in a nominal tax refund when compared with the litigation costs involved in defending the assessment at trial; and

WHEREAS, the property was originally assessed as follows:

Land	\$1,302,000.00
Improvements	\$
Total	\$1,302,000.00

WHEREAS, the proposed settlement provides for an assessment of the years 2014 as follows:

Year	2014
Land	\$1,052,900.00
Improvements	\$
Total	\$1,052,900.00

WHEREAS, the Taxpayer acknowledges that the Township has in part agreed to the settlement in consideration for the waiver of tax appeals set forth above; and

WHEREAS, the aforesaid settlement has no general application to other properties within the Township of Edison as a result of the aforesaid specific facts situation; and

WHEREAS, if the refunds as a result of this settlement set forth herein are to be refunded, the refund is to be made payable to "Blau and Blau Attorney Trust Fund" and the taxpayer and forwarded to "Blau and Blau, Esqs., 223 Mountain Avenue, Springfield, NJ 07081"; and

WHEREAS, the Township Council will make this settlement with the Taxpayer without prejudice to its dealing with any other Edison Township taxpayer's request for tax assessment reduction;

WHEREAS, pursuant to the settlement approved herein, the Taxpayer is entitled to a refund as follows:

2014
\$12,270.67

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

1. For the 2014 Tax Years, the Township of Edison Tax Assessor is hereby directed to establish the allocation between land and improvements as follows:

Year	2014
Land	\$1,052,900.00
Improvements	\$
Total	\$1,052,900.00

2. Interest is waived on the refunds, provided such refunds are provided as specified herein; and
3. The Tax Appeal Attorney for the Township, is hereby authorized to execute a Stipulation of Settlement relative to the property tax appeals filed for the years 2014, Docket Number 007592-2014, by the taxpayer, owning the property located at 1075 King Geo Post Road in Edison Township, known as Block 755.B, Lot 38;
4. The Freeze Act will not apply to the judgment to be issued by the New Jersey Tax Court; and
5. The form of Stipulation of Settlement is annexed hereto, having been reviewed by and approved by the Township Council of the Township of Edison.

NOW, THEREFORE, BE IT RESOLVED, that upon the receipt of the appropriate Tax Court Judgment(s), the proper Township Officials are hereby authorized to process credits against open tax balances and issue checks consistent with the amount credited for the foregoing assessment reduction.

RESOLUTION R.471-062016

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO VITAL COMMUNICATIONS, INC. FOR THE MAINTENANCE AND SUPPORT OF DATA PROCESSING TAX ASSESSOR SOFTWARE USED BY THE TAX ASSESSOR'S OFFICE

WHEREAS, the Township of Edison needs to renew the annual maintenance and support agreement for the data processing tax assessor software used by the Tax Assessor's Office as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 et. seq.; and

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, such annual renewal for the support of proprietary software may be awarded without public advertising for bids or bidding, in accordance with N.J.S.A. 40A:11-5(dd); and

WHEREAS, VITAL COMMUNICATIONS, INC., 900 South Broad Street, Trenton, NJ 08611, has submitted a proposal to provide such services for a one year term from July 1, 2016 through June 30, 2017 at a cost of \$48,000.00; and

WHEREAS, VITAL COMMUNICATIONS, INC, has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Edison in the previous one year, and that the contract will prohibit VITAL COMMUNICATIONS, INC. from making any reportable contributions through the term of the contract; and

WHEREAS, funds in the amount of \$48,000.00 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 and any other necessary documents, in the amount of \$48,000.00, with VITAL COMMUNICATIONS, INC., 900 South Broad Street, Trenton, NJ 08611 as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 19:44A-20.5 et. seq, and without competitive bidding under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(dd).
3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
4. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and in compliance with the Local Public Contracts Law guidelines.

RESOLUTION R.472-062016

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT TO GOVERNMENT STRATEGY GROUP FOR FINANCIAL MANAGEMENT AND ADVISORY SERVICES

WHEREAS, the Township of Edison (the Township) has determined that it is in its best interests and those of the Township residents to engage a financial management services firm to support the Township's Chief Financial Officer (CFO) and to ensure proper financial reporting, and the Township is authorized pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* ("Local Contracts Law") to contract for "professional services" as it may require; and

WHEREAS, Government Strategy Group, 1253 Springfield Avenue, New Providence, NJ 07974 has submitted a proposal to provide such services including, but not limited to, the areas of public finance and municipal accounting, and has extensive staff and resources that may be utilized to support the Township's CFO; and

WHEREAS, for these reasons the Mayor and the Municipal Council recommend Government Strategy Group for its Financial Management and Advisory Services and seek to enter a contract with Government Strategy Group to provide for same; and

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

WHEREAS, this Contract is not awarded through a "fair and open process" pursuant to *N.J.S.A. 19:44A-20.5, et seq.*; and

WHEREAS; the total amount of this contract shall be in the amount of \$14,900.00 per month, payable in monthly installments, not to exceed \$178,800.00 for the one year contract; and

WHEREAS, Government Strategy Group., has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Edison in the previous one year, and that the contract will prohibit Government Strategy Group from making any reportable contributions through the term of this one year contract; 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:

5. The Township is hereby authorized to execute a contract and any other necessary documents, with Government Strategy Group, 1253 Springfield Avenue, New Providence, NJ 07974, in an amount not to exceed \$178,800.00 as set forth above.
6. This contract is awarded pursuant to *N.J.S.A. 40A:11-5* and *19:44A-20.5 et. seq.* and without competitive bidding.
7. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
8. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to *N.J.S.A. 40A:11-1, et seq.* and in compliance with the Local Public Contracts Law guidelines.

EXPLANATION: A Resolution referring the Township's Final 2016 Housing Element and Fair Share Plan ("2016 HEFSP") to the Edison Planning Board for review and adoption of a Resolution approving the Final 2016 HEFSP as an amendment to the Township's Master Plan

RESOLUTION R.473-062016

A RESOLUTION REFERRING THE TOWNSHIP'S FINAL 2016 ELEMENT AND FAIR SHARE PLAN TO THE EDISON PLANNING BOARD FOR ADOPTION OF A RESOLUTION BY THE PLANNING BOARD APPROVING THE FINAL 2016 HEFSP AS AN AMENDMENT TO THE TOWNSHIP'S MASTER PLAN

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision, In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015)(the "2015 Case"), which transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing ("COAH") to the New Jersey Superior Court, and established a transitional process for municipalities, like the Township of Edison, to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plans ("HEFSP") as being constitutionally compliant and seeking judicial protections and immunity; and

WHEREAS, pursuant to N.J.S.A. 52:27D-313 and the 2015 Case, the New Jersey Superior Court has the authority to enter an Order granting protection and repose against exclusionary zoning litigation to a municipality that is in compliance with its affordable housing obligations under the Fair Housing Act, N.J.S.A. 52:27D-301, et seq.; and

WHEREAS, on July 7, 2015, the Township of Edison (the "Township") filed a declaratory judgment action with the New Jersey Superior Court seeking to declare its HEFSP as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period (the "Declaratory Judgment Action"). In that filing, the Township also sought a determination from the Superior Court with respect to the Township's future use and disposition of the Township's Affordable Housing Trust Funds, as directed by the New Jersey Appellate Division in the case, In Re Failure of the Council on Affordable Housing to Adopt Trust Fund Commitment Regulations ; and

WHEREAS, the Superior Court of New Jersey has ordered that municipalities that filed declaratory judgment actions must submit an updated HEFSP that address their affordable housing obligations as calculated by municipal experts; and

WHEREAS, the Township's Planning Consultant, Shirley M. Bishop, PP, prepared an updated 2016 HEFSP (the "2016 HEFSP") that addresses the Township's affordable housing obligation based on a proposed settlement with the Fair Share Housing Center ("FSHC") and the Intervenors/Defendants in the Declaratory Judgment Action (the "Settlement Agreement"); and

WHEREAS, the Settlement Agreement sets forth the 2016 HEFSP and other terms and conditions of settlement to resolve and settle the Declaratory Judgment Action; and

WHEREAS, by prior Resolution of the Township Council on April 27, 2016, Council authorized the submission of the 2016 HEFSP to the Planning Board, in accordance with the directive of the New Jersey Superior Court in the pending Declaratory Judgment Action, requesting that the Planning Board adopt a Resolution accepting the 2016 HEFSP and committing to promptly comply with the formal, procedural requirements for the adoption of the 2016 HEFSP, as an amendment to the Township's Master Plan, if the 2016 HEFSP is approved by the Court; and

WHEREAS, the Planning Board adopted said Resolution at its April 18, 2016 Meeting, and the 2016 HEFSP and Settlement Agreement were subsequently preliminarily approved by Judge Natali on June 7, 2016 and a Preliminary Judgment of Compliance issued, at the Township's Compliance Hearing before the Court on that date,

subject to certain supplements to be made to the 2016 HEFSP, as set forth by the Court and in the June 4, 2016 Report of the Special Court Master in the case; and

WHEREAS, the Court has scheduled a Final Compliance Hearing for October 7, 2016, at which time it is anticipated that the Court will grant a Final Judgement of Compliance and Repose to the Township, provided all required supplements to the 2016 HEFSP and required approvals of the Planning Board and Township, have been completed prior to this date; and

WHEREAS, as a requirement for Final Judgment, the Planning Board is required to adopt the Final 2016 HEFSP as an amendment to the Township's Master Plan; and

WHEREAS, as set forth in the Planning Board's April 18, 2016 Resolution, the Board committed to promptly comply with the formal procedural requirements for adoption of the 2016 HEFSP as an amendment to the Township's Master Plan, if the 2016 HEFSP was approved by the New Jersey Superior Court in the Township's pending Declaratory Judgment Action; and

WHEREAS, the supplements to the 2016 HEFSP, as set forth by the Court and Special Master at the June 7, 2016 Compliance Hearing, have been made and/or will be completed by no later than June 21, 2016 and submitted on June 22, 2016 to the Special Master and Parties to the Declaratory Judgment Action, for their approval by no later than July 1, 2016 in preparation for and submission of the Final 2016 HEFSP to the Planning Board on or about July 8, 2016 for action by the Planning Board at the Planning Board's July 18, 2016 Meeting.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby authorizes the submission of the Final 2016 HEFSP, as supplemented and approved by the Special Master and Parties in the pending Declaratory Judgment Action, to the Planning Board as set forth herein, for adoption as an amendment to the Township's Master Plan at the July 18, 2016 Meeting of the Planning Board.
3. The Clerk of the Township shall forward a copy of this Resolution and the Final 2016 HEFSP, as supplemented, to the Planning Board for action, as set forth herein.
4. This Resolution shall take effect immediately.

EXPLANATION: A Resolution Authorizing A Contract For Special Legal Services Related To Potential Claims Against Certain Pharmaceutical Companies

RESOLUTION R.474-062016

A RESOLUTION AUTHORIZING A CONTRACT FOR SPECIAL LEGAL SERVICES RELATED TO POTENTIAL CLAIMS AGAINST CERTAIN PHARMACEUTICAL COMPANIES

WHEREAS, the law firm, Eichen Crutchlow Zaslow & McElroy, LLP, (the “Firm”) is preparing to file legal action under New Jersey’s insurance fraud statute for recovery of compensatory damages, treble damages, costs and fees, against the pharmaceutical industry, on behalf of several insurers who have paid millions of dollars for insureds and claimants, to be treated with opioid drugs when, the Firm alleges, there were safer, less costly alternatives readily available; and

WHEREAS, the Firm maintains that the pharmaceutical industry has deprived patients, their doctors, and health care payors, of the chance to exercise informed judgment and has subjected them to enormous costs and suffering, and that this course of conduct, has violated and continues to violate local, state, and common law; and

WHEREAS, the Firm further maintains that these actions could lead to substantial recoveries for those who paid for opioid treatment, and that any insurer who paid for the use of opioid drugs has the potential to recover those funds through this lawsuit; and

WHEREAS, the Township may have a potential claim for recovery in this matter; and

WHEREAS, the Township seeks to engage the services of the Firm to investigate any potential claim the Township may have, based in statute or common law, related to the alleged fraudulent marketing, sale and/or over-prescription of opioid drugs, and if a potential claim is determined to exist, to file and prosecute such claims on behalf of the Township;

WHEREAS, the Firm will be paid by the Township on a contingent fee basis (33⅓% fee of any settlement or jury award) on recovery of a financial settlement or jury award.

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

1. The Township is hereby authorized to retain the services of the Firm as set forth herein and to execute a contract with the Firm for such services, as reviewed and approved by Township Counsel.

EXPLANATION: A Resolution authorizing the submission of a claim to surety involving Woodland Estates by Fenix LLC

RESOLUTION R.475-062016

A RESOLUTION AUTHORIZING THE SUBMISSION OF A CLAIM TO SURETY REGARDING BOND FOR PROJECT INVOLVING WOODLAND ESTATES BY FENIX, LLC

WHEREAS, on May 30, 2007 a Subdivision Bond No. 5027982 (the "Bond") was issued to the Township of Edison in the amount of \$1,124,447.37 by Bond Safeguard Insurance Company with respect to the Township's contract with Woodland Estates by Fenix, LLC for certain construction work and improvements at Woodland Estates at North Edison; and

WHEREAS, over the years, the Bond has been reduced accordingly from \$1,124,447.37 to \$337,343.21, on two occasions, by Resolution of the Council and agreement of the Parties, upon completion of certain work; and

WHEREAS, Woodland Estates by Fenix, LLC has failed to complete certain road work improvements required under the contract, in an amount estimated to be approximately \$175,000 and it is the Township's understanding that the company has since dissolved, and consequently, the work remains incomplete; and

WHEREAS, the Bond provides that the Surety, upon receipt of a resolution of the Township indicating that the improvements have not been installed or completed, will complete the improvements or pay to the Township such amount up to the Principal amount of the Bond which will allow the Township to complete the improvements; and

WHEREAS, in accordance with the Bond requirements, it is the intent of this Resolution, to authorize the Township to submit the necessary claim(s) to the Surety under the Bond, for review and action with respect to the incomplete road work improvements required to be completed under the contract by Woodland Estates by Fenix, LLC, and as covered by the Bond.

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

1. The Township is hereby authorized to submit a claim under the Bond, to the Surety for review and action, regarding the incomplete road work improvements under the Township's contract with Woodland Estates by Fenix, LLC

EXPLANATION: This Resolution authorizes the Mayor to execute the attached Developer's Agreement with Edison Land Investment, LLC, with respect to a portion of the property identified as Block 198.L, Lot 37.04 (939 U.S. Route 1) as shown on the Edison Township tax map.

RESOLUTION R.476-062016

WHEREAS, the property identified as a portion of Block 198.L, Lot 37.04 as shown on the Edison Township tax map (the "**Property**," commonly referred to as 939 U.S. Route 1) was the subject of an application before the Planning Board of the Township of Edison (hereinafter the "**Board**") made by Edison Land Investment, LLC ("**Developer**") for the approval of a preliminary and final major site plan, with associated design waivers and variances, to construct three (3) restaurants on a portion of the Property (the "**Project**"); and

WHEREAS, the Board granted final site plan approval for the Project by adoption of a resolution on June 14, 2016 (the "**Resolution**"); and

WHEREAS, the Resolution and the Code of the Township of Edison require the developer to enter into a developer's agreement with the Township of Edison (the "**Township**") in connection with the Project; and

WHEREAS, the developer's agreement attached hereto between the Township and Developer (the "**Agreement**") has been prepared by the Township Attorney and has been reviewed and approved by the Township Engineer and by the attorney for the Developer.

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

1. The Mayor is hereby authorized to execute the Agreement substantially in the form as attached hereto as Exhibit A, subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in his discretion in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Agreement.
2. The Township Clerk is hereby authorized to forward the original and certified copies of the Agreement to the Township Attorney for recording with the Clerk of the County of Middlesex.
3. This Resolution shall take effect immediately.

EXPLANATION: A Resolution designating property identified as 225 Raritan Center (Block 390.DD, Lot 8.B) in the Township as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*

RESOLUTION R.477-062016

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “**Redevelopment Law**”), authorizes a municipality to determine whether certain property within the municipality constitutes an area in need of redevelopment; and

WHEREAS, to make such a determination under the Redevelopment Law, the municipal council (the “**Township Council**”) of the Township of Edison (the “**Township**”), by way of Resolution 810-122015, adopted December 9, 2015, authorized and directed the planning board of the Township (the “**Planning Board**”) to conduct a preliminary investigation of the property identified as 225 Raritan Center, and more commonly known as Block 390.DD, Lot 8.B on the Township’s tax maps (the “**Study Area**”), and to determine that the Study Area meets the criteria for a Non-Condensation Redevelopment Area, pursuant to Sections 5 and 6 of the Redevelopment Law; and

WHEREAS, on June 14, 2016, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law, at which hearing it determined that the Study Area qualified as an area in need of redevelopment and recommended that the Township Council designate the Study Area as an area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

WHEREAS, the Township Council has determined that, based upon the recommendation of the Planning Board, the Study Area should be designated an area in need of redevelopment under the Redevelopment Law, with such designation authorizing the Township and Township Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, other than the power of eminent domain,

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

- Section 1. The foregoing recitals are incorporated herein as if set forth in full.

- Section 2. The recommendations and conclusions of the Planning Board are hereby accepted by the Township Council.

- Section 3. Based upon the findings and recommendations of the Planning Board, the Study Area is hereby designated an area in need of redevelopment without the power of eminent domain (the “**Non-Condensation Redevelopment Area**”), pursuant to the provisions of Sections 5 and 6 of the Redevelopment Law.

- Section 4. The Township Clerk is hereby directed to transmit a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs for review pursuant to Section 6b(5)(c) of the Redevelopment Law.

- Section 5. The Township Clerk is hereby directed to serve, within ten (10) days hereof, a copy of this Resolution upon (i) all record owners of property located within the Non-Condensation Redevelopment Area, as reflected on the tax assessor’s records, and (ii) each person who filed a written objection prior to the hearing held by the Planning Board, service to be in the manner provided by Section 6 of the Redevelopment Law.

- Section 6. This Resolution shall take effect immediately.

EXPLANATION: This Resolution support the adoption of Senate Bill S2254 and Assembly Bill A3821, which clarify that a municipality's present and prospective fair share of the housing need in a given region shall be computed for a 10-year period, and shall not include a retrospective obligation arising from any so called "gap period. The Resolution authorizes the Mayor and Council to send the appropriate letters of support to the Legislature.

RESOLUTION R.478-062016

WHEREAS, pursuant to the March 10, 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, many municipalities (including Edison) filed declaratory judgment actions to voluntarily comply with their present and prospective affordable housing requirements as established in the FHA; and

WHEREAS, the FHA and existing case law are clear that "present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period." (See N.J.S.A. 52:27D-307(c)); and

WHEREAS, in October 2015, the Middlesex County Superior Court issued a decision that included a distinct "gap period" obligation, retroactively imposing an additional municipal obligation over an additional 16 year period, separate and apart from the normal 10 year present and prospective need set forth in the FHA. Recently the Ocean County Superior Court did the same. The Ocean County decision is currently on appeal; and

WHEREAS, this "gap period" issue arises out of COAH's inability to promulgate Third Round regulations from 1999 to the present, or make any final determination as to state and regional housing need. Despite this, the courts are not holding COAH accountable but rather are imposing additional obligations on municipalities. These retroactive obligations will have a significant and unfunded impact on municipalities, straining their already overburdened resources; and

WHEREAS, aside from other inequities and issues imposed by a so-called "gap" obligation, the households counted in the "gap period" may well be double counted when the present need is calculated. The prospect of double counting compounds this dilemma and will likely result in forcing municipalities and their property taxpayers to subsidize development or subject them to court orders allowing enormous numbers of new housing units as a result of "builder's remedy" lawsuits. Such a result will radically and irrevocably transform the character and quality of life for all New Jersey residents; and

WHEREAS, hundreds of New Jersey's municipalities have expended significant financial and other administrative resources in their attempts to voluntarily comply with their constitutional obligation for affordable housing as established by the Supreme Court and the FHA. As a direct result of the State's failure to advance viable regulations or enact overdue legislative reform, this will only continue to spiral out of control; and

WHEREAS, Senate Bill S2254 and Assembly Bill A3821 are important legislative remedies designed to clarify existing law and preclude these significant, unfair impacts. Swift and decisive adoption of both is a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities.

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

1. The Mayor and Township Council hereby support the adoption of Senate Bill S2254 and Assembly Bill A3821 which clarify that a municipality's present and prospective fair share of the housing need in a given region shall be computed for a 10-year period, and shall not include a retrospective obligation arising from any so called "gap period."

2. The Mayor and Township Council urge the members of the New Jersey Senate, General Assembly and the Governor, to swift and decisively adopt both as a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities.
3. A certified copy of this Resolution shall be sent to Hon. Chris Christie, Governor; Hon. Steve Sweeney, President, NJ Senate; Hon. Vincent Prieto, Speaker, NJ General Assembly; Senate and General Assembly representatives and the New Jersey State League of Municipalities.

EXPLANATION: Resolution Refunding Tree Maintenance Bond to Ramen Patel
915 Beatrice Pkwy, Edison NJ 08820 12-056 Account # **7762575921**

RESOLUTION R.479-062016

WHEREAS, on October 31, 2013, Raman Patel posted a Tree Maintenance Bond fees in the amount of \$2,025.00 on deposit with the Township of Edison in account #7762575921 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #12-056.

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 \$2,025.00 be refunded to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$2,025.00 Herein above mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$2,025.00 on deposit in Account #7762575921 Raman Patel, having an address at 915 Beatrice Pkwy Edison, NJ 08820, **Account #7762575921**

Explanation: This Resolution amends R.070-021016 authorizing the increase of certain funds to the Edison Housing Authority from the Township's Affordable Housing Emergency Generator Program for Julius Engels Apartments, South Edison due to additional PSE&G charges.

RESOLUTION R.480-062016

WHEREAS, by Resolution dated February 25, 2015 the Township Council approved, authorized and established an Emergency Generator Program for the purchase and installation of emergency generators pursuant to N.J.A.C. 5:97-8.8(a) by certain qualified applicants and committed \$500,000 from the Township's Affordable Housing Trust Fund for this purpose; and

WHEREAS, the Township Council also approved and adopted a Manual at that time for the Emergency Generator Program in accordance with COAH's directives, which set forth the application process for applicants to comply with in order to participate in the Program and receive a grant for such work under the Program; and

WHEREAS, an application to participate in the Program was submitted by the Housing Authority of the Township of Edison and was reviewed and deemed complete and in compliance with the Program requirements; and

WHEREAS, the Township Council desires to award a grant to the Housing Authority of the Township of Edison in the amount of \$72,291.88 for the purchase and installation of an emergency generator that includes additional charges from PSE&G for Julius Engels Apartments under the Township's Emergency Generator Program, and to authorize the execution of an Agreement between the Township and the Housing Authority of the Township of Edison with respect to such grant.

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

1. The Township Council hereby approves and authorizes a grant in the amount of \$72,291.88 from the Township's Affordable Housing Trust Fund (T-13-00-0000-000-006) with respect to the Township's Emergency Generator Program, to the Housing Authority of the Township of Edison for the purchase and installation of an emergency generator at Julius Engle Apartments, and authorizes the execution of an Agreement with the Housing Authority of the Township of Edison with respect to such grant.
2. That an original copy of this resolution shall be forwarded to the Municipal Housing Liaison.

Explanation: A Resolution replacing R.069-012016 for the grant of certain funds in the amount of \$9,440.00 to Enable, Inc. (replacing former owner of 2031 Oak Tree Road) from the Township's Affordable Housing Emergency Generator Program.

RESOLUTION R.481-062016

WHEREAS, by Resolution dated February 25, 2015 the Township Council approved, authorized and established an Emergency Generator Program for the purchase and installation of emergency generators pursuant to N.J.A.C. 5:97-8.8(a) by certain qualified applicants and committed \$500,000 from the Township's Affordable Housing Trust Fund for this purpose; and

WHEREAS, the Township Council also approved and adopted a Manual at that time for the Emergency Generator Program in accordance with COAH's directives, which set forth the application process for applicants to comply with in order to participate in the Program and receive a grant for such work under the Program; and

WHEREAS, an application to participate in the Program was submitted by Enable, Inc. and was reviewed and deemed complete and in compliance with the Program requirements; and

WHEREAS, the Township Council desires to award a grant to Enable, Inc. in the amount of \$9,440.00 for the purchase and installation of an emergency generator under the Township's Emergency Generator Program and to authorize the execution of an Agreement between the Township and Enable, Inc. with respect to such grant.

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

3. The Township Council hereby approves and authorizes a grant in the amount of \$9,440.00 from the Township's Affordable Housing Trust Fund (T-13-00-0000-000-006) with respect to the Township's Emergency Generator Program, to Enable, Inc. for the purchase and installation of an emergency generator, and authorizes the execution of an Agreement with Enable, Inc. located at 13 Roszel Road, Suite B110, Princeton, NJ 08540 with respect to such grant.

4. That an original copy of this resolution shall be forwarded to the Municipal Housing Liaison.

RESOLUTION R.482-062016

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 IN THE AMOUNT OF \$600.00 FOR A-PLUS CONSTRUCTION FOR CASE NUMBER 0315, FOR A TOTAL REVISED CONTRACT AMOUNT OF \$20,700.00

WHEREAS, The Community Development Block Grant (CDBG) funds are used to facilitate various projects throughout the community as outlined in the Program Year 2015 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, A-PLUS CONSTRUCTION, 18 Station Road, Lincoln Park, NJ 07035, was awarded a contract through resolution R.170-032016 on March 9, 2016 in the amount of \$20,100.00; and

WHEREAS, during the course of the work, additional electrical repairs were found to be needed, there was a need to change electrical service and relocate and extend panel wiring as per PSE&G inspector; and

WHEREAS, funds in the amount of \$600.00 have been certified to be available in the CDBG Housing Rehabilitation Account Number T-14-15-0510-000-001.

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 Change Order No. 1 be awarded to A-PLUS CONSTRUCTION, 18 Station Road, Lincoln Park, NJ 07035 in an amount not to exceed \$600.00 resulting in a revised contract amount of \$20,700.00.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$600.00** are available for the above contract in Account No. **T-14-15-0510-000-001**.

Nicholas C. Fargo
Chief Financial Officer

EXPLANATION: This Resolution authorizes the Township Council to approve a qualified pool of engineers on an as-needed basis for Township projects.

RESOLUTION R.483-062016

WHEREAS, the Township of Edison (the “Township”) issued a Request for Proposals for Engineering Services, RFP 16-06, seeking proposals from qualified individuals and firms to provide engineering services on an as-needed basis for Township projects (the “Request for Proposals”); and

WHEREAS, the Township evaluated the responses submitted by various qualified individuals and firms to the Request for Proposals in accordance with the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* (the “Public Contracts Law”); and

WHEREAS, the Township desires to approve a qualified pool of engineers on an as-needed basis for Township projects which shall include the following individuals and firms:

- 1) Remington & Vernick- 3 Jocama Boulevard, Suite 3, Old Bridge, New Jersey 08857;
- 2) T&M Associates- 11 Tindall Road, Middletown, New Jersey, 07748;
- 3) Prestige Environmental Inc.- 220 Davidson Avenue, Suite 307, Somerset, New Jersey 08873;
- 4) Naik Group- 200 Metroplex Drive, Suite 403, Edison, New Jersey 08817;
- 5) Centerstate Engineering- 481 Spotswood Englishtown Road, Monroe Township, New Jersey 08831;
- 6) CP Engineers, LLC- 35 Sparta Avenue, Sparta, New Jersey 07871;
- 7) Delaware & Raritan Engineering, Inc.- 200 Daniels Way, Suite 230, Freehold, New Jersey 07728;
- 8) Keller & Kirkpatrick, Inc.- 301 Gibraltar Drive, Suite 2A, Morris Plains, New Jersey 07950;
- 9) Maser Consultants, PC- 331 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701;
- 10) Midatlantic Engineering Partners, LLC- 5 Commerce Way, Suite 200, Hamilton, New Jersey 08691;
- 11) Suburban Consulting Engineers, Inc.- 96 U.S. Highway 206, Suite 101, Flanders, New Jersey 07836; and
- 12) CME Associates- 3141 Bordentown Avenue, Parlin, New Jersey 08859; and

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The aforementioned qualified pool of engineers is approved on an as-needed basis for Township projects, subject to subsequent authorization by Council if and as needed.
3. This Resolution shall take effect immediately.

EXPLANATION: This Resolution authorizes the Township Council to approve CME Associates for engineering services on an as-needed basis with regard to landfill closure.

RESOLUTION R.484-062016

WHEREAS, the Township of Edison (the “Township”) issued a Request for Proposals for Engineering Services, RFP 16-06, seeking proposals from qualified individuals and firms to provide engineering services on an as-needed basis for Township projects (the “Request for Proposals”); and

WHEREAS, the Township evaluated the responses submitted by various qualified individuals and firms to the Request for Proposals in accordance with the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* (the “Public Contracts Law”); and

WHEREAS, the Township approved CME Associates, 3141 Bordentown Avenue, Parlin, New Jersey 08859 (“CME Associates”), to provide engineering services on an as-needed basis; and

WHEREAS, the Township seeks the services of CME Associates to provide the Township with engineering services on an as-needed basis with regard to landfill closure; and

WHEREAS, the Township authorizes CME to provide the Township with engineering services on an as-needed basis with regard to landfill closure at an amount not to exceed One Hundred Thousand Dollars (\$100,000.00), to be held in the following capital accounts:

- 1) C-04-08-1616-130-490 - \$23,705.72;
- 2) C-04-12-1783-920-001 - \$32,806.27; and
- 3) C-04-14-1872-490-000 - \$43,488.01; and

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

4. The aforementioned recitals are incorporated herein as though fully set forth at length.
5. The Mayor and Township Clerk are hereby authorized and directed to execute the Contract.
6. A certificate showing the availability of funds for the Contract authorized hereby has been provided by the Chief Financial Officer of the Township and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable accounts.
7. No payments in excess of the “not-to-exceed” amount of One Hundred Thousand Dollars (\$100,000.00) will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
8. Any modification to the Services Contract shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.
9. The Mayor of the Township may, upon ten (10) days written notice, and without cause, terminate the Contract.
10. In accordance with *N.J.S.A. 40A:11-5* of the Local Contracts Law, the Municipal Council hereby directs the Township Clerk to publish once in the official newspaper of the Township, a brief notice, substantially in the form attached hereto as *Exhibit B*, stating the nature, duration, service and amount of the Services Contract authorized for execution herein, which notice shall state that a copy of this Resolution and the Services Contract are on file and available for public inspection in the office of the Township Clerk.

11. The Services Contract shall, for all purposes, be deemed a New Jersey contract and the provisions of the Services Contract shall be governed and interpreted according to the laws of the State of New Jersey.

12. This Resolution shall take effect immediately.

RESOLUTION R.485-062016

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO XYLEM DEWATERING SOLUTIONS INCORPORATED D/B/A GODWIN PUMPS OF AMERICA FOR SEWER PUMP RENTALS

WHEREAS, bids were received by the Township of Edison on June 15, 2016 for Public Bid No.16-08-25R, Sewer Pump Rentals, for the Department of Public Works; and

WHEREAS, XYLEM DEWATERING SOLUTIONS INCORPORATED, D/B/A GODWIN PUMPS OF AMERICA, 6 Connerty Court, East Brunswick, NJ 08816, submitted the lowest legally responsible, responsive bid; and

WHEREAS, the initial contract shall be for one year from execution of the contract with the option to renew for the second year at the same prices, conditions, requirements and terms of the contract, subject to and contingent upon appropriation of sufficient funds for the second year; and

WHEREAS, the total amount of each year of the contract shall not exceed \$200,000.00 and 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 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 XYLEM DEWATERING SOLUTIONS INCORPORATED D/B/A GODWIN PUMPS OF AMERICA, 6 Connerty Court, East Brunswick, NJ 08816 for Sewer Pump Rentals 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 \$200,000.00 for the first year of the contract and the second year, if applicable, and any other necessary documents, with XYLEM DEWATERING SOLUTIONS INCORPORATED D/B/A GODWIN PUMPS OF AMERICA as described herein.

RESOLUTUION R.486-062016

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
SHABANA AHMED FOR THE SUMMER PLAYGROUND PROGRAM**

WHEREAS Shabana Ahmed made payment in the amount of \$30.00 for her child, Danial Ahmed's participation in the Summer Playground Program at Stelton Park; and

WHEREAS the child is over the age limit for the Summer Playground Program.

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$30.00 to Shabana Ahmed, 8 Wilmbelton Ct., Edison, NJ 08820, which amount represents the registration for the Summer Playground Program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$30.00 are available in Account #6-01-55-0291-000-000.

EXPLANATION: This Resolution authorizes the Township Counsel to grant permission to Garden State Fireworks to discharge fireworks for an Independence Day Celebration taking place on the grounds of the Lake Papaiani, scheduled for July 4, 2016 with a rain date of July 5, 2016

RESOLUTION R.487-062016

Whereas, Garden State Fireworks has applied to the Township of Edison for a permit to discharge fireworks on July 4, 2016 with a rain date of July 5, 2016 for an Independence Day Celebration taking place on the grounds of Lake Papaiani; 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 Marshal 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 4, 2016 With a rain date of July 5, 2016 at approximately 9:00 p.m. on the grounds of Lake Papaiani in accordance with N.J.A.C. 5:70-2.7 (a)(5)(iii).
2. The Fire Marshal 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 Marshal 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.

EXPLANATION: This Resolution authorizes the Township Counsel to grant permission to Garden State Fireworks to discharge fireworks for an Independence Day Celebration taking place on the grounds of the Plainfield Country Club, scheduled for July 1, 2016 with a rain date of July 2, 2016

RESOLUTION R.488-062016

Whereas, Garden State Fireworks has applied to the Township of Edison for a permit to discharge fireworks on July 1, 2016 with a rain date of July 2, 2016 for an Independence Day Celebration taking place on the grounds of 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 Marshal 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 1, 2016 With a rain date of July 2, 2016 at approximately 9:00 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 Marshal 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 Marshal 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.

RESOLUTION R.489-062016

**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 June 1, 2016 for Public Bid No.16-04-12 - 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 to exceed \$20,000.00, 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 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 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 his designee, is hereby authorized to execute a contract in the amount not to exceed \$20,000.00 and any other necessary documents, with THE RODGERS GROUP, LLC as described herein.

RESOLUTION R.490-062016

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO QUEUES ENFORTH DEVELOPMENT, INC. FOR THE MAINTENANCE AND SUPPORT OF THE PROPRIETARY SOFTWARE COMPUTER AIDED DISPATCH (CAD) AND RECORDS MANAGEMENT SYSTEM (RMS) USED BY THE POLICE AND FIRE DIVISIONS

WHEREAS, the Township of Edison needs to renew the annual maintenance and support agreement for the Queues Enforth Development (QED) Acuity Computer Aided Dispatch (CAD) and Records Management System (RMS) installed in the Police Department's 9-1-1 Communications Center as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 et. seq.; and

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, such annual renewal for the support of proprietary software may be awarded without public advertising for bids or bidding, in accordance with N.J.S.A. 40A:11-5(dd); and

WHEREAS, QUEUES ENFORTH DEVELOPMENT, INC., 92 Montvale Ave., Suite 4350, Stoneham, MA 02180, has submitted a proposal to provide such services for a one year term for the period of July 1, 2016-June 30, 2017 at a cost of \$40,152.00; and

WHEREAS, Queues Enforth Development, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Edison in the previous one year, and that the contract will prohibit Queues Enforth Development, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, funds in the amount of \$40,152.00 have been certified to be available in the Dispatch-911 Maintenance of Other Equipment Account, Number 6-01-25-0250-000-026.

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

9. The Mayor, or his designee, is hereby authorized to execute a contract and any other necessary documents in the amount of \$40,152.00, with QUEUES ENFORTH DEVELOPMENT, INC., 92 Montvale Ave., Suite 4350, Stoneham, MA 02180 as set forth above.
10. This contract is awarded pursuant to N.J.S.A. 19:44A-20.5 et. seq, and without competitive bidding under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(dd).
11. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
12. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and in compliance with the Local Public Contracts Law guidelines.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$40,152.00** are available for the above contract in Account No. **6-01-25-0250-000-026**.

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.491-062016

WHEREAS, applications have be made for the renewal of Club Licenses, issued by the Municipal Council of the Township of Edison, expiring on June 30, 2016 and

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

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

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the following Club Licenses expiring on June 30, 2016, for which the required fee \$150.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be hereby renewed, effective June 22, 2016.

<u>LICENSE NUMBER</u>	<u>LICENSEE AND LOCATION</u>	<u>ADDRESS</u>
1205-31-037-001	American Legion Father & Son Post \$435 43 Oakland Avenue	Edison, NJ 08837
1205-31-039-001	Columbia Club of Edison, Inc. d/b/a Knight of Columbus 71 Council Place	Edison , NJ 08837
1205-31-046-001	Loyal Order of Moose Edison #1978 410 Talmadge Road	Edison, NJ 08817
1205-31-047-001	Raritan River Boat Club Thompson Place	Edison, NJ 08817
1205-31-050-001	Edison Elks 375 Old Post Road	Edison, NJ 08817
1205-31-068-001	Edison Township Memorial Post 3117 VFW National Road	Edison, NJ 08818

RESOLUTION R.492-062016

WHEREAS, applications have be made for the renewal of Plenary Retail Consumption Licenses, issued by the Municipal Council of the Township of Edison, expiring on June 30, 2016; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey, that the following Plenary Retail Consumption Licenses expiring on June 30, 2016, for which the required fees of \$2,500.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be the same hereby granted and renewed, effective June 22, 2016.

<u>LICENSE NUMBER</u>	<u>LICENSEE AND LOCATION</u>	<u>ADDRESS</u>
1205-33-001-010	Seasons 52 217 Lafayette Avenue	Edison, NJ 08837
1205-33-002-008	Sura Holding, LLC t/a The Ellora 2863 Woodbridge Ave.	Edison, NJ 08837
1205-33-003-002	Chestnut Inn, Inc. 1905 Woodbridge Avenue	Edison, NJ 08817
1205-33-007-005	The DK Family Inc. d/b/a The Edison Diner 101 U.S. Highway 1	Edison, NJ 08817
1205-33-010-004	Skylark Diner 17 Wooding Avenue	Edison, NJ 08817
1205-33-011-009	Pines Manor 2085 Route 27	Edison, NJ 08817
1205-33-015-015	Edison Land Investment 400 Plaza Drive	POCKET LICENSE Secaucus, NJ 07096
1205-33-019-010	CB Edison, LLC d/b/a Charlie Brown Steakhouse 222 Plainfield Road	Edison, NJ 08820
1205-33-022-005	Aum Bar and Grill, LLC d/b/a Elizir Bar & Grill 2222 Woodbridge Ave.	Edison, NJ 08817
1205-33-024-001	Plainfield Country Club 1591 Woodbridge Avenue	Edison, NJ 08820
1205-33-025-009	Last Call Operating Co. II 19111 Dallas Parking Suite 370	POCKET LICENSE Dallas, TX 75287

1205-33-028-008	Savi Enterprises, LLC d/b/a Mirage 1655 Oak Tree Road	Edison, NJ 08820
1205-33-029-005	Akbar Lounge, LLC 21 Cortlandt Street	Edison, NJ 08817
1205-33-030-005	Edison Land Investment 400 Plaza Drive	POCKET LICENSE Secaucus, NJ 07096
1205-33-035-066	Elio's Inc. 1067 Inman Avenue	Edison, NJ 08820
1205-33-049-007	OSI Restaurant d/b/a Outback Steakhouse 481 U.S. Highway 1	Edison, NJ 08817
1205-33-058-003	Last Call Operating Co. I d/b/a Fox and Hound 250 Menlo Park Mall	Edison, NJ 08837

RESOLUTION R.493-062016

WHEREAS, applications have be made for the renewal of Plenary Retail Consumption Licenses (Hotel/Motel) , issued by the Municipal Council of the Township of Edison, expiring on June 30, 2016; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey, that the following Plenary Retail Consumption Licenses [Hotel/Motel] expiring on June 30, 2016 for which the required fees of \$2,500.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be the same hereby granted and renewed, effective June 22, 2016.

<u>LICENSE NUMBER</u>	<u>LICENSEE AND LOCATION</u>	<u>ADDRESS</u>
1205-36-055-002	Raritan Hospitality d/b/a Edison Hotel 3050 Woodbridge Avenue	Edison, NJ 08837
1205-36-065-001	BPG Hotel XXIII Owner, LLC d/b/a Sheraton Edison Hotel 125 Raritan Center Parkway	Edison, NJ 08837

RESOLUTION R.494-062016

WHEREAS, applications have be made for the renewal of Plenary Retail Distribution Licenses, issued by the Municipal Council of the Township of Edison, expiring on June 30, 2016; and

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

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

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the following Plenary Retail Distribution Licenses expiring on June 30, 2016, for which the required fee \$2,500.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be hereby renewed, effective June 22, 2016.

<u>LICENSE NUMBER</u>	<u>LICENSEE AND LOCATION</u>	<u>ADDRESS</u>
1205-44-012-007	888 Rt. 22, Inc. d/ba/ Savers Club Liquor Locker 1665 Oak Tree Road	Edison, NJ
1205-44-021-005	Costco Wholesale Corporation 2210 Route 27	Edison, NJ 08817
1205-44-033-003	Vincz Donald P. d/b/a Vincz's Food and Liquors 1066 Amboy Ave.	Edison, NJ 08837
1205-44-036-006	Y T & T, Inc. d/b/a Harvest Wine 2 Spirits 2370 Woodbridge Avenue	Edison, NJ 08817
1205-44-067-001	Wine Amphorae East Brunswick, LLC 883 Route 1 South	Edison, NJ 08817
1205-44-061-002	Y SS & D Inc. d/b/a/ Edison Discount Wine & Spirits	Edison, NJ 08817
1205-44-070-001	Daryl, LLC P.O. Box 29	POCKET LICENSE Woodbridge, NJ 07095

RESOLUTION R.495-062016

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
ENABLE, INC.**

WHEREAS Enable, Inc. made payment in the amount of \$20.00 for a Raffle License which no Raffle license fee is required.

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 Enable, Inc., 13 Roszel Road, Suite B110, Princeton, NJ 08540, which amount represents the Raffle License fee which is not required.

Explanation: A Resolution authorizing the sale of one (1) Plenary Retail Distribution Liquor License and further authorizing the Township Clerk to advertise for bid proposals for same pursuant to *N.J.S.A. 33:1-19.1*

RESOLUTION R.496-062016

WHEREAS, there are presently nine (9) plenary retail distribution licenses in the Township of Edison (“Township”) held by licensees; and

WHEREAS, pursuant to *N.J.S.A. 33:1-12.14*, new plenary retail distribution licenses may be issued in a municipality so long as the number of such licenses existing in the municipality is not greater than one for each 7,500 of its population according to the most recent estimates issued by the U.S. Bureau of the Census; and

WHEREAS, the Township has a population of nearly 100,000 people and may issue several new plenary retail distribution licenses; and

WHEREAS, the Municipal Council of the Township (“Municipal Council”) has determined it is reasonable and desirable to issue one (1) new plenary retail distribution license and to sell same at public sale, pursuant to the authority granted under State law and Chapter VI, Section 6-3.5 of the Township Code of Ordinances (“Code”); and

WHEREAS, the Municipal Council has determined to offer the opportunity to purchase said license to all qualified parties, in accordance with State law.

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

1. The Township of Edison hereby determines that it will sell at public sale one (1) new plenary retail distribution license for the sale of alcoholic beverages, in accordance with the procedures set forth at *N.J.S.A. 33:1-19 et seq.*
2. The Township Clerk shall publish a notice of the proposed issuance of the new alcoholic beverage license (“Notice”), indicating that applications therefore will be accepted by the Township at the time, date and place specified in the Notice. The Notice shall state that no applications shall be accepted later than Wednesday, August 10, 2016 at 1:00 p.m. All other conditions for the submission and acceptance of bids required hereunder shall be stated in the Notice.
3. The Notice shall be published in a newspaper circulating generally in the municipality at least two times, at least one week apart; the second of which shall be at least 30 days prior to the date after which no further applications will be accepted *i.e.* 30 days prior to Wednesday, August 10, 2016 at 1:00 p.m.
4. Bids must be made utilizing the Proposal Form available in the Office of the Township Clerk. The name and address of the bidder shall appear on the outside of the sealed envelope. All bidders must be qualified to have an interest in a retail alcoholic license under the standards set forth in the Alcoholic Beverage Control Act, *N.J.S.A. 33:1-1 et seq.* (“ABC Act”), the regulations promulgated thereunder at *N.J.A.C. 13:2-1.1 et seq.* (“ABC Regulations”), and all applicable Township ordinances and this Resolution.
5. All submitted bids must contain a deposit in the form of a certified check for 20% of the bid price. Once a bid is submitted to the Township Clerk, it cannot be withdrawn by the bidder. The highest bidder shall pay the balance of the bid to the Township Clerk in the form of cash or certified check within 30 days of the adoption of a resolution accepting the highest qualified bid. In the event of a default or breach of promise by the successful bidder, all deposit monies shall be forfeited to the Township.
6. The minimum bid price for the new retail distribution license shall be \$350,000.00.

7. All bids must contain a full and complete New Jersey Division of Alcoholic Beverage Control Application for Retail Alcoholic Beverage License long form application, a Certification of Proof of Compliance (available from the Township Clerk) stating that the applicant meets any and all conditions and requirements and knows of no reason why he or she would be disqualified from having an interest in a retail distribution license in New Jersey, and, a separately sealed envelope with the applicant's bid on the Township Proposal Form and the bid deposit (20% of the bid price). The Township Clerk will publicly announce and publish those applicants who presumptively meet the qualifications for bidding, as fixed by law, rules, regulations and resolution, on Wednesday, August 10, 2016 shortly after 1:00 p.m., being the time after which no applications will be accepted (and being five days prior to the opening of bids, which opening shall occur on Tuesday, August 16, 2016 at 1:00 p.m.) No bids will be opened from or on behalf of a bidder who has not been identified as presumptively meeting the pre-qualifications for bidding.
8. The Township reserves the right to reject any and all bids if the highest bid is not accepted.
9. The successful bidder shall tender payment of all required State and local application fees and license fees prior to licensure.
10. The issuance of the license to the successful bidder shall be contingent upon the satisfactory outcome of a municipal background check to investigate the source of funds used to purchase the license, the receipt of a favorable State and/or federal criminal background check; and the compliance with the publication, hearing, and resolution requirement under the ABC Regulations for the issuance of new licenses.
11. The municipality shall only award the license to the person who is the highest qualified bidder. The operation of a restaurant, public accommodation or other facility shall be a condition of licensure.
12. The successful applicant must comply with all ordinances of the Township, State laws and regulations in locating the license.
13. The sale may be postponed or canceled at any time prior to the opening of the bids on Tuesday, August 16, 2016 at 1:00 p.m.

