

**AGENDA  
MUNICIPAL COUNCIL  
WORKSESSION MEETING  
Monday, July 21, 2014  
6:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on December 14, 2013 and posted in the Main Lobby of the Municipal Complex on the same date.
4. **ORAL PETITIONS AND REMARKS**
5. **REVIEW OF MINUTES:**
  - a. Closed Session Meeting of June 9, 2014
6. **ADMINISTRATIVE AGENDA:  
FROM MAYOR THOMAS LANKEY:**
  - a. Resolution authorizing the appointment of David R. Spevack as a Prosecutor for The Township of Edison.
7. **REPORTS FROM ALL COUNCIL COMMITTEES:**
8. **POINTS OF LIGHT**
9. **FROM THE BUSINESS ADMINISTRATOR:**
  - a. Resolution authorizing the sale of surplus personal property no longer needed.
10. **FROM THE DEPARTMENT OF FINANCE:**
  - a. Report of Disbursements through July 17, 2014.
  - b. Resolution authorizing refund in the amount of \$362,989.58 for redemption of tax sale certificates.
  - c. Resolution authorizing refund of tax overpayments, totaling \$34,408.08.
  - d. Resolutions authorizing overpayment refund caused by Successful Tax Court Appeal with Freeze Act Provision.
  - e. Temporary Budget Appropriations.
  - f. Resolution canceling a Tax Sale Certificate issued to an outside lien holder on a Township owned Property.
11. **FROM THE DEPARTMENT OF LAW:**
  - a. Resolution authorizing the execution of releases of developer's agreement with respect to completed development projects located at 100 Blue Heron Way and 155 Clover Place, Edison.
  - b. An Ordinance creating the new Flexible Business Zone (O.1871-2014)

- c. Ordinance amending Chapter 39 Land Use, Section 37-25 of Chapter XXXVII Zoning, Amboy Avenue Revitalization Zone.(O.1870-2014)
  - d. An Ordinance amending Chapter XXX of the Township Code to clarify the scope of projects which shall incur COAH development fees, as provided under Council on Affordable Housing regulations.
  - e. An Ordinance amending Chapter XXV of the Township Code to reduce the replacement tree warranty period and delineate the tree replacement requirements for new and reconstruction development projects which exceed impervious coverage of 200,000 square feet.
  - f. Resolution authorized Second Amendment to Developer Agreement for 33 Liddle Avenue Senior Citizen residential project.
12. **FROM THE DEPARTMENT OF LIBRARY:**
- a. Award of Contract for Public Bid No. 14-03-01 HVAC Maintenance and repairs.
13. **FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**
- a. Resolutions refunding Tree Maintenance Bonds.
  - b. Resolution refunding Tree Performance Bond.
  - c. Resolution Inspection fees.
  - d. Resolution refunding Cash Performance Bond.
  - e. Resolution authorizing the allocation of additional Affordable Housing funds to the Special Needs Housing Partnership.
  - f. Resolution provides for the Township Acceptance of the constructed improvements under Public Bid No. 11-02-06R: Police Division Renovations, and this resolution also authorizes Final Contract Payment in an amount not to exceed \$1,826.00 to Kappa Construction Corp. for a total construction contract as built cost of \$1,166,242.84(\$1,143,000.00 original bid).
  - g. Resolution amending Resolution R.110-032014 and approves the receipt of the FY2014 Community Development Block Grant in the amount of \$528,289 and approves the attached amended projects and activities funded by this grant.
14. **FROM THE DEPARTMENT OF PUBLIC WORKS:**
- a. Resolution to release Street Opening Escrow.
  - b. Awarding Contract for Public Bid No. 14-07-25RR for light truck transmission repair.
  - c. Resolution rejecting all bids for Overhead Lubricant Dispensing System.
15. **FROM THE DEPARTMENT OF RECREATION:**
- a. Resolution authorizing a refund for Teen Center Program
  - b. Resolution authorizing a refund for Rental of Yelencsics Park.
  - c. Resolution sets park and recreation fees.
16. **FROM THE CHIEF OF FIRE:**
- a. Award of Contract for Public Bid No. 14-10-02 Emergency Vehicle Repairs.
  - b. Award of Contract for Public Bid No. 14-06-25 Turnout Gear Repair.
  - c. Awarding Contract/Purchase order for Two (2) Panasonic Toughbooks.
17. **FROM THE CHIEF OF POLICE:**

- a. Resolution authorizing the sale of surplus personal property no longer need for public use to the East Brunswick Police Department.
- b. Awarding Contract/Purchase order for repair and maintenance of 911 telephone recording system.
- c. Awarding of a Non-fair and Open Contract for Maintenance and support of the Proprietary Software Computer aided dispatch (CAD) and records management system (RMS) for Police and Fire Divisions.

**18. FROM THE TOWNSHIP CLERK:**

- a. Resolution authorizing the sale of Two (2) Plenary Retail Distribution Liquor Licenses and further authorizing the Township Clerk to advertise for bid proposals for same pursuant to N.J.S.A 33:1-19-.1.
- b. Resolution to waive permit fees to Our Lady of Peace Church.

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

**20. UNFINISHED BUSINESS:**

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

O.1872-2014            BOND    ORDINANCE    FOR    VARIOUS    CAPTIAL  
IMPROVEMENTS IN AND BY THE TOWNSHIP OF EDISON  
IN THE COUNTY OF MIDDLESEX, NEW JERSEY,  
APPROPRIATING    \$11,940,500.    THEREFOR    AND  
AUTHORIZING THE ISSUANCE OF \$11,371,899 BONDS OR  
NOTES OF THE TOWNSHIP TO FINANCE PART OF THE  
COST THEREOF.

O.1873-2014            BOND    ORDINANCE    FOR    VARIOUS    SEWER  
IMPROVEMENTS IN AND BY THE TOWNSHIP OF EDISON,  
IN THE COUNTY OF MIDDLESEX, NEW JERSEY,  
APPROPRIATING    \$8,000,000    THEREFOR    AND  
AUTHORIZING THE ISSUANCE OF \$7,600,000 BONDS OR  
NOTES OF THE TOWNSHIP TO FINANCE PART OF THE  
COST THEREOF.

O.1874-2014            ORDINANCE OF THE TOWNSHIP OF EDISON IN THE  
COUNTY OF MIDDLESEX, NEW JERSEY VACATING A  
PORTION OF LAMBERT AVENUE PURSUANT TO N.J.S.A.  
40:67-19.

O.1875-2014            ORDINANCE CHANGING THE ZONING OF BLOCK 4-A,  
LOT 23 ON PLAINFIELD AVENUE AND BLOCK 182-A, LOT  
9A2 ON ROUTE 1 AS RECOMMENDED IN THE 2013  
MASTER PLAN REVIEW.

O.1876-02014            ORDINANCE AMENDING THE CHAPTER VI OF THE  
TOWNSHIP CODE TO AUTHORIZE THE TOWNSHIP'S

ISSUANCE OF NEW PLENARY RETAIL DISTRIBUTION  
LICENSES UP TO THE LIMIT ALLOWED BY STATE LAW.

21. **DISCUSSION ITEMS:**

**Council President Karabinchak**

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

**Councilmember Diehl**

None

**Councilmember Gomez**

None

**Councilmember Lombardi**

None

**Councilmember Mascola**

None

**Councilmember Prasad**

None

**Councilmember Shah**

None

22. **ADJOURNMENT**

**EXPLANATION:** A Resolution authorizing the appointment of David R. Spevack as a prosecutor for the Township of Edison.

**EDISON TOWNSHIP**

**RESOLUTION \_\_\_\_\_**

**WHEREAS,** there exists a need for a Prosecutor in the Township of Edison for the Edison Township Municipal Court; and

**WHEREAS,** there is a desire to appoint David R. Spevack as a Prosecutor in accordance with *N.J.S.A. 2B:25-4*, for a term of one year, effective of even date through July 22, 2015; and

**WHEREAS,** Mr. Spevack has a proven record of professionalism while appearing in the Municipal Court on numerous occasions and meets the necessary qualifications as set forth in law; and

**WHEREAS,** this appointment is being made 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 Township Purchasing Agent has determined and certified in writing that the value of the contract could exceed \$17,500; and

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

**WHEREAS,** the Township Council accepts the recommendation of such appointment as described herein and desires to approve the entering of a professional services contract with Mr. Spevack, which is not to exceed \$18,000 in the aggregate.

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

1. David R. Spevack is hereby appointed as a Prosecutor for the Township for a term of one year, effective of even date through July 22, 2015.
2. The Mayor, or his designee, is hereby authorized to execute a contract and any other necessary documents with Mr. Spevack as described herein. Payments under the contract shall not exceed the amount of \$18,000 in the aggregate without further authorization of the Township Council.
3. The contract with Mr. Spevack is awarded as a "Professional Service" in accordance with *N.J.S.A. 40A:11-5(1)(a)(i)* of the Local Public Contracts Law, *N.J.S.A.*

40A:11-1 *et seq.*, because it is for services to be performed by person(s) authorized by law to practice a recognized profession.

4. The contract is awarded as a non-fair and open contract pursuant to *N.J.S.A. 19:44A-20.5 et seq.*

5. Mr. Spevack's Business Disclosure Entity Certification and the Township Purchasing Agent's Determination of Value shall be placed on file with this Resolution.

6. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to *N.J.S.A. 40A:11-5* and in compliance with Local Public Contracts Law guidelines. This Resolution and the contract with Mr. Spevack shall remain on file and available for public inspection in the office of the Township Clerk.

7. This Resolution shall take effect immediately.

**RESOLUTION OF THE TOWNSHIP OF EDISON AUTHORIZING THE SALE OF SURPLUS  
PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION  
WEBSITE**

**WHEREAS**, The Township of Edison has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

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

**WHEREAS**, the Township of Edison intends to utilize the online auction services of US GOVBID, A DIVISION OF AUCTION LIQUIDATION SERVICES, PO BOX 1216 Eatontown, NJ 07724 , web address [www.usgovbid.com](http://www.usgovbid.com), for the amount of three and one half percent (3 1/2%) of the receipts of sales; and

**WHEREAS**, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9 – Revised October, 2011.

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

1. The Township of Edison is hereby authorized to sell the surplus personal property as indicated on Schedule A on the online auction website entitled US GOVBID, A DIVISION OF AUCTION LIQUIDATION SERVICES, [www.usgovbid.com](http://www.usgovbid.com).
2. The terms and conditions of the sale are available at [www.usgovbid.com](http://www.usgovbid.com).
3. That a certified copy of this Resolution be forwarded to the Division of Local Government Services.

**RESOLUTION**

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF EDISON FOR THE PERIOD ENDING July 17, 2014

**WHEREAS**, the Director of Finance of the Township of Edison has transmitted  
to the Township Council a Report of Disbursements made through July 17, 2014.

FUND	AMOUNT
Current	\$8,205,486.17
Affordable Housing	3,522.95
Capital	242,395.71
Cash Performance	15,685.59
CDBG	337,974.57
Developers Escrow	39,551.02
Dog (Animal Control)	28,945.49
Federal Forfeited	10,177.40
Grant Funds	2,969.59
Law Enforcement	0.00
Open Space	0.00
Payroll Deduction	921,223.64
Sanitation Fund	439,132.85
Sewer Utility	4,126,092.07
Tax Sale Redemption	77,784.81
Tree fund	17,647.10
Tree Planting	150.00
Trust	126,069.80
 TOTAL	 \$14,594,808.76

/s/ Agnes Yang  
Acting Chief Financial Officer

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



## **RESOLUTION**

**WHEREAS**, at various sales of land for delinquent taxes held by the Edison Township Collector of Taxes, Middlesex County, New Jersey, the attached listing of tax sale certificates were sold; and

**WHEREAS**, the said tax sale certificates have been redeemed thereof, and the purchasers of said property are legally entitled to a refund of monies paid at the time of redemption.

**NOW THEREFORE, BE IT RESOLVED**, by the Municipal Council of the Township of Edison, that the Director of Finance is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing, totaling **\$362,989.58**.

**July 23, 2014**



**RESOLUTION**  
**Authorizing Overpayment Refund caused by Successful Tax Court Appeal**

**WHEREAS**, This office has received successful tax appeals judgment from the Tax Court of New Jersey for the case below:

TAXPAYER	<b>R &amp; D REALTIES, LLC C/O DILEO-BRAM</b>
PROPERTY LOCATION	<b>2 GOURMET LANE</b>
BLOCK / LOT / QUALIFIER	<b>199.A/32.C6/C0001</b>

**WHEREAS**, in accordance with the Tax Court of New Jersey, the assessed value of the property has been reduced for the applied tax years as follows:

DOCKET #	YEAR	LAND	IMPROVEMENT	TOTAL VALUE	REFUND
009120-2010	2010	891,300	816,700	1,708,000	\$48,495.72
006062-2011	2011	891,300	873,700	1,765,000	48,438.00
007694-2012	2012	891,300	905,700	1,797,000	47,431.87
014185-2013	2013	891,300	989,700	1,881,000	43,891.44

**WHEREAS**, the reductions listed have caused a real estate tax overpayment in the amount of **\$188,257.03** and

**WHEREAS**, pursuant to N.J.S.A. 54:3-27.2, "in the event a taxpayer is successful in an appeal from an assessment on real property, the respective taxing district shall refund any excess paid within 60 days of final judgment."

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison, shall and is hereby authorized to draw checks to the property owner or legal representative in the amounts of **\$188,257.03**.

July 23, 2014

**RESOLUTION**  
**Authorizing Overpayment Refund caused by**  
**Successful Tax Court Appeal with Freeze Act provision**

**WHEREAS**, This office has received a successful tax judgment from the Tax Court of New Jersey for the case below as specified on Council's resolution **R.023-012014**:

TAXPAYER	<b>O T R ASSOCIATES</b>
PROPERTY LOCATION	<b>1655-1665 OAK TREE RD</b>
BLOCK / LOT / QUALIFIER	<b>643.DD/36</b>
DOCKET NUMBER:	<b>004940-2010</b>
TAX YEAR	<b>2011</b>

**WHEREAS**, in accordance with the Tax Court of New Jersey, the assessed value of the property have been reduced for the applied tax year, but also the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for the Freeze Act Year (s):2011.

**WHEREAS**, the reduction in assessed value, for the Freeze Act Year(s) listed, has caused a real estate tax overpayment in the amount of **\$158,179.32** and

**WHEREAS**, pursuant to N.J.S.A. 54:3-27.2, "in the event a taxpayer is successful in an appeal from an assessment on real property, the respective taxing district shall refund any excess paid within 60 days of final judgment."

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison, shall and is hereby authorized to draw checks to the property owner or legal representative in the amounts of **\$158,179.32**.

July 23, 2014

**RESOLUTION**

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

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

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

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

	<u>2014</u>
<b>CURRENT FUND</b>	
<b>MAYORS OFFICE</b>	
<b>SALARIES &amp; WAGES</b>	<b>5,000.00</b>
<b>OTHER EXPENSES</b>	<b>289.96</b>
<b>TOWNSHIP COUNCIL</b>	
<b>SALARIES &amp; WAGES</b>	<b>5,000.00</b>
<b>OTHER EXPENSES</b>	<b>0.00</b>
<b>TOWNSHIP CLERK</b>	
<b>SALARIES &amp; WAGES</b>	<b>24,000.00</b>
<b>OTHER EXPENSES</b>	<b>0.00</b>
<b>BUSINESS ADMIN</b>	
<b>SALARIES &amp; WAGES</b>	<b>64,000.00</b>
<b>OTHER EXPENSES</b>	<b>0.00</b>
<b>COMMUNICATIONS</b>	
<b>SALARIES &amp; WAGES</b>	<b>12,000.00</b>
<b>OTHER EXPENSES</b>	<b>5,809.02</b>
<b>PURCHASING</b>	
<b>SALARIES &amp; WAGES</b>	<b>19,000.00</b>
<b>OTHER EXPENSES</b>	<b>0.00</b>
<b>CENTRAL STORES</b>	<b>9,994.70</b>
<b>PERSONNEL/HR</b>	
<b>SALARIES &amp; WAGES</b>	<b>8,200.00</b>
<b>OTHER EXPENSES</b>	<b>1,207.10</b>
<b>LEGAL DEPARTMENT</b>	
<b>SALARIES &amp; WAGES</b>	<b>4,200.00</b>
<b>OTHER EXPENSES</b>	<b>100,208.00</b>
<b>FINANCE</b>	
<b>SALARIES &amp; WAGES</b>	<b>8,000.00</b>
<b>OTHER EXPENSES</b>	<b>43,347.81</b>
<b>AUDIT</b>	<b>11,113.57</b>
<b>PAYROLL</b>	

SALARIES & WAGES	1,600.00
OTHER EXPENSES	64,563.84
TAX COLLECTOR	
SALARIES & WAGES	24,000.00
OTHER EXPENSES	2,273.36
TAX ASSESSOR	
SALARIES & WAGES	22,000.00
OTHER EXPENSES	2,825.04
RECREATION	
SALARIES & WAGES	96,987.76
OTHER EXPENSES	80,363.39
HEALTH	
SALARIES & WAGES	188,000.00
OTHER EXPENSES	10,337.09
SENIOR CITIZENS SERVICES	
SALARIES & WAGES	48,000.00
OTHER EXPENSES	4,640.75
POLICE DEPARTMENT	
SALARIES & WAGES	3,650,000.00
OTHER EXPENSES	143,710.46
DISPATCH 911	
SALARIES & WAGES	174,000.00
OTHER EXPENSES	65,000.00
POLICE VEHICLE MAINTENANCE	
SALARIES & WAGES	24,300.00
OTHER EXPENSES	27,442.00
FIRE FIGHTING	
SALARIES & WAGES	2,491,593.50
OTHER EXPENSES	15,000.00
FIRE HYDRANT CHARGES	220,972.64
AID TO VOLUNTEER FIRE COMPANIES	16,958.34
FIRE PREVENTION	
SALARIES & WAGES	42,000.00
OTHER EXPENSES	16,958.34
PARKS & TREES	
SALARIES & WAGES	105,000.00
OTHER EXPENSES	12,402.71
MUNICIPAL GARAGE	
SALARIES & WAGES	50,000.00
OTHER EXPENSES	7,954.51
FUELS & LUBRICANTS	30,698.19
STREET LIGHTING	154,166.67
STREETS & ROADS	
SALARIES & WAGES	155,750.00

OTHER EXPENSES	20,000.00
BUILDINGS & GROUNDS	
SALARIES & WAGES	141,000.00
OTHER EXPENSES	27,336.20
SOLID WASTE RECYCLING	
SALARIES & WAGES	127,308.15
OTHER EXPENSES	6,451.87
PUBLIC BUILDINGS TELEPHONE	41,551.60
PUBLIC BUILDINGS HEAT, LIGHT & POWER	145,913.98
ENGINEERING SERVICES	
SALARIES & WAGES	42,000.00
OTHER EXPENSES	13,386.45
CONSTRUCTION ENFORCING AGENCY	
SALARIES & WAGES	140,082.35
OTHER EXPENSES	29,445.84
PLANNING & ZONING DEPARTMENT	
SALARIES & WAGES	36,941.80
OTHER EXPENSES	0.00
PLANNING BOARD	
OTHER EXPENSES	4,039.17
ZONING BOARD	
OTHER EXPENSES	3,900.42
RENT CONTROL BOARD	
SALARIES & WAGES	2,344.16
OTHER EXPENSES	77.09
MUNICIPAL COURT	
SALARIES & WAGES	77,000.00
OTHER EXPENSES	16,884.65
PUBLIC DEFENDER	
SALARIES & WAGES	4,470.84
OTHER EXPENSES	308.34
CELEBRATION OF PUBLIC EVENTS	
OTHER EXPENSES	14,375.00
LIBRARY	98,469.92
OOFFICE OF EMERGENCY MANAGEMENT	
OTHER EXPENSES	2,886.71
CONDOMINIUM COMM COSTS	
OTHER EXPENSES	22,354.17
ENVIRONMENTAL COMMISSION	
OTHER EXPENSES	146.25
EMPLOYEE GROUP INSURANCE	3,000,000.00
SOCIAL SECURITY	170,000.00
TOTAL CURRENT FUND	<u>12,459,543.71</u>

**SEWER OPERATING**

<b>SALARIES &amp; WAGES</b>	<b>371,940.01</b>
<b>OTHER EXPENSES</b>	<b>644,044.58</b>
<b>SOCIAL SECURITY</b>	<b>18,498.10</b>
<b>CAPITAL IMPROVEMENT PROJECTS</b>	<b>26,984.64</b>
<b>M.C.U.A. CHARGES</b>	<b>1,450,000.00</b>
<b>TOTAL SEWER UTILITY</b>	<b><u>2,511,467.33</u></b>

**SANITATION**

<b>SALARIES &amp; WAGES</b>	<b>492,625.00</b>
<b>OTHER EXPENSES</b>	<b>376,255.79</b>
<b>SOCIAL SECURITY</b>	<b>30,833.34</b>
<b>DISPOSAL FEES</b>	<b>250,000.00</b>
<b>EMPLOYEE GROUP HEALTH INSURANCE</b>	<b>368,479.18</b>
<b>EDISON LANDFILL CLOSURE TRUST</b>	<b>30,625.00</b>
<b>UNEMPLOYEMNT INSURANCE TRUST</b>	<b>5,104.17</b>
<b>CAPITAL OUTLAY</b>	<b>69,163.30</b>
<b>TOTAL SANITATION</b>	<b><u>1,623,085.78</u></b>



**RESOLUTION  
CANCELING A TAX SALE CERTIFICATE ISSUED TO AN OUTSIDE LIEN HOLDER ON A  
TOWNSHIP OWNED PROPERTY**

**WHEREAS**, on a property located within the Township of Edison, known and described as follow, a tax sale certificate was issued to the outside lien holder, **US BANK CUST/CRESTAR CAPITAL**, on the date and for the amount below:

BLOCK / LOT / QUALIFIER	<b>592 / 3.A</b>
PROPERTY LOCATION	<b>205 NEW YORK BLVD</b>
BEING OWNED BY	<b>EDISON TWP (L/E KRIEGL,J&amp;NOTTE,A M)</b>
TAX SALE CERTIFICATE	<b>10-00713</b>
ISSUED DATE	<b>12/13/2010</b>
AMOUNT	<b>\$5,309.42</b>

**WHEREAS**, The Property was granted to the Township by the former owner and heirs with a Life Estate condition retained to date. Property continues being taxable while the existence of the life estate. Life estate beneficiaries are responsible for payment.

**WHEREAS**, The Life Estate beneficiaries didn't pay 3<sup>rd</sup> and 4<sup>th</sup> quarter taxes in 2010, and let the debt go to tax sale. Lien certificate listed above was already issued and recorded when the Edison Twp ownership was noticed by Township's Officials.

**WHEREAS**, the attempts to get the Life Estate beneficiaries to pay off the lien has not been successful, and the outside lien is now under final foreclosure procedures (Docket F-19372-13) with the deadline for redemption being established and pass due as July 7, 2014.

**WHEREAS**, the Township's Lawyer has investigated the matter and concurs that in order for the Township to retain title to the Property, the tax certificate must be redeemed, and the lien holder must receive the full amount due for redemption before the final foreclosure order is entered.

**WHEREAS**, The Tax Collector then further advises that the Tax Certificate above should have been never issued, but the original charges were valid, therefore, the Tax Certificate needs to be cancelled, and charges returned to regular Tax Account as open for further collection and running interest from the original due dates;

**WHEREAS**, The Tax Collector further advises that upon cancellation of the tax sale certificate, the lien holder above is entitled to the redemption amount, including reimbursement of the original amount plus interest and fees totaling \$ 12,557.02;

**NOW THEREFORE, BE IT RESOLVED**, by the Municipal Council of the Township of Edison that Tax Sale Certificate # **10-00713** should be canceled and removed from any delinquent record; and the appropriate original charges should be returned as open to the Tax Account and accrue interest from their due date.

**BE IT FURTHER RESOLVED**, by the Municipal Council of the Township of Edison that the appropriate Township Officials shall and is hereby authorized to draw a check to **US BANK CUST/CRESTAR CAPITAL** in the total amount of \$ **12,557.02**.

July 23, 2014

**EXPLANATION:** Resolution Refunding Tree Maintenance Bond to Federal Business Centers on Established Site Plan Tree Plantings at 100 Blue Heron Way, under Tree Permit No. 07-060.

**TOWNSHIP OF EDISON**

**RESOLUTION**

**WHEREAS**, on May 2, 2007, Federal Business Centers posted Tree Maintenance Bond fees in the amount of \$405.00 on deposit with the Township of Edison in account #7760237710 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Permit #07-060, for property located at 100 Blue Heron Way; and

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

**WHEREAS**, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$405.00, be refunded to the applicant;

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON**, that the Tree Maintenance Bond in the amount of \$405.00 Herein above mentioned be refunded to the applicant; and

**BE IT FURTHER RESOLVED**, that the Acting Chief Financial Officer Agnes Yang be and is hereby authorized to refund the sum of \$405.00, on deposit in Account #7760237710 to Federal Business Centers, having an address of 300 Raritan Center Parkway, Edison NJ 08817.

EXPLANATION: An Ordinance creating the new Flexible Business Zone.

**EDISON TOWNSHIP**

**ORDINANCE O.1871-2014**

**WHEREAS**, the Municipal Council (“Council”) of the Township of Edison (“Township”) recognizes that it has a responsibility in these difficult economic times to ensure that it does everything possible to retain businesses and attract new ratables to offset losses in revenue; and

**WHEREAS**, the Council believes it must provide every tool possible to businesses to assist them in maximizing their potential; and

**WHEREAS**, the Council believes that by providing certain incentives, businesses in the Township will be able to grow, increase opportunities and revenues and create both temporary and permanent jobs; and

**WHEREAS**, the Council wishes to create a new zoning district and change the zoning regulations for certain properties, as set forth herein, pursuant to the Municipal Land Use Law, *N.J.S.A. 40:55D-1 et seq.* (“MLUL”); and

**WHEREAS**, the new zoning district shall be titled the Flexible Business Zone (“FBZ”), and Chapter 37 of the Township Code (“Code”) shall be amended to reflect the additions and changes described herein; and

**WHEREAS**, prior to the Council’s second hearing on the adoption of this Ordinance it shall be referred to the Planning Board as required by *N.J.S.A. 40:55D-64* and *N.J.S.A. 40:55D-26* of the Municipal Land Use Law.

**BE IT ORDAINED**, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that:

**SECTION I.** Section 37-2 of Chapter XXXVII Zoning of the Code is hereby amended as follows:  
[Note to Codifier: Insert new FBZ in to the list of Districts.]<sup>1</sup>

**37-2 DISTRICTS ESTABLISHED; MAP.**

37-2.1 Establishment of Districts.

a. Districts. For the purpose of this chapter, the Township is divided into various zoning districts as follows:

FBZ

Flexible Business Zone

**SECTION II.** Section 37-35 of Chapter XXXVII Zoning of the Code which is presently "Reserved" is hereby amended as follows:

[Note to Codifier: New Section 37-35 has not been underlined, for the convenience of the reader.]

**37-35 Flexible Business Zone**

37-35.2 FBZ Flexible Business Zone

A. Permitted Uses. Any property in the FBZ Flexible Business Zone may be developed and used for the permitted uses and in accordance with the development standards in the zoning district in which the property is situated, and, may also be developed and used for the permitted uses and in accordance with the development standards for the following zoning districts:

G-B

General Business District

G-BH

General Business District

---

<sup>1</sup> Additions are indicated by underline; and, deletions by ~~strikeout~~

L-I	Light Industrial District
O-S	Office-Service District
O-S-1	Office-Service District
O-S-2	Office-Service District
R-I	Restricted Industrial District
R-I-1	Restricted Industrial District
RRRD	Raritan River Revitalization District

B. Accessory Uses. Any property in the Flexible Business Zone may be developed and used for the accessory uses and in accordance with the development standards in the zoning district in which the property is situated, or, if the property is developed or used for the accessory uses permitted in the zoning districts listed in 37-35.2 then the accessory uses for that zoning district are allowed.

C. Conditional Uses.

1. Any property in the Flexible Business Zone may be developed and used for the conditional uses and in accordance with the development standards in the zoning district in which the property is situated, or, if the property is developed or used for the accessory uses permitted in the zoning districts listed in 37-35.2 then the conditional uses for that zoning district are allowed.
2. Notwithstanding the foregoing, gasoline stations or automobile service stations shall only be conditional uses and also subject to the following conditions:
  - a. The maximum number of fuel dispensers shall not exceed eight (8).
  - b. Shall contain an accompanying convenience store with a minimum of 5,000 square feet. Stand alone stations shall not be permitted.
  - c. The minimum distance between gasoline stations or automobile service stations on the same side of the road shall be 3,000 feet.

D. Prohibited Uses.

1. The prohibited uses for any property in the Flexible Business Zone shall be those in the zoning district in which the property is situated, or, if the property is developed or used for the accessory uses permitted in the zoning districts listed in 37-35.2 then the prohibited uses for that zoning district shall also be prohibited in the Flexible Business Zone.
2. Notwithstanding the foregoing, residential uses are prohibited in the Flexible Business Zone

**SECTION III.** The zoning district classifications for the following properties in the Township are changed as follows:

<b>STREET</b>	<b>BLOCK</b>	<b>LOT</b>	<b>CURRENT ZONE</b>	<b>NEW ZONE</b>
Woodbridge Ave.	390	51	RRRD	FBZ
Woodbridge Ave.	390	47-B	RRRD	FBZ
Woodbridge Ave.	390	48-A	RRRD	FBZ
Woodbridge Ave.	390	48-B	RRRD	FBZ
Woodbridge Ave.	390	49-A	RRRD	FBZ
Woodbridge Ave.	390	50-A	LI	FBZ
Woodbridge Ave.	396	5.01	AHOZ-2/GB	FBZ
Woodbridge Ave.	396	10	LI	FBZ
Woodbridge Ave.	390-A	2	RRRD	FBZ
Woodbridge Ave.	390-A	3	RRRD	FBZ
Woodbridge Ave.	390-A	1-A-4	RRRD	FBZ
Woodbridge Ave.	390-F	2	RRRD	FBZ
Woodbridge Ave.	390-F	3	RRRD	FBZ
Woodbridge Ave.	390-F	4	RRRD	FBZ
Woodbridge Ave.	390-N	2	RRRD	FBZ

(Note: Tax maps highlighting the above parcels are attached hereto as Exhibit A.)

**SECTION IV.** The official Zoning Map of the Township be and is hereby amended to change the zoning district classifications for the aforementioned properties as indicated herein.

**SECTION V.** Within 30 days of the adoption of this Ordinance the Township Clerk shall provide notice to the County Planning Board of the zoning changes enacted herein, as required by *N.J.S.A. 40:55D-15* of the MLUL, which notice shall state the effective date of this Ordinance and include a copy of this Ordinance.

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

**SECTION VII.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.



**EDISON TOWNSHIP  
ORDINANCE O.1870-2014**

**BE IT ORDAINED, by the Township Council of the Township of Edison, County of Middlesex, and State of New Jersey the Chapter 39 entitled "Land Use" is hereby amended as follows:**

**SECTION I. Section 37-25 of Chapter XXXVII Zoning is hereby amended as follows:**

**37-25 AAR AMBOY AVENUE REVITALIZATION ZONE.**

**37-25.1 General Purpose.**

Due to the proposed revitalization by the Township of Edison of Amboy Avenue between the limits of the New Jersey Turnpike and US Highway Route 1, zoning requirements shall be incorporated in the AAR, Amboy Avenue Revitalization Zone as herein set forth to promote and encourage said revitalization. The purpose of the revitalization is to instill economic development for the limits set forth herein and inject into the commercial properties opportunities for growth and prosperity in conjunction with the aesthetic improvements that will ensue. The zoning ordinance shall be amended to also promote and encourage pedestrian traffic so as to conversely reduce the use of single occupancy vehicles in the subject area. (1999 Code § 17.49.010)

**37-25.2 Amboy Avenue Revitalization Zone Physical Limits.**

The limits of the Amboy Avenue Revitalization Zone on Amboy Avenue shall include all parcels presently classified as L-B along both sides of Amboy Avenue between the New Jersey Turnpike as its southeasterly terminus and US Highway Route 1 as its northwesterly terminus. The official Edison zoning map shall be amended to reflect the limits of the AAR Zone as herein described. (1999 Code § 17.49.020)

**37-25.3 Permitted Uses.**

The permitted uses in the AAR Zone shall be as specified in the L-B District with the following additional uses:

- a. Restaurants and eating establishments shall be permitted to provide entertainment in the form of various acts which may include musicians, comedians, magicians, diverse musical groups and other like acts of entertainment.
- b. Other establishments whose primary function is to provide entertainment as specified in paragraph a. above which may incidentally also serve snacks and drinks.
- c. Instructional facilities such as karate schools, dance schools, art schools, acting schools, educational schools, music schools and other such similar uses.

In no fashion shall the form of entertainment violate the requirements of this Code including but not limited to, Chapter 6 (Alcoholic Beverages), Chapter 12 (Health Regulations and Licensing), Chapter 15 (Property Maintenance), Chapter 21 (Solid Waste Management), Chapter 22 (Environmental Regulations), Chapter 10-7 (Indecency and Obscenity) and Chapter 10-5 (Public Peace and Decency).

**37-25.4 Residential Uses.**

Seventy-five (75%) percent of the gross floor area of any building in the Amboy Avenue Revitalization Zone may be used for residential purposes. One (1) residential unit shall be permitted on the first floor to meet ADA standards. (1999 Code § 17.49.040)

**37-25.5 Outdoor Tables and Chairs.**

Restaurants and eating establishments in the Amboy Avenue Revitalization Zone are permitted to have outdoor tables and chairs for serving food and beverages to customers provided that a minimum four (4) feet pedestrian pathways are not impeded to insure ADA compliance, that all fire codes are in compliance and that no public right of way is encroached upon. (1999 Code § 17.49.050)



**37-25.6 Prohibited Uses.**

The uses prohibited in the AAR Zone shall be as specified in the L-B Zone and to also include:

- a. Service or gas stations.
- b. Fast food restaurants.
- c. Massage parlors.
- d. Body piercing and tattoo parlors.
- e. Go-go bars, strip clubs, cabarets and/or any form of adult entertainment activities, adult entertainment materials, sales or rentals.
  
- f. Cultural centers and churches.
- g. Video arcades.
- h. Automobile repair shops.
- i. Banquet halls or similar uses.

(1999 Code § 17.49.060)

**37.25.7 Accessory Uses.**

No accessory uses are permitted. (1999 Code § 17.49.070)

**37.25.8 Conditional Uses.**

No conditional uses are permitted. (1999 Code § 17.49.080)

**37-25.9 Height, Area and Yard Requirements.**

The height, area and yard requirements as specified in the schedule of Section 37-63, shall be modified in the following manner:

- a. The minimum lot area shall be five thousand (5,000) square feet.
- b. The minimum lot width shall be fifty (50) feet.
- c. The required front yard setback shall be five (5) feet with a tolerance of twenty-five hundredths (0.25) feet. There shall be no deviation from this five (5) foot dimension including the tolerance without an application for a variance to the Zoning Board of Adjustment or Planning Board, whichever has jurisdiction, for relief from this requirement.
- d. The required side yard setback shall be zero (0) feet provided that the lot line does not abut a residential district in which case the minimum side yard requirement shall be fifteen (15) feet unless a public street intervenes in which case the front yard requirement of five (5) foot setback shall govern. There shall be no deviation from this zero (0) foot dimension without an application for a variance to the Zoning Board of Adjustment or Planning Board, whichever has jurisdiction, for relief from this requirement. Where due to building orientation, lot configuration or other condition that preclude entry to the rear of a property for parking area access, loading/unloading, refuse collection, public safety vehicle access or any other purpose requiring such entry, a paved alleyway no wider than fifteen (15) feet shall be permitted alongside or within the frontage of the building. In such cases where the building has more than one (1) story, all additional stories shall be constructed pursuant to governing building codes above said alleyway with the aforementioned side yard requirements where applicable.
- e. The minimum rear yard setback shall be twenty-five (25) feet for parking.
- h. The maximum percent of lot coverage by all buildings shall be seventy (70%) percent.
- i. The maximum percent of lot coverage by all buildings and pavement shall be ninety-five (95%) percent.
- j. The floor area ratio shall 35%.
- k. The building height shall be a maximum of three (3) stories or forty (40) feet in height whichever is the lesser.

l. Regardless of the gross floor area of any building, the maximum gross floor area of each and any separate and individual permitted use within that building shall be no greater than two thousand hundred (2,500) square feet per story.

m. All mechanical equipment must be screened from public view.

n. All buildings must comply with all fire safety and sprinkler laws.  
(1999 Code § 17.49.090)

### **37-25.10 Parking Requirements.**

The following parking requirements shall be incorporated into the AAR, Amboy Avenue Revitalization Zone as herein set forth.

a. Parking and loading for the AAR Zone shall comply with the parking standards established in Chapter 37-60 of the Land Use Regulations.

b. Parking for residential uses shall conform to RSIS Standards.

c. Future parking needs, as they become evident, shall be satisfied through the construction of strategic parking lots on properties to be rendered available along or in the vicinity of Amboy Avenue.

d. *Location of Parking Facilities.* All on-site parking facilities shall be located in the rear yard of each property. All parking shall be prohibited in front and side yards.

e. *Contiguous Parking Lots.* Buildings on individual parcels in the AAR Zone are permitted to have contiguous on-site parking areas with free flowing traffic between said parking areas. The areas of on-site parking that are not contiguous shall be no closer than five (5) feet to any property line of the parcel on which they are located. There shall be available as necessary, access to the rear of such properties for accessing parking areas, refuse collection, loading/unloading, entry of public safety vehicles and other necessary functions which require such entry.

f. *Loading/Unloading Requirements.*

1. On street loading/unloading shall be prohibited between the hours of 6:00 a.m. and 12:00 midnight.

2. All loading/unloading shall be permitted in the rear yard area only.

3. Rear yard cross-access easements shall be required as needed in order to eventually create a system of screened and buffered access ways to the rear of non-residential uses fronting Amboy Avenue. A minimum fifteen (15) foot wide cross-access easement shall be dedicated to the municipality in the form of a deed. Additionally, a minimum ten (10) foot wide buffer area shall be required adjacent to all residential uses or residential zones comprised of a five (5) foot to six (6) foot high living evergreen wall and eight (8) foot high solid fencing to provide screening for the abutting incompatible uses. Application for a subdivision or site plan to either the Planning Board or Zoning Board of Adjustment shall mandate the cross-access easement and buffer/screening requirement.

(1999 Code § 17.49.100)

### **37-25.11 Other Requirements.**

Open storage of materials and transition requirements shall be as specified in the L-B Zone, subsection 37-22.6, except that the maximum buffer area distance from a residential district shall be ten (10) feet. (1999 Code § 17.49.110)

### **37-25.12 Signs.**

Signs shall be subject to the sign regulations of Section 37-62. (1999 Code § 17.49.120)

### **37-25.13 Activities Requiring Special Building Design Standards.**

The following activities regarding any of the buildings in the AAR Zone shall render the building(s) subject to the requirements of this section:

- a. The new construction of a primary use building on a parcel of land.
  - b. The addition to an existing primary use building that is fifteen (15%) percent or more of the gross floor area of the existing building.
  - c. The renovation or alteration in any manner of any outer wall of a building that faces street frontage or is considered the front of the building that constitutes twenty-five (25%) percent or more in area of the wall(s) being renovated.
  - d. The renovation or alteration in any manner of any outer wall or combination of outer walls of a building which constitutes forty (40%) percent or more of the aggregate area of all the outer walls of the building.
  - e. The major internal renovation or alteration of a building which constitutes fifty (50%) percent or more of the gross floor area.
- (1999 Code § 17.49.130)

### **37-25.14 Facade Design Standards.**

Since all of the existing buildings within the limits of the AAR Zone vary considerably in age and architecture in their present state, it is understandable that it is difficult to impose on them a rigid architectural design standard. Although beauty and character are subjective, there shall be an underlying design theme to the buildings and specifically to the facades so that a sense of conformity to a time period is achieved. Variation, creativity, uniqueness and distinction are not discouraged provided that there is a visual flow from building to building with no evidence of abrupt change or disruption in design or theme. Each building, although having its own identity should complement the others in style and taste without the look of an exact copy.

The architectural motif that is to be followed throughout the AAR Zone shall be based on the design of the "Old Clara Barton School Building" which is located on the southerly side of Amboy Avenue between Fourth Street and Brower Avenue. The architectural design can be characterized as "turn of the century". Understandably, exact historic replication is not expected, however this building is considered the focal point of the AAR Zone and all future building façade designs shall have its architectural flavor and sense. (1999 Code § 17.49.140)

### **37-25.15 Characteristics of Special Building Design Standards.**

Although diversity is not prohibited in the building design characteristics, various specific design criteria are to be followed as listed below:

- a. The prominent veneers to be used for facades and sides of buildings facing the street shall be brick or stone. The brick colors shall be in the brown, beige or red tones. Stone coloring shall be more flexible but maintain a subdued color scheme in keeping with the brick tones.
- b. Other veneers such as vinyl, aluminum or other manmade siding products and wood veneer products shall be considered secondary veneers to compliment the brick or stone. The colors of such veneers shall be in subdued tones to blend in a compatible and aesthetic fashion. The use of fluorescent colors is prohibited as are abrupt color changes, even in the subdued tones, that clash visually.
- c. All facades or sides of buildings facing the street shall have a décor that prohibits for a maximum distance of fifteen (15) feet horizontally, bare unadorned walls along each floor. These walls shall have appurtenances either decorative or functional to satisfy the condition. Such appurtenances shall consist of windows, doors, columns, lintels, cornices, balconies, overhangs, awnings, arches, railings or any other architectural items that fit the herein recommended design theme.
- d. Roofs shall be of the "A" frame peak type wherever possible and include turrets, cupolas, towers and gables to reflect the "turn of the century" and "Victorian" attributes. Where it is necessary to install other than a peaked roof due to structural or height restrictions, parapets, cornices, eaves, turrets and other architectural devices that also reflect the above stated attributes shall be utilized.

(1999 Code § 17.49.150)

**37-25.16 Sign Standards.**

When a building is subject to the requirements of subsection 37-25.14, new signs for the building shall be installed in accordance to specific standards as herein set forth. To maintain the desired degree of conformity with an acceptable level of diversity, all signs shall be installed in accordance with a style that fits the architectural standards recommended for the AAR Zone.

Other than the above standards all other sign regulations shall be pursuant to Section 37-62. (1999 Code § 17.49.160)

**37-25.17 Site Standards.**

If a building subject to the requirements of subsection 37-25.14, is also installing site appurtenances, they shall be compatible with the streetscape design as installed by the municipality along Amboy Avenue in the AAR Zone. The proposed appurtenances which include but are not limited to landscaping, curbing, sidewalks, tree grates, benches, area lamps, trash receptacles, and planters shall comply with the streetscape specifications of said zone which are available at the Office of the Township Engineer. (1999 Code § 17.49.170)

**37-26 - 37-29 RESERVED.**

**SECTION II. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.**

**SECTION III. All ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.**

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

Explanation: An Ordinance amending Chapter XXX of the Township Code to clarify the scope of projects which shall incur COAH development fees, as provided under Council on Affordable Housing regulations.

## ORDINANCE

### EDISON TOWNSHIP

**WHEREAS**, regulations promulgated by the New Jersey Council on Affordable Housing (“COAH”) allow municipalities to collect development fees with respect to real estate development in certain instances; and

**WHEREAS**, the Township of Edison (“Township”) has adopted and codified a development fee ordinance approved by COAH; and

**WHEREAS**, the Township desires to amend its development fee ordinance to clarify that development fees shall be due and collected with respect to both new construction and when an existing structure is expanded, undergoes a change to a more intense use or is demolished and replaced, as authorized by COAH regulations at *N.J.A.C. 5:97-8.3(e)(2)*; and

**WHEREAS**, the Municipal Council of the Township (“Municipal Council”) has determined it is reasonable and desirable to amend the definition of “development fees” as found in Chapter XXX, Section 30-1.2 of the Township Code (“Code”) to clarify when development fees shall be incurred with respect to development project(s); and

**WHEREAS**, to effect the foregoing, the Municipal Council has determined to amend Chapter XXX, Section 30-1.2 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

*“Development fees means money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in N.J.A.C. [5:98-8.1] 5:97-8.3 et seq. Development fees may be imposed and collected as to new construction as well as to when an existing structure is expanded, undergoes a change to a more intense use, or is demolished and replaced. New construction fees shall be based on the equalized assessed value of land and improvements. Fees that result from additions and alterations shall be based on the increase in equalized assessed value that results only from the addition or alteration.”*

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the Township of Edison, in the 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 Municipal Council hereby amends Chapter XXX, Section 30-1.2 of the Code to read as follows:

*“Development fees means money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in N.J.A.C. 5:97-8.3 et seq. Development fees may be imposed and collected as to new construction as well as to when an existing structure is expanded, undergoes a change to a more intense use, or is demolished and replaced. New construction fees shall be based on the equalized assessed value of land and improvements. Fees that result from additions and alterations shall be based on the increase in equalized assessed value that results only from the addition or alteration.”*

3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter XXX of the Code shall remain unchanged and have full force and legal effect. All other resolutions and ordinances governing the collection of development fees pursuant to COAH regulations heretofore enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

4. 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.

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

6. Prior to final adoption, this Ordinance shall be reviewed and approved by COAH, as required by *N.J.A.C. 5:96-5.2*.

7. 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.

Explanation: An Ordinance amending Chapter XXV of the Township Code to reduce the replacement tree warranty period and delineate the tree replacement requirements for new and reconstruction development projects which exceed impervious coverage of 200,000 square feet.

## ORDINANCE

### EDISON TOWNSHIP

**WHEREAS**, the Township of Edison (“Township”) has enacted an ordinance establishing conditions, standards and procedures for the removal and replacement of trees, and for the preservation of mature vegetation within the Township; and

**WHEREAS**, the Township Code of Ordinances (“Code”) at Chapter XXV, Section 25-12.1 currently requires the posting of a performance bonding for two growing seasons with respect to replacement trees planted pursuant to the Code, to be utilized to replace trees which die or are damaged during the two year period; and

**WHEREAS**, the Municipal Council of the Township (“Municipal Council”) has determined it is reasonable and desirable to amend Section 25-12.1 of the Code to reduce the bonding period for replacement trees from two growing seasons to one growing season; and

**WHEREAS**, to effect the foregoing, the Municipal Council has determined to amend Chapter XXV, Section 25-12.1 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

“The applicant shall post a bond covering fifteen (15%) percent of the cost of the tree replacement plan, including all labor costs, prior to the final engineering approval for the release of the performance guarantees, if any. The bond shall be held for [two (2)] one (1) growing season[s] after the cessation of construction or land disturbance on the site. Funds shall be used to replace trees which die or are damaged during this [two (2)] one (1)-year growing season period in the event that the applicant fails in his, her or its duty to replace trees. If the Township replaces trees under this provision, all administrative fees to cover the Township's costs including the cost of replacement trees, labor, and materials shall be deducted from any amount of funds to be returned to the applicant. Any unused funds shall be returned to the applicant at the end of the [two (2)] one (1)-year period.”

**WHEREAS**, the Code at Chapter XXV, Section 25-9 currently requires the planting of a certain number of trees in connection with development projects entailing additional or reconstructed impervious coverage;

**WHEREAS**, the Municipal Council has determined it is reasonable and desirable to amend Section 25-9 of the Code to further delineate the specific tree planting requirements for all development projects with new or reconstructed impervious coverage exceeding 200,000 square feet; and

**WHEREAS**, to effect the foregoing, the Municipal Council has determined to amend Chapter XXV, Section 25-9.1(d) of the Code to read as follows (additions are underlined and deletions are in [brackets]):

“d. On parcels to be developed where less than ten (10%) percent of the site is wooded area, in addition to any trees that must be replaced or provided under this chapter, there shall be required the addition of one (1) tree for every one thousand (1,000) square feet of new or reconstructed impervious coverage. Trees incorporated in a landscaping plan or required for rights-of-way may not be credited toward this requirement. The following tree replacement schedule shall apply to all development with new or reconstructed impervious coverage exceeding 200,000 square feet.

**Project Size**  
(s.f. of impervious coverage)

**Number of Trees**

<u>Up to 200,000 s.f.</u>	<u>One (1) tree per 1,000 s.f.</u>
<u>Up to 500,000 s.f.</u>	<u>One (1) tree per 2,000 s.f.</u>
<u>Up to 600,000 s.f.</u>	<u>One (1) tree per 2,500 s.f.</u>
<u>Up to 700,000 s.f.</u>	<u>One (1) tree per 3,000 s.f.</u>
<u>Up to 800,000 s.f.</u>	<u>One (1) tree per 3,500 s.f.</u>
<u>Up to 900,000 s.f.</u>	<u>One (1) tree per 7,500 s.f.</u>
<u>Up to 1,000,000 s.f.</u>	<u>One (1) tree per 10,000 s.f.</u>
<u>Over 1,000,000 s.f.</u>	<u>One (1) tree per 15,000 s.f.”</u>

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the Township of Edison, in the 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 Municipal Council hereby amends Chapter XXV, Section 25-12.1 of the Code to read as follows:

"The applicant shall post a bond covering fifteen (15%) percent of the cost of the tree replacement plan, including all labor costs, prior to the final engineering approval for the release of the performance guarantees, if any. The bond shall be held for one (1) growing season after the cessation of construction or land disturbance on the site. Funds shall be used to replace trees which die or are damaged during this one (1)-year growing season period in the event that the applicant fails in his, her or its duty to replace trees. If the Township replaces trees under this provision, all administrative fees to cover the Township's costs including the cost of replacement trees, labor, and materials shall be deducted from any amount of funds to be returned to the applicant. Any unused funds shall be returned to the applicant at the end of the one (1)-year period."

3. The Municipal Council hereby amends Chapter XXV, Section 25-9.1(d) of the Code to read as follows:

"d. On parcels to be developed where less than ten (10%) percent of the site is wooded area, in addition to any trees that must be replaced or provided under this chapter, there shall be required the addition of one (1) tree for every one thousand (1,000) square feet of new or reconstructed impervious coverage. Trees incorporated in a landscaping plan or required for rights-of-way may not be credited toward this requirement. The following tree replacement schedule shall apply to all development with new or reconstructed impervious coverage exceeding 200,000 square feet.

<b>Project Size</b> (s.f. of impervious coverage)	<b>Number of Trees</b>
Up to 200,000 s.f.	One (1) tree per 1,000 s.f.
Up to 500,000 s.f.	One (1) tree per 2,000 s.f.
Up to 600,000 s.f.	One (1) tree per 2,500 s.f.
Up to 700,000 s.f.	One (1) tree per 3,000 s.f.
Up to 800,000 s.f.	One (1) tree per 3,500 s.f.
Up to 900,000 s.f.	One (1) tree per 7,500 s.f.
Up to 1,000,000 s.f.	One (1) tree per 10,000 s.f.
Over 1,000,000 s.f.	One (1) tree per 15,000 s.f.”

4. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter XXV of the Code shall remain unchanged and have full force and legal effect. All other resolutions and ordinances respecting tree replacement heretofore enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

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

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO GRM FACILITIES MANAGEMENT, INC. FOR HVAC MAINTENANCE AND REPAIR-LIBRARIES**

**WHEREAS**, bids were received by the Township of Edison on June 17, 2014 for Public Bid No. 14-03-01, HVAC Maintenance and Repair-Libraries; and

**WHEREAS**, GRM FACILITIES MANAGEMENT, INC., 188 Fries Mill Rd., Suite F-2, Turnersville, NJ 08012, submitted the lowest legally responsible, responsive bid; and

**WHEREAS**, the Edison Township Public Library reviewed the bids and the Board of Trustees accepted the low bidder, GRM FACILITIES MANAGEMENT, INC.; and

**WHEREAS**, the total amount of this contract shall not exceed \$20,495.00 (\$14,995.00 for monthly maintenance fees and \$5,500.00 for additional work (parts at 25% below manufacturer's list price not covered under the maintenance agreement); 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 GRM FACILITIES MANAGEMENT, INC., 188 Fries Mill Rd., Suite F-2, Turnersville, NJ 08012 for HVAC Maintenance and Repair-Libraries, 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 \$20,495.00, and any other necessary documents, with GRM FACILITIES MANAGEMENT, INC. as described herein.

**EXPLANATION:** Resolution Refunding Tree Maintenance Bond to Prasenjit Ghosh on Established Site Plan Tree Plantings at 226 Garfield Street, under Tree Permit No. 10-093.

**TOWNSHIP OF EDISON**

**RESOLUTION**

**WHEREAS**, on May 19, Prasenjit Ghost posted Tree Maintenance Bond fees in the amount of \$3,750.00 on deposit with the Township of Edison in account #7760275125 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Permit #10-093, for property located at 226 Garfield Street; and

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

**WHEREAS**, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$3,750.00, be refunded to the applicant;

**NOW, THEREFORE, BE IT RESOLVED** BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$3,750.00 hereinabove mentioned be refunded to the applicant; and

**BE IT FURTHER RESOLVED**, that the Acting Chief Financial Officer Agnes Yang be and is hereby authorized to refund the sum of \$3,750.00, on deposit in Account #7760275125 to Prasenjit Ghosh, having an address of 226 Garfield Street, Edison NJ 08820.

S:Eng-TreeMaintBondRefundReso-#10-093-Prasenjit Ghosh-226Garfield St.

**EXPLANATION:** Resolution Refunding Tree Maintenance Bond to Alok Sood at 2 Quincy Rd., under Tree Permit #10-138.

**TOWNSHIP OF EDISON**

**RESOLUTION**

**WHEREAS**, on June 14, 2012 Alok Sood posted Tree Maintenance Bond fees in the amount of \$2,700 on deposit with the Township of Edison in account #7761963680 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Permit #10-138, for property located at 2 Quincy Road; and

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

**WHEREAS**, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$2,700.00, 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 \$2,700.00 hereinabove mentioned be refunded to the applicant; and

**BE IT FURTHER RESOLVED**, that the Acting Chief Financial Officer Agnes Yang be and is hereby authorized to refund the sum of \$2,700.00, on deposit in Account #7761963680 to Alook Sood, having an address of 2 Quincy Road, Edison, N.J. 08817.

S:Eng-TreeMaintBondRefundReso-#10-138-AlookSood-2quincyrd.

**EXPLANATION:** Resolution Refunding Cash Performance and Performance Bond  
For Federal Business Centers, Inc., 155 Clover Place.

**TOWNSHIP OF EDISON**

**RESOLUTION**

**WHEREAS**, the Township Engineer advises that an inspection has been made of Federal Business Centers, Inc., 55 Clover Place, Application #Z-17-09/10, with site located at 300 Raritan Center Parkway, Block 390-C, Lot 1, and said inspection indicates all improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

**WHEREAS**, the Township Engineer, recommends the release of the Performance Bond, No. CMS239452, of RLI Insurance Company posted on May 7, 2010 in the amount of \$159,020.28 with the Township of Edison, principal being Federal Business Centers, Inc. and acceptance of the subject improvements; and

**WHEREAS**, the Township Engineer, recommends the release of the Cash Performance Check #1403438916 posted on May 19, 2010 in the amount of \$17,668.92, plus accrued interest, if applicable, on deposit in account #7760013409 with the Township of Edison, principal being Federal Business Centers, Inc., having offices at 300 Raritan Center Parkway, Edison, N.J. 08837, and acceptance of the subject improvements;

**NOW THEREFORE, BE IT RESOLVED** BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the aforementioned improvements are hereby complete and satisfactory and the Township Clerk be and is hereby authorized to return the aforesaid Performance Bond in the amount \$159,020.28 to the applicant; and

**BE IT FURTHER RESOLVED** that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance in the amount of \$17,668.02 plus accrued interest, if applicable, on deposit in account #77600134709 to the applicant.

**EXPLANATION:** Resolution Refunding Inspection Fees to Federal Business Centers, Inc., for 155 Clover Place.

**TOWNSHIP OF EDISON**

**RESOLUTION**

**WHEREAS**, the Township Engineer advises that a final inspection was done of Federal Business Centers, 155 Clover Place, Edison, N.J. 08837, under Application # Z-17-29-09/10, with site located on Block 390, Lot 1; and

**WHEREAS**, the applicant was required to post engineering inspection fees, pursuant to Township Ordinance; and

**WHEREAS**, on May 14, 2010 Federal Business Centers, Inc posted inspection fees in the amount of \$7,362.05 on deposit with the Township of Edison in account # 7760296086 for engineering inspection fees; and

**WHEREAS**, the applicant has requested the return of the unused portion of engineering inspection fees, as provided by law; and

**WHEREAS**, the sum expended for engineering inspections totals \$6,653.95; and

**WHEREAS**, it is in now in order that the sum of \$708.10, plus accrued interest if applicable, which represents the amount due and owing the applicant, be returned to Federal Business Centers, Inc having offices at 300 Raritan Center;

**NOW THEREFORE, BE IT RESOLVED** BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$708.10, plus accrued interest if applicable, be refunded to the applicant; and

**BE IT FURTHER RESOLVED** that the Director of Finance be and is hereby authorized to refund said sum of \$708.10, plus accrued interest if applicable, in account #7760296086 to the applicant.

JAM/sb

S-Karen-RetResolInspFeeRefund-Federalbusctr-155clover

**Explanation: This resolution provides an additional \$50,000 of needed affordable housing funds to New Jersey Housing Mortgage and Finance Agency (NJHMFA) for the purchase and rehab of a property located at 2031 Oak Tree Road under the Special Needs Partnership Program.**

**RESOLUTION OF THE TOWNSHIP OF EDISON  
AUTHORIZING THE ALLOCATION OF ADDITIONAL AFFORDABLE HOUSING  
FUNDS TO THE SPECIAL NEEDS HOUSING PARTNERSHIP**

**WHEREAS**, on November 9, 2011 the Municipal Council of the Township of Edison adopted Resolution 802-112011, which authorized the Township to participate in the Special Needs Housing Partnership established through the Department of Community Affairs (the “DCA”), the Department of Human Resources (the “DHS”) and the New Jersey Housing Mortgage and Finance Agency (the “HMFA”), and to enter into a Memorandum of Understanding (“MOU”) with the DCA, DHS and the HMFA; and

**WHEREAS**, the purpose of the MOU, which was executed by the parties in November 2011, was to coordinate the efforts of the parties to create appropriate housing for individuals with developmental disabilities in the community through the purchase and conversion of existing residential structures within the municipality; and

**WHEREAS**, Resolution 802-112011 also authorized the allocation of \$720,000 from the Township’s Affordable Housing Trust Fund (“AHTF”) to the Special Needs Housing Partnership, which funds were subsequently transferred to the HMFA, as set forth in the MOU, for the purpose of funding the purchase of existing ranch style homes and other first story residences within the municipality; and

**WHEREAS**, there is a need for additional funds to be allocated from the AHTF in the amount of \$50,000 to enable the acquisition/rehabilitation of a certain property in the Township as part of the Special Needs Housing Partnership; and

**WHEREAS**, AHTF monies may be allocated for affordable supportive special needs housing within the Township.

**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 of the Township of Edison, Middlesex County, hereby allocates an additional \$50,000 from the Edison Township Affordable Housing Trust Fund to be submitted to the HMFA for use by the Special Needs Housing Partnership, as provided in the November 2011 Memorandum of Understanding between the Township, the DCA, the DHS and the HMFA.

2. This Resolution shall take effect immediately.

3. The Acting Chief Financial Officer of the Township of Edison is hereby authorized to forward the aforesaid check in the sum of \$50,000.00 to:

New Jersey Home Mortgage and Finance Agency  
637 South Clinton Avenue  
Trenton, NJ 08611  
Attn: Yirgu Wolde

3. A certified copy of this Resolution, once adopted, is to be provided to the Township Attorney, the Acting CFO, and the Municipal Housing Liaison for their records.



**EXPLANATION:** This resolution provides for Township Acceptance of the constructed improvements under Public Bid No. 11-02-06R: Police Division Renovations, and this resolution also authorizes FINAL CONTRACT PAYMENT in an amount not to exceed \$1,826.00 to KAPPA CONSTRUCTION CORP., for a total construction contract as-built cost of \$1,166,242.84 (\$1,143,000.00 original bid).

## **TOWNSHIP OF EDISON**

### **RESOLUTION**

**WHEREAS,** KAPPA CONSTRUCTION CORP., 3 Matilda Drive, Ocean, NJ 07712 (phone # 732-380-7045) was awarded a construction contract through resolution R.834-112011 on November 21, 2011 in an amount not to exceed \$1,143,000.00 for Public Bid No. 11-02-06R: Police Division Renovations, in the Township of Edison, Middlesex County, New Jersey; and

**WHEREAS,** the Township Engineer has reviewed the project and the Township Engineer certifies that the project has been completed, and that a two-year (2-year) maintenance bond, effective from substantial completion date of February 23, 2013, in an amount covering 100% of the final as-built construction costs of \$1,166,242.84 for the project has been received by the Township of Edison, and the Township Engineer recommends project acceptance, release of the performance bond, and that final payment, including retainage, be made to KAPPA CONSTRUCTION CORP., in an amount not to exceed \$1,826.00, for a total construction contract as-built cost of \$1,166,242.84;

**NOW, THEREFORE BE IT RESOLVED** by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the construction project, Public Bid No. 11-02-06R: Police Division Renovations, in the Township of Edison, Middlesex County, New Jersey, is deemed accepted by the Township of Edison, subject to the provisions of the maintenance bond, and that the performance bond may be released and that final payment, including retainage, shall be made to KAPPA CONSTRUCTION CORP., in an amount not to exceed \$1,826.00 for a total construction contract as-built cost of \$1,166,242.84.

EXPLANATION: This resolution of the Township Council amends Resolution R.110-032014 and approves the receipt of the FY2014 Community Development Block Grant in the amount of \$528,289 and approves the attached amended projects and activities funded by this grant.

**AMENDED RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON APPROVING THE FISCAL YEAR 2014 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE FILING OF THE AMENDED FISCAL YEAR 2014 CONSOLIDATED ANNUAL ACTION PLAN**

**WHEREAS**, under Title I of the Housing and Community Development Act of 1974, as amended, the Secretary of Housing and Urban Development is authorized to extend financial assistance to communities for the elimination or prevention of slums or urban blight, or activities which benefit low and moderate income families, or other urgent community needs; and

**WHEREAS**, the U.S. Department of Housing and Urban Development has advised the Township of its willingness to provide a Fiscal Year 2014 Community Development Block Grant in the amount of Five Hundred Twenty Eight Thousand Two Hundred Eighty Nine Dollars (\$528,289);

**WHEREAS**, the Township can budget a total of Five Hundred Twenty Eight Thousand Two Hundred Eighty Nine Dollars (\$528,289) to fund eligible 2014 activities that are attached and listed on the Amended Proposed Summary of FY14 Annual Action Plan Allocations, that will be carried out during the 2014 Program Year;

**WHEREAS**, A Public Hearing was held on January 16, 2014 to provide citizen participation in the development of the Consolidated Annual Action Plan for Fiscal Year 2014;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF EDISON THAT:**

**Section 1.** The application for the Consolidated Annual Action Plan for Fiscal Year 2014 Community Development Block Grant Program for the Township of Edison is hereby in all respects approved.

**Section 2.** It is cognizant of the conditions that are imposed in the undertaking and carrying out of community development activities with federal financial assistance under Title I, including those relating to (a) the relocation of site occupants; (b) the prohibition of discrimination because of race, color, creed, national origin, or handicap and other assurances set forth under certifications.

**Section 3.** The Mayor of the Township of Edison, on behalf of the Township Council, is authorized to file an amended application for Five Hundred Twenty Eight Thousand Two Hundred Eighty Nine Dollars (\$528,289), which the U.S. Department of Housing and Urban Development has indicated its willingness to make available to carry out the Community Development Program's activities that are attached as the Amended Proposed Summary of FY14 Annual Action Plan Allocations and listed in the 2014 Fiscal Year Consolidated Annual Action Plan, and act as an authorized representative of the Township of Edison.

**Section 4.** The Mayor of the Township of Edison, on behalf of the Township Council, is hereby authorized to provide such assurances and/or certifications as are required by the Housing and Community Development Act of 1974, as amended, and also any supplemental or revised data which HUD may request in connection with the review of this application.

**Section 5.** The Mayor of the Township of Edison, on behalf of the Township Council, is hereby authorized to enter into Agreements with the Sub-Grantees (Subrecipient) listed on the attached Amended Proposed Summary of FY14 Annual Action Plan Allocations so that they may carry out those activities outlined in the FY2014 Consolidated Annual Plan.

**Section 6.** The CDBG Coordinator shall forward to each Sub-Grantee (Subrecipient) a copy of all applicable United States Housing and Urban Development Regulations concerning conflicts of interest.

**Section 7.** A certified copy of the Resolution shall be forwarded to the CDBG Coordinator.

**RESOLUTION TO RELEASE STREET OPENING ESCROW**

**WHEREAS**, the Township Department of Public Works advises the following have deposited Escrow Funds for Street Opening Permits; and

**WHEREAS**, notification has been received stating that all work has been inspected and restored as per the requirements of the Road Opening Permit; and

**NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON**, that the Finance Department is hereby authorized to release Street Opening Escrow Funds, under reference number ST00000098, to the following:

<b>Permit Number:</b>	<b>0383</b>
<b>Opening Location:</b>	<b>380 Rahway Rd.</b>
<b>Block/Lot:</b>	<b>411/4.A</b>
<b>Applicant's Name &amp; Address:</b>	<b>Jo-Med Contracting Corp. 815 Garden Street Elizabeth, NJ 07202</b>
<b>Initial Deposit Date:</b>	<b>12/11/13</b>
<b>Deposit Amount:</b>	<b>\$4,560.00</b>
<b>Paid by &amp; refunded to:</b>	<b>Shailesh P. Bhaisare Mahesh D. Swali 502 Jesse Way Piscataway, NJ 08854-6407</b>

**BE IT FURTHER RESOLVED** that the Township Council of the Township of Edison forwards a certified true copy of the resolution to the Director of Finance.

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO TRANSAXLE, LLC FOR  
AUTOMOBILE/LIGHT TRUCK TRANSMISSION REPAIR**

**WHEREAS**, bids were received by the Township of Edison on July 8, 2014 for Public Bid No. 14-07-25RR, Automobile/Light Truck Transmission Repair; and

**WHEREAS**, TRANSAXLE, LLC, 2501 Route 73 South, Cinnaminson, NJ 08077 submitted the lowest legally responsible, responsive bid; and

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

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

**WHEREAS**, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)); 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 TRANSAXLE, LLC, 2501 Route 73 South, Cinnaminson, NJ 08077 for Automobile/Light Truck Transmission Repair, 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 \$25,000.00 and any other necessary documents, with TRANSAXLE, LLC as described herein.

## **RESOLUTION REJECTING ALL BIDS FOR OVERHEAD LUBRICANT DISPENSING SYSTEM**

**WHEREAS**, the Township of Edison advertised for bids by public notice published in the Home News on June 16, 2014, for Public Bid No. 14-05-28, OVERHEAD LUBRICANT DISPENSING SYSTEM with a bid opening date of July 9, 2014; and

**WHEREAS**, there were two bids received, one was rejected due to failure to have the Public Works Contractor Registration Act Certificate at the time of bid opening and one was from received from A & J Construction with a bid price of \$164,470.00; and

**WHEREAS**, Section 40A:11-13.2a of the Local Public Contracts Law allows for the rejection of bids when the lowest bid substantially exceeds the cost estimates for the goods or services and section d allows for rejection when the contracting agent wants to substantially revise the specifications for the goods or services.

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

1. The bid for Public Bid No. 14-05-28, OVERHEAD LUBRICANT DISPENSING SYSTEM is hereby rejected pursuant to N.J.S.A 40A:11-13.2a and d .
2. The Purchasing Agent is hereby authorized to rebid said project.

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO  
DAVID YE FOR THE TEEN CENTER PROGRAM**

**WHEREAS** Davie Ye made payment in the amount of \$10.00 for his child Alissa Ye's participation in the Teen Center Program; and

**WHEREAS** Alissa Ye is too young for the Teen Center 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 \$10.00 David Ye, 35 Delancy St., Edison, NJ 08820, which amount represents the membership fee.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

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

---

Agnes Yang  
Acting Chief Financial Officer

---

Date

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO  
RUTHE GEARDINO FOR THE RENTAL OF YELENCISICS PARK**

**WHEREAS** Ruthe Geardino made payment for the rental of Yelencsics Park; and

**WHEREAS** Ruthe Geardino made an overpayment of \$144.00; and

**NOW; THEREFORE, IT IS RESOLVED** by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$144.00 to Ruthe Geardino, 153 Fifth St., Edison, NJ 08837, which amount represents the amount of the overpayment.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of \$144.00 are available in Account #4-01-55-0291-000-000.

\_\_\_\_\_  
Agnes Yang  
Acting Chief Financial Officer

\_\_\_\_\_  
Date

Q: geardino reso.  
7/10/14 dwt



**EXPLANATION:** This Resolution sets park and recreation fees as provided for in Township Code Section 24-4.1.

**EDISON TOWNSHIP**

**RESOLUTION**

**WHEREAS,** Township Code Section 24-4.1 provides for the establishment of park and recreation fees for the usage of Township parks, recreations areas and facilities and programs offered therein or by the Township shall be set by Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Edison, in the County of Middlesex and State of New Jersey that the following park and recreation fees are hereby established and shall remain in force and effect until superseded by a subsequent Resolution:

PROGRAM	FEE	PAYMENT DUE
Pre-School Registration 3 Yr Olds 4 Yr Olds	\$25.00 \$111.00 \$145.00 Fee for additional child(ren) from the same household will be ½ of the customary fee.	With Application Monthly (9) Monthly (9)
After Before School Child Care Programs  Registration A.B.C. – Elementary School Morning Session Afternoon Session Both Sessions  Registration Y.A.P. – Middle School Afternoon Session Only	\$25.00 – Non Refundable  \$110.00 \$170.00 \$280.00  \$25.00 – Non Refundable \$170.00  Fee for additional child(ren) from the same household for both programs will be ½ of the customary fee.  \$5.00 – Late Pick-Up Fee for every 5 minutes or part thereof that a parent is late in picking up a child.  \$2.50 – Late Pick-Up Fee for every 5 minutes or part thereof that a parent is late in picking up an additional child.  \$10.00 – Late Payment Fee for payments made after the fifth of the month that the payment is due.  No Refunds except when a duplicate payment has been made.	With Application  Monthly (10) Monthly (10) Monthly (10)  With Application  Monthly (10)  Upon Pick-Up of Child  Upon Pick-Up of Child  With Monthly Payment

PROGRAM	FEE	PAYMENT DUE
<b>ADULT SPORTS</b> Adult Volleyball Adult Basketball Adult Softball Adult Co-Ed Softball Adult Co-Ed Volleyball	\$150.00 Per Team (Includes \$50.00 Refundable Bond) \$300.00 Per Team (Includes \$100.00 Refundable Bond) \$400.00 Per Team (Includes \$150.00 Refundable Bond) \$200.00 Per Team (Includes \$ 75.00 Refundable Bond) \$150.00 Per Team (Includes \$50.00 Refundable Bond)	With Team Application With Team Application With Team Application With Team Application With Team Application
Community Center Use Fees Weekdays/Evenings Weekend/Holiday	\$50.00 Per Hour Per Room – 2 Hour Minimum \$50.00 Per Hour Per Room – 2 Hour Minimum  In the event the Township sponsors a class/program offered by an outside professional, the professional will be required to pay to the Township ten (10%) of any and all fees they have collected from running a class/program with a maximum length of 8 weeks per session or \$200.00, whichever is greater. The minimum \$200.00 is due prior to the first class and the balance due, if any, must be paid no later than two (2) weeks from the last class of the session. This fee shall be in lieu of the fees set forth above for non-Township sponsored events. In the event the professional fails to pay to the Township the money owed, the professional will be precluded from performing such services for the Township in the future.	With Application With Application
<b>Picnic/Park Fees</b>  Weekdays/Evenings Edison Residents Applicants must show proof of residency.  Non-Resident  Weekends/Holidays Edison Residents  Non-Resident	\$150.00 For the First 2 Hours – 2 Hour Minimum \$25.00 Each Additional Hour *The Edison Police Auxiliary, Edison Police Explorers, Edison Volunteer Fire Companies and the Edison Volunteer EMT Squads shall be exempt from said picnic fees. Any individual applying on behalf of the foregoing entities shall certify in writing that he/she is submitting the application for and on behalf of said entity. Does not apply for personal use.  \$150.00 For the First 2 Hours – 2 Hour Minimum \$50.00 Each Additional Hour  \$200.00 For the First 2 Hours – 2 Hour Minimum \$50.00 Each Additional Hour  \$200.00 For the First 2 Hours – 2 Hour Minimum \$75.00 Each Additional Hour	Payment For All Hours Reserved Is Due One (1) Week Prior To Use.  Same As Above  Same As Above  Same As Above

PROGRAM	FEE	PAYMENT DUE
Weight Exercise Room Both Community Centers Edison Resident  Non-Resident	Resident Sr. Citizens, 65 Years of Age or Older – No Charge – Must Show Edison Township Issued Sr. Citizen Card. \$10.00 \$50.00 \$100.00 \$30.00 \$150.00 \$300.00	Monthly Every 6 Months Yearly Monthly Every 6 Months Yearly
<b>PROGRAMS</b> Adult Classes Edison Residents Non-Resident Aerobics Edison Residents Non-Resident Community Center Membership Adult Edison Residents Adult Non-Residents Teen Residents Only Teen Non-Residents Karate Resident Non-Resident Kids’ Fun Clubs  New Developed Programs Special Population Program Dance Summer Playground Program Twirling/Cheerleading Various Trips Yoga Edison Residents Non-Residents	\$20.00 Per Class \$30.00 Per Class  \$30.00 Per Person \$60.00 Per Person  \$20.00 Per Person \$40.00 Per Person \$10.00 Per Person \$20.00 Per Person  \$20.00 Per Person \$30.00 Per Person \$10.00 Per Class/Per Session \$25.00 Three Classes/Per Session \$10.00 Per Person  \$10.00 Per Person/Per Program \$5.00 Per Person/Per Dance \$30.00 Per Person \$25.00 Per Person Established by Trip Location + Transportation Fee  \$30.00 Per Person \$60.00 Per Person	With Application With Application  Quarterly Quarterly  Yearly – Year Begins 7/01 Yearly – Year Begins 7/01 Yearly – Year Begins 7/01 Yearly – Year Begins 7/01  Quarterly Quarterly With Application With Application With Application  With Application With Application Yearly Yearly With Application  Quarterly Quarterly
<b>SPECIAL EVENTS</b> Easter Fun Day Edison/Metuchen Bike Tour Festivals Craft Vendors Food Vendors Fishing Derby Lil Darlins’ Dance	\$ 5.00 Per Person \$10.00 Per Person  \$75.00 Per Space \$75.00 Per Space \$10.00 Per Person \$30.00 Per Couple	With Application With Application  With Application With Application With Application With Application

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO ABSOLUTE FIRE PROTECTION  
COMPANY FOR EMERGENCY VEHICLE REPAIRS**

**WHEREAS**, bids were received by the Township of Edison on June 17, 2014 for Public Bid No.14-10-02, Emergency Vehicle Repairs for the Township of Edison; and

**WHEREAS**, ABSOLUTE FIRE PROTECTION COMPANY, 2800 Hamilton Blvd., South Plainfield, NJ 07080 submitted the lowest legally responsible, responsive bid; and

**WHEREAS**, the total amount of this contract, not to exceed \$250,000.00 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 ABSOLUTE FIRE PROTECTION COMPANY, 2800 Hamilton Blvd., South Plainfield, NJ 07080 for Emergency Vehicle Repairs for the Township of Edison, 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 \$250,000.00 any other necessary documents, with ABSOLUTE FIRE PROTECTION COMPANY as described herein.

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO BROADWAY MINERVA  
CLEANERS D/B/A MINERVA BUNKER GEAR CLEANERS FOR TURNOUT GEAR REPAIR, CARE  
AND MAINTENANCE**

**WHEREAS**, bids were received by the Township of Edison on June 26, 2014 for Public Bid No. 14-06-25-Turnout Gear Repair, Care and Maintenance for the Division of Fire; and

**WHEREAS**, BROADWAY MINERVA CLEANERS D/B/A MINERVA BUNKER GEAR CLEANERS, 780 East 134<sup>th</sup> St., New York, NY 10454 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 BROADWAY MINERVA CLEANERS D/B/A MINERVA BUNKER GEAR CLEANERS, 780 East 134<sup>th</sup> St., New York, NY 10454 for Turnout Gear Repair, Care and Maintenance for the Division of Fire is determined to be the lowest legally responsible 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 BROADWAY MINERVA CLEANERS D/B/A MINERVA BUNKER GEAR CLEANERS.

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO CDW-GOVERNMENT FOR THE  
FURNISHING OF TWO PANASONIC TOUGHBOOKS FOR THE DIVISION OF FIRE**

**WHEREAS**, there is a need to furnish two (2) fire prevention vehicles with Panasonic Tough Book laptop computers in the amount of \$5,870.00 (\$2,935.00 each includes 3 year pro plus warranty and car adapter); and

**WHEREAS**, CDW-GOVERNMENT, 230 North Milwaukee Ave., Vernon Hills, IL 60061, has been awarded State Contract Number 75583 under M-0483/WSCA Computer Contract; and

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

**WHEREAS**, funds in the amount of \$5,870.00 have been certified to be available in the Fire Prevention Motor Vehicle Parts & Accessories Account, Number 4-01-25-0265-002-034; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$5,870.00 and any other necessary documents, with CDW-GOVERNMENT, 230 North Milwaukee Ave., Vernon Hills, IL 60061, 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. 75583 under M-0483.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of **\$5,870.00** have been certified to be available Account Number **4-01-25-0265-002-034**.

\_\_\_\_\_  
Agnes Yang  
Acting Chief Financial Officer

\_\_\_\_\_  
Date

**RESOLUTION OF THE TOWNSHIP OF EDISON AUTHORIZING THE SALE OF SURPLUS  
PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE TO THE EAST BRUNSWICK  
POLICE DEPARTMENT**

**WHEREAS**, The Township of Edison has determined that the Police Division has two 2007 Crown Victoria K9 vehicles (Serial Numbers 2FAHP71W77X118591 and 2FAHP71W07X118593) no longer needed for public use; and

**WHEREAS**, Local Contracts Law 40A:11-36(2) allows the sale of such property to another contracting unit; and

**WHEREAS**, the East Brunswick Police Department, 1 Civic Center Drive, PO Box 1081, East Brunswick, NJ 08816 desires to purchase these two 2007 Crown Victoria vehicles at a price of \$5,000.00 each for a total sales price of \$10,000.00; 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, State of New Jersey that the Township of Edison is hereby authorized to sell the two 2007 Crown Victoria K9 vehicles as indicated herein at a price of \$5,000.00 each for a total sales price of \$10,000.00 to the Township of East Brunswick as indicated herein.

**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., 14 Summer Street, Malden, MA 02148, has submitted a proposal to provide such services for a one year term for the period of July 1, 2014 – June 30, 2015 at a cost of \$34,782.00; 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 \$34,782.00 have been certified to be available in the Dispatch-911 Maintenance of Other Equipment Account, Number 4-01-25-0250-000-026.

**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 \$34,782.00, with QUEUES ENFORTH DEVELOPMENT, INC., 14 Summer Street, Malden, MA 02148 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.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of **\$34,782.00** are available for the above contract in Account No. **4-01-25-0250-000-026**.

\_\_\_\_\_  
Agnes Yang  
Acting Chief Financial Officer

\_\_\_\_\_  
Date



**RESOLUTION AWARDING AN EMERGENCY CONTRACT/PURCHASE ORDER TO VALUE ADDED  
VOICE SOLUTIONS, LLC FOR REPAIR AND MAINTENANCE OF THE 911 TELEPHONE  
RECORDING SYSTEM**

**WHEREAS**, an emergency occurred in the Communications Center where the 911 telephone recording system failed, causing an emergency effecting the safety and welfare of the public; and

**WHEREAS**, upon investigation it was determined that the 911 telephone recording system needed to be repaired and maintained to keep the system operational; and

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

**WHEREAS, VALUE ADDED VOICE SOLUTIONS, LLC, 111 Shore Drive, Brielle, NJ 08730** submitted a quote in the amount of \$30,000.00 to repair and maintain the system; and

**WHEREAS**, funds in the amount of \$30,000.00 have been certified to be available in the Dispatch 911 Maintenance of other Equipment Account, Number 4-01-25-0250-000-026.

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount of \$30,000.00, and any other necessary documents, with **VALUE ADDED VOICE SOLUTIONS, LLC** for repair and maintenance of the 911 telephone recording system.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-6 et seq.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of **\$30,000.00** are available for the above in Account No. **4-01-25-0250-000-026**.

\_\_\_\_\_  
Agnes Yang  
Acting Chief Financial Officer

\_\_\_\_\_  
Date

Explanation: A Resolution authorizing the sale of two (2) Plenary Retail Distribution Liquor Licenses and further authorizing the Township Clerk to advertise for bid proposals for same pursuant to *N.J.S.A. 33:1-19.1*

## RESOLUTION

### EDISON TOWNSHIP

**WHEREAS**, there are presently six (6) 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;

**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 two (2) new licenses 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 licenses 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 two (2) new plenary retail distribution licenses 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 two alcoholic beverage licenses (“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, September 10, 2014 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, September 10, 2014 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(s) 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 each of the new retail distribution licenses shall be \$500,000.00. The licenses are not tied together in that they are being sold independently of each other.

8. 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, September 10, 2014 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 Monday, September 15, 2014 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.
9. The Township reserves the right to reject any and all bids if the highest bids are not accepted.
10. The successful bidder(s) shall tender payment of all required State and local application fees and license fees prior to licensure.
11. The issuance of the licenses to the successful bidder(s) shall be contingent upon the satisfactory outcome of municipal background checks to investigate the source of funds used to purchase the licenses, the receipt of favorable State and/or federal criminal background checks; and the compliance with the publication, hearing, and resolution requirement under the ABC Regulations for the issuance of new licenses.
12. The municipality shall only award the licenses to the persons who are the highest qualified bidders. The operation of a restaurant, public accommodation or other facility shall be a condition of licensure.
13. The successful applicants must comply with all ordinances of the Township, State laws and regulations in locating the licenses.
14. The sale may be postponed or canceled at any time prior to the opening of the bids on Monday, September 15, 2014 at 1:00 p.m.

## **RESOLUTION**

**WHEREAS**, Our Lady of Peace Church, 26 Maple Avenue, Edison, NJ, has requested a waiver of any and all permit and/or application fees.

**WHEREAS**, under the building code, Our Lady of Peach Church, as a non-profit tax exempt organization, is entitled to a waiver of fees due to the Township of Edison, except the DCA fee; and

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

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

**ORDINANCE O.1872-2014**

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF EDISON, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$11,940,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$11,371,899 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Edison, in the County of Middlesex, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$11,940,500, and further including the aggregate sum of \$568,601 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$11,371,899 pursuant to

the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation &amp; Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds &amp; Notes</u>	<u>Period of Usefulness</u>
a) The acquisition of an audio recording system and 911 upgrade - Phase I - for the Police Department, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$1,750,000	\$1,666,666	10 years
b) The acquisition of furniture/carpeting and a van for the Police Department, including all related costs and expenditures incidental thereto.	\$238,000	\$226,666	5 years
c) The acquisition of DPW asphalt and related materials and public works equipment, including all related costs and expenditures incidental thereto.	\$4,700,000	\$4,476,190	15 years
d) Various building			

improvements, including all work and materials necessary therefor and incidental thereto.	\$2,000,000	\$1,904,761	15 years
e) Park renovations and improvements, including all work and materials necessary therefor and incidental thereto.	\$500,000	\$476,190	15 years
f) Information technology, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$300,000	\$285,714	5 years
g) The acquisition of a rescue truck for Fire Department and the acquisition of fire/rescue equipment, including all related costs and expenditures incidental thereto.	\$600,000	\$571,428	5 years
h) The acquisition of two GPM pumpers, including all related costs and expenditures incidental thereto.	\$600,000	\$571,428	10 years
i) Engineering road resurfacing/signalized improvements, including all work and materials necessary therefor and incidental thereto.	\$932,500	\$888,095	10 years
j) The acquisition of an animal shelter van, a senior citizen bus and a recreation van.	\$155,000	\$147,619	5 years
k) The acquisition of various recreation equipment,			

including all related costs and expenditures incidental thereto.	\$40,000	\$38,095	15 years
l) The acquisition of Edison TV equipment, including all related costs and expenditures incidental thereto.	<u>\$125,000</u>	<u>\$119,047</u>	15 years
TOTAL:	<u>\$11,940,500</u>	<u>\$11,371,899</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond



ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 12.29 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law

is increased by the authorization of the bonds and notes provided in this bond ordinance by \$11,371,899, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$1,791,075 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time

in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**ORDINANCE O.1873-2014**

BOND ORDINANCE PROVIDING FOR VARIOUS SEWER IMPROVEMENTS IN AND BY THE TOWNSHIP OF EDISON, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$8,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,600,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Edison, in the County of Middlesex, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$8,000,000, and further including the aggregate sum of \$400,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$7,600,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation &amp; Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds &amp; Notes</u>	<u>Period of Usefulness</u>
a) Various sewer improvements, including the repair, relining and rebuilding of the sanitary sewer from Sutton's Lane to Division Street, upgrades to the Metuchen, Oxford and Bamberger's pump stations, construction of bypass lines for pump stations at Progress Street, Tingley Lane and Dogwood Station, repairs to force main/trunk line at Johnson Park, and sanitary sewer collection system improvements and upgrades, including all work and materials necessary therefor and incidental thereto.	\$7,360,000	\$6,992,000	40 years
b) The acquisition of various			

equipment, including all related costs and expenditures incidental thereto.	\$640,000	\$608,000	15 years
TOTAL:	<u>\$8,000,000</u>	<u>\$7,600,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 38 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$7,600,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$500,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township



fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**TOWNSHIP OF EDISON  
ORDINANCE NO. \_O.1874-2014\_\_**

**ORDINANCE OF THE TOWNSHIP OF EDISON IN THE COUNTY OF  
MIDDLESEX, NEW JERSEY VACATING A PORTION OF LAMBERT  
AVENUE PURSUANT TO N.J.S.A. 40:67-19.**

**WHEREAS**, pursuant to N.J.S.A. 40:67-19, (the “Act”) the municipal council (the “Township Council”) of the Township of Edison (the “Township”) may determine that a dedication of lands as a public street that has not been accepted or opened by the Township may be released by ordinance if it appears that the public interest would be better served by releasing those lands from such dedication; and

**WHEREAS**, Lambert Avenue is a public street in the Township that extends approximately 200 feet onto the property commonly known as Block 182-A, Lots 4A, 5, 7Y and 9A2, owned by Terminal Services & Oil Co. (the “Site”), which portion of Lambert Avenue has been dedicated for use as a public street, but has never been opened as such; and

**WHEREAS**, the Township has received a written request dated December 21, 2012 from Stephen E. Barcan for the owner of the Site, requesting vacation of the portion of Lambert Avenue that falls on the Site since same has not been, and will likely not be developed as a street; and

**WHEREAS**, the Township has determined that vacation of all but 20 feet of the portion of Lambert Avenue on the Site would be in the best interests of the community as that portion of the road will not be used as a public road and, as such, would not otherwise service the community; provided, that, the Township shall retain 20 feet of the portion of Lambert Avenue that extends on to the Site for snow removal purposes for the Township.

**NOW, THEREFORE BE IT ORDAINED, BY THE COUNCIL OF THE TOWNSHIP OF EDISON AS FOLLOWS:**

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

**Section 2.** In accordance with the provisions of the Act, the Township Council hereby vacates the last 180 feet of that portion of Lambert Avenue on the Site and releases such property from the dedication of the land for a public street and extinguishes the public right arising from such dedication; provided however, that all rights and privileges possessed by public utilities, as defined in R.S.48:2-13, and by any cable television company, as defined in the Cable Television Act, P.L.1972, c. 186, to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, are expressly reserved and excepted from the vacation set forth above.

**Section 3.** Notwithstanding the foregoing, the portion of Lambert Avenue that extends 20 feet onto the Site shall not be released from dedication as a public street and shall be retained for use by the Township for municipal purposes, including snow removal.

**Section 4.** The Mayor or Business Administrator, in consultation with Township staff and professionals, shall take such steps as may be necessary for the Township to deed the vacated portion of Lambert Avenue as set forth above to the owner of the Site.

**Section 5.** The introduction of this Ordinance shall be advertised pursuant to N.J.S.A. 40:49-2; provided, however, that notice as to introduction and public hearing shall be made, pursuant to N.J.S.A. 40:49-6, at least ten days prior to the public hearing and adoption hereof.

**Section 6.** Notice of the introduction of this Ordinance and the time and place when and where this Ordinance will be further considered for public hearing and final passage, including a copy of this Ordinance, shall be mailed to every person whose lands may be affected by this Ordinance, so far as same may be ascertained, directed to the last known post-office address, in accordance with the provisions of N.J.S.A. 40:49-6.

**Section 7.** Within 60 days after adoption of this Ordinance, the City Clerk shall cause this Ordinance, certified by him, under the seal of the municipality to be filed in the office wherein conveyances of lands are recorded in the County of Middlesex.

**Section 8.** This Ordinance shall take effect as provided by law.

**TOWNSHIP OF EDISON  
ORDINANCE NO. \_O.1875-2014\_\_**

**ORDINANCE OF THE TOWNSHIP OF EDISON IN THE COUNTY OF  
MIDDLESEX, NEW JERSEY VACATING A PORTION OF LAMBERT  
AVENUE PURSUANT TO N.J.S.A. 40:67-19.**

**WHEREAS**, pursuant to N.J.S.A. 40:67-19, (the “Act”) the municipal council (the “Township Council”) of the Township of Edison (the “Township”) may determine that a dedication of lands as a public street that has not been accepted or opened by the Township may be released by ordinance if it appears that the public interest would be better served by releasing those lands from such dedication; and

**WHEREAS**, Lambert Avenue is a public street in the Township that extends approximately 200 feet onto the property commonly known as Block 182-A, Lots 4A, 5, 7Y and 9A2, owned by Terminal Services & Oil Co. (the “Site”), which portion of Lambert Avenue has been dedicated for use as a public street, but has never been opened as such; and

**WHEREAS**, the Township has received a written request dated December 21, 2012 from Stephen E. Barcan for the owner of the Site, requesting vacation of the portion of Lambert Avenue that falls on the Site since same has not been, and will likely not be developed as a street; and

**WHEREAS**, the Township has determined that vacation of all but 20 feet of the portion of Lambert Avenue on the Site would be in the best interests of the community as that portion of the road will not be used as a public road and, as such, would not otherwise service the community; provided, that, the Township shall retain 20 feet of the portion of Lambert Avenue that extends on to the Site for snow removal purposes for the Township.

**NOW, THEREFORE BE IT ORDAINED, BY THE COUNCIL OF THE TOWNSHIP OF EDISON AS FOLLOWS:**

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

**Section 2.** In accordance with the provisions of the Act, the Township Council hereby vacates the last 180 feet of that portion of Lambert Avenue on the Site and releases such property from the dedication of the land for a public street and extinguishes the public right arising from such dedication; provided however, that all rights and privileges possessed by public utilities, as defined in R.S.48:2-13, and by any cable television company, as defined in the Cable Television Act, P.L.1972, c. 186, to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, are expressly reserved and excepted from the vacation set forth above.

**Section 3.** Notwithstanding the foregoing, the portion of Lambert Avenue that extends 20 feet onto the Site shall not be released from dedication as a public street and shall be retained for use by the Township for municipal purposes, including snow removal.

**Section 4.** The Mayor or Business Administrator, in consultation with Township staff and professionals, shall take such steps as may be necessary for the Township to deed the vacated portion of Lambert Avenue as set forth above to the owner of the Site.

**Section 5.** The introduction of this Ordinance shall be advertised pursuant to N.J.S.A. 40:49-2; provided, however, that notice as to introduction and public hearing shall be made, pursuant to N.J.S.A. 40:49-6, at least ten days prior to the public hearing and adoption hereof.

**Section 6.** Notice of the introduction of this Ordinance and the time and place when and where this Ordinance will be further considered for public hearing and final passage, including a copy of this Ordinance, shall be mailed to every person whose lands may be affected by this Ordinance, so far as same may be ascertained, directed to the last known post-office address, in accordance with the provisions of N.J.S.A. 40:49-6.

**Section 7.** Within 60 days after adoption of this Ordinance, the City Clerk shall cause this Ordinance, certified by him, under the seal of the municipality to be filed in the office wherein conveyances of lands are recorded in the County of Middlesex.

**Section 8.** This Ordinance shall take effect as provided by law.

Explanation: An Ordinance amending the Chapter VI of the Township Code to authorize the Township's issuance of new plenary retail distribution licenses up to the limit allowed by State law.

**ORDINANCE O.1876-2014**

**EDISON TOWNSHIP**

**WHEREAS**, there are presently six (6) plenary retail distribution licenses of 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;

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

**WHEREAS**, the Township Code of Ordinances ("Code") at Chapter VI, Section 6-3.5 currently provides for the issuance of up to seven (7) plenary retail distribution licenses; and

**WHEREAS**, the Municipal Council of the Township ("Municipal Council") has determined it is reasonable and desirable to amend Chapter VI of the Code ("Code") to allow for the Township's issuance of new plenary retail distribution licenses up to the limit allowed by State law; and

**WHEREAS**, to effect the foregoing, the Municipal Council has determined to amend Chapter VI, Section 6-3.5 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

**"6-3.5 Plenary Retail Distribution Licenses.**

a. The annual license fee and maximum number of licenses for plenary retail distribution license shall be as follows:

<i>Class of License</i>	<i>Annual License Fee</i>	<i>No. of Licenses</i>
Plenary Retail Distribution	\$1,157.06 (2008/2009) \$1,388.47 (2009/2010) \$1,666.16 (2010/2011) \$1,999.39 (2011/2012) \$2,399.26 (2012/2013) \$2,500.00 (2013/2014)	[7] <u>Up to maximum</u> <u>allowed under</u> <u>N.J.S.A. 33:1-12.14</u>

b. The holder of such license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages for consumption off the premises, but only in original containers."

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the Township of Edison, in the 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 Municipal Council hereby amends Chapter VI, Section 6-3.5 of the Code to read as follows:

**"6-3.5 Plenary Retail Distribution Licenses.**

a. The annual license fee and maximum number of licenses for plenary retail distribution license shall be as follows:

<i>Class of License</i>	<i>Annual License Fee</i>	<i>No. of Licenses</i>
Plenary Retail Distribution	\$1,157.06 (2008/2009)	Up to maximum allowed under <i>N.J.S.A. 33:1-12.14</i>
	\$1,388.47 (2009/2010)	
	\$1,666.16 (2010/2011)	
	\$1,999.39 (2011/2012)	
	\$2,399.26 (2012/2013)	
	\$2,500.00 (2013/2014)	

b. The holder of such license shall be entitled, subject to rules and regulations, to sell any alcoholic beverages for consumption off the premises, but only in original containers.”

3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter VI of the Code shall remain unchanged and have full force and legal effect. All other resolutions and ordinances governing the issuance of plenary retail distribution licenses heretofore enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

7. 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.

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

9. 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.

