

**AGENDA
MUNICIPAL COUNCIL
REGULAR MEETING
Wednesday, August 24, 2016
7:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975 has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on December 12, 2015 and posted in the Main Lobby of the Municipal Complex on the same date.
4. **APPROVAL OF MINUTES:**
 - a. Worksession of March 21, 2016
 - b. Worksession of July 25, 2016
 - c. Regular Meeting of July 27, 2016
5. **COUNCIL PRESIDENT'S REMARKS**

MAYORAL PROCLAMATION
6. **RESOLUTION OF RECOGNITION:**

Resolution R.547-082016 – Steve Lombardi Retirement
7. **APPROVAL OF VOLUNTEER FIREFIGHTERS:**

Raritan Engine Company #1
Timothy S. Langan

Edison Volunteer Fire Company #1
Russell N. Huff

Oak Tree Volunteer Fire Company
Jeffrey Coleman
8. **UNFINISHED BUSINESS:
ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING, AND
FINAL ADOPTION:**

O.1934-2016 BOND ORDINANCE PROVIDING FOR THE ANALYSIS OF
THE WATER AND SEWER SYSTEM APPROPRIATING
\$300,000 THEREFORE AND AUTHORIZING THE ISSUANCE

OF \$285,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

O.1935-2016 AN ORDINANCE AMENDING THE TOWNSHIP CODE REGARDING THE APPLICATION FEE FOR THE ENTRY LEVEL POLICE OFFICER CANDIDATES.

O.1936-2016 THIS ORDINANCE ADOPTS THE “AMBOY AVENUE REDEVELOPMENT PLAN” PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

9. **NEW BUSINESS:
PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR
SEPTEMBER 14, 2016.**

O.1937-2016 ORDINANCE AMENDING CHAPTER XI, GENERAL LICENSING AND BUSINESS REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EDISON AS AMENDED AND SUPPLEMENTED BY ADDING NEW SECTION 33, TO REGULATE TRANSPORTATION NETWORK COMPANIES, TRANSPORTATION NETWORK COMPANY DRIVERS AND TRANSPORTATION NETWORK COMPANY VEHICLES.

O.1938-2016 ORDINANCE AMENDING THE TOWNSHIP CODE TO MAINTAIN UNIFORMITY REGARDING THE GRANT OF WAIVERS REGARDING SIDEWALK INSTALLATION AND THE GENERAL POWERS OF THE TOWNSHIP PLANNING BOARD AND TOWNSHIP ZONING BOARD OF ADJUSTMENT.

O.1939-2016 ORDINANCE AMENDING CHAPTER 37 OF THE TOWNSHIP OF EDISON CODE OF GENERAL ORDINANCES TO AMEND THE G-B GENERAL BUSINESS DISTRICT TO INCLUDE A CONVENIENCE STORE WITH FUEL STATION AS A PERMITTED USE.

O.1940-2016 ORDINANCE AMENDING THE TOWNSHIP CODE TO MAINTAIN UNIFORMITY REGARDING THE DRUG-FREE SCHOOL ZONE MAP AND THE TOWNSHIP’S NEED TO

PROVIDE A REPRODUCIBLE COPY OF SAME TO THE MIDDLESEX COUNTY PROSECUTOR'S OFFICE.

O.1941-2016 ORDINANCE AMENDING THE TOWNSHIP CODE TO INCORPORATE CHANGES RESULTING FROM CHANGES MADE TO THE TOWNSHIP'S AFFORDABLE HOUSING ORDINANCE REGARDING INCLUSIONARY ZONING AND AFFORDABLE HOUSING SET ASIDE REQUIREMENTS.

O.1942-2016 ORDINANCE AMENDING AND REPLACING CHAPTER 30 "AFFORDABLE HOUSING" OF THE TOWNSHIP OF EDISON CODE OF GENERAL ORDINANCES TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROL ("UHAC") REGARDING COMPLIANCE WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS.

O.1943-2016 ORDINANCE AMENDING THE TOWNSHIP CODE, CHAPTER 15, PROPERTY MAINTENANCE, BY ADDITIONAL DEFINITIONS OF TERMS AND PENALTIES, AND A NEW SECTION 15-3 ENTITLED "VACANT AND ABANDONED PROPERTIES," PROVIDING FOR REGISTRATION OF VACANT AND ABANDONED PROPERTIES BY OWNERS AND/OR CREDITORS.

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

11. **PROPOSED RESOLUTIONS**

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

Consent Agenda

R.548-082016 Resolution approving disbursements for the period ending August 19, 2016.

R.549-082016 Resolution authorizing refund in the amount of \$307,682.15 for redemption of tax sale certificates.

R.550-082016 Resolution authorizing refund for sewer overcharges totaling \$40.28.

R.551-082016 Award of Bid for Public Bid No. 16-02-10, Maintenance and Repair of Office Equipment to Metro Imaging Services, Inc. in an amount not to exceed \$1,500.00.

R.552-082016 Award of Bid for Public Bid No. 16-02-10, Maintenance and Repair of Office Equipment to Ditto Copy Systems in an amount not to exceed \$40,000.00.

- R.553-082016 Award of Contract/Purchase Order for Data Cabling repairs and accessories for the phone system to Johnston GP, Inc. in an amount to exceed \$10,000.00.
- R.554-082016 Award of Contract/Purchase Order for the purchase of various computer equipment and supplies to CDW Government Inc. in the amount of \$35,000.00.
- R.555-082016 Award of Contract/Purchase order for Bridgestone/Firestone Tires and Tubes for Township vehicles to Edwards Tire Company in an amount not to exceed \$50,000.00.
- R.556-082016 Award of Contract/Purchase order for Goodyear Tires and Tubes for Township Vehicles to Edwards Tires Company in an amount not to exceed \$100,000.00.
- R.557-082016 Award of Contracts for Public bid No. 16-03-10 Automotive Parts and Accessories for the township to Genuine Parts Company in an amount to exceed \$35,000.00.
- R.558-082016 Award of Contracts for Public bid No. 16-03-10 Automotive Parts and Accessories for the township to Linden BC, Inc. in an amount not to exceed \$30,000.00
- R.559-082016 Award of Contracts for Public bid No. 16-03-10 Automotive Parts and Accessories for the township to The Radiator Store in an amount not to exceed \$10,000.00.
- R.560-082016 Award of Contracts for Public bid No. 16-03-10 Automotive Parts and Accessories for the township to Air Brake and Equipment in an amount not to exceed \$25,000.00.
- R.561-082016 Award of Contracts for Public bid No. 16-03-10 Automotive Parts and Accessories for the township to Campbell Freightliner, LLC in an amount not to exceed \$15,000.00.
- R.562-082016 Award of Contracts for Public bid No. 16-03-10 Automotive Parts and Accessories for the township to Chapman Ford Sales in an amount not to exceed \$30,000.00.
- R.563-082016 Award of Contracts for Public bid No. 16-03-10 Automotive Parts and Accessories for the township to National Parts Supply Co. in an amount to exceed \$40,000.00
- R.564-082016 Award of Contracts for Public bid No. 16-03-10 Automotive Parts and Accessories for the township to Fingers Radiator Hospital Inc. in an amount not to exceed \$10,000.00.
- R.565-082016 Award of Contracts for Public bid No. 16-03-10 Automotive Parts and Accessories for the township to Beyer Ford in an amount not to exceed \$3,000.00.
- R.566-082016 Resolution awarding a contract for the purchase of GPS Real Time Tracking system for Township Vehicles. To CDW Government Inc. in an amount not to exceed \$150,000.00.
- R.567-082016 Resolution regarding the Annual Report of Audit for year ending December 31, 2015.
- R.568-082016 Resolution receiving Corrective Action Plan for the Audit year ending December 31, 2015.

- R.569-082016 Resolution authorizing settlement of Tax Court Appeal filed by St. George Park Associates for tax year 2011 for Blk. 22.A, Lot 2.06.
- R.570-082016 Resolution authorizing settlement of Tax Court Appeal filed by Adan Associates for tax years 2014 and 2015 for Blk. 412.A, Lot 9.
- R.571-082016 Resolution authorizing settlement of Tax Court Appeal filed by Edison Square LTD for the tax years, 2011,2012,2013 and 2014 for Blk. 123, Lot 11.01.
- R.572-082016 Resolution authorizing settlement of Tax Court Appeal filed by Somogyi Associates, LP, LLC for the tax years 2015 and 2016 for Blk. 55, Lot 10.
- R.573-082016 Resolution authorizing settlement of Tax Court Appeal filed by J & M Self Storage for the tax years 2012, 2013,2014,2015 and 2016 for Blk. 557.EE Lot 3.11.
- R.574-082016 Resolution authorizing settlement of Tax Court Appeal filed by Verizon New Jersey for the tax year 2016 for Blk. 104.N, Lot 23.
- R.575-082016 Resolution requesting approval of Items of Revenue and Appropriations for 2016 Clean Communities Grant in the amount of \$204,693.47
- R.576-082016 Resolution requesting approval of Items of Revenue and Appropriations for State Highway Project Talmadge Road Resurfacing Phase II in the amount of \$202,500.00
- R.577-082016 Award of Contract for Public bid No. 16-03-17 Ambulatory Passenger Van to Rohrer Enterprises, Inc. in the amount of \$75,084.00.
- R.578-082016 Resolution referring the 225 Raritan Center Parkway Redevelopment Plan for (Block 390.DD, Lot 8.B) to the Planning Board for review and comment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.
- R.579-082016 Resolution referring the 1015 route 1 (aka Clayton Block) Redevelopment Plan to the Township Planning Board for review and comment pursuant to the Local Redevelopment and Housing Law, N.J.S.A., 40A:12A-1 et seq.
- R.580-082016 Resolution retaining Millennium Strategies for the purpose of Grant Research, Writing and Management Services.
- R.581-082016 Resolution extending the 2014 Entry level Firefighter list for a period of one year.
- R.582-082016 Resolution rescinding Resolution R.347-052016 and setting forth the renewal date for the Township's membership in the Central Jersey Joint Insurance Fund to December 31, 2017.
- R.583-082016 Resolution referring the proposed Ordinance amending the G-B General Business District to include a convenience store with a fuel station as a permitted use.
- R.584-082016 Resolution adopting the Affirmative Marking Plan for the Township.
- R.585-082016 Resolution endorses the 2016 Housing Element and Fair Share Plan of the Township of Edison and approves the Amended Settlement Agreement between the Township, the Fair Share Housing Center and the Intervenor/Defendants in the Townships' pending Declaratory Action Proceedings.
- R.586-082016 This Resolution commits the Township of Edison to allocate sufficient resources, to the extent consistent with and required by law, to meet the

Townships Affordable Housing Obligations pursuant to the adopted Housing Element and Fair Share Plan. This Resolution further commits the Township, to the extent consistent with and required by law, to fund any shortfall in resources needed to meet its affordable housing obligations pursuant to the adopted Housing Element and Fair Share Plan, including the issuance of municipal bonds if there are no other resources available.

- R.587-082016 Resolution releasing Maintenance Bond to Butter Construction for application No. P5144 in the amount of \$3,304.80.
- R.588-082016 Resolution releasing Tree Maintenance Bond to Steven Hercman for Permit #11-050 account #7761963722 in the amount of \$1,350.00.
- R.589-082016 Resolution releasing Cash Performance and Performance Guarantee to Edison RX Development, LLC for Application #Z55-2013.
- R.590-082016 Resolution releasing Cash Performance to Elrac, LLC for Account #7762495328.
- R.591-082016 Resolution releasing Cash Performance to Tulfra for application #P65-07/08 for Account #7763342422.
- R.592-082016 Resolution releasing Cash Performance and Performance Bond Reduction to Masjid Al-Wali for Application Z04-04/05.
- R.593-082016 Resolution releasing Cash Performance and Performance Bond to 2900 Woodbridge Avenue, Application #P01-2013, account #7762495427 and Performance Bond #BG1102302
- R.594-082016 Resolution releasing Cash Performance and Performance Bond to DDMBA, LLC – Application #P08-2013, account #776334233, Performance Surety Bond #1149605.
- R.595-082016 Award of Contract for RFP 16-07 Affordable Housing Administrative Agent Services to CGP & H, LLC in an amount not to exceed \$200,000.00
- R.596-082016 Resolution authorizing Change Order No. in the amount of \$2,682.00 for Public Bid No. 16-23-01 for Firehouse No. 3 Flooring to Abhzeen Design for the total revised contract of \$32,482.00.

- R.597-082016 Resolution to Release Street Opening Escrow to A.J. Perri for 68 Safran Avenue in the amount of \$512.00.
- R.598-082016 Resolution to Release Street Opening Escrow to Ankita Patel for 3 Bradford Road in the amount of \$360.00.
- R.599-082016 Resolution to Release Street Opening Escrow to Baps Development, Inc. for 120 Overbrook Avenue, in the amount of \$3,000.00.
- R.600-082016 Resolution to Release Street Opening Escrow to Water Resources Technologies, Inc. for 1 Regent Court in the amount of \$208.00.
- R.601-082016 Resolution to Release Street Opening Escrow to Gulberg Builders, LLC for 15 Lamar Avenue in the amount of \$480.00.
- R.602-082016 Award of contract for Public Bid No. 16-08-21 Automated Refuse Collection System Parts to Sanitation Equipment Corp. in an amount not to exceed \$80,000.00.
- R.603-082016 Award of contract for Public Bid No. 16-08-21 Automated Refuse Collection System Parts to McNeilus Truck and Manufacturing Co. in an amount not to exceed \$60,000.00.

- R.604-082016 Resolution authorizing reimbursement for Trip fees to Bella Burdov, in the amount of \$64.00.
- R.605-082016 Resolution authorizing reimbursement for Trip fees to Michong Marko in the amount of \$172.50.
- R.606-082016 Resolution authorizing reimbursement of Trip fees to Edward Owsik in the amount of \$98.50.
- R.607-082016 Resolution authorizing reimbursement of Trip fees to Deysi Saldana in the amount of \$58.00.
- R.608-082016 Resolution authorizing a reimbursement for ABC Program to Shanmuga Priya Sivakumar in the amount of \$25.00.
- R.609-082016 Resolution awarding payment to various non-profit organizations for League Recreational services funding sports in the amount of \$195,490.00.
- R.610-082016 Resolution authorizing the purchase three 2016 Chevrolet Tahoe from Mall Chevrolet in the amount of \$111,120.00.
- R.611-082016 Resolution for Drive Sober or Get Pulled Over 2016 Labor Day Crackdown Grant Approval.
- R.612-082016 Awarding Contract/Purchase Order for Ammunition to Atlantic Tactical of NJ an amount not to exceed \$25,000.00.
- R.613-082016 Award of Contract for Public Bid No. 16-07-07 Digital Evidence Capture and Management System to Taser International, Inc. in an amount not to exceed \$361,473.92.
- R.614-082016 Resolution authorizing the renewal of a Liquor License for the 2015/2016 Term.
- R.615-082016 Resolution authorizing and approving a Person to Person and Place to Place Liquor License Transfer Edison Land Investment to TopGolf USA Edison LLC.
- R.616-082016 Resolution appointing Philip C. Taglianetti as a Member to the Zoning Board.
- R.617-082016 Resolution appointing Michael Comba as a 1st Alternate Member to the Zoning Board.
- R.618-082016 Resolution appointing Sam Joshi as a 2nd Alternate Member to the Zoning Board.
- R.619-082016 Resolution awarding a forty eight month lease for a Multi Function Copier to Ricoh USA Corporation in an amount not to exceed \$18,970.56.
- R.620-082016 Resolution authorizing re-bid for the sale of One Plenary Retail Distribution Liquor License.
- R.621-082016 Resolution waiving Building Permit Fees for the BAPS - Block 375-HH, Lot 12-J (2500 Woodbridge Avenue, Edison, New Jersey).

12. **ORAL PETITIONS AND REMARKS**

13. **ADJOURNMENT**

O.1934-2016

BOND ORDINANCE PROVIDING FOR THE ANALYSIS OF THE WATER AND SEWER SYSTEMS IN AND BY THE TOWNSHIP OF EDISON, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 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 improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Edison, in the County of Middlesex, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$300,000, including the sum of \$15,000 as the down payment required by the Local Bond Law. The down payment is now 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 improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$285,000 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. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the analysis of Township's water and sewer system in anticipation of the expiration of agreement with the private operator for the water system and possible privatization of the sewer system, including engineering, financial, legal and audit of same and preparation of recommendations for capital improvements including implementation of such capital improvements as may be recommended; such analysis to include

identification of alternative structures for ownership, operation and financing of such system and required capital improvements to same, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

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 improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 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 \$285,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$300,000 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 purpose or improvement.

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 described in Section 3(a) 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 purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement 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 ARule@) 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.

EXPLANATION: An Ordinance amending the Township Code regarding the application fee for Entry Level Police Officer candidates.

ORDINANCE

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

WHEREAS, the Township seeks to maintain uniformity throughout the Township’s Code of General Ordinances (the “**Code**”); and

WHEREAS, the Township hereby seeks to clarify and make consistent the applicable fee owed to the Township by all applicants that seek consideration for the position of Entry Level Police Officer, by deleting a certain reference to a nonrefundable application fee in the Code; and

WHEREAS, the municipal council of the Township (the “**Township Council**”) has determined to amend Chapter 2, Subchapter 29, entitled “Entry Level and Promotion Criteria, Entry Level Officers,” of the Code to read as follows (additions are underlined and deletions are in [brackets]):

2-29.3 Entry Level Officers

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

OPTION 2

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

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

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Edison, Middlesex County, 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 2, Subchapter 29, entitled “Entry Level and Promotion Criteria, Entry Level Officers,” of the Code to read as follows:
2-29.3 Entry Level Officers

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

OPTION 2

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

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

3. It is the intent of the Municipal Council to incorporate the deletions contained in this Ordinance into the Code. All of the remaining provisions in Chapters 2, Subchapter 29-3 of the Code shall remain unchanged and have full force and legal effect. All other resolutions and ordinances governing Entry Level and Promotional Criteria of Police Officers 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. 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.

O.1936-2016

EXPLANATION: This Ordinance adopts the “Amboy Avenue Redevelopment Plan” pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*

ORDINANCE

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”) authorizes a municipality to determine whether certain parcels of land in the municipality constitute “areas in need of rehabilitation” and/or “areas in need of redevelopment”; and

WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law, the municipal council (“Municipal Council”) of the Township of Edison (the “Township”) must authorize the planning board of the Township (the “Planning Board”) to conduct a preliminary investigation of the area and make recommendations to the Municipal Council; and

WHEREAS, on May 27, 2015, the Municipal Council, acting by resolution, referred a copy of a resolution designating the Study Area to the Township planning board (the “Planning Board”) for review and comment pursuant to *N.J.S.A. 40A:12A-14*; and

WHEREAS, Heyer, Gruel & Associates, engineer to the Township (the “Township Engineer”), prepared a report for the Township dated May 2015 (the “Rehabilitation Report”), which Rehabilitation Report found that more than half of the housing stock in the Study Area is at least 50 years old and that a program of rehabilitation will help prevent further deterioration and promote the overall development of the Township; and

WHEREAS, based on the Rehabilitation Report, the Planning Board determined that the Study Area satisfied the statutory criteria to be designated as an area in need of rehabilitation under Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14(a)*, and transmitted to the Township Council the recommendation that it designate the Study Area as an area in need of rehabilitation; and

WHEREAS, by Resolution R.731-102015, adopted on October 28, 2015, the Township Council designated the Study Area as an area in need of rehabilitation (the “Rehabilitation Area”) pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40:12A-14*; and

WHEREAS, the Township Engineer has prepared and submitted to the Township Council a redevelopment plan entitled “Amboy Avenue Redevelopment Plan,” dated June 2016 (the “Redevelopment Plan”), a copy of which is attached hereto as Exhibit A, outlining the planning, development and redevelopment of the Rehabilitation Area in accordance with the provisions of *N.J.S.A. 40A:12A-7*; and

WHEREAS, pursuant to the Redevelopment Law, the Planning Board reviewed the Redevelopment Plan and transmitted its recommendations relating to the Redevelopment Plan to the Borough Council in accordance with the provisions of Section 7(e) of the Redevelopment Law; and

WHEREAS, upon review of the Planning Board’s recommendation, the Municipal Council has determined to adopt the Redevelopment Plan to ensure the success of redevelopment within the Redevelopment Area in conformity with the Township’s redevelopment objectives.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Redevelopment Plan, attached hereto as *Exhibit A*, is hereby adopted pursuant to the terms of *N.J.S.A. 40A:12A-7*.

3. The zoning district map included in the zoning ordinance of the Township is hereby amended to include the Redevelopment Area per the boundaries described in the Redevelopment Plan, as applicable. All of the provisions of the Second Amended Redevelopment Plan shall supersede the applicable development regulations of the Township's municipal code, as and where indicated.

4. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Township Clerk during regular business hours.

5. This Ordinance shall take effect in accordance with all applicable laws.

AN ORDINANCE AMENDING CHAPTER XI, GENERAL LICENSING AND BUSINESS REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EDISON, NEW JERSEY, AS AMENDED AND SUPPLEMENTED, BY ADDING A NEW SECTION 33, TO REGULATE TRANSPORTATION NETWORK COMPANIES, TRANSPORTATION NETWORK COMPANY DRIVERS AND TRANSPORTATION NETWORK COMPANY VEHICLES

WHEREAS, advances in Smartphone technology and the development of "Ridesharing" has led to the increased popularity and reliance by consumers upon digital network applications (Apps) that link consumers with non-professional drivers offering transportation in their own vehicle (referred to as "Transportation Network Company"); and

WHEREAS, there are now several Apps offering for-hire transportation in Middlesex County and the surrounding Township of Edison area; and

WHEREAS, this growing industry is currently unregulated in New Jersey and there is presently no requirement that the non-professional drivers be licensed to drive a motor vehicle, have successfully completed drug testing, have passed background checks or that the vehicle being driven has been inspected, is insured and has met the State's safety requirements; and

WHEREAS, there is significant rising concern for the safety of the consumers who use these Apps and participate in Ridesharing to engage the services of non-professional drivers in their personal vehicles; and

WHEREAS, N.J.S.A.40:48-1 empowers a municipality to enact Ordinances that will preserve the public peace, maintain order, protect the health, safety and welfare of the public; and

WHEREAS, N.J.S.A. 40:52-1 empowers a municipality to license and regulate all vehicles used for the purpose of transportation of passengers, baggage, merchandise, and goods and chattels of every kind, and the owners and drivers of all such vehicles; and the places and premises in which or at which different kinds of businesses or occupations mentioned herein are carried on and conducted; and

WHEREAS, the Mayor and the Municipal Council of the Township of Edison believe that in order to protect the health, safety, welfare and the best interests of the residents, businesses and visitors of the Township of Edison, an Ordinance establishing regulations of Transportation Network Companies, Drivers and Vehicles, must be enacted.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, MIDDLESEX COUNTY, STATE OF NEW JERSEY, THAT:

Chapter XI, General Licensing and Business Regulations, of the Revised General Ordinances of the Township of Edison, New Jersey, as amended and supplemented, be further amended by adding a new **Section 33, Transportation Network Companies, Drivers and Vehicles**, as follows:

11-33.1. DEFINITIONS:

"Applicant" means a person who applies to a Transportation Network Company to be a Transportation Network Driver.

"Department" or "Police Department" means the Township of Edison Police Department.

"Passenger" means a person who arranges transportation with a Transportation Network Driver through a Transportation Network Company's digital network or software online application program and who pays a fare based upon the transportation provided.

"Private passenger automobile" means an automobile required to be insured pursuant to the provisions of N.J.S.A. 39:6A-1 et seq. and/or insurance as may be required by State law. "Transportation Network Company" or "Company" means an individual, corporation, partnership, sole proprietorship, or other entity that uses a digital network or software online application program to connect a passenger to a driver for the purpose of providing transportation to the passenger for profit by the Transportation Network Company.

"Transportation Network Driver" or "Driver" means a person who operates a private passenger automobile to provide transportation to a passenger who requests transportation through a Transportation Network Company's digital network or software online application program which results in a fare being owed by the passenger.

"Transportation Network License" or "License" means the license required to be obtained from the Township of Edison by a Transportation Network Driver, prior to providing transportation to a passenger in the Township of Edison.

"Transportation Network Permit" or "Permit" means the permit issued by the Township of Edison to a Transportation Network Company that is required in order for the Company to be able to operate and provide transportation to passengers in the Township of Edison.

"Transportation Network Vehicle" means a private passenger automobile used by a Transportation Network Driver to provide transportation to a passenger and that has at least four doors and is designed to carry not more than eight passengers, including the driver.

11-33.2. TRANSPORTATION NETWORK COMPANY REGULATIONS - PERMITS AND LICENSES

The Chief of Police or a designee shall:

a. Issue to a Transportation Network Company, a Transportation Network Permit to allow for the lawful operation of a Transportation Network Company in the Township of Edison after receipt, review and approval of the following information:

- (1) Proof of insurance as required pursuant to Sections 11-33.4 and 5 herein;
- (2) Proof that the Transportation Network Company is licensed to conduct business in the State of New Jersey; and
- (3) Any other information the Department may require, as may be necessary and reasonable, governing the issuance of any Permit provided for in this Section.

The Chief of Police may revoke the Permit if the Transportation Network Company fails to comply with the provisions of this Ordinance.

b. Issue a Transportation Network License for Transportation Network Drivers after receipt, review and approval of proof from the Transportation Network Company that the Company has:

- (1) Verified that the Transportation Network Driver has a valid driver's license, vehicle registration, and automobile insurance as required pursuant to Section 4 and 5 and/or insurance as may be required by State law.
- (2) Conducted, through New Jersey State Police or other appropriate State agency, a driver license record check which did not reveal any disqualifying violations, as required pursuant to Subsections d., e. and f. of Section 11-33.3.
- (3) Conducted, through New Jersey State Police or other appropriate agency, a criminal history background check which did not reveal any disqualifying convictions, as required pursuant to Subsections d., e. and f. of Section 11-33.3; and
- (4) Conducted, either directly or by a third party, a safety inspection of the driver's transportation network vehicle which met safety inspection standards, as required pursuant to Subsections g. and h. of Section 11-33.3.

c. Issue a Transportation Network License bearing the name, signature and photograph of the Driver.

11-33.3. TRANSPORTATION NETWORK COMPANY RESPONSIBILITIES, BUSINESS LICENSE, DRIVER BACKGROUND CHECK, VEHICLE AND EQUIPMENT SAFETY.

A Transportation Network Company shall not operate in the Township of Edison unless the Company:

a. applies for, receives, and maintains a Transportation Network Permit issued by the Chief of Police or a designee of the Township of Edison;

b. (1) verifies that an Applicant has a valid driver's license, vehicle registration, and private passenger automobile insurance; and

(2) annually verifies that a Transportation Network Driver has a valid driver's license, vehicle registration, and private passenger automobile insurance;

c. (1) conducts, through New Jersey State Police or other appropriate State agency, a driver's license record check on an Applicant; and

(2) once every three years, conducts, through New Jersey State Police or other appropriate State agency, a driver's license record check on a Transportation Network Driver;

d. prohibits an Applicant or Transportation Network Driver from providing transportation to a passenger if the individual's driver's license record check reveals any of the following violations:

(1) Reckless driving pursuant to R.S.39:4-96;

(2) Driving while intoxicated pursuant to R.S.39:4-50;

(3) Driving with a suspended or revoked license pursuant to R.S.39:5-30;

(4) A violation committed in any other state, territory, commonwealth, or other jurisdiction of the United States that is comparable to one of the violations enumerated in paragraphs (1), (2), or (3) of this Subsection;

or

(5) Any other violation as determined by the Department;

e. (1) conducts, through New Jersey State Police or other appropriate State agency, a criminal history record background check on an Applicant; and

(2) Once every three years, through New Jersey State Police or other appropriate State agency, conducts a criminal history record background check on a Transportation Network Driver;

f. prohibits an Applicant or Transportation Network Driver from providing transportation to a passenger if the criminal history record background check reveals any of the following convictions:

(1) aggravated assault, arson, burglary, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault or endangering the welfare of a child pursuant to N.J.S.A. 2C:24-4, whether or not armed with or having in the applicant's or driver's possession any weapon enumerated in Subsection r. of N.J.S.A. 20:39-1, a

crime pursuant to the provisions of N.J.S.A. 2C:39-3, N.J.S.A. 2C:39-4, or N.J.S.A. 2C:39-9, or other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession, or sale of a controlled dangerous substance as defined in N.J.S.A. 20:35-2;

(2) a conviction in a court of competent jurisdiction for a crime committed in any other state, territory, commonwealth, or other jurisdiction of the United States, which in that other jurisdiction is comparable to one of the crimes enumerated in paragraph (1) of this Subsection; or

(3) any other conviction as determined by the Department;

g. (1) conducts, either directly or by a third party, a safety inspection of a vehicle an Applicant will use as a Transportation Network Vehicle; and

(2) Once every other year, conducts either directly or by a third party, a safety inspection of a vehicle used by a Transportation Network Driver;

h. prohibits an Applicant or Transportation Network Driver from providing transportation to a passenger until an Applicant's vehicle or a Driver's Transportation Network Vehicle passes a safety inspection, required pursuant to subsection g. of this Section, by meeting inspection standards established by the New Jersey Motor Vehicle Commission of the State of New Jersey, which inspection shall include, but need not be limited to, the following equipment:

- (1) foot brakes;
- (2) emergency brakes;
- (3) steering mechanism;
- (4) windshield;
- (5) rear window and other glass;
- (6) windshield wipers;
- (7) headlights;
- (8) tail lights;
- (9) turn indicator lights;
- (10) stop lights;
- (11) front seat adjustment mechanism;
- (12) doors;

- (13) horn;
- (14) speedometer;
- (15) bumpers;
- (16) muffler and exhaust system;
- (17) condition of the tires, including tread depth;
- (18) interior and exterior rear view mirrors; and
- (19) safety belts and air bags for driver and passengers;

i. (1) implements a zero tolerance drug and alcohol policy that prohibits being under the influence and the consumption of illegal drugs or alcohol by a Transportation Network Driver while logged into the digital network or software online application program or while providing transportation to a passenger; and

(2) requires an Applicant to be tested, at the Applicant's expense, for a dangerous controlled substance as defined in N.J.S.A. 2C:35-2;

j. maintains a record demonstrating that the Transportation Network Company has met the requirements of this Section and makes the record available to the Department upon request;

k. cooperates with, and facilitates the exchange of information between, the insurance company providing the Transportation Network Company the insurance required pursuant to this Ordinance and all other insurers involved in a claims coverage investigation of an occurrence while a Transportation Network Driver is providing transportation to a passenger;

l. retains records, for at least six (6) years, of each Transportation Network Driver's use of a Transportation Network Vehicle in the Township, which records shall include:

(1) the date, time, and duration of time during which the Transportation Network Driver logged on to the Transportation Network Company's digital network or software online application program to indicate the Transportation Network Driver's availability;

(2) the locations and mileage data associated with the transportation provided to each passenger, if available; and

(3) any claims for injury or property damage arising in connection with transportation provided to a passenger, including claims payments made, if applicable;

m. provides, upon request, the records retained pursuant to Subsection i. of this Section to the Transportation Network Driver's private passenger automobile insurance for purposes of a claim investigation; and

n. provides the Department with any other information the Department may require pursuant to rule or regulation.

11-33.4. TRANSPORTATION NETWORK DRIVER RESTRICTIONS

A Transportation Network Driver shall not provide transportation to a passenger in the Township of Edison unless:

a. that person has been issued a Transportation Network License to operate a Transportation Network Vehicle as provided pursuant to Subsection b. of Section 11-33.2; and

b. that person maintains in the Transportation Network Vehicle proof of the person's private passenger automobile insurance issued pursuant to P.L.1972, c.70 (C.39:6A-1 et seq.) and/or insurance as may be required by State law and proof of the Transportation Network Company's insurance policy required pursuant to subsection c. of Section 11-33.5.

11-33.5. INSURANCE REQUIREMENTS

a. A Transportation Network Company shall be required to obtain and maintain an insurance policy from an insurance company duly licensed to transact business under the insurance laws of the State of New Jersey which:

(1) from the moment a Transportation Network Driver logs on to the Transportation Network Company's digital network or software online application program, until the moment the Transportation Network Driver accepts a request to transport a passenger, and from the moment all passengers have exited the Transportation Network Vehicle, until the Transportation Network Driver either accepts another request to transport another passenger on the digital network or software online application program or logs off the digital network or software online application program, whichever is later: provides coverage in an amount of not less than \$250,000.00 per incident involving a Transportation Network Vehicle for liability, property damage, and uninsured and underinsured motorist coverage, and medical payments coverage in an amount not less than \$10,000.00 per person per incident involving a Transportation Network Vehicle; and

(2) from the moment a Transportation Network Driver accepts a request to transport a passenger on the Transportation Network Company's digital network or software online application program until the moment all passengers have exited the Transportation Network Vehicle: provides coverage in an amount of not less than

\$1,000,000.00 per incident involving a Transportation Network Vehicle for liability, property damage, and uninsured and underinsured motorist coverage; and medical payments coverage in an amount not less than \$10,000.00 per person per incident involving a Transportation Network Vehicle.

b. The coverage required pursuant to Subsection a. of this Section shall cover the Transportation Network Vehicle and passengers, where applicable.

c. The Transportation Network Company insurance policy maintained by a Transportation Network Company as required by this Section, shall be in force and effect any time a Transportation Network Driver is logged in to the Transportation Network Company's digital network or software application and when a passenger is in a Transportation Network Vehicle. A policy of private passenger automobile insurance shall not be deemed to be in force at any time a Transportation Network Driver is logged in to the Transportation Network Company's digital network or software application or when a passenger is in a Transportation Network Vehicle.

11-33.6. EXPIRATION DATE OF TRANSPORTATION NETWORK LICENSE; FEE; DISPLAY OF LICENSE:

a. A Transportation Network License shall be valid for one year from the date of issuance.

b. No License shall be issued or renewed unless the applicant therefor, has paid an annual License fee for a Transportation Network License of \$100.00. The License fee shall be payable upon the submission of the application form to be provided by the Township Clerk. This License allows the Transportation Network Driver to pick-up passengers within the Township of Edison and shall be issued and renewed in accordance with Section 11-33.2.

c. While a Transportation Network Driver is operating a Transportation Network Vehicle in the Township of Edison, his/her Transportation Network License shall be displayed in an open and obvious place in the vehicle and must be immediately available for review upon request by a passenger or law enforcement official.

d. While a Transportation Network Driver is operating a Transportation Network Vehicle in the Township of Edison, the Driver shall also display on the windshield of the Vehicle, a sticker or other form of identifying marker to be issued by the Township at the time the Transportation Network License is issued to the Driver, which states that the Driver is authorized to operate in the Township.

11-33.7. TRANSPORTATION NETWORK COMPANY PERMIT FEES; EXPIRATION OF PERMIT DATE.

a. Each Transportation Network Company Permit shall be valid for one year from the date of issuance.

b. No Permit shall be issued or renewed unless the applicant therefor has paid an annual permit fee of \$500.00, for the privilege to engage in the Transportation Network Company business in the Township. Prior to renewal of a Permit, the Transportation Network Company shall be required to confirm and update the information required in Section 11-33.2.

c. The Permit fee shall be payable upon the submission of the application form to be provided by the Township Clerk, and the documentation and information required in Section 11-33.2. The fee shall be returned less the sum of \$200.00 in the event a Permit is not granted.

11-33.8. APPEAL OF DENIAL, REVOCATION OR SUSPENSION OF PERMIT OR LICENSE.

a. Any person, corporation, partnership or other entity aggrieved by the denial, revocation or suspension of a Transportation Network Permit or Transportation Network License under this Section may appeal such action to the Township Council.

b. Any appeal hereunder shall be filed in writing and served on the Township Clerk within ten (10) days of the License or Permit denial, revocation or suspension.

c. At the time such appeal is filed, the appellant shall pay to the Township Clerk a nonrefundable fee of one hundred seventy-five (\$175.00) dollars and a written statement of the basis for the appeal.

d. Any such appeal will be scheduled for hearing within thirty (30) days after the filing of the appeal, provided however, that the appeal may be adjourned or continued by the Township Council for good reason.

11-33.9. CONFLICTS OF LAW

Notwithstanding any law, rule, or regulation to the contrary:

a. A Transportation Network Company shall not be considered a taxicab association, taxicab, autocab or a for-hire vehicle owner.

11-33.10. PENALTIES

A Transportation Network Company which violates the provisions of this Ordinance or any rule or regulation adopted pursuant thereto, shall be subject to a civil penalty of \$ 500.00 for the first offense, per Driver, and up to \$1,000.00 for each subsequent offense, per Driver, to be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). If the violation is of a continuing

nature, each day during which it continues shall constitute an additional, separate, and distinct offense. The Superior Court and the Municipal Court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) pursuant to this Section.

This Ordinance shall take effect upon the final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This Ordinance amends and supplements Chapter XI, General Licensing and Business Regulations, of the Revised General Ordinances of the Township of Edison, , New Jersey, as amended and supplemented, by adding a new Section 33, Transportation Network Companies, to establish regulations for companies and drivers that use digital networks or software applications (Transportation Network Company) to match passengers with drivers.

EXPLANATION:An Ordinance amending the Township Code to maintain uniformity regarding the grant of waivers regarding sidewalk installation and the general powers of the Township Planning Board and Township Zoning Board of Adjustment.

ORDINANCE

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

WHEREAS, due to increased requests for waivers from Chapter 19, Section 4, of the Township’s Code of General Ordinances (the “**Code**”) regarding sidewalk installation, as enforced by the Township’s Planning Board and/or Zoning Board of Adjustment; and

WHEREAS, in to maintain uniformity regarding the grant of any waiver by either Township’s Planning Board or Zoning Board of Adjustment when evaluating an applicant’s request for a waiver regarding sidewalk installation; and

WHEREAS, the Township seeks to maintain uniformity throughout the Code; and

WHEREAS, the Township seeks to maintain the health, safety and welfare of the citizens and visitors to the Township, the Township desires to amend the Code in accordance with the terms provided for herein and;

WHEREAS, the municipal council of the Township (the “**Township Council**”) has determined to amend Chapter 19, Subchapter 4; Chapter 37, Subchapter 4; Chapter 39, Subchapter 4; and Chapter 39, Subchapter 7, of the Code to read as follows (additions are underlined and deletions are in [brackets]):

19-4 SIDEWALKS, CURBS, GUTTERS AND DRYWELLS.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

e. *Exception.* The Township Council may provide for the repair or reconstruction of any sidewalk, curb, gutter or drywell at public expense under the conditions hereinafter stated; both of which much exist:

1. When any sidewalk, curb, gutter or drywell previously constructed or reconstructed as a local improvement under N.J.S.A. 40:65 et seq. is dilapidated or in need of repair or reconstruction, where such condition is not attributable to the acts of negligence of the abutting property owner or his predecessor in title nor that of any one for whose acts or negligence they are chargeable; and

2. When the abutting property owner or his predecessor in title shall have paid within twenty (20) years then last past, or shall pay, in full with interest all the assessment for the laying or relaying of sidewalk, curb, gutter or drywell in front of his property (at least to the extent that the installments of such assessments are then due.)

3. The Planning Board and/or Board of Adjustment shall not grant any requests for waivers for any property within a two (2) mile radius of any school property line. Any property outside the two (2) mile radius of any school property line, an applicant seeking a waiver from the required sidewalk installation pursuant to Chapter 19 and/or the Code will be considered on the basis of whether the requested waiver is reasonable and within the general purposes and intent of the Chapter 19 and/or the Code, and/or that literal enforcement of Chapter 19 and/or the Code is impractical and will exact undue hardship because of the peculiar conditions pertaining a certain property and can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Township’s Master Plan and Zoning Ordinances and redevelopment plan if applicable.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

37-4 GENERAL DESIGN AND USE REGULATIONS.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

37-4.25 Exceptions.

No exception shall be made from Chapter 19, Subchapter 4 “Sidewalks, Curbs, Gutters and Drywells” for any property within a two (2) mile radius of perimeter of any school property line. For all other proposed waivers under Chapter 37, Subchapter 4 “General Design and Use Regulations,” no exception shall be made unless the proposed waiver is reasonable and within the general purposes and intent of the Chapter 37 and/or the Code, and/or that literal enforcement of Chapter 37 and/or the Code is impractical and will exact undue hardship because of the peculiar conditions pertaining to a certain property and can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Township’s Master Plan and Zoning Ordinances and redevelopment plan if applicable.

39-4 PLANNING BOARD

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

39-4.4 Powers and Duties

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

j. _____ The Planning Board shall not grant any proposed sidewalk waiver within a two (2) mile radius of the perimeter of an school property line. For all other waivers, the Planning Board shall not grant any proposed waiver unless the proposed waiver is reasonable and within the general purposes and intent of the Code, and/or that literal enforcement of the Code is impractical and will exact undue hardship because of the peculiar conditions pertaining to a certain property and can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Township’s Master Plan and Zoning Ordinances and redevelopment plan if applicable.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

39-7 ZONING BOARD OF ADJUSTMENT

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

39-7.3 Powers and Duties

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

c. _____ The Zoning Board of Adjustment shall not grant any proposed waiver for a sidewalk within a two (2) mile radius of the perimeter of any school property line. For any proposed sidewalk waiver outside a two (2) mile radius of the perimeter of any school property line and for any other proposed waiver, the Zoning Board of Adjustment shall not grant any proposed waiver unless the proposed waiver is reasonable and within the general purposes and intent of the Code, and/or that literal enforcement of the Code is impractical and will exact undue hardship because of the peculiar conditions pertaining to a certain property and can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Township’s Master Plan and Zoning Ordinances and redevelopment plan if applicable.

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

3. The aforementioned recitals are incorporated herein as though fully set forth at length.
4. The Municipal Council hereby amends Subchapter 19-4 of the Code to read as follows:

19-4 SIDEWALKS, CURBS, GUTTERS AND DRYWELLS.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

e. *Exception.* The Township Council may provide for the repair or reconstruction of any sidewalk, curb, gutter or drywell at public expense under the conditions hereinafter stated; both of which much exist:

1. When any sidewalk, curb, gutter or drywell previously constructed or reconstructed as a local improvement under N.J.S.A. 40:65 et seq. is dilapidated or in need of repair or reconstruction, where such condition is not

attributable to the acts of negligence of the abutting property owner or his predecessor in title nor that of any one for whose acts or negligence they are chargeable; and

2. When the abutting property owner or his predecessor in title shall have paid within twenty (20) years then last past, or shall pay, in full with interest all the assessment for the laying or relaying of sidewalk, curb, gutter or drywell in front of his property (at least to the extent that the installments of such assessments are then due.)

3. The Planning Board and/or Board of Adjustment shall evaluate any request from an applicant seeking a waiver from the required sidewalk installation pursuant to Chapter 19 and/or the Code on the basis of whether the requested waiver is reasonable and within the general purposes and intent of the Chapter 19 and/or the Code, and/or that literal enforcement of Chapter 19 and/or the Code is impractical and will exact undue hardship because of the peculiar conditions pertaining to a certain property and can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Township's Master Plan and Zoning Ordinances and redevelopment plan if applicable.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

5. The Municipal Council hereby amends Subchapter 37-4 of the Code to read as follows:

37-4 GENERAL DESIGN AND USE REGULATIONS.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

37-4.25 Exceptions.

No exception shall be made from the Chapter 37, Subchapter 4 "General Design and Use Regulations" unless the proposed waiver is reasonable and within the general purposes and intent of the Chapter 37 and/or the Code, and/or that literal enforcement of Chapter 37 and/or the Code is impractical and will exact undue hardship because of the peculiar conditions pertaining to a certain property and can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Township's Master Plan and Zoning Ordinances and redevelopment plan if applicable.

6. The Municipal Council hereby amends Subchapter 39-4 of the Code to read as follows:

39-4 PLANNING BOARD

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

39-4.4 Powers and Duties

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

j. The Planning Board shall not grant any proposed waiver unless the proposed waiver is reasonable and within the general purposes and intent of the Code, and/or that literal enforcement of the Code is impractical and will exact undue hardship because of the peculiar conditions pertaining to a certain property and can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Township's Master Plan and Zoning Ordinances and redevelopment plan if applicable.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

7. The Municipal Council hereby amends Subchapter 39-7 of the Code to read as follows:

39-7 ZONING BOARD OF ADJUSTMENT

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

39-7.3 Powers and Duties

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

c. The Zoning Board of Adjustment shall not grant any proposed waiver unless the proposed waiver is reasonable and within the general purposes and intent of the Code, and/or that literal enforcement of the Code is impractical and will exact undue hardship because of the peculiar conditions pertaining to a certain property and can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Township's Master Plan and Zoning Ordinances and redevelopment plan if applicable.

7. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapters 19, 37, and 39 of the Code shall remain unchanged and have full force and legal effect. All other resolutions and ordinances governing sidewalks, General Design Use and Regulations, the Planning Board, and the Zoning Board of Adjustment enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

8. 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.

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

10. 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.

O.1939-2016

EXPLANATION:An Ordinance amending Chapter 37 of the Township of Edison Code of General Ordinances to amend the G-B General Business District to include a convenience store with fuel station as a permitted use.

ORDINANCE

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

WHEREAS, due to the desire to ensure uniformity throughout the Township’s Code of General Ordinances (the “**Code**”) regarding the Township’s G-B General Business Districts and the addition of convenience stores with a fuel station to be permitted within same; and

WHEREAS, the Township seeks to maintain the health, safety and welfare of the citizens and visitors to the Township, the Township desires to amend the Code in accordance with the terms provided for herein and;

WHEREAS, the municipal council of the Township (the “**Municipal Council**”) desires to amend the official Zoning Map of the Township of Edison, pursuant to *N.J.S.A. 40:55D-32* of the Municipal Land Use Law, to change the zoning designation for the G-B General Business District to include a convenience store with fuel stations as a permitted use; and

WHEREAS, the Township Clerk shall provide notice, pursuant to *N.J.S.A. 40:55D-15* of the Municipal Land Use Law, by personal service or certified mail to the clerk of any adjoining municipality involving property situated within 200 feet of such adjoining municipality and to the county planning board at least ten (10) days prior to the date of the Municipal Council hearing on the adoption of this Ordinance which notice shall state the date, time and place of the hearing and include a copy of this Ordinance; and

WHEREAS, as the Planning Board complied with the notice provisions of *N.J.S.A. 40:55D-13* of the Municipal Land Use Law notice to individual property owners and those within 200 feet of the affected properties is not required for the change in the zoning district classification for the affected properties as provided for in *N.J.S.A. 40:55D-62.1* of the Municipal Land Use Law, however the Township Clerk shall provide notice to any military facility commander who has registered with the municipality pursuant to section 1 of P.L. 2005, c. 41 (*N.J.S.A. 40:55D-12.4*) by personal service or certified mail at least ten (10) days prior to the date of the Municipal Council hearing on the adoption of this Ordinance which notice shall state the date, time and place of the hearing and include a copy of this Ordinance; and

WHEREAS, prior to the Municipal Council 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; and

WHEREAS, within thirty (30) days of the adoption of this Ordinance the Township Clerk shall provide notice, pursuant to *N.J.S.A. 40:55D-15* of the Municipal Land Use Law, by personal service or certified mail to the county planning board which notice shall state the effective date of this Ordinance and include a copy of this Ordinance; and

WHEREAS, the Township Council has determined to amend Chapter 37 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Municipal Council hereby amends Chapter 37 “Zoning” of the Code to read as follows:

37-21.2 Permitted Uses.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

p. Gas Only Service Station with Convenience Store

In addition to regulations applying to G-B Zone the following shall apply to this use:

1. Minimum lot size: 1.5 acres.
2. Maximum building size: 6,000 square feet.
3. Maximum number of fueling stations: 8 dispensers with two
4. Maximum building size: 6,000 square feet.
5. Maximum number of fueling stations: eight dispensers that includes gasoline and low-flow diesel sales, with two nozzles/hoses per dispenser.
6. Maximum number of stories: One (1), exclusive of towers, cuppolas, or other architectural elements.
7. Maximum height for principal building: Thirty five (35) feet, exclusive of towers, cuppolas or other architectural elements.
8. Maximum height for fuel area canopy: Twenty five (25) feet, with yard setbacks consistent with Chapter 37-63.
9. Parking: Minimum of one (1) space reach 300 square feet of convenience store building footprint, plus one space for each employee on the most heavily staffed shift. Additional parking may be provided to enhance internal circulation and eliminate stacking at driveways.
10. Signs: One (1) free standing pole sign at the driveway of each street front with fuel pricing, maximum area of sixty two (62) square feet, maximum height of twenty (20) feet; and minimum set back of fifteen (15) from any street; one (1) façade sign, on the front of the building, not to exceed twenty percent (20%) of the front wall area; and two (2) canopy signs, located below the top of the canopy, on the side of the canopy facing the front or side street.

Section 3. The official Zoning Map of the Township of Edison is amended to change the zoning district classifications for the aforementioned properties as indicated.

Section 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.

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

Section 6. 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.

O.1940-2016

EXPLANATION: An Ordinance amending the Township Code to maintain uniformity regarding the Drug-Free School Zone Map and the Township's need to provide a reproducible copy of same to the Middlesex County Prosecutor's Office.

ORDINANCE

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

WHEREAS, due to the request from the Middlesex County Prosecutor's Office to reproduce the Township's Drug-Free School Zone Map (the "**Drug-Free School Zone Map**"), the Township learned that its Drug-Free School Zone Map was not in a condition to be reproduced; and

WHEREAS, the Township's Engineer undertook the preparation of a new Drug-Free School Zone Map, which is now in reproducible form, to which no revision, amendment or change has been made to the actual boundary of the drug-free school zone; and

WHEREAS, the municipal council of the Township (the "**Township Council**") has determined to amend Chapter 10, Subchapter 18, of the Code to read as follows (additions are underlined and deletions are in [brackets]):

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Municipal Council hereby amends Chapter 10, Subchapter 18, of the Code to read as follows:

10-18.1 Purpose.

a. In accordance with and pursuant to the authority of N.J.S.A. 2C:35-7, the Drug-Free School Zone Map produced on or about January 1, 1984, as amended on [June 19, 2009] July 6, 2016 by the Township Engineer, is approved and adopted as an official finding and record of the location and areas within the Municipality of property which is used for school purposes and which is owned by or leased to any elementary or secondary school or school board and of the areas on or within one thousand (1,000) feet of such school property.

b. In accordance with and pursuant to the authority of N.J.S.A. 2C:35-7.1, the Drug Zone Radius Map, produced on or about September 1, 1998, as amended on July 6, 2016, by the Township Engineer is approved and adopted as an official finding and record of the location and areas within the Municipality of property which comprises a public park, public housing facility, or public library or museum, and of the areas on or within five hundred (500) feet of such public park, public housing facility, or public library or museum. (1999 Code § 9.28.010; Ord. No. O.1710-2009 § 1)

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

Section 3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapters 10 of the Code shall remain unchanged and have full force and legal effect. All other resolutions and ordinances governing Drug-Free School Zones enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

Section 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.

Section 5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk, along with the Drug-Free School Zone Map as attached hereto as **EXHIBIT A**.

Section 6. 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 the Township Code to incorporate changes resulting from changes made to the Township's Affordable Housing Ordinance regarding inclusionary zoning and affordable housing set aside requirements

ORDINANCE

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

WHEREAS, due to amendments to the Township's Affordable Housing Ordinance of the Township Code of General Ordinances (the "**Code**") regarding certain inclusionary zoning and affordable housing requirements affecting residential zoning districts and other zoning districts; and

WHEREAS, the Township desires to maintain uniformity throughout the Code by amending Chapter 37 "Zoning," to read as follows (additions are underlined and deletions are in [brackets]).

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

8. The aforementioned recitals are incorporated herein as though fully set forth at length.

9. The Municipal Council hereby amends Chapter 37 "Zoning" of the Code to read as follows:

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

37-13 R-B RESIDENTIAL DISTRICT.

37-13.1 Permitted Uses.

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

- a. Single-family detached house;
- b. Church, synagogue or other place of worship, including parish house and school buildings, provided that the lot has a minimum area of three (3) acres and a width of two hundred (200) feet and further that no accessory use shall be located within twenty-five (25) feet of a lot line;
- c. Private nonprofit school approved by the State of New Jersey, provided that the use is located on a lot of three (3) acres or more and has direct access to a street classified as other than a local access street in the Master Plan of Edison Township;
- d. Private golf courses, provided that the lot has a minimum area of one hundred (100) acres and that no structure or parking area is located within one hundred (100) feet of a lot line;
- e. Planned unit development, subject to standards and requirements set forth under subsection 37-13.6. (1999 Code § 17.28.010)

37-13.2 Accessory Uses.

Accessory uses shall be as permitted in the RBB district. (1999 Code § 17.28.020)

37-13.3 Conditional Uses.

- a. *Off-Street Parking.*
 1. Parking areas located on property in common ownership in a G-B, GB-H or LB zone shall extend no more than one hundred (100) feet beyond the zone boundary line of the RB district and adjoining commercial zones cited above.
 2. No off-street parking space or access driveways shall be located within ten (10) feet of an adjacent residential lot line.

3. No access driveway shall extend from the parking area within the residential zone to a public street right-of-way also located in the residential zone.

4. A landscaped buffer area consisting of earth berm, evergreen plantings of no less than six (6) feet in height or any combination of the foregoing shall be required around the entire perimeter of the parking area.

5. No lighting shall be located within twenty-five (25) feet of a residential lot line, and further, such lighting shall have a height of no greater than twelve (12) feet.
(1999 Code § 17.28.030)

37-13.4 Off-Street Parking Requirements.

Off-street parking, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards of Section 37-60. (1999 Code § 17.28.050)

37-13.5 Sign Regulations.

Signs shall be permitted in conformance with Section 37-62. (1999 Code § 17.28.060)

37-13.6 Planned Unit Development (PUD) Standards and Requirements.

a. Statement of Objectives.

1. It is the specific intent of this section to create a balanced development composed of the integrated uses developed in accordance with an overall Master Plan for the district.

2. It is recognized that the development of this zone and the development of uses herein may take place over a long period of time, and further that the development would be accomplished in steps or phases. It is, nevertheless, the intent that all steps or phases and elements of development shall be combined into one plan or master development for the entire zone.

3. It is the intent to regulate the intensity of the permissible uses and to afford a combination of uses to the extent that the entire zone is developed as one (1) unit encompassing all those uses consistent with the limitations of the area and a reasonable utilization of the property and compatible with the Comprehensive Plan of this Township.

b. Permitted Uses. The following are permitted uses within a PUD subject to development regulations as set forth hereinafter:

1. Commercial uses similar to, but not limited to, restaurants, health spas, indoor recreation centers, inclusive of tennis, skating, handball and swimming facilities, indoor theaters, department stores, drugstores, clothing and shoe sales, gift shops, banks and delicatessens and personal service uses, not including freestanding fast-food stores, as defined in this chapter;

2. Motel and hotels, provided that the use shall have no less than one hundred (100) rental rooms or suites, and further provided that the use shall include restaurant and banquet facilities, meeting and conference rooms, and that restaurant and meeting room space shall amount to not less than twenty (20%) percent of the total floor area of the motel/hotel;

3. Office buildings for professional, executive, administrative and management purposes;

4. Television and radio studios;

5. Civic, cultural, educational or religious uses;

6. Private and public golf course;

7. Mid-rise residential structure(s) of not less than six (6) feet and no more than nine (9) stories in height;

8. Apartment and garden apartments;

9. Townhouses;

10. Single-family detached dwelling;

11. Public and semipublic facilities limited to church or other religious facility, rescue squads and fraternal eleemosynary uses.

c. Accessory uses: uses customary and incidental to the principal uses.

d. Conditional uses: none.

e. Height, Area and Bulk Requirements. For a planned unit development, the following standards are established. The standards set forth in this subsection apply to the entire development and not to subsequent subdivision within the overall development. Individual uses and standards regulating the density and intensity of use are set forth under paragraph f. below.

1. *Minimum Acreage for a PUD.* The minimum land area shall be three hundred fifty (350) acres. The minimum required area shall include only lands adjacent or contiguous to each other under single or combined

ownership and located within the zone district specified. A street shall not be construed to divide lands for purposes of this section.

2. Nonresidential Use Limits.

(a) Commercial Uses. A retail service use center shall be permitted subject to the following:

(1) No center shall have a floor area of less than twenty-five thousand (25,000) square feet nor greater than one hundred thousand (100,000) square feet.

(2) A center may consist of one (1) or more structures or may be developed as part of midrise residential structure(s). In any event, such center shall be planned, designed and constructed in such a fashion to function as an integrated part of the entire planned unit development.

(b) Office and Hotel Uses.

(1) Such uses shall occupy not more than thirty (30%) percent or sixty (60) acres, whichever the lesser, of the developable land area of the PUD.

(2) The floor area ratio of building(s) located upon the designed tracts to be used for office and hotel use shall not exceed three hundred thirty-three thousandths (0.333).

3. Open Space Requirement. The minimum percent of required open space of the total area of the tract shall be forty (40%) percent of the entire PUD tract.

4. Residential Density Standards and Limitations.

(a) The maximum overall density of a PUD shall not exceed six (6) dwellings per acre. The overall (gross) density shall be calculated by the total number of proposed dwellings by the total acreage of the PUD.

(1) The net residential density of a PUD shall not exceed twelve and five-tenths (12.5) dwellings per acre. This net density shall be calculated by dividing the total number of proposed dwellings by the total developable acres proposed for residential use in the PUD.

(2) Developable land shall include all acreage of the PUD not classified as floodway or as upland wetland preservation area. The delineation of floodway and upland wetland preservation area shall be certified by New Jersey Department of Environmental Protection and shown on a map signed and sealed by a licensed land surveyor in the State of New Jersey.

(b) The permitted mix of the various residential uses shall be as follows:

Percent of Total Units

| <i>Housing Type</i> | <i>Minimum</i> | <i>Maximum</i> |
|------------------------------|----------------|----------------|
| Low-rise apartment units | 0 | 70 |
| Mid-rise units | 0 | 30 |
| Garden apartment units | 0 | 50 |
| Townhouse units | 0 | 50 |
| Single-family detached units | 0 | 50 |

f. *Standards and Requirements for Single-Family Development in a PUD Development.* The minimum standards and requirements shall be set forth in the R-B zone.

g. *Standards and Requirements for Townhouse Development in a PUD.* The minimum standards and requirements shall be as set forth in the R-B zone, except that a net density of seven (7) townhouse units per acre shall be permitted within a townhouse cluster in a PUD.

h. *Standards and Requirements for Apartments and Garden Apartment Development in a PUD Development.* The minimum standards and requirements shall be as set forth in the L-R zone with the following exceptions:

1. A total of twenty-four (24) dwelling units shall be permitted in a single structure.

2. The minimum distance between structures shall be equal to one-half (1/2) the total height of the adjacent structures, except that the side to side minimum distance between buildings shall be twenty (20) feet.

3. No continuous wall shall exceed two hundred and ten (210) [one hundred eighty (180)] feet in length. For purposes of this subsection, a "continuous wall" shall mean any wall which is parallel to the center line of the building's roof. A seventy-five (75) degree angle of declination of one wall to the next wall shall be required to establish discontinuity.

4. Density. No more than ten (10) apartment units per acre shall be permitted for two-story apartment buildings and no more than twenty (20) apartment units per acre shall be permitted for three-story apartment buildings.

5. Where the PUD apartment or garden apartment component abuts an existing utility right-of-way having a width of one hundred (100) feet or greater, the required side yard setback may be reduced from fifty (50) feet to forty-five (45) feet.

6. The minimum required front building setback to a private roadway shall be ten (10) feet.

i. *Standards and Requirements for Mid-Rise Residential Development in a PUD Development.* The main standards and requirements shall be as follows:

1. No structure shall have a height of less than six (6) stories.

2. No structure shall have a height of greater than nine (9) stories.

3. The net density of a midrise residential cluster shall not exceed forty (40) dwelling units per acre.

4. The minimum distance between structures shall be equal to one-half (1/2) the total height of adjacent structures.

5. No continuous wall shall exceed two hundred and ten (210) [one hundred sixty (160)] feet in length. For purposes of this subsection, a "continuous wall" shall mean any wall which is parallel to the center line of the building's roof. A seventy-five (75) degree angle of declination of one wall to the next wall shall be required to establish discontinuity.

j. Affordable Housing Requirements

The development of all multi-family residential development, of the various permitted types, within a PUD shall comply with the following Affordable Housing Requirements:

A. For Sale Developments:

| <u>Total number of Units</u> | <u>Minimum Percent of Affordable Housing Units</u> |
|------------------------------|--|
| <u>10 and under</u> | <u>none¹</u> |
| <u>11-20</u> | <u>10%</u> |
| <u>21-50</u> | <u>15%</u> |
| <u>Over 51</u> | <u>20%</u> |

B. Rental Units:

| <u>Total number of Units</u> | <u>Minimum Percent of Affordable Housing Units</u> |
|------------------------------|--|
| <u>10 and under</u> | <u>none*</u> |
| <u>11-20</u> | <u>10%</u> |
| <u>21-50</u> | <u>15%</u> |
| <u>Over 51</u> | <u>20%</u> |

C. Pursuant to the Amended Settlement Agreement In the Matter of Certification or Judgment of Compliance and Repose of its Obligations Under the Fair Housing Act and Approval of its Amended Spending Plan, Docket No. MID-L-3944-15 (the "Settlement Agreement"), certain terms and conditions applicable to the inclusionary development of Block 762, Lot 1A, and Block 38, Lots 18 and 19 (the "Properties") were agreed to by the Parties and which terms and conditions were approved by the Court. Where the terms of the Settlement Agreement conflict with terms of the Township Affordable Housing Ordinance, the terms of the Settlement Agreement shall control any development application relative to the Properties.

[j]k. *Standards and Requirements for Commercial Land Service Development in a PUD Development.* The minimum standards and requirements shall be as follows: commercial and service uses may occupy space within a midrise residential structure and/or be designed and developed as separate freestanding structure(s), the standards and requirements of the G-BH zone shall be the minimum standards and requirements for development.

[k]l. *Standards and Requirements for Office and Hotel Use in a PUD Development.* The minimum standard and requirements shall be as set forth in the ROL district.

[l]m. *Application Procedure.*

1. The applicant shall initially submit a sketch plan for the entire tract. The sketch shall show all informational items as required for any major subdivision as set forth in Chapter XXXIX, Land Use, and further

¹ Units 10 and under are subject to the development fee

shall indicate the general location of buildings (except single-family dwellings), parking areas and roadways as well as any other significant site development features planned by the applicant. The purpose of the sketch development plan are:

- (a) To establish the land use plan for the site;
- (b) To establish staging or phasing of site development;
- (c) To determine at the earliest possible time any off-site improvements required as a result of the development;
- (d) To determine design criteria for buffer areas, parking lot locations, open space areas, etc., and as applicable.

2. The applicant, after approval of the overall development plan, shall proceed with formal site plan and subdivision applications for all or phase(s) of the development.

3. Preliminary application for development shall be made under and in accord with all the regulations and procedures as set forth for a major subdivision and major site plan as set forth in the land use ordinance.

[m]. *Other Requirements.*

1. Open Storage of Materials. No open display or storage of products, materials and equipment shall be permitted.

2. Transition Requirement. There shall be established along the line of any side or rear lot that is contiguous to any residential district, unless the side or rear lot line coincides with a State, Federal highway or railroad, a buffer area at least fifty (50) feet in width, plus five (5) feet additional width for each ten (10) foot interval or fraction thereof of the principal building exceeding twenty-five (25) feet in height. The buffer area shall be landscaped and fenced to provide screening of the uses and associated activities of the lot from adjoining residential districts.

3. Site Access. Recognizing the heavy traffic flow existing and projected within I-287, Talmadge Road, Park Avenue area of Edison, a connection of Talmadge Road to the Park Avenue extension shall be required.

4. Building Separation. No office building shall be located within one hundred (100) feet of a residential multifamily building or one-half (1/2) the sum of the height of adjacent commercial and/or office and residential buildings, whichever is the greater.

5. Off-street parking space may be located in the front, side and rear yards; provided, however, that no parking space shall be located nearer than fifteen (15) feet to any street, nor closer than ten (10) feet to any building, and provided further that complete building perimeter parking is prohibited.

6. Signs. Signs shall be subject to the sign regulations of Section 37-62.

[n]. *Density Modification.* To encourage flexibility of housing density, design and type intended, for a development proposed to be developed over a period of years, deviations may be authorized from the density or intensity of use established for the entire planned development. The Planning Board may allow for a greater concentration of density or intensity of land use within a section or sections of the development, whether it be earlier or later in the development, than upon others. The approval of the Planning Board of a greater concentration of density or intensity of land use for any section to be developed must be offset by a smaller concentration in any completed prior stage or there must be an appropriate reservation on the remaining land by a grant of easement or covenant in favor of the municipality.

[o]. *Open Space Regulations.*

1. In reviewing applications for a PUD development, the Planning Board will require evidence that adequate open space in appropriate locations will be available.

2. Open space must have safe and convenient pedestrian access.

3. The applicant must consult with the Planning Board early in the design stage to ascertain open space requirements. Such open space shall consist of any combination of common space, public open space and public areas.

4. Common Open Space. The landowner shall provide for the establishment of an organization for the ownership and maintenance of any common open space and such organization shall be established and regulated by all applicable standards and conditions of State Statute.

[p]. *Roadway Standards.*

1. All existing roads and proposed roads to be dedicated shall be improved and/or constructed in accordance with the Township subdivision standards.

2. The right-of-way and pavement widths for improvement of private ways, roads and alleys shall be determined from sound planning and engineering standards in conformity to the estimated needs of the full development proposed and the traffic to be generated thereby and shall be adequate and sufficient in size, location

and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting equipment and police vehicles. Internal private roads shall have a required pavement width as follows:

(a) Two-way traffic roads: thirty (30) feet paved width, and the right-of-way width of said streets shall be a minimum of fifty (50) feet.

(b) Sidewalks shall be at least three (3) feet in width. Service ways for public service and emergency vehicles shall be no less than fifteen (15) feet in width.

[q]r. *Development Staging.* As a condition to preliminary approval of the PUD development plan, the Board may permit the implementation of the plan in whole or in sections or in stages consisting of one (1) or more sections or stages, under the district plan. Such sections or stages shall be:

1. Substantially functionally self-contained and self-sustaining with regard to access, parking utilities, open spaces and similar physical features and shall be capable of substantial occupancy, operation and maintenance upon completion of construction and development;

2. Property related to other services of the community as a whole and to those facilities and services yet to be provided in the full execution and implementation of the PUD district;

3. Provided with such temporary or permanent transitional features, buffers or protective areas as the conditions of ownership and maintenance may require to prevent damage or detriment to any completed section or stage, to planned development. Plans and specifications of such sections or stages are to be filed with the Board and are to be of sufficient detail and at such scale as to fully demonstrate the arrangement and site locations of all structures, primary and accessory land uses, parking, landscaping, public and private utilities and services facilities and land ownership conditions.

[r]s. *Improvement Guarantees.*

1. Before consideration of final approval or as a condition of the preliminary approval, the applicant shall have installed the improvements specified as part of the conditions of preliminary approval, or the Board shall require the posting of adequate performance guarantees to assure the installation of the required improvements or the conditions approved as part of the preliminary approval.

2. Improvement. Prior to the granting of final approval, the applicant shall have installed or shall have first post-performance guarantees for the ultimate installation of all improvements required.

[s]t. *Enforcement and Modification of Development Plan.* To further the mutual interest of the residents and owners of the planned residential development and of the public in the preservation of the integrity of the plans finally approved, and to secure that modifications, if any, in the plans shall not impair the reasonable reliance of the residents and owners upon the provisions of the plan nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions:

1. Enforcement by the Township of the provisions of the plans relating to the use of land and the use, bulk and location of buildings and structures; to the quality and location of common open space; and to the intensity of use or the density of residential units shall run in favor of the Township and shall be enforceable in law or in equity by the Township without limitation of any powers or regulation otherwise granted the Township by law.

2. Provision of the plans shall run in favor of the residents of the planned development, but only to the extent expressly provided in the plans and in accordance with the terms of the plans and to what extent the provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced by law or equity by the residents and owners, acting individually, jointly or through an organization designated in the plans to act on their behalf, provided, however, that no provisions of the plans shall be implied to exist in favor of residents and owners of the development except as to those portions of the plans which have been finally approved and have been recorded.

3. Modification of the Plan by the Township. All those provisions of the plan authorized to be enforced by the Township above may be modified, removed or released by the Township (except grants or easements relating to the service or equipment of a public utility), subject to the following conditions:

(a) No such modification, removal or release or the provisions of a plan by the Township shall affect the rights of the residents and owners of the developments to maintain and enforce those provisions, at law or equity, as provided above.

(b) No modification, removal or release of the provisions of a plan by the municipality shall be permitted except upon a finding by the Board following a public hearing called and held in accordance with law, that the same is consistent with the efficient development and preservation of the entire development, does not adversely affect either the enjoyment of land abutting upon or across a street from the development or the public interest and is not granted solely to confer a special benefit upon any person.

(c) Modification by the Residents. Residents and owners of a development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the Township to enforce the provisions of the plan.

[t]u. *Contents of Application.* In addition to the requirements for subdivision and site plan map submission and other requirements hereinabove, a PUD development application shall include such information as is reasonably necessary to disclose the following:

1. The location, district and size of the site and the nature of the landowner's interest in the land to be developed;
 2. The type of land use to be allocated to parts of the site to be developed;
 3. The location and size of any open space;
 4. The use and the approximate height, bulk and location of buildings and other structures;
 5. A traffic improvement plan setting forth on- and off-site improvements, scheduling as a function of development and detailing of permit requirements necessary to complete;
 6. The feasibility of proposals for the disposition of sanitary waste and stormwater and for the provision of other utilities and services, such as water supply and solid waste disposal;
 7. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities;
 8. The provision for the parking of vehicles and the location and width of proposed streets and public ways;
 9. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which application for final approval of all sections of the development are intended to be filed and the developer's financial responsibility;
 10. A written statement by the landowner(s) or any other entity having recognizable interest in the land, setting forth the reasons why, in his or her opinion, a PUD development would be in the public interest and would be consistent with the municipal statement of objectives;
 11. Environment Assessment Statement. A written assessment of the short- and long-term impacts of the proposed development shall be prepared and filed. The statement shall detail methods and procedures to be established to ameliorate any adverse impact upon the environment.
- (1999 Code § 17.28.070)

37-14 R-A-th, R-BB-th AND R-B-th RESIDENTIAL DISTRICTS.

37-14.1 Permitted Uses.

No building structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

Townhouse dwellings as defined in this section and as regulated hereinafter under subsection 37-14.4. (1999 Code § 17.32.010)

37-14.2 Accessory Uses.

Accessory uses customary and incidental to townhouse development. (1999 Code § 17.32.020)

37-14.3 Conditional Uses.

None. (1999 Code § 17.32.030)

37-14.4 Height, Area and Yard Requirements.

Height, area and yard requirements are as specified below.

- a. The minimum lot size shall be twenty-five (25) acres.
- b. The minimum setback distance shall be fifty (50) feet from all existing State and County roads or any other road other than a local street as designated upon the Master Plan of Edison Township. The minimum setback from all other streets shall be twenty-five (25) feet.
- c. The minimum setback from all side property lines shall be thirty-five (35) feet.
- d. The minimum setback from all rear property lines shall be forty-five (45) feet.
- e. *Maximum Density.*
 1. The maximum density shall be:
[(a) R-A th:4

- (b) R-BB-th:5
 - (c)R-B-th:10]
 - (a) R-A-th: 8 units per acre.
 - (b) R-BB-th: 8 units per acre.
 - (c) R-B-th: 15 units per acre.
2. Lands proposed as public street rights-of-way shall not be included in this calculation.
- f. Maximum building coverage shall be:
- 1. R-A-th and R-BB-th: twenty (20%) percent.
 - 2. R-B-th: twenty-five (25%) percent.
- g. The maximum percent of coverage by buildings and pavement, inclusive of driveways, parking and sidewalks but not including recreation facilities, patios or steps, shall be fifty (50%) percent for R-A-th and R-BB-th and sixty (60%) percent for R-B-th zones.
- h. The minimum width of any townhouse shall be sixteen (16) feet.
 - i. The minimum floor area per unit shall be seven hundred fifty (750) square feet.
 - j. The maximum building height in the R-A-th, R-BB-th and R-B-th zones is thirty (30) feet.
 - k. The minimum number of units per structure shall be two (2).
 - l. The maximum number of units per structure shall be eight (8).
 - m. The minimum distance between structures shall be thirty-five (35) feet.
 - n. *Buffer Requirement.* A buffer area consisting of existing mature trees (six (6) inch diameter or greater) or planted landscaped area shall be required in each district. The buffer width shall equal the required yard depth, plus five (5) feet of buffer for each one (1) foot of building height over twenty-five (25) feet. (1999 Code § 17.32.040)

37-14.5 Off-Street Parking Requirements.

Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards of Section 37-60. (1999 Code § 17.32.050)

37-14.6 Sign Regulations.

Signs shall be permitted in conformance with Section 37-62. (1999 Code § 17.32.060)

37-14.7 Affordable Housing Requirements

All new development within this district as of October 4, 2016, shall comply with the following Affordable Housing Requirements:

a. For Sale Developments:

| <u>Total number of Units</u> | <u>Minimum Percent of Affordable Housing Units</u> |
|------------------------------|--|
| <u>10 and under</u> | <u>none*</u> |
| <u>11-20</u> | <u>10%</u> |
| <u>21-50</u> | <u>15%</u> |
| <u>Over 51</u> | <u>20%</u> |

b. Rental Developments:

| <u>Total number of Units</u> | <u>Minimum Percent of Affordable Housing Units</u> |
|------------------------------|--|
| <u>10 and under</u> | <u>none*</u> |
| <u>11-20</u> | <u>10%</u> |
| <u>21-50</u> | <u>15%</u> |
| <u>Over 51</u> | <u>20%</u> |

*Units 10 and under are subject to the development fee

c. A project shall not be subdivided into two or more lots so as to fall below the threshold or circumvent the set aside requirement by taking multiple actions.

37-15 L-R RESIDENTIAL DISTRICT.

37-15.1 Permitted Uses.

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

- a. Single-family detached houses subject to the same development regulations specified in the R-B district;
- b. Townhouses subject to development regulations specified in the R-B-th district;

c. Multifamily dwelling and apartment houses subject to the following requirements:

1. Minimum Lot Size. No building which is intended or designed to be used, in whole or in part, as a garden apartment building shall be erected or constructed upon a lot containing an area of less than three (3) acres; except that, if a zone boundary line passes through any lot of three (3) acres or more with the result that the area available for garden apartment construction is less than three acres, such area of less three (3) acres may be approved for garden apartment development; provided, however, that all other regulations pertaining to the erection or construction of the garden apartments shall be applied to and within the area permitting such construction, except that the calculation of the number of units to be constructed shall be based upon such acreage available for such construction.

2. Height. No apartment building shall have more than three (3) habitable stories or exceed fifty (50) feet in height.

3. Minimum Space Between Buildings. The minimum distance between buildings shall be one-half (1/2) the total height of the two (2) buildings, except that the side to side minimum distance between buildings shall be twenty (20) feet.

4. Density. No more than [ten (10)] fifteen (15) apartment units per acre shall be permitted for two-story apartment buildings and no more than [fifteen] (15)] twenty-three (23) apartment units per acre shall be permitted for three-story buildings.

5. Rooms. Each apartment unit in each apartment building shall contain separate bedroom, separate bathroom and separate kitchen/dining facilities. This provision shall not be interpreted to preclude efficiency apartments.

6. Landscaping. All areas of a garden apartment development not used for the construction of buildings, roads, accessways, parking areas or sidewalks shall be fully landscaped. Where a garden apartment development boundary line abuts a lot in a residential zone, which lot is not owned by the garden apartment developer, there shall not be cut, uprooted, destroyed or taken away any existing trees, shrubbery or other planting within the area of twenty (20) feet inside the boundary line of the garden development abutting a residential lot. If no adequate trees, shrubs or plantings exist in the twenty (20) foot area in the natural state of the premises before development, the area shall be provided with an adequate approved planting plan to provide a belt of screening within the twenty (20) foot area.

7. Interior Roads. All roads and other accessways within the garden apartment development shall be private roads, [constructed, paved, and curbed to a right of way width of not less than twenty-six (26) feet. All such construction, paving and curbed to a right of way width of not less than twenty six (26) feet. All such construction, paving and curbing shall be completed in accordance with the subdivision regulations of Edison Township] and be constructed with pavement and curbs within the established cartways. All roads and or drive aisles containing right-angle parking or angled parking on one or both sides of the road shall contain drive aisles of not less than twenty-four (24) feet in width. All access roads that do not contain angled parking shall comply with the current Residential Site Improvement Standards (NJAC 5:21) for the width of the cartway inclusive of any on-street parallel parking areas. All such construction, paving and curbing shall be completed in accordance with the subdivision regulations of Edison Township. All interior roads shall provide suitable access for ingress, egress and circulation for emergency vehicles, by providing additional width of drive aisles, adequate turning radius at corners and appropriate delineated Fire Lanes, subject to the review by the Edison Township Fire Department.

8. Parking. [No parking shall be permitted on any road or accessway within the garden apartment development] All parking shall be confined to the areas specifically designated on the site plan for that purpose. Parking area shall be paved and curbed and provided with an adequate system of stormwater drainage. No parking area (other than driveway parking spaces located in front of a garage) may be placed closer to a building than ten (10) feet. Parking areas may be constructed in the front, side and rear yards, but in no event closer than ten (10) feet to a lot line (other than driveway parking spaces located in front of a garage).

9. Buildings.

(a) No principal building shall:

(1) Be designed for or occupied by more than [sixteen (16)] twenty (20) families;

(2) Exceed [one hundred sixty (160)] two hundred ten (210) feet in length in its longest

dimensions;

[(3) Provide less than two (2) exterior exposures each of which shall be properly pierced so as to provide through ventilation or cross ventilation for each unit]

[(4)] Allow or contain outside television antennas. All television antenna equipment shall be built into the building to eliminate individual antennas being erected upon the roof. This subsection shall not apply to a common antenna tower[;].

[(5) Provide, in the basement area or elsewhere, less than fifty (50) square feet of storage, with a floor to ceiling height of seven (7) feet, for each garden apartment unit in the building;]

[(6) Fail to provide, in an enclosed basement area, laundry facilities for the exclusive use of the occupants of the building.]

(b) No basement apartment units shall be permitted. For purposes of this section, a "basement unit" shall be defined as a unit having its finished floor elevation three (3) or more feet below the finish grade of the ground about the building.

10. Utilities. For all garden apartments, the applicant for the site plan approval shall arrange with the serving utilities for the underground installation of the utilities' distribution supply lines and service connections in accordance with the provisions of the applicable standard terms and conditions incorporated as part of its tariff on file with the State of New Jersey Board of Public Utility Commissioners and shall submit to the Planning Board prior to the granting of site plan approval a written instrument from each serving utility which shall evidence full compliance with the provisions of this section; provided, however, that sites which abut existing streets where overhead electric or telephone distribution supply lines have theretofore been installed on any portion of the streets involved may be supplied with electric and telephone service from the overhead lines or extensions, but the service connections from the utilities' overhead lines shall be installed underground.
(1999 Code § 17.36.010)

37-15.2 Accessory Uses.

Accessory uses usually incidental to the above uses, as specified below:

- a. Noncommercial garage for exclusive use of site residents only;
- b. Noncommercial swimming pools for exclusive use of site residents only.

(1999 Code § 17.36.020)

37-15.3 Conditional Uses.

a. Office buildings used for professional services, business services, management and consulting services only and subject to the following conditions and regulations:

1. Site development shall comply with the minimum development regulations set forth for the district. The buffer requirement set forth in the district shall be measured from the required yard width from existing garden apartments,

2. No retail sales of goods or merchandise shall be permitted;

b. Indoor tennis courts, skating rinks, handball courts and health clubs, subject to the following conditions and regulations: site development shall comply with the minimum development regulations set forth for the district, except that such use or uses shall not occupy an area of land of less than five (5) acres, excluding garden apartments;

c. Nursing homes, subject to the following conditions and regulations:

1. The use shall have direct access to a street other than a local access street as classified in the adopted Master Plan of the Township.

2. The minimum site area shall be one (1) acre.

(1999 Code § 17.36.030)

37-15.4 Height, Area and Yard Requirements.

Height, area and yard requirements are as specified in the schedule, Section 37-63, except as otherwise specified in this section. [(1999 Code § 17.36.040)]

37-15.5 Off-Street Parking Requirements.

Off-street parking together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards of Section 37-60. (1999 Code § 17.36.050)

37-15.6 Sign Regulations.

Signs shall be permitted in conformance with Section 37-62. (1999 Code § 17.36.060)

37-15.7 Affordable Housing Requirements

Unless otherwise set forth at Section 37-15.7(C) below, all development within this district shall comply with the following Affordable Housing Requirements:

A. For Sale Developments:

Total number of Units Minimum Percent of Affordable Housing Units

| | |
|--------------|-------------------|
| 10 and under | none ² |
| 11-20 | 10% |
| 21-50 | 15% |
| Over 51 | 20% |

B. Rental Units:

Total number of Units Minimum Percent of Affordable Housing Units

| | |
|--------------|-------|
| 10 and under | none* |
| 11-20 | 10% |
| 21-50 | 15% |
| Over 51 | 20% |

C. Pursuant to the April 21, 2016 Settlement Agreement of Litigation In the Matter of Certification or Judgment of Compliance and Repose of its Obligations Under the Fair Housing Act and Approval of its Amended Spending Plan, Docket No. MID-L-3944-15 (the "Settlement Agreement"), certain terms and conditions applicable to the inclusionary development of Block 762, Lot 1A, and Block 38, Lots 18 and 19 (the "Properties") were agreed to by the Parties and which terms and conditions were approved by the Court. Where the terms of the Settlement Agreement conflict with terms of the Township Affordable Housing Ordinance, the terms of the Settlement Agreement shall control any development application relative to the Properties.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

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; Ord. No. O.1870-2014; Ord. No. O.1887-2014)

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; Ord. No. O.1870-2014; Ord. No. O.1887-2014)

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:

² Units 10 and under are subject to the development fee

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), Section 10-7 (Indecency and Obscenity) and Section 10-5 (Public Peace and Decency). (1999 Code § 17.49.030; Ord. No. O.1870-2014; Ord. No. O.1887-2014)

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; Ord. No. O.1870-2014; Ord. No. O.1887-2014) The construction of any residential units within any mixed-use building shall be subject to the Affordable Housing Requirements set forth in Section 37-15.7 in terms of the minimum number of affordable housing units that must be contained required.

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; Ord. No. O.1870-2014; Ord. No. O.1887-2014)

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; Ord. No. O.1870-2014; Ord. No. O.1887-2014)

37-25.7 Accessory Uses.

No accessory uses are permitted. (1999 Code § 17.49.070; Ord. No. O.1870-2014; Ord. No. O.1887-2014)

37-25.8 Conditional Uses.

No conditional uses are permitted. (1999 Code § 17.49.080; Ord. No. O.1870-2014; Ord. No. O.1887-2014)

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.

f. The maximum percent of lot coverage by all buildings shall be seventy (70%) percent.

g. The maximum percent of lot coverage by all buildings and pavement shall be ninety-five (95%) percent.

h. The building height shall be a maximum of three (3) stories or forty (40) feet in height whichever is the lesser.

i. 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 five hundred (2,500) square feet per story.

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

k. All buildings must comply with all fire safety and sprinkler laws.

(1999 Code § 17.49.090; Ord. No. O.1870-2014; Ord. No. O.1887-2014)

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 Section 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 nonresidential 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; Ord. No. O.1870-2014; Ord. No. O.1887-2014)

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; Ord. No. O.1870-2014; Ord. No. 1887-2014)

37-25.12 Signs.

Signs shall be subject to the sign regulations of Section 37-62. (1999 Code § 17.49.120; Ord. No. O.1870-2014; Ord. No. O.1887-2014)

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; Ord. No. O.1870-2014; Ord. No. O.1887-2014)

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; Ord. No. O.1870-2014; Ord. No. O.1887-2014)

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; Ord. No. O.1870-2014; Ord. No. O.1887-2014)

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; Ord. No. O.1870-2014; Ord. No. O.1887-2014)

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; Ord. No. O.1870-2014; Ord. No. O.1887-2014)

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

37-30 O-S, O-S-1 AND O-S-2 SERVICE DISTRICTS.

37-30.1 Purpose.

These districts are differentiated one from the other by the schedule of development and use. The purpose of these districts is to provide a reasonable use of land for nonresidential purposes, but at the same time maintain a residential presence. (1999 Code § 17.52.010)

37-30.2 Permitted Uses.

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

- a. Medical and dentistry and related professional services;
- b. Business and professional offices and banks;
- c. In the O-S and O-S-1 districts only, barbershops, beauty shops and similar service establishments;
- d. In the O-S and O-S-1 districts only, retail sales of books, stationery sales, arts and craft sales, antique stores, photography sales and supplies and recreational equipment sales. In no case shall any use be permitted which involves the sale of food, inclusive of candy, ice cream, etc.;
- e. Single-family detached dwelling.

(1999 Code § 17.52.020)

37-30.3 Accessory Uses.

Use customary and incidental to the principal use and located within the principal building(s). (1999 Code § 17.52.030)

37-30.4 Conditional Uses.

Dwelling unit as an accessory use, subject to the following:

- a. The dwelling unit shall be accessory to the principal use at the site and shall be located in the same building.
 - b. A dwelling unit shall have an exterior entrance separate from that of the principal business use at the site.
- (1999 Code § 17.52.040)

c. The inclusion of a dwelling unit as an accessory to the principle unit will be subject to the required Affordable Housing Development Fee.

37-30.5 Height, Area and Yard Requirements.

Height, area and yard requirements are as specified in the schedule, Section 37-63. (1999 Code § 17.52.050)

37-30.6 Other Requirements.

Same as specified for the L-B district. * (1999 Code § 17.52.060)

37-30.7 Off-Street Parking and Loading Requirements.

Off-street parking and loading requirements are as specified in Section 37-60. (1999 Code § 17.52.070)

37-30.8 Signs.

Signs shall be subject to the sign regulations of Section 37-62. (1999 Code § 17.52.080)

37-30.9 Architectural Regulation.

The development character of these districts in most instances was or is residential in appearance. Most buildings were originally constructed as single-family homes. In this context, any new, altered or enlarged construction shall be designed to maintain a residential appearance. (1999 Code § 17.52.090)

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

37-50 AHOZ-3 AFFORDABLE HOUSING DISTRICT.

37-50.1 Purpose.

There is hereby created, pursuant to a settlement of litigation, an Affordable Housing Zone (AHOZ) permitting townhouses and apartment dwellings in the Zone. The AHOZ affects a 10.3+-acre property comprised of Block 38, Lots 19 in its entirety and a portion of Block 38, Lot 18, that currently constitutes the undeveloped portion of the Rivendell Heights project at the time of the establishment of this section of the Ordinance, and as depicted on the zoning map (the "Site"). The purpose of this zone is to permit the construction of two hundred fifty (250) garden apartment units of which 15% or 38 units shall be affordable as follows: 14 low income; 19 moderate income; 5 very low income; and the market rate units shall be a combination of 40% one bedrooms and 60% two bedrooms

37-50.2 COAH Compliance.

All low and moderate income units shall conform to COAH regulations, including, but not limited to: regulations pertaining to phasing the construction of low and moderate income units in sequence with market units; bedroom distribution; establishing affordable sales prices and rents; and controls on affordability. The Township's affordable housing ordinance will incorporate and be subject to COAH regulations.

37-50.3 Permitted Uses.

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

a. Single-family detached houses subject to the same development regulations specified in the R-B district;

b. Townhouses subject to development regulations specified in the R-B-th district;

c. Multifamily dwelling and apartment houses subject to the following requirements:

1. Minimum Lot Size. No building which is intended or designed to be used, in whole or in part, as a garden apartment building shall be erected or constructed upon a lot containing an area of less than ten (10) acres; except that, if a zone boundary line passes through any lot of ten (10) acres or more with the result that the area available for garden apartment construction is less than ten acres, such area of less ten (10) acres may be approved for garden apartment development; provided, however, that all other regulations pertaining to the erection or construction of the garden apartments shall be applied to and within the area permitting such construction, except that the calculation of the number of units to be constructed shall be based upon such acreage available for such construction.

2. Height. No apartment building shall have more than three (3) habitable stories or exceed fifty (50) feet in height.

3. Minimum Space Between Buildings. The minimum distance between buildings shall be one-half (1/2) the total height of the two (2) buildings, except that the side to side minimum distance between buildings shall be twenty (20) feet.

4. Density. No more than ten (10) apartment units per acre shall be permitted for two-story apartment buildings and no more than twenty-five (25) apartment units per acre shall be permitted for three-story buildings.

5. Rooms. Each apartment unit in each apartment building shall contain separate bedroom, separate bathroom and separate kitchen/dining facilities. This provision shall not be interpreted to preclude efficiency apartments.

6. Landscaping. All areas of a garden apartment development not used for the construction of buildings, roads, accessways, parking areas or sidewalks shall be fully landscaped. Where a garden apartment development boundary line abuts a lot in a residential zone, which lot is not owned by the garden apartment developer, there shall not be cut, uprooted, destroyed or taken away any existing trees, shrubbery or other planting within the area of twenty (20) feet inside the boundary line of the garden development abutting a residential lot. If no adequate trees, shrubs or plantings exist in the twenty (20) foot area in the natural state of the premises before development, the area shall be provided with an adequate approved planting plan to provide a belt of screening within the twenty (20) foot area.

7. Interior Roads. All roads and other accessways within the garden apartment development shall be private roads, and be constructed with pavement and curbs within the established cartways. All roads and or drive aisles containing right-angle parking or angled parking on one or both sides of the road shall contain drive aisles of not less than twenty-four (24) feet in width. All access roads that do not contain angled parking shall comply with the current Residential Site Improvement Standards (NJAC 5:21) for the width of the cartway inclusive of any on-street parallel parking areas. All such construction, paving and curbing shall be completed in accordance with the subdivision regulations of Edison Township. All interior roads shall provide suitable access for ingress, egress and circulation for emergency vehicles, by providing additional width of drive aisles, adequate turning radius at corners and appropriate delineated Fire Lanes, subject to the review of the Edison Township Fire Department.

8. Parking. All parking shall be confined to the areas specifically designated on the site plan for that purpose. Parking area shall be paved and curbed and provided with an adequate system of stormwater drainage. No parking area (other than driveway parking spaces located in front of a garage) may be placed closer to a building than ten (10) feet. Parking areas may be constructed in the front, side and rear yards, but in no event closer than ten (10) feet to a lot line (other than driveway parking spaces located in front of a garage).

9. Buildings.

(a) No principal building shall:

(1) Be designed for or occupied by more than twenty (20) families;

(2) Exceed two hundred and ten (210) feet in length in its longest dimensions;

(3) Allow or contain outside television antennas. All television antenna equipment shall be built into the building to eliminate individual antennas being erected upon the roof. This subsection shall not apply to a common antenna tower;

(b) No basement apartment units shall be permitted. For purposes of this section, a "basement unit" shall be defined as a unit having its finished floor elevation three (3) or more feet below the finish grade of the ground about the building.

10. Utilities. For all garden apartments, the applicant for the site plan approval shall arrange with the serving utilities for the underground installation of the utilities' distribution supply lines and service connections in accordance with the provisions of the applicable standard terms and conditions incorporated as part of its tariff on file with the State of New Jersey Board of Public Utility Commissioners and shall submit to the Planning Board prior to the granting of site plan approval a written instrument from each serving utility which shall evidence full compliance with the provisions of this section; provided, however, that sites which abut existing streets where overhead electric or telephone distribution supply lines have theretofore been installed on any portion of the streets involved may be supplied with electric and telephone service from the overhead lines or extensions, but the service connections from the utilities' overhead lines shall be installed underground.

37-50.4 Accessory Uses.

Accessory uses usually incidental to the above uses, as specified below:

a. Noncommercial garage for exclusive use of site residents only;

b. Noncommercial swimming pools and clubhouses for exclusive use of site residents only.

37-50.5 Conditional Uses.

a. Office buildings used for professional services, business services, management and consulting services only and subject to the following conditions and regulations:

1. Site development shall comply with the minimum development regulations set forth for the district. The buffer requirement set forth in the district shall be measured from the required yard width from existing garden apartments.

2. No retail sales of goods or merchandise shall be permitted;

b. Indoor tennis courts, skating rinks, handball courts and health clubs, subject to the following conditions and regulations: site development shall comply with the minimum development regulations set forth for the district, except that such use or uses shall not occupy an area of land of less than five (5) acres, excluding garden apartments;

c. Nursing homes, subject to the following conditions and regulations:

1. The use shall have direct access to a street other than a local access street as classified in the adopted Master Plan of the Township.

2. The minimum site area shall be one (1) acre.

37-50.6 Height, Area and Yard Requirements.

Height, area and yard requirements are as specified in the schedule, Section 37-63, except as otherwise specified in this section. The exceptions to that schedule include the following:

Permitted building coverage ratio – 35%;

Permitted impervious coverage ratio – 75%;

Permitted FAR – .7.

37-50.7 Off-Street Parking Requirements.

Off-street parking together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards of Section 37-60.

37-50.8 Sign Regulations.

Signs shall be permitted in conformance with Section 37-62.

37-50.9 Affordable Housing Requirements

Except as provided for herein, all development within this district shall comply with the provisions of the Township's Affordable Housing Ordinance (Ordinance No.) adopted on , 2016 ("Township Affordable Housing Ordinance").Requirements:

37-51 AHOZ-4 AFFORDABLE HOUSING DISTRICT.

37-51.1 Purpose.

There is hereby created, pursuant to a settlement of litigation, an Affordable Housing Zone (AHOZ) permitting townhouses and apartment dwellings in the Zone. The AHOZ affects an 11.25± -acre property comprised of Block 762, Lot 1A, as depicted on the zoning map (the "Site"). The purpose of this zone is to permit the construction of two hundred twenty (220) garden apartment units of which 15% or 33 units shall be affordable as follows: 13 low income; 16 moderate income; 4 very low income; and the market rate units shall be a combination of 40% one bedrooms and 60% two bedrooms

37-51.2 COAH Compliance.

All low and moderate income units shall conform to COAH regulations, including, but not limited to: regulations pertaining to phasing the construction of low and moderate income units in sequence with market units; bedroom distribution; establishing affordable sales prices and rents; and controls on affordability. The Township's affordable housing ordinance will incorporate and be subject to COAH regulations.

37-51.3 Permitted Uses.

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

a. Single-family detached houses subject to the same development regulations specified in the R-B district;

b. Townhouses subject to development regulations specified in the R-B-th district;

c. Multifamily dwelling and apartment houses subject to the following requirements:

1. Minimum Lot Size. No building which is intended or designed to be used, in whole or in part, as a garden apartment building shall be erected or constructed upon a lot containing an area of less than ten (10) acres; except that, if a zone boundary line passes through any lot of ten (10) acres or more with the result that the area

available for garden apartment construction is less than ten acres, such area of less ten (10) acres may be approved for garden apartment development; provided, however, that all other regulations pertaining to the erection or construction of the garden apartments shall be applied to and within the area permitting such construction, except that the calculation of the number of units to be constructed shall be based upon such acreage available for such construction.

2. Height. No apartment building shall have more than three (3) habitable stories or exceed fifty (50) feet in height.

3. Minimum Space Between Buildings. The minimum distance between buildings shall be one-half (1/2) the total height of the two (2) buildings, except that the side to side minimum distance between buildings shall be twenty (20) feet.

4. Density. No more than ten (10) apartment units per acre shall be permitted for two-story apartment buildings and no more than twenty-five (25) apartment units per acre shall be permitted for three-story buildings.

5. Rooms. Each apartment unit in each apartment building shall contain separate bedroom, separate bathroom and separate kitchen/dining facilities. This provision shall not be interpreted to preclude efficiency apartments.

6. Landscaping. All areas of a garden apartment development not used for the construction of buildings, roads, accessways, parking areas or sidewalks shall be fully landscaped. Where a garden apartment development boundary line abuts a lot in a residential zone, which lot is not owned by the garden apartment developer, there shall not be cut, uprooted, destroyed or taken away any existing trees, shrubbery or other planting within the area of twenty (20) feet inside the boundary line of the garden development abutting a residential lot. If no adequate trees, shrubs or plantings exist in the twenty (20) foot area in the natural state of the premises before development, the area shall be provided with an adequate approved planting plan to provide a belt of screening within the twenty (20) foot area.

7. Interior Roads. All roads and other accessways within the garden apartment development shall be private roads, and be constructed with pavement and curbs within the established cartways. All roads and or drive aisles containing right-angle parking or angled parking on one or both sides of the road shall contain drive aisles of not less than twenty-four (24) feet in width. All access roads that do not contain angled parking shall comply with the current Residential Site Improvement Standards (NJAC 5:21) for the width of the cartway inclusive of any on-street parallel parking areas. All such construction, paving and curbing shall be completed in accordance with the subdivision regulations of Edison Township. All interior roads shall provide suitable access for ingress, egress and circulation for emergency vehicles, by providing additional width of drive aisles, adequate turning radius at corners and appropriate delineated Fire Lanes, subject to the review of the Edison Township Fire Department.

8. Parking. All parking shall be confined to the areas specifically designated on the site plan for that purpose. Parking area shall be paved and curbed and provided with an adequate system of stormwater drainage. No parking area (other than driveway parking spaces located in front of a garage) may be placed closer to a building than ten (10) feet. Parking areas may be constructed in the front, side and rear yards, but in no event closer than ten (10) feet to a lot line (other than driveway parking spaces located in front of a garage).

9. Buildings.

(a) No principal building shall:

(1) Be designed for or occupied by more than twenty (20) families;

(2) Exceed two hundred and ten (210) feet in length in its longest dimensions;

(3) Allow or contain outside television antennas. All television antenna equipment shall be built into the building to eliminate individual antennas being erected upon the roof. This subsection shall not apply to a common antenna tower;

(b) No basement apartment units shall be permitted. For purposes of this section, a "basement unit" shall be defined as a unit having its finished floor elevation three (3) or more feet below the finish grade of the ground about the building.

10. Utilities. For all garden apartments, the applicant for the site plan approval shall arrange with the serving utilities for the underground installation of the utilities' distribution supply lines and service connections in accordance with the provisions of the applicable standard terms and conditions incorporated as part of its tariff on file with the State of New Jersey Board of Public Utility Commissioners and shall submit to the Planning Board prior to the granting of site plan approval a written instrument from each serving utility which shall evidence full compliance with the provisions of this section; provided, however, that sites which abut existing streets where overhead electric or telephone distribution supply lines have theretofore been installed on any portion of the streets involved may be supplied with electric and telephone service from the overhead lines or extensions, but the service connections from the utilities' overhead lines shall be installed underground.

37-51.4 Accessory Uses.

Accessory uses usually incidental to the above uses, as specified below:

- a. Noncommercial garage for exclusive use of site residents only;
- b. Noncommercial swimming pools and clubhouses for exclusive use of site residents only.

37-51.5 Conditional Uses.

a. Office buildings used for professional services, business services, management and consulting services only and subject to the following conditions and regulations:

1. Site development shall comply with the minimum development regulations set forth for the district. The buffer requirement set forth in the district shall be measured from the required yard width from existing garden apartments.

2. No retail sales of goods or merchandise shall be permitted;

b. Indoor tennis courts, skating rinks, handball courts and health clubs, subject to the following conditions and regulations: site development shall comply with the minimum development regulations set forth for the district, except that such use or uses shall not occupy an area of land of less than five (5) acres, excluding garden apartments;

c. Nursing homes, subject to the following conditions and regulations:

1. The use shall have direct access to a street other than a local access street as classified in the adopted Master Plan of the Township.

2. The minimum site area shall be one (1) acre.

37-51.6 Height, Area and Yard Requirements.

Height, area and yard requirements are as specified in the schedule, Section 37-63, except as otherwise specified in this section. The exceptions to that schedule include the following:

Permitted building coverage ratio – 35%;

Permitted impervious coverage ratio – 75%;

Permitted FAR – .7.

37-51.7 Off-Street Parking Requirements.

Off-street parking together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards of Section 37-60.

37-51.8 Sign Regulations.

Signs shall be permitted in conformance with Section 37-62.

37-51.9 Affordable Housing Requirements

Except as provided for herein, all development within this district shall comply with the provisions of the Township's Affordable Housing Ordinance (Ordinance No. _____) adopted on _____, 2016 ("Township Affordable Housing Ordinance").Requirements:

11. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapters 37 of the Code are repealed and replaced. All other resolutions and ordinances governing Chapter 37 enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

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

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

14. 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 and replacing Chapter 30 “Affordable Housing,” of the Township of Edison Code of General Ordinances to address the requirements of the Fair Housing Act and the Uniform Housing Affordability Control (“UHAC”) regarding compliance with the Township’s affordable housing obligations.

ORDINANCE

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

WHEREAS, the Township desires and intends to provide assurances that low and moderate income units (“affordable units”) are created throughout the Township with controls on affordability over time, and that low and moderate income households shall occupy those affordable units; and

WHEREAS, the Township planning Board (the “**Planning Board**”) has adopted a Housing Element and Fair Share Plan (the “**Housing Element and Fair Share Plan**”) pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., with the Housing Element and Fair Share Plan having been endorsed by the municipal council of the Township (the “**Municipal Council**”); and

WHEREAS, due to certain constitutional obligations borne by the Township to provide its fair share of low and moderate income housing as directed by the Superior Court of New Jersey (the “**Court**”) and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985, the Township desires to amend and replace the existing Township Code of General Ordinances (the “**Code**”), Chapter 30 “Affordable Housing,” in furtherance of same; and

WHEREAS, the Township desires to incorporate the adopted and endorsed Housing Element and Fair Share Plan and address the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985, the Township desires to amend and replace the existing Township Code of General Ordinances (the “**Code**”), Chapter 30 “Affordable Housing,” in furtherance of same; and

WHEREAS, the Township of Edison shall file such annual monitoring reports as may be directed by the Court regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan. The report shall be filed with the Middlesex County Superior Court and shall be available to the public at the Edison Municipal Building, Township Clerk’s Office, 100 Municipal Blvd., Edison, NJ 08817.

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

10. The aforementioned recitals are incorporated herein as though fully set forth at length.
11. The Municipal Council hereby replaces and amends Chapter 30 “Affordable Housing” of the Code to read as follows:

Section 1. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity designated by the Township to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable housing development” means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Township’s fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Alternative living arrangement" means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

“Assisted living residence” means a facility that is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that requires the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells),

heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1, et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Multifamily unit” means a structure containing five or more dwelling units.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income for the applicable housing region.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

Section 2. Applicability

1. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Township of Edison pursuant to the Township’s most recently adopted Housing Element and Fair Share Plan.

2. In addition, any property in the Township of Edison that is currently zoned for nonresidential uses and that is subsequently rezoned for residential purposes or receives a zoning change or a use variance to permit residential development, or receives a zoning change or a density variance to permit higher density residential development, and provided such residential development provides a sufficient compensatory benefit in terms of the density of development permitted, shall provide an affordable housing set-aside as set forth in Section 6.5. The determination of a "sufficient compensatory benefit" shall be made by the reviewing authority based upon prevailing legislation and/or case law.

3. The following sections shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

Section 3. Reserved

Section 4. Alternative Living Arrangements

1. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:

a. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;

b. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

2. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

3. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

Section 5. Phasing Schedule for Inclusionary Zoning

In inclusionary developments the following schedule shall be followed:

| Maximum Percentage of Market-Rate Units Completed | Minimum Percentage of Low- and Moderate-Income Units Completed |
|---|--|
| 25 | 0 |
| 25+1 | 10 |
| 50 | 50 |
| 75 | 75 |
| 90 | 100 |

Section 6. New Construction

1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

a. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of median income). The very low income units shall be counted as part of the required number of low income units within the development. At least 25 percent of the obligation shall be met through rental units, including at least half in rental units available to families. A maximum of 25 percent may be age restricted. At least half of the units in total shall be available to families.

b. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.

c. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

1) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;

2) At least 30 percent of all low- and moderate-income units shall be two bedroom units;

3) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and

4) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

d. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

2. Accessibility Requirements:

a. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:

b. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

1) An adaptable toilet and bathing facility on the first floor; and

2) An adaptable kitchen on the first floor; and

3) An interior accessible route of travel on the first floor; and

4) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

5) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and

6) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Edison has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

a) Where a unit has been constructed with an adaptable entrance, upon the request of a person with disabilities who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

b) To this end, the builder of restricted units shall deposit funds within the Township of Edison's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

c) The funds deposited under paragraph 6) b) above shall be used by the Township of Edison for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

d) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Township of Edison for the conversion of adaptable to accessible entrances.

e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township's Affordable Housing Trust Fund in care of the Township Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

6) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

3. Design:

a. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

b. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

4. Maximum Rents and Sales Prices:

a. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by COAH or a successor entity.

b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.

c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30 percent or less of the regional median household income.

d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:

- 1) A studio shall be affordable to a one-person household;
- 2) A one-bedroom unit shall be affordable to a one and one-half person household;
- 3) A two-bedroom unit shall be affordable to a three-person household;
- 4) A three-bedroom unit shall be affordable to a four and one-half person household; and
- 5) A four-bedroom unit shall be affordable to a six-person household.

f. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

- 1) A studio shall be affordable to a one-person household;
- 2) A one-bedroom unit shall be affordable to a one and one-half person household; and
- 3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

g. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented;

provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

h. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

i. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.

j. The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

5. Minimum Presumptive Densities/Maximum Presumptive Set-asides for Multi-Family Development:

Affordable Housing Requirements

a. For Sale Developments:

| <u>Total number of Units</u> | <u>Minimum Percent of Affordable Housing Units</u> |
|------------------------------|--|
| 10 and under | none* |
| 11-20 | 10% |
| 21-50 | 15% |
| Over 51 | 20% |

b. Rental Developments:

| <u>Total number of Units</u> | <u>Minimum Percent of Affordable Housing Units</u> |
|------------------------------|--|
| 10 and under | none* |
| 11-20 | 10% |
| 21-50 | 15% |
| Over 51 | 20% |

*Units 10 and under are subject to the development fee

c. A project shall not be subdivided into two or more lots so as to fall below the threshold or circumvent the set aside requirement by taking multiple actions.

6. Multi-Family Zones:

a. Within the R-A –th (townhouse) zone, the base density shall be increased to eight units per acre with a requirement for a 10 to 20 percent set-aside for affordable sale units, commensurate with the total number of units in the development as set forth above in Section 5.

b. Within the R-BB-th zone, the base density of five units per acre shall be increased to eight units per acre with a requirement for a 10 to 20 percent set-aside for affordable sale units, commensurate with the total number of units in the development as set forth above in Section 5.

c. Within the R-B-th zone, the base density of 10 units per acre shall be increased to 15 units per acre with a requirement for a 10 to 20 percent set-aside for affordable sale units or a 10 to 20percent set-aside for affordable rental units, commensurate with the total number of units in the development as set forth above in Section 5.

d. Within the L-R zone the base density of 10 units per acre shall be increased to 15 units per acre with a requirement for a 10 to 20 percent set-aside for affordable sale units and a 10 to 20 percent set-aside for affordable rental units, commensurate with the total number of units in the development as set forth above in Section 5.

e. Within the L-R zone, the base density of 10 units per acre (minimum three- acre lot size) for a two story building shall be increased to 15 units per acre with a requirement for a 10 to 20 percent set-aside for affordable rental units, commensurate with the total number of units in the development as set forth above in Section 5.

f. Within the L-R zone, the base density of 15 units per acre (minimum three- acre lot size) for three stories shall be increased to 23 units per acre with a requirement for a 10 to 20 percent set-aside for affordable rental units, commensurate with the total number of units in the development as set forth above in Section 5.

Section 7. Utilities

1. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
2. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

Section 8. Occupancy Standards

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

1. Provide an occupant for each bedroom;
2. Provide children of different sexes with separate bedrooms;
3. Provide separate bedrooms for parents and children; and
4. Prevent more than two persons from occupying a single bedroom.

Section 9. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Edison takes action to release the unit from such requirements; prior to such action, a restricted ownership unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, **except that, for any units approved after October 4, 2016, such controls shall be for at least 50 years, or until such time after the initial 50 year period as the Township of Edison elects to release the unit from such requirements.**

2. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.

3. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted

price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

4. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

5. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

6. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 10. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

1. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
3. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
4. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 13.

Section 11. Buyer Income Eligibility

1. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
2. Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the Township Council, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.
3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated

monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

Section 12. Limitations on Indebtedness Secured by Ownership Unit; Subordination

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

2. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

Section 13. Capital Improvements To Ownership Units

1. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

Section 14. Control Periods for Restricted Rental Units

1. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until Edison takes action to release the unit from such requirements. Prior to such action, a restricted rental unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, **except that, for any units approved after October 4, 2016, such controls shall be for at least 50 years, or until such time after the initial 50 year period as the Township of Edison elects to release the unit from such requirements. For new projects receiving nine percent Low Income Housing Tax Credits, a control period of not less than a 30 year compliance period plus a 15 year extended use period shall be required.**

2. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Middlesex. The deed shall also identify each affordable unit by apartment number and/or address and whether that unit is designated as a very low, low or moderate income unit. Neither the unit nor its affordability designation shall change throughout the term of the deed restriction. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

3. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - a. Sublease or assignment of the lease of the unit;
 - b. Sale or other voluntary transfer of the ownership of the unit; or
 3. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

Section 15. Rent Restrictions for Rental Units; Leases

1. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
2. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
3. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
4. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15 percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

Section 16. Tenant Income Eligibility

1. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

- c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
3. The applicant shall file documentation sufficient to establish the existence of the circumstances in 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

Section 17. Municipal Housing Liaison

1. The Township of Edison shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. Edison shall adopt an Ordinance creating the position of Municipal Housing Liaison. Edison shall adopt a Resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

2. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Edison, including the following responsibilities which may not be contracted out to the Administrative Agent:

- a. Serving as Edison's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - b. Monitoring the status of all restricted units in Edison's Fair Share Plan;
 - c. Compiling, verifying and submitting annual monitoring reports as may be required by the Court;
 - d. Coordinating meetings with affordable housing providers and Administrative Agents, as needed;
- and
- e. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.

3. Subject to the approval of the Court, the Township of Edison shall designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with UHAC. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Township Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).

Section 18. Administrative Agent

The Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. For new sale and rental developments, all of the fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. For resales, single family

homeowners and condominium homeowners shall be required to pay three percent of the sales price for services provided by the Administrative Agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the Administrative Agent. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which include:

1. Affirmative Marketing:

a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Edison and the provisions of N.J.A.C. 5:80-26.15; and

b. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

2. Household Certification:

a. Soliciting, scheduling, conducting and following up on interviews with interested households;

b. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

c. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

d. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;

e. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and

f. Employing a random selection process as provided in the Affirmative Marketing Plan of the Township of Edison when referring households for certification to affordable units.

3. Affordability Controls:

a. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

b. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;

c. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Middlesex County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;

d. Communicating with lenders regarding foreclosures; and

e. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

4. Resales and Rentals:

a. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and

b. Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.

5. Processing Requests from Unit Owners:

a. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;

b. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;

c. Notifying the municipality of an owner's intent to sell a restricted unit; and

d. Making determinations on requests by owners of restricted units for hardship waivers.

6. Enforcement:

a. Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

b. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

c. The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;

d. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

e. Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and

f. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Township Council and the Court, setting forth procedures for administering the affordability controls.

7. Additional Responsibilities:

a. The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

b. The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.

c. The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

Section 19. Affirmative Marketing Requirements

1. The Township of Edison shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. In addition, as a result of the Settlement Agreement with FSHC, the Affirmative Marketing Plan shall require the notification of the New Jersey State NAACP, the New Brunswick, Plainfield, Perth Amboy and Metuchen/Edison NAACPs and the Latino Action Network of affordable housing opportunities. It is a continuing program that directs marketing activities toward Housing Region 3 and is required to be followed throughout the period of restriction.

3. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 3, comprised of Middlesex, Hunterdon and Somerset Counties.

4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and rerentals. The Administrative Agent designated by the Township of Edison shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

5. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

6. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.

7. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.

8. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Pre-applications shall be emailed or mailed to prospective applicants upon request.

9. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

Section 20. Enforcement of Affordable Housing Regulations

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

2. After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may

take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

1) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

2) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of Edison Affordable Housing Trust Fund of the gross amount of rent illegally collected;

3) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

b. The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.

1) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

2) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

3) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

4) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner

with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

5) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

6) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 21. Appeals

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

15. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapters 30 of the Code are repealed and replaced. All other resolutions and ordinances Chapter 30 are hereby modified pursuant to the terms of this Ordinance.

16. 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.

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

18. 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 the Township Code, Chapter 15, Property Maintenance, by additional definitions of terms and penalties, and a new section 15-3 entitled “Vacant and Abandoned Properties,” providing for registration of vacant and abandoned properties by owners and/or creditors.

ORDINANCE

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

WHEREAS, the municipal council of the Township (the “**Township Council**”) finds that abandoned and vacant properties exist within the boundaries of the Township; and

WHEREAS, abandoned properties create a range of problems, including but not limited to, fostering criminal activity, creating public health problems, diminishing the quality of life for residents and diminishing property values of neighboring properties; and

WHEREAS, it is in the public interest and the Township so desires to establish a system to identify and track vacant and abandoned properties which are vacant and abandoned or in foreclosure, to establish standards for the maintenance of those properties and to enforce those standards; and

WHEREAS, the Township Council desires to amend the Township’s Code of General Ordinances (the “**Code**”) to amend and add section 15-3 entitled “Vacant and Abandoned Properties,” to Chapter 15 “Property Maintenance” to the Code; and

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

12. The aforementioned recitals are incorporated herein as though fully set forth at length.
13. The Municipal Council hereby amends Chapter 15 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

15-3 Abandoned and Vacant Properties

15-3.1 Definition of Terms

The following terms, wherever used herein or referred to in this section, shall have the respected meanings assigned to them, unless a different meaning clearly appears from the context; as used in this section:

Creditor shall mean a State chartered bank, savings bank, savings and loan association or credit union, any person or entity required to be licensed under the provisions of the “New Jersey Residential Mortgage Act,” P.L. 2009, c.53 (C.17:11C-51 et seq.), any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, Sec. 17, as amended from time to time) and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers.

Exterior of premises shall mean those portions of a structure which are exposed to public view or are visible from adjoining or adjacent lots, including all outside surfaces and appurtenances thereto, and the open land space of any premises outside of any building or structure erected thereon, including vacant lots.

Nuisance shall mean:

- a. Any public or private condition that would constitute a nuisance according to the statutes, laws and regulations of the State of New Jersey, its governmental agencies or the ordinances of the Township.
- b. Any physical condition existing in or on the exterior of any premises which is potentially dangerous, detrimental or hazardous to the life, health or safety of persons on, near or passing within the proximity of the premises where the condition exists.

Operator shall mean any person, persons or entity not the owner, but including any agent of the owner, who has charge, possession, custody, care or control of a dwelling or premises or a part thereof.

Owner shall mean any person, persons or entity who shall have legal or equitable title in any form whatsoever to any premises or part thereof, including any fiduciary, trustee, receiver, guardian or mortgagee in possession. Any lessee, sublessee or assignee of a lessee of any part of any premises shall be deemed an “owner” with respect to that portion of the premises sublet, leased or assigned.

Premises shall mean a lot, plot or parcel of land, right-of-way or multiples thereof, including the building or structures thereon.

Public Officer shall mean the individual designated by the Township, in accordance with N.J.S.A. 55:19-80.

Refuse or rubbish shall mean all discarded, useless, unusable, unused or worthless solid waste matter or materials, combustible or noncombustible, including but not limited to garbage, trash, ashes, paper, paper goods and products, wrappings, cans, bottles, containers, yard clippings, garden waste, debris, junk, glass, boxes, crockery, wood, plastic, rubber, leather, furniture, household goods, appliances, bedding, scrap lumber, scrap metal, construction material, inoperable machinery or parts thereof, garden or farming implements and supplies, dead or rotting vegetation, tires and abandoned, inoperative or unusable automobiles and vehicles and solid commercial or industrial waste. Anything herein to the contrary notwithstanding, a compost pile free of discarded foodstuffs shall not be deemed to be “refuse” or “rubbish.”

Unregistered motor vehicle shall mean a motor vehicle without a valid and current State inspection sticker.

Vacant property shall mean any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be re-occupied without repair or rehabilitation; provided however, that any property that contains all building systems in working order and is being actively marketed by its owner for sale or rental, shall be not be deemed vacant. Residential properties that meet the aforementioned criteria and are subject to a summons and complaint in an action for foreclosure shall be deemed vacant property in accordance with P.L. 2014, c. 35. Property deemed to be “abandoned property” in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall also be deemed to be vacant property for purposes of this section.

15-3.2 Creation of Abandoned Property List

The Public Officer is directed to identify abandoned property for the purpose of creating an “abandoned property list” throughout the Township. Each item of abandoned property so identified shall include the tax block and lot number, the name and address of the owner of record, if known, the street address of the lot and the basis for a determination that the property is abandoned.

15-3.3 General Requirements

a. Sixty (60) days after the effective date of this subsection or thirty (30) days after a building or lot becomes abandoned as defined within this section, the owner shall file a registration statement for each such abandoned property with the Public Officer, on forms provided by the Public Officer for such purposes. The registration shall remain valid for one (1) year. The owner shall be required to renew the registration annually as long as the building or lot continues to be abandoned as defined herein and shall pay a registration or renewal fee in the amount prescribed within this subsection.

b. The owner shall notify the Public Officer within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Public Officer for such purpose.

c. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township of Edison against the owner or owners of the property.

15-3.4 Registration for Abandoned and Vacant Property Owners

a. The owner of abandoned shall provide the following information to the Public Officer on the registration form or form(s) prescribed by the Public Officer:

1. Name, address, email address and contact telephone number of the owner; the owner's address must include a street address; a post office box is not acceptable;

2. Name, address, email address and contact telephone number of any local agent(s) or representative for the building or lot;

3. Name, address, email address and contact telephone number of the person assigned to the property for the security and maintenance of the building or lot;

4. Common address and tax assessor's block and lot designation of the building or lot;

5. The date on which the building became abandoned;

6. Proof of utility (gas, electric, water) connections or disconnections; and

7. Any other information reasonably required by the Township to ensure the safety of all persons and to prevent neglect.

b. Any government entity that owns abandoned property will be exempt from the provisions of this subsection. For purposes of this chapter, the holder of a Federal Housing Administration ("FHA") mortgage, United States Housing and Urban Development ("HUD") mortgage, or any other federally insured mortgage shall not be considered a government entity and shall not be exempt from the provisions of this chapter. The own of any property that is acquired by the owner through the foreclosure of a FHA mortgage, HUD mortgage or any other federally insured mortgage shall also not b exempt from the provisions of this chapter.

c. By designating an authorized agent under the provisions of this subsection, the owner consents to receive any and all notices of code violations concerning the registered abandoned property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered abandoned property by service of the notice of process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Township of a change of an authorized agent or until the owner files a new annual registration statement.

d. The owner is required to update the form within thirty (30) days of a change of any information contained within the form.

e. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township of Edison against the owner or owners of the abandoned property.

f. The Public Officer may identify abandoned properties through his/her routine inspection process as well as through notification by residents, or other community groups that a property may be eligible for inclusion on the registry. Notice will be served upon, or sent by mail, to the owner and will be deemed received by the owner, upon personal delivery; or five (5) days after service by first class mail.

15-3.3 Registration for Vacant and Abandoned Property Creditors

1. Every creditor filing an action to foreclose on a mortgage of any residential property within the Township shall, within ten (10) days thereof, notify the Township Clerk for the Township in writing by mail of said filing. (See N.J.S.A. 46:10B-51). The notice shall also include the street address, lot and block number of the property, and the full name and contact information of an individual located within the State who is authorized to accept service on behalf of the creditor.

2. The notice shall also contain the name and contact information of the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations. In the event the creditor that has served a summons and complaint in an action to foreclose on a residential property is located out-of-state, the notice shall also contain the full name and contact information of an in-state representative or agent who shall be responsible for the care, maintenance, security and upkeep of the exterior of the property if it becomes vacant and abandoned.

a. A creditor filing a summons and complaint in an action to foreclose on a vacant and abandoned property, or a creditor who has previously filed a summons and complaint to foreclose on a residential property which subsequently becomes vacant and abandoned, shall within thirty (30) calendar days after the building becomes vacant and abandoned or within thirty (30) calendar days after assuming ownership of the vacant and abandoned property, whichever is earlier; or within ten (10) calendar days of receipt of notice from the Township, and annually thereafter, file a registration statement for such vacant and abandoned property with the Public Officer consistent with Section 15-3.4(a) of this Chapter, for such purposes. Any failure to receive notice from the Township shall not constitute grounds for failing to register the vacant and abandoned property.

b. Each vacant and abandoned property having a separate block and lot number as designated in the official tax maps of the Township shall be registered separately.

c. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person twenty-one (21) years or older, designated by the creditor as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such creditor in connection with the enforcement of any applicable code.

d. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the abandoned and vacant property. The individual or representative of the firm responsible for maintaining the abandoned and vacant property shall be available by telephone or in person on a twenty four (24) hour per day, seven (7) day per week basis. The two (2) entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

f. The registration shall remain valid for one year from the date of registration except for the initial registration which shall be valid through December 31st of the year in which it was filed. The creditor shall be required to renew the registration annually as long as the building remains vacant and abandoned and shall pay a registration or renewal fee in the amount prescribed Section 15-3.7 for each vacant and abandoned property registered.

g. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.

h. The creditor shall notify the Municipal Clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Municipal Clerk for such purpose.

15-3.5 Abandoned Property Inspection

After filing a registration statement or a renewal of a registration statement and upon reasonable notice, the owner and/or creditor of any abandoned property shall provide access to the Township to conduct an exterior and interior inspection of the building to determine compliance with the Municipal Code, during the period covered by the initial registration or any subsequent renewal.

15-3.6 Requirements for Owners and/or Creditors of Abandoned Properties

a. The owner and/or creditor of any abandoned property, shall immediately upon possession or the filing of a summons and complaint in an action to foreclose on a residential property within the Township be immediately responsible for the care, maintenance, security and upkeep of the exterior of the property, after the property becomes vacant and abandoned and shall:

1. Enclose and secure the building against unauthorized entry in accordance with the applicable provisions of the Code of the Township of Edison and as per the specifications established by the Department of Housing and Urban Development (“HUD”) for securing abandoned and/or vacant properties.

2. Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to this section) and the person responsible for day-to-day supervision and management of the property, if such person is different from the owner or authorized agent. The sign shall be of a size and placed in such a location so as to be visible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 8” x 10” and shall state “WARNING: THIS BUILDING IS SECURED PURSUANT TO CHAPTER 18 OF THE TOWNSHIP OF EDISON REVISED GENERAL ORDINANCES. ANYONE ENTERING THIS BUILDING WITHOUT AUTHORIZATION WILL BE SUBJECT TO ARREST.”

3. Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the property is complete.

4. Ensure that all bushes and trees are trimmed and that they do not interfere with neighboring properties.

5. Ensure that grass does not exceed eight (8) inches in height and that all grass clippings are removed from the lot when the grass is cut.

6. Lots must be clear of all garbage, litter and debris. Abandoned properties must be clear of all vehicles: cars, boats, campers, etc.

7. All sidewalks bordering abandoned properties must be maintained and be cleared of snow, ice, tripping hazards, obstructions, garbage, litter and debris.

8. The owner and/or creditor shall perform regular weekly inspections of the abandoned property to ensure compliance with the requirements of this section.

b. If the owner and/or creditor of the abandoned property fails to comply with all provisions of section, the Township shall take the necessary steps to bring the property into compliance with this section. All costs incurred by the Township in connection with its efforts to bring the property into compliance shall be forwarded to the Tax Collector for inclusion as a municipal lien on the property.

15-3.7 Fees, Penalties, and Enforcement

a. The initial registration fee for each abandoned property shall be Five Hundred Dollars (\$500.00). The fee for subsequent renewals shall be One Thousand Dollars (\$1,000.00). The registration shall remain valid for one (1) year from the date of registration except for the initial registration which shall be valid through December 31st of the year in which it was filed. The owner and/or creditor shall be required to renew the registration annually as long as the building remains vacant and abandoned and shall pay a registration or renewal fee in the amount prescribed in paragraph b. of this section for each vacant and abandoned property registered. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.

b. Any owner who is not in full compliance with this section or who otherwise violates any provision of this section or of the rules and regulations issued hereunder shall be subject to a fine of not less than Two Hundred Fifty Dollars (\$250.00) and not more than One Thousand Dollars (\$1,000.00). Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.

c. For purposes of this section, failure to file a registration statement in time, failure to provide correct information on the registration statement, and/or failure to comply with any other provisions of this section shall be deemed to be a violation hereunder.

d. The Public Officer shall be authorized to issue a notice to an owner and/or Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Township, if the Public Officer determines that the owner and/or Creditor has failed to provide for the care, maintenance, security, and/or upkeep of a Vacant Property.

e. Where an owner and/or Creditor is an out-of-State owner and/or Creditor, the notice shall be issued to the representative or agent that has been identified by the owner and/or Creditor pursuant to Section 15:3.3(1)-(2) of this ordinance.

f. The notice referenced in Paragraph (d) of this sub-Section shall require the owner and/or Creditor to correct the violation (2) within twenty (20) days of receipt of the notice, or within five (5) days of receipt of the notice if the violation presents an imminent threat to public health and safety.

g. The issuance of notice pursuant to Paragraph (d) of this Section shall constitute proof that a residential property is Vacant and Abandoned for the purposes of this Section.

19. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 15 of the Code shall remain unchanged and have full force and legal effect. All other resolutions and ordinances governing property maintenance enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

20. 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.

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

22. 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 R.548-082016

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING AUGUST 18, 2016.

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through August 18, 2016.

| FUND | AMOUNT |
|----------------------|------------------------|
| Current | \$35,414,828.93 |
| Affordable Housing | 43,412.67 |
| Capital | 1,413,213.24 |
| Cash Performance | 0.00 |
| CDBG | 27,847.95 |
| Developers Escrow | 28,411.77 |
| Dog (Animal Control) | 1,373.67 |
| Federal Forfeited | 700.00 |
| Grant Funds | 6,474.56 |
| Law Enforcement | 0.00 |
| Open Space | 0.00 |
| Park Improvements | 0.00 |
| Payroll Deduction | 1,067,156.69 |
| Sanitation Fund | 554,912.68 |
| Sewer Utility | 130,294.23 |
| Tax Sale Redemption | 275,506.31 |
| Tree Fund | 0.00 |
| Tree Planting | 0.00 |
| Trust | 167,087.68 |
| TOTAL | \$39,131,330.38 |

/s/ Nicholas C. Fargo
Chief Financial Officer

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

RESOLUTION R.549-082016

Authorizing refund for redemption of tax sale certificates

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

WHEREAS, the Tax Collector further reports that the said tax sale certificates have been redeemed thereof, and further advises that the purchasers of said property are legally entitled to a refund of monies paid at the time of redemption.

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

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison, that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing, totaling **\$307,682.15**.

RESOLUTION R.550-082016

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

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that certain property owners in the Township have overpaid for sewer use charges due to erroneous or duplicate payments totaling amounts greater than that assessed to them for the year **2016**; and

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

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

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

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

| | |
|------------------------|---------------------|
| Property Owner | THOMAS MC CLOSKEY |
| Property Location: | 4004 CRICKET CIRCLE |
| Block/Lot/Qualifier | 427 / 26 / C4004 |
| Sewer Account: | 10381-0 |
| Amount to be Refunded: | \$ 40.28 |
| GRAND TOTAL: | \$ 40.28 |

3. This Resolution shall take effect immediately.

August 24, 2016

RESOLUTION R.551-082016

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO METRO IMAGING SERVICES, INC. FOR MAINTENANCE AND REPAIR OF OFFICE EQUIPMENT

WHEREAS, bids were received by the Township of Edison on August 2, 2016 for Public Bid No. 16-02-10, Maintenance and Repair of Office Equipment for the Township of Edison; and

WHEREAS, METRO IMAGING SERVICES, INC., 10 Merry Lane, East Hanover, NJ 07936 submitted the lowest, legally responsible, responsive bid for line items-61 & 62 of the bid as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$1,500.00, 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 METRO IMAGING SERVICES, INC., 10 Merry Lane, East Hanover, NJ 07936 for Maintenance and Repair of Office Equipment for the Township of Edison is determined to be the lowest, legally responsible, responsive bid for line items-61 & 62 of the bid as listed on the spreadsheet
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$1,500.00 any other necessary documents, with METRO IMAGING SERVICES, INC. as described herein.

RESOLUTION R.552-082016

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO DITTO COPY SYSTEMS FOR
MAINTENANCE AND REPAIR OF OFFICE EQUIPMENT**

WHEREAS, bids were received by the Township of Edison on August 2, 2016 for Public Bid No. 16-02-10, Maintenance and Repair of Office Equipment for the Township of Edison; and

WHEREAS, DITTO COPY SYSTEMS, 209 E. Elizabeth Avenue, Linden, NJ 07036 submitted the lowest, legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$40,000.00, 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 DITTO COPY SYSTEMS, 209 E. Elizabeth Avenue, Linden, NJ 07036 for Maintenance and Repair of Office Equipment for the Township of Edison is determined to be the lowest, legally responsible, responsive bid for various items of the bid as listed on the spreadsheet
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$40,000.00 any other necessary documents, with DITTO COPY SYSTEMS as described herein.

RESOLUTION R.553-082016

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO JOHNSTON GP, INC. / JOHNSTON COMMUNICATIONS FOR DATA CABLING REPAIRS AND ACCESSORIES/SUPPLIES FOR THE TOWNSHIP PHONE SYSTEM

WHEREAS, the Township of Edison is in need of data cabling repairs and accessories/supplies for the Township phone system; and

WHEREAS, JOHNSTON GP, INC./JOHNSTON COMMUNICATIONS, 322 Belleville Turnpike, North Arlington, NJ 07031 has been awarded State Contract Number 88766 under T-2989/Communications Wiring Services; and

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

WHEREAS, the total amount of this contract, not to exceed \$10,000.00, cannot be encumbered at this time; and

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) in the amount not to exceed \$10,000.00 and any other necessary documents, with JOHNSTON GP, INC./JOHNSTON COMMUNICATIONS, 322 Belleville Turnpike, North Arlington, NJ 07031 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. 88766/T-2989.

RESOLUTION R.554-082016

RESOLUTION AWARDDING CONTRACT/PURCHASE ORDER(S) TO CDW GOVERNMENT INCORPORATED THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (FORMALLY MRESC) COOPERATIVE PRICING SYSTEM FOR THE PURCHASE OF VARIOUS COMPUTER EQUIPMENT AND SUPPLIES

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

WHEREAS, the Township of Edison is a member of the EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (FORMALLY MRESC) COOPERATIVE PRICING SYSTEM #65MCESCCPS; and

WHEREAS, CDW GOVERNMENT INCORPORATED, 2 Corporate Dr., Suite 800, Shelton, CT 06484 has been awarded Contract MRESC 15/16-11 (Technology Supplies & Services) through this Cooperative Pricing System; and

WHEREAS, the Township of Edison intends to enter into a contract/purchase order(s) with CDW GOVERNMENT INCORPORATED for the purchase of various computer equipment and supplies; and

WHEREAS, the total amount of this contract, not to exceed \$35,000.00, cannot be encumbered at this time; and

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) and any other necessary documents, in the amount of \$35,000.00 with CDW GOVERNMENT INCORPORATED, 2 Corporate Dr., Suite 800, Shelton, CT 06484, the approved Educational Services Commission of New Jersey Cooperative Pricing System vendor through this resolution, which shall be subject to all the conditions applicable to the current EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY Cooperative Pricing System Contract as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-11 et seq.

RESOLUTION R.555-082016

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

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

WHEREAS, EDWARDS TIRE COMPANY INCORPORATED, P.O. Box 704, Farmingdale, NJ 07727 has been awarded State Contract Number 82528 under M-8000/Tires, Tubes and Services; and

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

WHEREAS, the total amount of this contract, not to exceed \$50,000.00, cannot be encumbered at this time; and

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) in the amount not to exceed \$50,000.00 and any other necessary documents, with EDWARDS TIRE COMPANY INCORPORATED, P.O. Box 704, Farmingdale, NJ 07727 as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. 82528/M-8000.

RESOLUTION R.556-082016

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

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

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

WHEREAS, the total amount of this contract, not to exceed \$100,000.00, cannot be encumbered at this time; and

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

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) in the amount not to exceed \$100,000.00 and any other necessary documents, with EDWARDS TIRE COMPANY INCORPORATED, P.O. Box 704, Farmingdale, NJ 07727 as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. 82527/M-8000.

RESOLUTION R.564-082016

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO FINGERS RADIATOR
HOSPITAL INCORPORATED FOR THE FURNISHING OF AUTOMOTIVE PARTS AND
ACCESSORIES**

WHEREAS, bids were received by the Township of Edison on May 17, 2016 for Public Bid No. 16-03-10 Automotive Parts and Accessories; and

WHEREAS, FINGERS RADIATOR HOSPITAL INCORPORATED, 2006 Route 1, North Brunswick, NJ 08902, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$10,000.00, 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 FINGERS RADIATOR HOSPITAL INCORPORATED, 2006 Route 1, North Brunswick, NJ 08902 for Automotive Parts and Accessories is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$10,000.00, and any other necessary documents, with FINGERS RADIATOR HOSPITAL INCORPORATED.

RESOLUTION R.563-082016

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO NATIONAL PARTS SUPPLY CO. FOR THE FURNISHING OF AUTOMOTIVE PARTS AND ACCESSORIES

WHEREAS, bids were received by the Township of Edison on May 17, 2016 for Public Bid No. 16-03-10 Automotive Parts and Accessories; and

WHEREAS, NATIONAL PARTS SUPPLY CO., 535 Milltown Rd., North Brunswick, NJ 08902, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$40,000.00, 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 NATIONAL PARTS SUPPLY CO., 535 Milltown Rd., North Brunswick, NJ 08902 for Automotive Parts and Accessories is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$40,000.00, and any other necessary documents, with NATIONAL PARTS SUPPLY CO.

RESOLUTION R.561-082016

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO CAMPBELL FREIGHTLINER, LLC FOR THE FURNISHING OF AUTOMOTIVE PARTS AND ACCESSORIES

WHEREAS, bids were received by the Township of Edison on May 17, 2016 for Public Bid No. 16-03-10 Automotive Parts and Accessories; and

WHEREAS, CAMPBELL FREIGHTLINER, LLC, 1015 Cranbury South River Road, South Brunswick, NJ 08831, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

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

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

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

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein 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 CAMPBELL FREIGHTLINER, LLC, 1015 Cranbury South River Road, South Brunswick, NJ 08831 for Automotive Parts and Accessories is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$15,000.00, and any other necessary documents, with CAMPBELL FREIGHTLINER, LLC.

RESOLUTION R.560-082016

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO AIR BRAKE AND EQUIPMENT
FOR THE FURNISHING OF AUTOMOTIVE PARTS AND ACCESSORIES**

WHEREAS, bids were received by the Township of Edison on May 17, 2016 for Public Bid No. 16-03-10 Automotive Parts and Accessories; and

WHEREAS, AIR BRAKE AND EQUIPMENT, 225 Route 22 West, Hillside, NJ 07205, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; 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 AIR BRAKE AND EQUIPMENT, 225 Route 22 West, Hillside, NJ 07205 for Automotive Parts and Accessories is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
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 AIR BRAKE AND EQUIPMENT.

RESOLUTION R.565-082016

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO BEYER FORD FOR THE
FURNISHING OF AUTOMOTIVE PARTS AND ACCESSORIES**

WHEREAS, bids were received by the Township of Edison on May 17, 2016 for Public Bid No. 16-03-10 Automotive Parts and Accessories; and

WHEREAS, BEYER FORD, 170 Ridgedale Ave., Morristown, NJ 07960, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$3,000.00, 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 BEYER FORD, 170 Ridgedale Ave., Morristown, NJ 07960 for Automotive Parts and Accessories is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$3,000.00, and any other necessary documents, with BEYER FORD.

RESOLUTION R.562-082016

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO CHAPMAN FORD SALES FOR THE FURNISHING OF AUTOMOTIVE PARTS AND ACCESSORIES

WHEREAS, bids were received by the Township of Edison on May 17, 2016 for Public Bid No. 16-03-10 Automotive Parts and Accessories; and

WHEREAS, CHAPMAN FORD SALES, 6744 Black Horse Pike, Egg Harbor Township, NJ 08234, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$30,000.00, 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 CHAPMAN FORD SALES, 6744 Black Horse Pike, Egg Harbor Township, NJ 08234 for Automotive Parts and Accessories is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$30,000.00, and any other necessary documents, with CHAPMAN FORD SALES.

RESOLUTION R.557-082016

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO GENUINE PARTS COMPANY
FOR THE FURNISHING OF AUTOMOTIVE PARTS AND ACCESSORIES**

WHEREAS, bids were received by the Township of Edison on May 17, 2016 for Public Bid No. 16-03-10 Automotive Parts and Accessories; and

WHEREAS, GENUINE PARTS COMPANY, 1770 New Durham Rd., South Plainfield, NJ 07080, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$35,000.00, 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 GENUINE PARTS COMPANY, 1770 New Durham Rd., South Plainfield, NJ 07080 for Automotive Parts and Accessories is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$35,000.00, and any other necessary documents, with GENUINE PARTS COMPANY.

RESOLUTION R.558-082016

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO LINDEN BC, INC. FOR THE FURNISHING OF AUTOMOTIVE PARTS AND ACCESSORIES

WHEREAS, bids were received by the Township of Edison on May 17, 2016 for Public Bid No. 16-03-10 Automotive Parts and Accessories; and

WHEREAS, LINDEN BC, INC., 300 East Elizabeth Ave., Linden, NJ 07036, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$30,000.00, 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 LINDEN BC, INC., 300 East Elizabeth Ave., Linden, NJ 07036 for Automotive Parts and Accessories is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$30,000.00, and any other necessary documents, with LINDEN BC, INC.

RESOLUTION R.559-082016

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO THE RADIATOR STORE FOR THE FURNISHING OF AUTOMOTIVE PARTS AND ACCESSORIES

WHEREAS, bids were received by the Township of Edison on May 17, 2016 for Public Bid No. 16-03-10 Automotive Parts and Accessories; and

WHEREAS, THE RADIATOR STORE, 136 Route 46 East, Lodi, NJ 07611, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$10,000.00, cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid submitted by THE RADIATOR STORE, 136 Route 46 East, Lodi, NJ 07611 for Automotive Parts and Accessories is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$10,000.00, and any other necessary documents, with THE RADIATOR STORE.

RESOLUTION R.566-082016

RESOLUTION AWARDING A CONTRACT TO CDW GOVERNMENT INCORPORATED THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (FORMALLY MRESC) COOPERATIVE PRICING SYSTEM FOR THE PURCHASE OF GPS REAL TIME TRACKING SYSTEMS FOR TOWNSHIP VEHICLES

WHEREAS, the Township of Edison wishes to purchase GPS Real Time Tracking Systems for the Township's Public Works, Engineering, Code Enforcement and Health Department Vehicles; and

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

WHEREAS, the Township of Edison is a member of the EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (FORMALLY MRESC) COOPERATIVE PRICING SYSTEM #65MCESCCPS; and

WHEREAS, CDW GOVERNMENT INCORPORATED, 2 Corporate Dr., Suite 800, Shelton, CT 06484 has been awarded Contract MRESC 15/16-11 (Technology Supplies & Services) through this Cooperative Pricing System; and

WHEREAS, the Township of Edison intends to enter into a two year contract with CDW GOVERNMENT INCORPORATED for the purchase of GPS Real Time Tracking Systems for the Township's Public Works, Engineering, Code Enforcement and Health Department Vehicles in an amount not to exceed \$150,000.00 under Contract MRESC 15/16-11; and

WHEREAS, funds in the amount of \$150,000.00 have been certified to be available as follows:

Streets & Roads – Other Contractual Items - 6-01-26-0290-000-029 - \$10,000.00
Buildings & Grounds – Other Contractual Items - 6-01-26-0310-000-029 - \$10,000.00
Municipal Garage – Maint. Other Equip. - 6-01-26-0315-001-026 - \$10,000.00
Sewer – Cap Imp Project – 6-07-55-0501-000-117 - \$60,000.00
Sanitation – Operating – Supplies – Spec - 6-09-55-0800-001-211 - \$60,000.00

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) and any other necessary documents, in the amount not to exceed \$150,000.00 with CDW GOVERNMENT INCORPORATED, 2 Corporate Dr., Suite 800, Shelton, CT 06484, the approved Educational Services Commission of New Jersey Cooperative Pricing System vendor through this resolution, which shall be subject to all the conditions applicable to the current EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY Cooperative Pricing System Contract as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-11 et seq.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$150,000.00** are available as follows:

6-01-26-0290-000-029 - \$10,000.00
6-01-26-0310-000-029 - \$10,000.00
6-01-26-0315-001-026 - \$10,000.00
6-07-55-0501-000-117 - \$60,000.00
6-09-55-0800-001-211 - \$60,000.00

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.567-082016

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the year ending December 31, 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, The Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, The Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

GENERAL COMMENTS

RECOMMENDATIONS

WHEREAS, the Members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

GENERAL COMMENTS

RECOMMENDATIONS

as evidenced by the group affidavit form of the Governing Body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office".

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, hereby states that is has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION R.568-082016

**RESOLUTION RECEIVING CORRECTIVE ACTION PLAN FOR THE TOWNSHIP
OF EDISON AUDIT FOR THE YEAR ENDING ON DECEMBER 31. 2015**

WHEREAS, in accordance with OMB Circular A-133, 98-07, and Local Finance Notice CFO 97-16, all government units must prepare and submit a Corrective Action Plan as part of the annual audit process; and,

WHEREAS, the Corrective Action Plan shall cover all findings and recommendations, including state, federal, and general or financial statement findings in the audit report; and,

WHEREAS, the Chief Financial Officer shall prepare said Corrective Action Plan with the assistance from other officials affected by the audit recommendations; and,

WHEREAS, the Corrective Action Plan must be approved by the governing body of the local unit and is to be submitted to the Division of Local Government Services .

NOW THEREFORE BE IT RESOLVED, by the Municipal Council of the Edison Township that it has received the Corrective Action Plan for the report of Audit for the year ended December 31, 2015.

CORRECTIVE ACTION PLAN FOR THE 2015 AUDIT REPORT

***Recommendation #1:**

Description: That the Township review its policy with regards to the budgeting of employee health benefits.

Analysis: The Township self-insures its health benefit programs which are administered by third parties. The Township also maintains an additional reserve fund in the event current budget year appropriations do not adequately cover claims liability.

Corrective Action: Absent state-imposed health benefits cost reforms, the Township needs to increase reserves and appropriations funding employee and retiree health benefits.

Implementation Date: Funding and Reserve levels will be closely monitored throughout 2016. Appropriations for health benefit programs will be increased in the 2017 Municipal Budget.

***Recommendation #2:**

Description: That the use of confirming (purchase) orders for procurement cease.

Analysis: Confirming orders is when a commitment to purchase is made by an employee prior to submission of a requisition and which subverts the controls and review processes.

Corrective Action: Departments have been repeatedly counseled on this matter. The Township Administrator will underscore the importance of ceasing confirming orders at the next Directors Meeting.

Implementation Date: This action will take place during the third quarter of 2016.

***Recommendation #3:**

Description: That all sewerage from non-Edison origins be metered and billed in accordance with existing agreements and/or the Township's sewer rate ordinance.

Analysis: The Township did not issue bills to other municipalities and/or non-Edison homes and commercial establishments connected to the sanitary sewer system.

Corrective Action: The Township has been actively working to rectify this problem with the Township Engineer and information from the Middlesex County Utilities Authority. The Township Engineer is also in the process of retaining a consulting engineer to undertake a perimeter study of our wastewater flows.

Implementation Date: This action is expected completed in phases throughout 2016.

***Recommendation #4:**

Description: That the industrial can commercial pollutant loading testing program be reestablished and that billings to such users be generated based upon the results of such testing.

Analysis: The Township has not been consistently testing the effluent from its largest industrial sanitary sewer users for determination of pollutant loading and subsequently billing them accordingly.

Corrective Action: The Township has begun to actively test large commercial users for effluent content to determine if billing using the industrial rate charge structure is effective. Testing these commercial users requires ongoing sampling at various times throughout the year.

Implementation Date: This action is ongoing and will continue throughout 2016.

Recommendation #5:

Description: That the Township continue to review their system and procedures to insure they maintain the capability to verify the accuracy of their health insurance bills and verify the accuracy of all covered lives.

Analysis: The Township has not maintained an updated list of eligible employees (active and retired), their dependent types and coverage type.

Corrective Action: The Personnel Department will continue to review the listing of eligible participants.

Implementation Date: This action will be ongoing throughout 2016.

***Recommendation #6:**

Description: That all trust fund reserves that require Dedication by Rider approval by Council be prepared in order that the resolution can be submitted to the Division of Local Government Services for their approval.

Analysis: The Township has several trust funds with dedicated revenue and associated expenses. The state requires pre-approval by the Director of the Division of Local Government Services approve each such trust fund which is required to be established by formal Council action.

Corrective Action: Resolutions will be prepared and applications will be completed requesting formal approval of any dedicated trust fund that has not been approved by the state.

Implementation Date: This action is expected completed during the third quarter of 2016.

Nicholas Fargo, CMFO
Chief Financial Officer

EXPLANATION: This Resolution authorizes the settlement of tax appeals filed by St. George Park Associates for tax years 2011.

RESOLUTION R.569-082016

WHEREAS, St. George Park Associates, (the "Taxpayer"), the owner of property located at 3 & 5 Kellogg Court in Edison Township, County of Middlesex, and known as Block 22.A, Lot 2.06 on the Township of Edison's Tax Assessment Maps (the "Property"), filed tax appeals for the years 2011 with the Tax Court of New Jersey, Docket Number 001463-2011; and

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

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

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

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

WHEREAS, the property was originally assessed as follows:

| | |
|--------------|----------------|
| Land | \$ 668,200.00 |
| Improvements | \$1,040,000.00 |
| Total | \$1,708,200.00 |

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

| | |
|--------------|----------------|
| Year | 2011 |
| Land | \$ 668,200.00 |
| Improvements | \$ 840,000.00 |
| Total | \$1,508,200.00 |

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

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

WHEREAS, if the refunds as a result of this settlement set forth herein are to be refunded, the refund is to be made payable to "McCarter & English, LLP., Attorney Trust Fund" and the taxpayer and forwarded to "Frank E. Ferruggia, Esq. of McCarter & English, LLP., Four Gateway Center, 100 Mulberry Street, Newark, NJ 07102" within sixty (60) days of the date of the entry of judgment; and

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

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

| |
|------------|
| 2011 |
| \$9,360.00 |

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

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

| | |
|--------------|----------------|
| Year | 2011 |
| Land | \$ 668,200.00 |
| Improvements | \$ 840,000.00 |
| Total | \$1,508,200.00 |

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

3. The Tax Appeal Attorney for the Township, is hereby authorized to execute a Stipulation of Settlement relative to the property tax appeals filed for the years 2011, Docket Number 001463-2011, by the taxpayer, owning the property located at 3 & 5 Kellogg Court in Edison Township, known as Block 22.A, Lot 2.06;

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

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

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

EXPLANATION: This Resolution authorizes the settlement of Tax Appeals filed by Edison Square LTD for the tax years 2011, 2012, 2013 and 2014.

RESOLUTION R.571-082016

WHEREAS, Edison Square LTD (“Taxpayer”), the owner of property located at 90 Municipal Boulevard, in the Township of Edison, County of Middlesex, and known as Block 123, Lot 11.01 on the Township of Edison’s Tax Assessment Maps (“Property”), filed Tax Appeals for the years, 2011, 2012, 2013 and 2014 with the Tax Court of New Jersey under Docket Numbers 004016-2011, 001145-2012, 007234-2013, and 005779-2014; and

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

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

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

WHEREAS, the property was originally assessed as follows:
For the Tax Years: 2011, 2012, 2013 and 2014:

| | <u>2011</u> | <u>2012</u> | <u>2013</u> | <u>2014</u> |
|--------------|----------------|----------------|----------------|----------------|
| Land | \$497,000.00 | \$497,000.00 | \$497,000.00 | \$497,000.00 |
| Improvements | <u>\$ 0.00</u> | <u>\$ 0.00</u> | <u>\$ 0.00</u> | <u>\$ 0.00</u> |
| Total | \$497,000.00 | \$497,000.00 | \$497,000.00 | \$497,000.00 |

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

| | <u>2011</u> | <u>2012</u> | <u>2013</u> | <u>2014</u> |
|--------------|----------------|----------------|----------------|----------------|
| Land | \$320,000.00 | \$320,000.00 | \$320,000.00 | \$320,000.00 |
| Improvements | <u>\$ 0.00</u> | <u>\$ 0.00</u> | <u>\$ 0.00</u> | <u>\$ 0.00</u> |
| Total | \$320,000.00 | \$320,000.00 | \$320,000.00 | \$320,000.00 |

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

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

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

WHEREAS, if the refund as a result of this settlement set forth herein is to be refunded, the refund is to be made payable to the “Zipp, Tannenbaum and Caccavelli, Attorney Trust Fund” and the Taxpayer and forwarded to “Peter J. Zipp, Zipp, Tannenbaum and Caccavelli, 280 Raritan Center Parkway, Edison, New Jersey 08837” within sixty (60) days of the date of the entry of judgment; and

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

WHEREAS, pursuant to the settlement approved herein, the Taxpayer is entitled to a refund in the amount of **\$8,283.60** for the 2011 Tax Year Appeal, **\$8,370.33** for the 2012 Tax Year Appeal, **\$8,453.52** for the 2013 Tax Year Appeal, and **\$8,719.02** for the 2014 Tax Year Appeal.

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

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

| | <u>2011</u> | <u>2012</u> | <u>2013</u> | <u>2014</u> |
|--------------|----------------|----------------|----------------|----------------|
| Land | \$320,000.00 | \$320,000.00 | \$320,000.00 | \$320,000.00 |
| Improvements | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> | \$ <u>0.00</u> |
| Total | \$320,000.00 | \$320,000.00 | \$320,000.00 | \$320,000.00 |

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

3. The Tax Appeal Attorney for the Township is hereby authorized to execute a Stipulation of Settlement relative to the Property for Tax Appeals filed for the years 2011, 2012, 2013 and 2014 Docket Numbers 004016-2011, 001145-2012, 007234-2013 and 005779-2014 by the Taxpayer, owner of the property located at 90 Municipal Boulevard , Block 123, Lot 11.01;

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

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

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

EXPLANATION: This Resolution authorizes the settlement of Tax Appeals filed by J & M Self Storage for the tax years 2012, 2013, 2014, 2015 and 2016.

RESOLUTION R.573-082016

WHEREAS, J & M Self Storage (“Taxpayer”), the owner of property located at 1939 Oak Tree Road, in the Township of Edison, County of Middlesex, and known as Block 557.EE, Lot 3.11 on the Township of Edison’s Tax Assessment Maps (“Property”), filed Tax Appeals for the years, 2012, 2013, 2014, 2015 and 2016 with the Tax Court of New Jersey under Docket Numbers 002824-2012, 005964-2013, 006792-2014, 007435-2015 and 007435-2016; and

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

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

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

WHEREAS, the property was originally assessed as follows:

For the Tax Years: 2012, 2013, 2014, 2015 and 2016,

| | <u>2012</u> | <u>2013</u> | <u>2014</u> | <u>2015</u> |
|--------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Land | \$ 692,000.00 | \$ 692,000.00 | \$ 692,000.00 | \$ 692,000.00 |
| Improvements | <u>\$1,908,000.00</u> | <u>\$1,908,000.00</u> | <u>\$1,908,000.00</u> | <u>\$1,908,000.00</u> |
| Total | \$2,600,000.00 | \$2,600,000.00 | \$2,600,000.00 | \$2,600,000.00 |

2016

| | |
|--------------|-----------------------|
| Land | \$ 692,000.00 |
| Improvements | <u>\$1,908,000.00</u> |
| Total: | \$2,600,000.00 |

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

| | <u>2012</u> | <u>2013</u> | <u>2014</u> | <u>2015</u> |
|--------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Land | \$ 692,000.00 | \$ 692,000.00 | \$ 692,000.00 | \$ 692,000.00 |
| Improvements | <u>\$1,908,000.00</u> | <u>\$1,908,000.00</u> | <u>\$1,708,000.00</u> | <u>\$1,708,000.00</u> |
| Total | \$2,600,000.00 | \$2,600,000.00 | \$2,400,000.00 | \$2,400,000.00 |

2016

| | |
|--------------|----------------|
| Land | \$ 692,000.00 |
| Improvements | \$1,308,000.00 |
| Total: | \$2,000,000.00 |

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

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

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

WHEREAS, if the refund as a result of this settlement set forth herein is to be refunded, the refund is to be made payable to the “Lasser Hochman, Attorney Trust Fund” and the Taxpayer and forwarded to “Michael J. Donnelly, Esq., Lasser Hochman, 75 Eisenhower Parkway, Suite 120, Roseland, New Jersey 07068” within sixty (60) days of the date of the entry of judgment; and

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

WHEREAS, pursuant to the settlement approved herein, the Taxpayer is entitled to a refund in the amount of \$9,452.00 for the 2014 Tax Year Appeal, \$9,728.00 for the 2015 Tax Year Appeal, and \$30,336.00 for the 2016 Tax Year Appeal.

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

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

| | <u>2012</u> | <u>2013</u> | <u>2014</u> | <u>2015</u> |
|--------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Land | \$ 692,000.00 | \$ 692,000.00 | \$ 692,000.00 | \$ 692,000.00 |
| Improvements | <u>\$1,908,000.00</u> | <u>\$1,908,000.00</u> | <u>\$1,708,000.00</u> | <u>\$1,708,000.00</u> |
| Total | \$2,600,000.00 | \$2,600,000.00 | \$2,400,000.00 | \$2,400,000.00 |
| | <u>2016</u> | | | |
| Land | \$ 692,000.00 | | | |
| Improvements | <u>\$1,308,000.00</u> | | | |
| Total: | \$2,000,000.00 | | | |

2. Interest is waived on the refund, provided such refund is provided as specified herein; and
3. The Tax Appeal Attorney for the Township is hereby authorized to execute a Stipulation of Settlement relative to the Property for Tax Appeals filed for the years 2012, 2013, 2014, 2015 and 2016 Docket Numbers 002824-2012, 005964-2013, 006792-2014, 007435-2015 and 007435-2016 by the Taxpayer, owner of the property located at 1939 Oak Tree Road, Block 557.EE, Lot 3.11;
4. The Freeze Act will apply to the judgment to be issued by the New Jersey Tax Court; and
5. The Form of Stipulation of Settlement is annexed hereto, having been received by and approved by the Township Council of the Township of Edison

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

EXPLANATION: This Resolution authorizes the settlement of Tax Appeals filed by Verizon New Jersey for the tax years 2016.

RESOLUTION R.574-082016

WHEREAS, Verizon New Jersey (“Taxpayer”), the owner of property located at 1879 Lincoln Highway Route 27, in the Township of Edison, County of Middlesex, and known as Block 104.N, Lot 23 on the Township of Edison’s Tax Assessment Maps (“Property”), filed Tax Appeal for the year 2016 with the Tax Court of New Jersey under Docket Number 009762-2016,

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

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

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

WHEREAS, the property was originally assessed as follows:

For the Tax Years: 2016:

| | <u>2016</u> |
|--------------|----------------------|
| Land | \$ 702,000.00 |
| Improvements | <u>\$ 298,000.00</u> |
| Total | \$1,000,000.00 |

WHEREAS, the proposed settlement provides for an assessment of the 2016 Tax Year as follows:

| | <u>2016</u> |
|--------------|---------------------|
| Land | \$502,000.00 |
| Improvements | <u>\$ 98,000.00</u> |
| Total | \$600,000.00 |

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

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

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

WHEREAS, if the refund as a result of this settlement set forth herein is to be refunded, the refund is to be made payable to the “Verizon New Jersey, Inc.” and forwarded to “Kevin H. Giordano, Assistant General Counsel, Verizon New Jersey, One Verizon Way, Basking Ridge, New Jersey 07920 within sixty (60) days of the date of the entry of judgment; and

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

WHEREAS, pursuant to the settlement approved herein, the Taxpayer is entitled to a refund in the amount of \$ 21,104.00 for the 2016 Tax Year Appeal.

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

1. For the 2016 Tax Year, the Township of Edison Tax Assessor is hereby directed to establish the allocation between land and improvement as follows:

| | <u>2016</u> | |
|--------------|-------------|---------------------|
| Land | | \$502,000.00 |
| Improvements | | <u>\$ 98,000.00</u> |
| Total | | \$600,000.00 |

2. Interest is waived on the refund, provided such refund is provided as specified herein; and
3. The Tax Appeal Attorney for the Township is hereby authorized to execute a Stipulation of Settlement relative to the Property for Tax Appeals filed for the year 2016, Docket Number 009762-2016 and the Taxpayer, owner of the property located at 1879 Lincoln Highway Route 27 , Block 104.N, Lot 23;
4. The Freeze Act will apply to the judgment to be issued by the New Jersey Tax Court; and
5. The Form of Stipulation of Settlement is annexed hereto, having been received by and approved by the Township Council of the Township of Edison

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

EXPLANATION: This Resolution authorizes the settlement of Tax Appeals filed by Somogyi Associates, LP, LLC for the tax years 2015 and 2016.

RESOLUTION R.572-082016

WHEREAS, Somogyi Associates, LP, LLC (“Taxpayer”), the owner of property located at 100 New Durham Road, in the Township of Edison, County of Middlesex, and known as Block 55, Lot 10 on the Township of Edison’s Tax Assessment Maps (“Property”), filed Tax Appeals for the years 2015 and 2016 with the Tax Court of New Jersey under Docket Numbers 006824-2015 and 005145-2016; and

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

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

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

WHEREAS, the property was originally assessed as follows:

| | For the Tax Years: 2015 and 2016 | |
|--------------|----------------------------------|----------------|
| | <u>2015</u> | <u>2016</u> |
| Land | \$ 440,000.00 | \$ 440,000.00 |
| Improvements | \$3,312,000.00 | \$3,312,000.00 |
| Total | \$3,752,000.00 | \$3,752,000.00 |

WHEREAS, the proposed settlement provides for an assessment of the 2015 and 2016 Tax Years as follows:

| | <u>2015</u> | <u>2016</u> |
|--------------|----------------|----------------|
| Land | \$ 440,000.00 | \$ 440,000.00 |
| Improvements | \$1,560,000.00 | \$1,362,800.00 |
| Total | \$2,000,000.00 | \$1,802,800.00 |

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

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

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

WHEREAS, if the refund as a result of this settlement set forth herein is to be refunded, the refund is to be made payable to the “Glen-David Schwarzschild, Esq., Attorney Trust Fund” and the Taxpayer and forwarded to “Glen-David Schwarzschild, Esq. 1050 North Kings Highway, Suite 102, Cherry Hill, New Jersey 08034” within sixty (60) days of the date of the entry of judgment; and

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

WHEREAS, pursuant to the settlement approved herein, the Taxpayer is entitled to a refund in the amount of **\$88,896.48** for the 2015 Tax Year Appeal, **\$102,839.79** for the 2016 Tax Year Appeal. The 2013 Appeal filed under docket number 008808-2013 and 2014 Appeal filed under docket number 004305-2014 will be withdrawn.

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

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

2 .

| | 2015 | 2016 |
|--------------|----------------|----------------|
| Land | \$ 440,000.00 | \$ 440,000.00 |
| Improvements | \$1,560,000.00 | \$1,362,800.00 |
| Total | \$2,000,000.00 | \$1,802,800.00 |

3. Interest is waived on the refund, provided such refund is provided as specified herein; and

4. The Tax Appeal Attorney for the Township is hereby authorized to execute a Stipulation of Settlement relative to the Property for Tax Appeals filed for the years 2013, 2014, 2015 and 2016, Docket Numbers 008808-2013, 004305-2014, 006824-2015 and 005145-2016 by the Taxpayer, owner of the property located at 100 New Durham Road , Block 55, Lot 10;

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

6 . The Form of Stipulation of Settlement is annexed hereto, having been received by and approved by the Township Council of the Township of Edison

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

EXPLANATION: This Resolution authorizes the settlement of Tax Appeals filed by Adan Associates for the tax years 2014 and 2015.

RESOLUTION R.570-082016

WHEREAS, Adan Associates (“Taxpayer”), the owner of property located at 17 Progress Street, in the Township of Edison, County of Middlesex, and known as Block 412.A, Lot 9 on the Township of Edison’s Tax Assessment Maps (“Property”), filed Tax Appeals for the years 2014 and 2015 with the Tax Court of New Jersey under Docket Numbers 012085-2014 and 010647-2015,

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

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

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

WHEREAS, the property was originally assessed as follows:
For the Tax Years: 2014 and 2015:

| | <u>2014</u> | <u>2015</u> |
|--------------|---------------------|---------------------|
| Land | \$182,400.00 | \$182,400.00 |
| Improvements | <u>\$517,600.00</u> | <u>\$517,600.00</u> |
| Total | \$700,000.00 | \$700,000.00 |

WHEREAS, the proposed settlement provides for an assessment of the 2014 and 2015 Tax Years as follows:

| | <u>2014</u> | <u>2015</u> |
|--------------|---------------------|---------------------|
| Land | \$182,400.00 | \$182,400.00 |
| Improvements | <u>\$392,600.00</u> | <u>\$392,600.00</u> |
| Total | \$575,000.00 | \$575,000.00 |

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

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

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

WHEREAS, if the refund as a result of this settlement set forth herein is to be refunded, the refund is to be made payable to the “Kates Nussman Rapone Ellis & Farhi, LLP, Attorney Trust Fund” and the Taxpayer and forwarded to “Joel M. Ellis, Esq. , Kates, Nussman, Rapone, Ellis & Farhi, LLP, 190 Moore Street, Suite 306, Hackensack, New Jersey 07601” within sixty (60) days of the date of the entry of judgment; and

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

WHEREAS, pursuant to the settlement approved herein, the Taxpayer is entitled to a refund in the amount of **\$5,907.50** for the 2014 Tax Year Appeal, and **\$6,080.00** for the 2015 Tax Year Appeal.

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

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

| | <u>2014</u> | <u>2015</u> |
|--------------|---------------------|---------------------|
| Land | \$182,400.00 | \$182,400.00 |
| Improvements | <u>\$392,600.00</u> | <u>\$392,600.00</u> |
| Total | \$575,000.00 | \$575,000.00 |

2. Interest is waived on the refund, provided such refund is provided as specified herein; and
3. The Tax Appeal Attorney for the Township is hereby authorized to execute a Stipulation of Settlement relative to the Property for Tax Appeals filed for the years 2014 and 2015, Docket Numbers 012085-2014 and 010647-2015 by the Taxpayer, owner of the property located at 17 Progress Street , Block 412.A, Lot 9;
4. The Freeze Act will apply to the judgment to be issued by the New Jersey Tax Court; and
5. The Form of Stipulation of Settlement is annexed hereto, having been received by and approved by the Township Council of the Township of Edison

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

RESOLUTION R.575-082016

TOWNSHIP OF EDISON
MIDDLESEX COUNTY, NEW JERSEY

**FORM OF RESOLUTION REQUESTING APPROVAL
OF ITEMS OF REVENUE AND APPROPRIATION
PER NJSA 40A:4-87**

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received a grant in the amount of \$204,693.47 from State of New Jersey and wishes to amend its CY 2016 budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Edison in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund Budget for the CY 2016 in the amount of \$204,693.47 which is now available as a revenue under:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public & Private Programs Off-Set with Appropriations:

2016 Clean Communities Grant.....\$204,693.47

BE IT FURTHER RESOLVED that a like sum of \$204,693.47 be and the same is hereby appropriated under the caption of:

General Appropriations:

Operations excluded from "CAPS": Public & Private Programs Off-Set by Revenues:

2016 Clean Communities Grant.....\$204,693.47

BE IT FURTHER RESOLVED, that the Township Clerk forward one certified copy of this resolution to the Director of Local Government Services.

RESOLUTION R.576-082016

TOWNSHIP OF EDISON
MIDDLESEX COUNTY, NEW JERSEY

**FORM OF RESOLUTION REQUESTING APPROVAL
OF ITEMS OF REVENUE AND APPROPRIATION
PER NJSA 40A:4-87**

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received a grant in the amount of \$202,500.00 from New Jersey Department of Transportation and wishes to amend its CY 2016 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Edison in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund Budget for the CY 2016 in the amount of \$202,500.00 which is now available as a revenue under:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public & Private Programs Off-Set with Appropriations:

State Aid Highway Projects Talmadge Rd Resurfacing Phase II..... **\$ 202,500.00**

BE IT FURTHER RESOLVED that a like sum of \$202,500.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

State Aid Highway Projects Talmadge Rd Resurfacing Phase II..... **\$ 202,500.00**

BE IT FURTHER RESOLVED, that the Township Clerk forward one certified copy of this resolution to the Director of Local Government Services.

RESOLUTION R.577-082016

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO
ROHRER ENTERPRISES INC. D/B/A ROHRER BUS SALES FOR THE PURCHASE OF ONE (1)
AMBULATORY PASSENGER VAN FOR THE DEPARTMENT OF HEALTH**

WHEREAS, bids were received by the Township of Edison on April 15, 2016 for Public Bid No. 16-03-17 AMBULATORY PASSENGER VAN for the Department of Health; and

WHEREAS, ROHRER ENTERPRISES INC. D/B/A ROHRER BUS SALES, 314 Dickinson Street, Trenton, NJ 08638 submitted the lowest legally responsible, responsive bid; and

WHEREAS, the maximum amount of the purchase shall not exceed \$75,084.00; and

WHEREAS, funds in the amount of \$75,000.00 have been certified to be available in the Acquisition of Senior Citizen Bus Account, number C-04-14-1872-330-001 and funds in the amount of \$84.00 have been certified to be available in the Seniors Motor Vehicle Parts & Accessories Account, number 6-01-27-0330-002-034; 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 Rohrer Enterprises Inc. D/B/A Rohrer Bus Sales, 314 Dickinson Street, Trenton, NJ 08638 for an ambulatory passenger van 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 \$75,084.00, and any other necessary documents, with Rohrer Enterprises Inc. D/B/A Rohrer Bus Sales as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$75,000.00** are available for the above contract in Account No. **C-04-14-1872-330-001** and funds in the amount of **\$84.00** is available in Account No. **6-01-27-0330-002-034**.

Nicholas C. Fargo
Chief Financial Officer

Date

EXPLANATION: A Resolution referring the 225 Raritan Center Parkway Redevelopment Plan for 225 Raritan Center Parkway (Block 390.DD, Lot 8.B) in the Township, to the Township Planning Board for review and comment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*

RESOLUTION R.578-082016

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

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

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

WHEREAS, on June 22, 2016, the Municipal Council accepted the recommendation of the Planning Board and adopted a resolution which designated Block 390.DD, Lot 8.B (also known as 225 Raritan Center Parkway) as an “area in need of redevelopment” (“Redevelopment Area”) in accordance with the Redevelopment Law;

WHEREAS, by commission of the Municipal Council, the Planning Consultant has prepared a redevelopment plan for the Redevelopment Area entitled the “225 Raritan Center Parkway Redevelopment Plan” (“Redevelopment Plan,” attached hereto as *Exhibit A*); and

WHEREAS, the Municipal Council desires to refer the Redevelopment Plan to the Planning Board for its review and comment, pursuant to *N.J.S.A. 40A:12A-7* of the Redevelopment Law.

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Pursuant to *N.J.S.A. 40A:12A-7(e)*, the Municipal Council hereby refers the Redevelopment Plan to the Planning Board for review and recommendation. The Planning Board shall prepare a report regarding its recommendations as to the Redevelopment Plan and submit same to the Municipal Council within 45 days after referral, as required by the Redevelopment Law.

Section 3. The Clerk of the Township shall forward a copy of this Resolution and the Redevelopment Plan to the Planning Board for review.

Section 4. This Resolution shall take effect immediately.

EXPLANATION: A Resolution referring the 1015 Route 1 Redevelopment Plan to the Township Planning Board for review and comment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*

RESOLUTION R.579-082016

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”) authorizes a municipality to determine whether certain parcels of land in the municipality constitute “areas in need of rehabilitation” and/or “areas in need of redevelopment”; and

WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law, the municipal committee (“Municipal Council”) of the Township of Edison (the “Township”) must authorize the planning board of the Township (the “Planning Board”) to conduct a preliminary investigation of the area and make recommendations to the Municipal Council; and

WHEREAS, on March 7, 2016, the Municipal Council adopted a resolution authorizing and directing the Planning Board to conduct an investigation of the property commonly known on the Township tax maps as Block 198.L, Lot 39 (aka 1015 Route 1) (the “Study Area”), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment, which designation would authorize the Township and Municipal Council to use all those powers permitted by the Redevelopment Law, other than the power of eminent domain; and

WHEREAS, on May 5, 2016, the Planning Board held a public hearing in accordance with *N.J.S.A. 40A:12A-6* at which it reviewed the findings of a report prepared by Heyer, Gruel & Associates (“Planning Consultant”) which determined that the Study Area met the criteria for designation as an “area in need of redevelopment” under the Redevelopment Law, and adopted a resolution which endorsed the findings of the Planning Consultant and recommended to the Municipal Council, pursuant to *N.J.S.A. 40A:12A-6*, that the Study Area be designated as an “area in need of redevelopment”; and

WHEREAS, on May 11, 2016, the Municipal Council accepted the recommendation of the Planning Board and adopted a resolution which designated Block 198.L, Lot 39 (also known as 1015 Route 1) as an “area in need of redevelopment” (“Redevelopment Area”) in accordance with the Redevelopment Law; and

WHEREAS, by commission of the Municipal Council, the Planning Consultant has prepared a redevelopment plan for the Redevelopment Area entitled the “1015 Route 1 Redevelopment Plan” (“Redevelopment Plan,” attached hereto as *Exhibit A*); and

WHEREAS, the Municipal Council desires to refer the Redevelopment Plan to the Planning Board for its review and comment, pursuant to *N.J.S.A. 40A:12A-7* of the Redevelopment Law.

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Pursuant to *N.J.S.A. 40A:12A-7(e)*, the Municipal Council hereby refers the Redevelopment Plan to the Planning Board for review and recommendation. The Planning Board shall prepare a report regarding its recommendations as to the Redevelopment Plan and submit same to the Municipal Council within 45 days after referral, as required by the Redevelopment Law.

Section 3. The Clerk of the Township shall forward a copy of this Resolution and the Redevelopment Plan to the Planning Board for review.

Section 4. This Resolution shall take effect immediately.

EXPLANATION: A Resolution retaining Millennium Strategies for the purpose of grant research, writing and management services.

RESOLUTION R.580-082016

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

WHEREAS, the Township desires to avail itself of the numerous possibilities to supplement funding for projects beneficial to the Township; and

WHEREAS, to avail itself to the numerous possibilities to supplement funding for projects beneficial to the Township, Millennium Strategies, 60 Roseland Avenue, Caldwell, New Jersey 07006 (“**Millennium Strategies**”) prepared a proposal for services, with regard to the grant research, writing and management services for the Township; and

WHEREAS, Millennium Strategies has proven itself as a successful and results-oriented grant research, writing and management firm, as is evidence by its current representation of sixty-six (66) municipalities, counties and non-profits in New Jersey, New York, Pennsylvania and Delaware, with client grant awards totaling over Thirty Nine Million Dollars (\$39,000,000.00) in 2015; and

WHEREAS, the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, authorizes the award of contracts for “Professional Services” without competitive bids; and

WHEREAS, the Township desires to retain Millennium Strategies at a cost of Five Thousand Dollars (\$5,000.00) per month, inclusive of all Millennium Strategies travel time and expenses as well as attendance at all designated meetings, for one (1) year from the date of execution of a contract with Millennium Strategies, to undertake evaluation of the Township funding procurement efforts, notification of all available funding opportunities, research, preparation submission and follow-up of all available funding applications, representation of the Township with legislative and government officials regarding grant and funding procurement and attendance at meetings as requested with forty-eight (48) hours’ notice, whereby either party may terminate the contract on fourteen (14) days’ written notice.

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

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

Section 2. The Township desires to retain Millennium Strategies at a cost of Five Thousand Dollars (\$5,000.00) per month, inclusive of all Millennium Strategies travel time and expenses as well as attendance at all designated meetings, for one (1) year from the date of execution of a contract with Millennium Strategies, to undertake evaluation of the Township funding procurement efforts, notification of all available funding opportunities, research, preparation submission and follow-up of all available funding applications, representation of the Township with legislative and government officials regarding grant and funding procurement and attendance at meetings as requested with forty-eight (48) hours’ notice, whereby either party may terminate the contract on fourteen (14) days’ written notice.

Section 3. The Mayor and Township Clerk are hereby authorized and directed to execute the contract with Millennium Strategies for its grant research, writing and management services.

Section 4. Notice of this Resolution shall be published in the designated official newspaper as required by law within ten (10) days of passage.

Section 5. A certified copy of this resolution, together with a copy of the contract between the parties, shall be provided by the Township Clerk to the Business Administrator and to Millennium Strategies.

Section 6. This Resolution shall take effect immediately.

EXPLANATION: A Resolution extending the 2014 entry-level firefighter list for a period of one (1) year.

RESOLUTION R.581-082016

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

WHEREAS, pursuant to *N.J.S.A. 40A:14-7 et seq.* the Township has the discretion to establish a hiring process for firefighters; and

WHEREAS, in furtherance of its authority to establish a hiring process for firefighters, the municipal council of the Township (the “**Municipal Council**”) authorized an entry-level firefighter list (the “**Firefighter List**”) in or about September 2014 that would be effective for a period of two (2) years; and

WHEREAS, for reasons of economy and to continue to maintain the safety, health, and well-being of all those who reside, do business within, and visit the Township, the Municipal Council desires to extend the effective date of the of the Firefighter List for a period of one (1) year, from September 4, 2016 until September 3, 2017.

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

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

Section 2. The Mayor and Township Clerk are hereby authorized to extend the Firefighter List for a period of one (1) year, from September 4, 2016 until September 4, 2017.

Section 3. This Resolution shall take effect immediately.

EXPLANATION: A Resolution rescinding Resolution R.347-052016 and setting forth the renewal date for the Township's membership in the Central Jersey Joint Insurance Fund to December 31, 2016.

RESOLUTION R.582-082016

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

WHEREAS, the Township is a member of the Central Jersey Joint Insurance Fund (the "**Fund**"); and

WHEREAS, the Township passed Resolution R.347-052016 renewing its membership to the Fund as of June 30, 2016; and

WHEREAS, the Township desires to rescind Resolution R.347-052016 since the Township's membership in the Fund does not expire until December 31, 2016; and

WHEREAS, the Township hereby desires to renew its membership to the Fund effective December 31, 2016 for a period of one (1) year until December 31, 2017; and

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

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

Section 2. The Township hereby renews its membership to the Fund effective December 30, 2016 for a period of one (1) year until December 31, 2017.

Section 3. This Resolution shall take effect immediately.

EXPLANATION: Resolution referring the proposed ordinance amending the G-B General Business District to include a convenience store with a fuel station as a permitted use.

RESOLUTION R.583-082016

WHEREAS, pursuant to the Municipal Land Use Law (*N.J.S.A. 40:55D-1 et seq.*, the “**MLUL**”), specifically *N.J.S.A. 40:55D-65*, municipalities are authorized to enact zoning regulations by the adoption of ordinances; and

WHEREAS, pursuant to the MLUL, specifically *N.J.S.A. 40:55D-62*, municipalities are authorized to adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, the purpose of the General Business District to provide minimum requirements to promote the public health, safety, morals and general welfare of the citizens and visitors to the Township of Edison (the “**Township**”) provide adequate light, air and convenience of access; avoid undue concentration of population by regulating and limiting the use of land, the height and bulk of buildings wherever erected; to limit and determine the size of yards and other open spaces; to regulate the density of population; and to conserve the value of property and encourage the most appropriate use of land throughout the Township with regard to the establishment of businesses; and

WHEREAS, it is the purpose of the municipal council of the Township (the “**Municipal Council**”) to provide an increased benefit to the Township by expanding the business uses in the General Business District to include a convenience store with a fuel station as a permitted use; and

WHEREAS, the Municipal Council proposed to enact the attached ordinance and desires to forward the ordinance to the planning board of the Township (the “**Planning Board**”) for review pursuant to *N.J.S.A. 40:55D-64*.

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Municipal Council hereby refers the proposed ordinance amending the G-B General Business District to include a convenience store with a fuel station as a permitted use attached hereto as **EXHIBIT A** to the Planning Board for review and recommendation in accordance with the requirements of *N.J.S.A. 40:55D-64*.

Section 3. The Planning Board is authorized and directed to prepare a report of its recommendations (the “**Planning Board Report**”) to the proposed G-B General Business District amending ordinance within thirty-five (35) days of the date hereof.

Section 4. If the Planning Board Report is not transmitted to the Municipal Council within thirty-five (35) days of the date hereof, the Municipal Council shall be relieved of the requirement to obtain a Planning Board Report for the Proposed Amendment to the Plan in accordance with *N.J.S.A. 40:55D-26*.

Section 5. The Clerk of the City shall forward a copy of this Resolution and the Proposed Amendment to the Planning Board for review pursuant to *N.J.S.A. 40:55D-64*.

Section 6. This Resolution shall take effect immediately.

EXHIBIT A

Proposed Ordinance Amending G-B General Business District Permitted Use to Include
Convenience Store with Fuel Station

EXPLANATION: A resolution adopting the Affirmative Marketing Plan for the Township of Edison.

EDISON TOWNSHIP

RESOLUTION R.584-082016

WHEREAS, in accordance with the Fair Housing Act and the New Jersey Uniform Housing Affordability Controls, N.J.A.C. 5:80-26-1, et seq., the Township of Edison is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created within the Township of Edison are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 3, the Housing Region encompassing the Township of Edison.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Edison, County of Middlesex, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

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

Section 2. The Township of Edison Affirmative Marketing Plan is as follows:

Affirmative Marketing Plan

- A. All affordable housing units in the Township of Edison shall be marketed in accordance with the provisions herein unless otherwise provided by law or regulation of the State of New Jersey.
- B. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low and moderate income units, including those that are part of the Township's prior round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.
- C. The Affirmative Marketing Plan shall be implemented by an Administrative Agent designated by and/or under contract to the Township of Edison. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of the affordable unit(s).
- D. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Township of Edison is located in Housing Region 3, consisting of Middlesex, Hunterdon and Somerset Counties.
- E. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Township of Edison, shall undertake the following strategies for each new affordable unit within the Township:
 - 1. Ensure that the owner publishes at least one advertisement in a newspaper of general circulation within the housing region, with the advertisement subject to the review and approval of the Administrative Agent and paid for by the owner/developer/landlord as per "C", above, and
 - 2. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region (see Appendix III for a listing of radio and TV sources throughout the region), and
 - 3. At least one additional regional marketing strategy using one of the other sources listed below.

- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
1. All newspaper articles, announcements and requests for pre-applications for low and moderate income units shall appear in at least one major circulation daily newspaper of regional circulation (throughout all of Region 3), or through a series of daily newspapers that reaches all of Region 3 residents. This may include but is not limited to the Star Ledger, the Home News Tribune or the Courier News.
 2. For new developments, the primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspaper(s) once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
 3. The advertisement shall include a description of the:
 - a. Street address(es) of the units;
 - b. Directions to the units;
 - c. Range of prices for the units;
 - d. Numbers of bedrooms in units (bedroom mix);
 - e. Maximum income permitted to qualify for the units;
 - f. Location of applications;
 - g. Business hours when interested households may obtain an application; and
 - h. Application fees, if any;
 - i. Number of units currently available;
 - j. Anticipated dates of availability;
 4. Newspaper articles, announcements and information on where to request applications for low and moderate income housing shall also appear at least once a week for four consecutive weeks in at least three **locally** oriented weekly newspapers within the region, one of which shall be circulated primarily within Middlesex County and the other two of which shall be circulated primarily outside of Middlesex County but within the housing region.
- G. The Administrative Agent shall develop, maintain and regularly update a list of community contact person(s) and/or organizations(s) in Middlesex, Hunterdon and Somerset Counties that will aid in Edison's affirmative marketing program. The list shall include as many contacts that will reach out to groups that are least likely to apply for housing within the region. Information shall be sent quarterly to every entity on the Township's affirmative marketing list: Please see Appendix I at the end of this Resolution for a list of all current community contacts, including reaching those least likely to apply, major employers, institutions, public entities, etc.

Using the above referenced list in Appendix I, at a minimum the Administrative Agent shall ensure that the following affirmative marketing occurs:

1. Quarterly information shall be sent to each of the following agencies with a request for publication in their journals and for circulation among their members:
 - Middlesex County Board of Realtors
 - Somerset County Board of Realtors
 - Hunterdon County Board of Realtors
 2. Quarterly information and requests to post same shall be sent to the administrators of each of the following agencies within the counties of Middlesex, Hunterdon and Somerset:
 - Welfare or Social Service Board (via the Director)
 - Rental Assistance Office (local office of DCA)
 - Office on Aging
 - Housing Authority (municipal and county)
 - Community Action Agencies
 - Community Development Departments
 3. Quarterly information and requests to post same shall also be sent to the chief personnel administrators of all of the major employers within the region, as listed in Appendix I.
- H. Requests to post brochure(s), sign(s), poster(s) and/or other appropriate outreach materials used as part of the affirmative marketing program shall be made to each of the locations shown on Appendix II at the end of this Resolution.

In addition, links to online pre-applications shall be provided by the Administrative Agent, the Developer, and the Municipal Housing Liaison to prospective applicants upon request. If prospective applicants do not have internet access they will be given a phone number to call the Administrative Agent, who will then enter all pre-application information online during the phone call, and mail them a confirmation and details. If applicant prefers completing a paper copy themselves, a paper copy will be sent by mail to the prospective applicant. Only by the Administrative Agent should send out paper copies of pre-applications, to ensure the most current form is always sent.

Also, information on how to apply for affordable housing shall be available at the developer's sales/rental office and shall be provided to prospective applicants upon request.

- I. The following is a listing of community contact person(s) and/or organizations serving Middlesex, Hunterdon and Somerset Counties that may aid in the affirmative marketing program, provide guidance and/or counseling services to prospective occupants of low and moderate income units:
1. Central Jersey Housing Resource Center, 600 First Ave., Ste. 3, Raritan, NJ 08869
 2. Community Access Unlimited, Inc., 80 West Grand Street, Elizabeth, NJ 07202
 3. Faith Fellowship Community Development Corporation, 2707 Main Street, Sayreville, NJ 08872-1457
 4. Fair Share Housing Center, 510 Park Blvd, Cherry Hill, NJ 08002
 5. Housing Partnership for Middlesex County, 2 East Blackwell St., Dover, NJ 07801
 6. Latino Action Network, PO Box 943, Freehold, NJ 07728
 7. N.A.A.C.P. New Jersey State Conference, 4326 Harbor Beach Blvd., #775, Brigantine, NJ 08203
 8. Metuchen/Edison Area N.A.A.C.P., 127 Newman Street, Metuchen, NJ 08840
 9. New Brunswick Area N.A.A.C.P., PO Box 235, New Brunswick, NJ 08901-0235
 10. New Jersey Citizen Action, 75 Raritan Ave., Suite 200, Highland Park, NJ 08904

11. Northwest New Jersey Community Action Program, Inc. (NORWESCAP), 350 Marshall Street, Phillipsburg, NJ 08865
 12. Perth Amboy Area N.A.A.C.P., PO Box 1219, Perth Amboy, NJ 08862-1219
 13. Plainfield Area N.A.A.C.P., PO Box 368, Plainfield, NJ 07060
 14. Puerto Rican Action Board, Inc., 90 Jersey Ave., New Brunswick, NJ 08901-3258
 15. Puerto Rican Association for Human Development, Inc., 100 First Street, Perth Amboy, NJ 08861-4645
- J. Whenever necessary, a random selection method to select occupants of low and moderate income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (I). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 3 comprised of Middlesex, Hunterdon and Somerset Counties. For additional information on the random selection, the marketing of units, waiting lists and matching households to available unit procedures, please also refer to Chapter III of the Township's Affordable Housing Operating Manual.
- K. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to provide for the initial occupancy of low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, *et seq.*
- L. Whenever appropriate, the Administrative Agent shall provide or direct qualified low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law. The Administrative Agent shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
- M. All developers/owners of low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
- N. The implementation of the Affirmative Marketing Plan for a new development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all low income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary. Please note that in addition to complying with this Township-wide Affirmative Marketing Plan that the Administrative Agent shall also review and approve a separate Affirmative Marketing Plan for every new affordable development in Edison that is subject to NJAC 5:80-26.1 *et seq.* That document shall be completed by the owner/developer and will be compliant with the Township's Affirmative Marketing Plan as presented herein, and incorporate development specific details and permitted options, all subject to the Administrative Agent's review and approval. The development specific affirmative marketing plans will use the standard form for Region 3, included at the end of this document as Appendix III.
- O. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, *et seq.*

Section 3. This Resolution shall take effect immediately.

EXPLANATION: This Resolution Endorses the 2016 Housing Element and Fair Share Plan of the Township of Edison and Approves the Amended Settlement Agreement between the Township, the Fair Share Housing Center and the Intervenor/Defendants in the Township's pending Declaratory Action Proceeding

RESOLUTION R.585-082016

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision, In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015). In that decision, the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing ("COAH") to the New Jersey Superior Courts, and established a transitional process for municipalities, like the Township of Edison, to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plans ("HEFSP") as being constitutionally compliant and to seek the judicial equivalent of substantive certification, which has been deemed by the Court to be a Judgment of Compliance and Repose and accompanying protection as provided under the Fair Housing Act of 1985; and

WHEREAS, on July 7, 2015, in accordance with the Supreme Court's decision, the Township filed a declaratory judgment action that is captioned, In the Matter of the Application of the Township of Edison, a municipal Corporation of the State of New Jersey, Docket No. MID-L-3944-15; and

WHEREAS, in that filing, the Township also sought a determination from the Superior Court regarding the Township's future use and disposition of the Township's Affordable Housing Trust Funds, as directed by the New Jersey Appellate Division in the case, In Re Failure of the Council on Affordable Housing to Adopt Trust Fund Commitment Regulations, Docket Nos. A-5257-11T4 and A-0122-13T3.; and

WHEREAS, the Township agreed by prior Resolution, to settle the litigation with the Fair Share Housing Center and the Intervenor/Defendants, in the case, authorized execution of a Settlement Agreement, which was executed by all Parties in April, 2016 (the "April 2016 Agreement"), and requested that the Superior Court, Middlesex County, find that the April 2016 Agreement, and the Township's approach to meeting the Township's Prior Round and Third Round Mount Laurel obligations, as detailed therein, are fair to the interests of lower-income New Jersey households and entitle the Township to protection from Mount Laurel litigation for a period of ten (10) years from the Order entered by the Court approving that Agreement; and

WHEREAS, as part of the April 2016 Agreement, the Township's Planning Consultant prepared a HEFSP dated April 10, 2016 and Updated Spending Plan, dated April 2016, in which the Township advised that it had actually met its entire Prior Round obligation and significant portions of its Third Round obligation, and identified specific sites and mechanisms for the remainder of its Third Round obligation that presents a realistic opportunity for the development of housing affordable to lower-income households, including families, people with special needs, very-low-income households including very-low-income families, and seniors; and

WHEREAS, the April HEFSP was reviewed by the Planning Board at its April 18, 2016 Meeting and the Board adopted a Resolution at that Meeting wherein it determined that implementation of the HEFSP is in the public interest, will protect public health and safety and will promote the general welfare and therefore, committed to promptly comply with the formal, procedural requirements for the adoption of the HEFSP as an amendment to the Township's Master Plan, if the HEFSP was approved by the Court; and

WHEREAS, the April 2016 Agreement was reviewed by the Court in accordance with the requirements of *Morris County Fair Housing Council v. Boonton Township*, 197 N.J. Super. 359, 364 (Law Div. 1984), *affd o.b.*, 209 N.J. Super. 108 (App. Div. 1986) and *East/West Venture v. Borough of Fort Lee*, 286 N.J. Super. 311, 328 (App. Div. 1996) at a Compliance Hearing held on June 7, 2016; and

WHEREAS, the April 2016 Agreement and April HEFSP were preliminarily approved by Order of the Court dated June 16, 2016, subject to satisfaction of certain comments and revisions set forth in the June 4, 2016 Report of the Special Master and as discussed on the record at the Compliance Hearing, on the grounds that they are fair to the

interests of the Region's low and moderate income households and is in accordance with the criteria set forth in East/West Venture v Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996); and

WHEREAS, the Township has made the revisions to the April 2016 Agreement, which were not substantive, and prepared a Final HEFSP to reflect the revisions and comments set forth in the June 4, 2016 Report of the Special Master; and

WHEREAS, the Amended Settlement Agreement, Final HEFSP, together with the Spending Plan, will be reviewed by the Court at a Final Compliance Hearing in the matter to be held on October 7, 2016 and will be the basis for a Final Judgment of Compliance and Repose in the Litigation; and

WHEREAS, the Final HEFSP was submitted to the Planning Board for consideration and action at its August 15, 2016 Meeting; and

WHEREAS, on August 15, 2016, the Planning Board held a duly noticed public meeting regarding the proposed Final HEFSP, during which, it took testimony from its consultants and provided the opportunity for comments and questions from the public; and

WHEREAS, the Planning Board determined that the proposed Final HEFSP is consistent with the goals and objectives of the Township of Edison Master Plan, as amended, and that said adoption and implementation of the proposed Final HEFSP is in the public interest and will protect the public's health and safety and promote the general welfare; and

WHEREAS, by Resolution adopted on August 15, 2016, the Planning Board approved and adopted the Final HEFSP as an amendment to the Township of Edison's Master Plan; and

WHEREAS, a true copy of the Resolution of the Planning Board approving the Final HEFSP is attached hereto; and

WHEREAS, the Governing Body of the Township of Edison desires to approve the Amended Settlement Agreement, and endorse the Final HEFSP as adopted by the Planning Board, and to submit the Amended Settlement Agreement and Final HEFSP to the New Jersey Superior Court for a Final Judgment of Compliance and Repose in the pending Litigation.

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

Section 1. The Council hereby approves the Amended Settlement Agreement with the Fair Share Housing Center and the Intervenor/Defendants in the pending Declaratory Judgment Action.

Section 2. The Council hereby approves and endorses the Final HEFSP, that has been approved by the Planning Board and authorizes its submission, together with the Amended Settlement Agreement, to the Court for review and the basis for a Judgment of Compliance and Repose by the Court at the October 7, 2016 Compliance Hearing.

Section 3. The Mayor, Township Administrator, and Township Clerk, together with all other officers, professionals and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.

Section 4. This Resolution shall take effect immediately.

EXPLANATION: This Resolution commits the Township of Edison to allocate sufficient resources, to the extent consistent with and required by law, to meet the Township’s affordable housing obligations pursuant to the adopted Housing Element and Fair Share Plan. This Resolution further commits the Township, to the extent consistent with and required by law, to fund any shortfall in resources needed to meet its affordable housing obligations pursuant to the adopted Housing Element and Fair Share Plan, including the issuance of municipal bonds if there are no other resources available.

RESOLUTION R.586-082016

WHEREAS, the Township of Edison, Middlesex County (the “Township”), has petitioned the Superior Court, In the Matter of the Application of the Township of Edison, a Municipal Corporation of the State of New Jersey, Law Division-Middlesex County, Docket No. MID-L-3944-15 (the “Superior Court”) for a Judgment of Compliance and Repose of its adopted Housing Element and Fair Share Plan (the “Plan”); and

WHEREAS, the Plan submitted to the Superior Court allocates funds for Group Home Bedrooms, a Market to Affordable Program and Affordability Assistance and Administration; and

WHEREAS, the Township anticipates that funding will come from development fees collected and projected; and

WHEREAS, it is the Superior Court’s position that the Township must allocate funds for the provision of affordable housing as set forth in the Township’s adopted Housing Element and Fair Share Plan; and

WHEREAS, in the event the development fees collected by the Township prove inadequate to complete the affordable housing programs included in the Township’s Superior Court Certified Housing Element and Fair Share Plan, the Township will, to the extent consistent with and required by law, take all appropriate actions to secure and make available sufficient funding from all sources to address any shortfalls.

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

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

Section 2. The Township does hereby agree to take appropriate actions, to the extent consistent with and required by law, to fund any shortfall in its approved affordable housing programs that may arise whether due to inadequate funding from other sources or for any other related reason.

Section 3. The Township hereby expresses its intent, to the extent consistent with and required by law, to issue municipal bonds if no other resources are available to meet its affordable housing obligations pursuant to the adopted Housing Element and Fair Share Plan.

Section 4. This Resolution shall take effect immediately.

EXPLANATION: Resolution Releasing Maintenance Bond #34403 under application No.P5144 to Butter Construction 16 Wood Acres Drive, Edison NJ 08820

RESOLUTION 587-082016

WHEREAS, the Township Engineer advises that an inspection has been made of 37 Hamilton Avenue, Block 643-J and Lot: 16.01 & 19.01, Application #P5144, and said inspection indicates all improvements are complete and in accordance with the Municipal Standards of the Township of Edison; and

WHEREAS, on September 24, 2014 Butter Construction Posted a Maintenance Bond #34403 in the amount of \$3,304.80 with the Township of Edison, to guarantee the integrity of the site improvements with the Township of Edison. The maintenance period has elapsed with no defects developing; and

WHEREAS, the Township Engineer, recommends the release of the Maintenance Bond #34403 in the amount of \$3,304.80. The principal being Butter Construction having offices at 16 Wood Acres Drive, Edison NJ 08820, and acceptance of the subject improvements; and

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 Maintenance Bond #34403 in the amount of \$3,304.80

EXPLANATION: Resolution Refunding Tree Maintenance Bond to Steven Hercman
9 Ryan Road, Edison NJ 08817 11-050 Account # **7761963722**

RESOLUTION R.588-082016

WHEREAS, on July 17, 2012, Steven Hercman posted a Tree Maintenance Bond fees in the amount of \$1,350.00 on deposit with the Township of Edison in account #7761963722 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #11-050.

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 \$1,350.00 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 \$1,350.00 Herein above mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$1,350.00 on deposit in Account #7761963722 Steven Hercman, having an address at 9 Ryan Road, Edison, NJ 08820, **Account #7761963722**

EXPLANATION: Resolution refunding Cash Performance & Performance Bond to 2900 Woodbridge Avenue
Application #P01-2013 Account #7762495427 and Performance Bond No. BG1102302

RESOLUTION R.593-082016

WHEREAS, the Township Engineer advises that an inspection has been made of 2900 Woodbridge Avenue Edison, New Jersey 08817, Application #P01-2013 Block: 390 Lot: 49-A, 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, 2900 Woodbridge Avenue posted a Performance Bond #BG1102302 on June 1, 2014, in the amount of \$1,444,011.52, having offices at 45 Marble Loop, Staten Island, NY 10309 to guarantee the installation of improvements for the project known as 2900 Woodbridge Avenue in Block #390 and Lot #49-A and designated Application #P01-2013; and

WHEREAS, a Cash Performance check was posted on June 17, 2014 by 2900 Woodbridge Avenue of Edison, in the amount of \$160,445.72, on deposit in account #7762495427; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance in the amount of **\$160,445.72** plus accrued interest, if applicable, on deposit in account **#7762495427** to the applicant and the Performance Bond **#BG1102302** in the amount of **\$1,444,011.52** of the Lexon Insurance Company be refunded to 2900 Woodbridge Avenue, having offices at 45 Marble Loop, Staten Island, New York 10309.

EXPLANATION: Refunding Cash Performance & Performance Guarantee Bond to Edison RX Development, LLC C/o DLC Management Corp, Application #Z55-2013, 580 Tarrytown, N.Y. 10591

RESOLUTION R.589-082016

WHEREAS, Edison Rx Development posted a Performance Bond #SU0542344 posted on February 26, 2015 of International Fidelity Insurance Company, in the amount of **\$138,151.82**, posted by Edison RX Development, LLC C/o DLC Management Corp, having offices at 580 Tarrytown, N.Y. 10591 to guarantee the installation of improvements for the project known as Edison RX Development, LLC-Walgreens located in Block #546-B and Lot #43-A and designated Application #Z55-2013; and

WHEREAS, a Cash Performance Bond was posted on February 26, 2015, in the amount of **\$15,350.20**, on deposit in account #7763342430; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance in the amount of **\$15,350.20** plus accrued interest, if applicable, on deposit in account #7763342430 to the applicant and the Performance Guarantee Bond #SU0542344 in the amount of **\$138,151.82** of the International Fidelity Insurance Company be refunded to Edison RX Development, LLC C/o DLC Management Corp.

EXPLANATION: Releasing Cash performance to Elrac, LLC 1550 Route 23 North, Wayne, NJ 07470, Account #7762495328

RESOLUTION R.590-082016

WHEREAS, the Township Engineer advises that an inspection was made on the above subject located in Block #1120 Lot: 62.A

WHEREAS, the Division of Engineering Services recommends the release of the Cash Performance, in the amount of \$108,196.36, in account 7762495328 to Elrac, LLC

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 Chief Financial Officer is hereby authorized to release the aforesaid Cash Performance; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to return the Cash Performance in the amount of \$108,196.36, on deposit in account #7762495328 to the applicant Elrac LLC having an address of 1550 Route 23 North, Wayne, NJ 07470.

S:EngPNut-Karen-RetReso-CashPerf-Elrac,LLC

EXPLANATION: Releasing Cash performance to Tulfra, 3775 Park Ave, Land Banked Parking Application #P6507/08 Account #7763342422

RESOLUTION R.591-082016

WHEREAS, the Township Engineer advises that an inspection was made on the above subject located in Block #495, 556J, 1025 Lot's: 1, 2, 13A & 2Q4

WHEREAS, the Division of Engineering Services recommends the release of the Cash Performance, for the total amount of \$136,431.16 in account #7763342422 to Tulfra having an address of 87 West Passaic, Rochelle Park, NJ 07662

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 Chief Financial Officer is hereby authorized to release the aforesaid Cash Performance; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to return the Cash Performance in the amount of \$136,431.16, on deposit in account #7763342422 to the applicant Tulfra having an address of 87 West Passaic, Rochelle Park, NJ 07662

S:Eng-Karen-RetReso-CashPerf-3775ParkAve-Tulfralandbankedparking

EXPLANTION: Masjid Al-Wali 10 Olsen Avenue Application # Z04-04/05
Block: 590, Lot: 16 Release of Cash & Performance Bond Reduction

RESOLUTION R.592-082016

WHEREAS, Masjid Al-Wali posted Performance Bond # UB0001119 of Unity Bank in the amount of \$307,105.56. A 70% reduction was done under Resolution # R785-112015 reducing the balance to \$92,131.67 posted by Masjid Al-Wali, having offices at 3 Cedarwood Drive, Edison, NJ 08820 to guarantee the the installation of improvements for the project known Masjid Al-Wali located in Block #590 and Lot #16 and designated Application #Z04-04/05; and

WHEREAS, a Cash Performance Bond was posted on October 3, 2012, by Check #22-010377, in the amount of \$34,122.84. A Cash Bond Reduction was posted on November 20, 2015 by Resolution #R785-112015 Reducing the Cash Bond to **\$10,236.85** on deposit in account #**7762495187**; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Reduce Performance Bond #UB0001119 of Unity Bank in the amount of \$92,131.67 be release for Final Acceptance.

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of **\$10,236.85**, plus accrued interest, on deposit in Account #**7762495187** to Masjid Al-Wali having offices at 3 Cedarwood Drive Edison, N.J. 08820

EXPLANATION: Resolution refunding Cash Performance & Performance Bond to 2900 Woodbridge Avenue Application #P01-2013 Account #7762495427 and Performance Bond No. BG1102302

RESOLUTION R.593-082016

WHEREAS, the Township Engineer advises that an inspection has been made of 2900 Woodbridge Avenue Edison, New Jersey 08817, Application #P01-2013 Block: 390 Lot: 49-A, 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, 2900 Woodbridge Avenue posted a Performance Bond #BG1102302 on June 1, 2014, in the amount of \$1,444,011.52, having offices at 45 Marble Loop, Staten Island, NY 10309 to guarantee the installation of improvements for the project known as 2900 Woodbridge Avenue in Block #390 and Lot #49-A and designated Application #P01-2013; and

WHEREAS, a Cash Performance check was posted on June 17, 2014 by 2900 Woodbridge Avenue of Edison, in the amount of \$160,445.72, on deposit in account #7762495427; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance in the amount of **\$160,445.72** plus accrued interest, if applicable, on deposit in account **#7762495427** to the applicant and the Performance Bond **#BG1102302** in the amount of **\$1,444,011.52** of the Lexon Insurance Company be refunded to 2900 Woodbridge Avenue, having offices at 45 Marble Loop, Staten Island, New York 10309.

EXPLANATION: Resolution refunding Cash Performance & Performance Bond to DDMBA, LLC, INC-56 Vineyard Road, Application #P08-2013 Account #7763342373 and Performance Surety Bond #1149605

RESOLUTION R..594-082016

WHEREAS, DDMBA-NJ, Inc. posted a Performance Surety Bond #1149605 posted on September 18, 2014 of The Selective Insurance Company, in the amount of \$175,174.00, posted by DDMBA, LLC, Inc. having offices at 56 Vineyard Road, Edison, NJ 08817 to guarantee the installation of improvements for the project DDMBA,-NJ, Inc. located in Block #1111 and Lot #52 &53

WHEREAS, a Cash Performance check was posted on October 16, 2014 by Check #52194587-5, in the amount of \$19,463.82, on deposit in account #7763342373

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance in the amount of **\$19,463.82** plus accrued interest, if applicable, on deposit in account #7763342373 to the applicant and the Surety Bond #1149605 in the amount of **\$175,174.00** of the Selective Insurance Company of America be refunded to DDMBA-NJ, Inc, 56 Vineyard Road, Edison NJ 08817

S:Eng-Karen-Reso-Bond&CashPerformanceRefund-DDMBA-56VineyardRd.

RESOLUTION R.595-082016

RESOLUTION AWARDING CONTRACT TO CGP&H, LLC FOR AFFORDABLE HOUSING ADMINISTRATIVE AGENT SERVICES

WHEREAS, the Township of Edison advertised on the Township website for Request for Proposals on July 26, 2016, for RFP 16-07, AFFORDABLE HOUSING ADMINISTRATIVE AGENT SERVICES for a bid opening date of August 9, 2016 and one (1) proposal was received; and

WHEREAS, after review and evaluation of said proposal, it has been recommended by the Township that the contract be awarded to CGP&H, LLC, 101 Interchange Plaza, Suite 301, Cranbury, NJ 08512; and

WHEREAS, funds in the amount of \$200,000.00 have been certified to be available in the Affordable Housing Account, No. T-13-00-0000-000-006; 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. The proposal as submitted by CGP&H, LLC, 101 Interchange Plaza, Suite 301, Cranbury, NJ 08512 is determined to be in the best interest of the Township for Affordable Housing Administrative Agent Services Services.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$200,000.00, and any other necessary documents, with CGP&H, LLC in accordance with the proposal.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$200,000.00** are available for the above contract in Account No. **T-13-00-0000-000-006**.

/s/Nicholas C. Fargo
Chief Financial Officer

EXPLANATION: Resolution authorizing Change Order No. 1 in the amount of \$2,682.00 for Abhzeen Design, Contractor for Firehouse No. 3 Flooring Installation, for a total revised contract amount of \$32,482.00

RESOLUTION R.596-082016

WHEREAS, the Township Council awarded a contract through competitive bidding (Bid No. 16-23-01) to Abhzeen Design (2152 Whitesville Road, Toms River, NJ 08755) in the amount of \$29,800.00 for the Interior Flooring Removal and Replacement at Fire House No. 3 (849 Amboy Avenue); and

WHEREAS, the contract was awarded through Resolution R. 370-052016, dated May 11, 2016; and

WHEREAS, during the course of the work, additional repairs to the subflooring was determined to be needed upon removal of the various layers of flooring installed at the facility; and

WHEREAS, additional demolition and renovations ongoing at the time of the contractor's work resulted in phasing of the work and changes to the types of material treatments for the flooring trim not originally anticipated; and

WHEREAS, the Township Engineer has found the above described work to be outside of the Scope of Services contained within the original project bid; and

WHEREAS, additional funds in the amount of \$2,682.00 have been certified to be available in the Capital Account for Fire House Renovations, Account Number C-04-14-1872-310-001; and

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

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, in the State of New Jersey, that Change Order No. 1 be awarded to Abhzeen Design, 2152 Whitesville Road, Toms River, NJ 08755, in an amount not to exceed \$2,682.00 resulting in a revised contract amount of \$32,482.00.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$2,682.00** are available for the above contract in Account No. **C-04-14-1872-310-001**.

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.597-082016

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 STO0000203, to the following:

| | |
|-----------------------------|--|
| Permit Number: | 0926 |
| Opening Location: | 68 Safran Avenue |
| Block/Lot: | 744/19 |
| Applicant's Name & Address: | A.J. Perri 1162 Pine Brook Road Tinton Falls, NJ 07724 |
| Initial Deposit Date: | 04/05/16 |
| Deposit Amount: | \$512.00 |
| Paid by & refunded to: | A.J. Perri 1162 Pine Brook Road Tinton Falls, NJ 07724 |

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.

RESOLUITION R.598-082016

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 STO0000207, to the following:

| | |
|-----------------------------|---|
| Permit Number: | 0919 |
| Opening Location: | 3 Bradford Road |
| Block/Lot: | 557.N/36 |
| Applicant's Name & Address: | AA Absolute Construction 115 E. 11 th Avenue Roselle, NJ 07203 |
| Initial Deposit Date: | 04/18/16 |
| Deposit Amount: | \$360.00 |
| Paid by & refunded to: | Ankita Patel 3 Bradford Road Edison, NJ 08820 |

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 R.599-082016

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 STO0000202, to the following:

| | |
|-----------------------------|---|
| Permit Number: | 0904 |
| Opening Location: | 120 Overbrook Avenue |
| Block/Lot: | 375.K/12.D |
| Applicant's Name & Address: | Stilo Paving & Excavating 2907 S. Clinton Ave. South Plainfield, NJ 07080 |
| Initial Deposit Date: | 03/17/16 |
| Deposit Amount: | \$3000.00 |
| Paid by & refunded to: | Baps Development, Inc. 2500 Woodbridge Avenue Edison, NJ 08817 |

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 R.600-082016

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 STO0000212, to the following:

| | |
|--|--|
| Permit Numbers: | 0964, 0965, 0966, 0967, 0968, 0969, 0970 |
| Opening Location: | 1 Regent Court |
| Block/Lot: | 1134/5 |
| Applicant's Name & Address: | Water Resource Technologies, Inc. 2 Kanouse Road Newfoundland, NJ 07435 |
| Initial Deposit Date: | 05/12/16 |
| Deposit Amount: | \$208.00 |
| Paid by & refunded to: | Water Resource Technologies, Inc. 2 Kanouse Road Newfoundland, NJ 07435 |

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 R.601-082016

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 STO0000208, to the following:

| | |
|--|---|
| Permit Number: | 0925 |
| Opening Location: | 15 Lamar Avenue |
| Block/Lot: | 545.S/15.01 |
| Applicant's Name & Address: | Gulberg Builders LLC 3830 Park Avenue Edison, NJ 08820 |
| Initial Deposit Date: | 04/20/16 |
| Deposit Amount: | \$480.00 |
| Paid by & refunded to: | Gulberg Builders LLC 3830 Park Avenue Edison, NJ 08820 |

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 R. 602-082016

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO SANITATION EQUIPMENT CORP. FOR AUTOMATED REFUSE COLLECTION SYSTEM PARTS (LABRIE, HEIL & MCNEILUS)

WHEREAS, bids were received by the Township of Edison on June 15, 2016 for Public Bid No. 16-08-21-Automated Refuse Collection System Parts (Labrie, Heil & McNeilus) for the Department of Public Works; and

WHEREAS, SANITATION EQUIPMENT CORP., S122 Route 17, Paramus, NJ 07652 submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$80,000.00, 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 SANITATION EQUIPMENT CORP., S122 Route 17, Paramus, NJ 07652 Automated Refuse Collection System Parts (Labrie, Heil & McNeilus) for the Department of Public Works, is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$80,000.00 and any other necessary documents, with SANITATION EQUIPMENT CORP. as described herein.

RESOLUTION R.603-082016

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO MCNEILUS TRUCK AND
MANUFACTURING CO. FOR AUTOMATED REFUSE COLLECTION SYSTEM PARTS (LABRIE,
HEIL & MCNEILUS)**

WHEREAS, bids were received by the Township of Edison on June 15, 2016 for Public Bid No. 16-08-21-Automated Refuse Collection System Parts (Labrie, Heil & McNeilus) for the Department of Public Works; and

WHEREAS, MCNEILUS TRUCK AND MANUFACTURING CO., 524 E. Highway St., Dodge Center, MN 55927 submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$60,000.00, 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 MCNEILUS TRUCK AND MANUFACTURING CO., 524 E. Highway St., Dodge Center, MN 55927 Automated Refuse Collection System Parts (Labrie, Heil & McNeilus) for the Department of Public Works, is determined to be the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$60,000.00 and any other necessary documents, with MCNEILUS TRUCK AND MANUFACTURING CO. as described herein.

RESOLUTION R.604-082016

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
BELLA BURDOV FOR THE RECREATION TRIP TO
INTREPID SEA, AIR & SPACE MUSEUM**

WHEREAS Bella Burdov made a payment for two people to attend the Edison Recreation sponsored trip to the Intrepid, Sea, Air and Space Museum, and

WHEREAS the trip was cancelled.

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 \$64 to Bella Burdov, 5 Meadow Brook Rd., Edison, NJ 08837, which amount represents the cost of the trip.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$64.00 are available in Account #6-01-55-0291-000-000.

Q: BURDOV TRIP RESO
8/8/16 DWT

RESOLUTION R.605-082016

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
MICHONG MARKO FOR THE RECREATION TRIP TO
INTREPID SEA, AIR & SPACE MUSEUM**

WHEREAS Michong Marko made a payment for five people to attend the Edison Recreation sponsored trip to the Intrepid, Sea, Air and Space Museum, and

WHEREAS the trip was cancelled.

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 \$172.50 to Michong Marko, 165 Orange St., Edison, NJ 08817, which amount represents the cost of the trip.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$172.50 are available in Account #6-01-55-0291-000-000.

Q: MARKO TRIP RESO
8/8/16 DWT

RESOLUTION R.606-082016

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
EDWARD OWSIK FOR THE RECREATION TRIP TO
INTREPID SEA, AIR & SPACE MUSEUM**

WHEREAS Edward Owsik made a payment for three people to attend the Edison Recreation sponsored trip to the Intrepid Sea, Air and Space Museum, and

WHEREAS the trip was cancelled.

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 \$98.50 to Edward Owsik, 4 Wilshire Rd., Edison, NJ 08817, which amount represents the cost of the trip.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$98.50 are available in Account #6-01-55-0291-000-000.

Q: OWSIK TRIP RESO
8/8/16 DWT

RESOLUTION R.607-082016

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
DEYSI SALDANA FOR THE RECREATION TRIP TO
THE CIRCLE LINE CRUISE**

WHEREAS Deysi Saldana made a payment for two people to attend the Edison Recreation sponsored trip to the Circle Line Cruise, and

WHEREAS the trip was cancelled.

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 \$58.00 to Deysi Saldana, PO Box 126., Port Reading, NJ 07064, which amount represents the cost of the trip.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$58.00 are available in Account #6-01-55-0291-000-000.

Q: SALDANA TRIP RESO
8/8/16 DWT

RESOLUTION R.608-082016

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
SHANMUGA PRIYA SIVAKUMAR FOR THE ABC PROGRAM**

WHEREAS Shanmuga Priya Sivakumar made payment in the amount of \$25.00 for her child, Sahana Sivakumar's participation in the ABC Program at James Madison Primary Elementary School; and

WHEREAS the child will be in Kindergarten in September; and

WHEREAS the child is not eligible for both the before and after care programs; and

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$25.00 to Shanmuga Priya Sivakumar, 5 Azalea Dr., Edison, NJ 08820, which amount represents the registration fee for the ABC Program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$25.00 are available in Account #6-01-55-0291-000-000.

Q: sivakumar resolution
6/17/16 dwt

RESOLUTION R.609-082016

**RESOLUTION AWARDING PAYMENT TO VARIOUS NON-PROFIT ORGANIZATIONS FOR
LEAGUE RECREATIONAL SERVICES FUNDING SPORTS**

WHEREAS, there exists an ordinance for the Township of Edison to provide for League Recreational Services Funding for sports activities sponsored by certain nonprofit sports organizations; and

WHEREAS, funds in the amount of \$195,490.00 have been certified to be available in the Recreation Other Professional Services Account Number 6-01-28-0370-000-028; and

WHEREAS, the below listed nonprofit sports organizations will be eligible for the amounts specified as their annual allotment, after complying with all requirements listed in the contracts between the Leagues and the Township of Edison:

| | |
|--------------------------------------|-------------|
| Buddy Ball of Edison | \$ 4,050.00 |
| Edison Angels Softball | \$20,880.00 |
| Edison Boys Baseball | \$42,120.00 |
| Edison Jets Football | \$ 9,720.00 |
| Edison United Soccer Association | \$27,000.00 |
| Edison Wizards LaCrosse | \$ 1,000.00 |
| Edison Youth Basketball | \$15,390.00 |
| Fords/Clara Barton Little League | \$ 3,888.00 |
| Little Eagles Wrestling | \$ 2,835.00 |
| Midtown Little League | \$13,770.00 |
| No. Edison Baseball & Softball Asso. | \$42,282.00 |
| No. Edison Shamrocks Football | \$ 9,720.00 |
| No. Edison Rec Wrestling Club | \$ 2,835.00 |

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that authorization be given, to release said funds to these nonprofit sports organizations.

CERTIFICATION

I hereby certify that funds in the amount of \$195,490.00 are available for the above payment in Account 6-01-28-0370-000-028.

Nicholas Fargo
Chief Financial Officer

Date

RESOLUTION R.610-082016

RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO PURCHASE FIRE VEHICLES FROM MALL CHEVROLET THROUGH THE CRANFORD POLICE COOPERATIVE PRICING SYSTEM

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

WHEREAS, the Township of Edison is a member of the Cranford Police Cooperative Pricing System #47-CPCPS; and

WHEREAS, MALL CHEVROLET, 75 Haddonfield Road, Cherry Hill, New Jersey 08002 has been awarded Contract 15-01 - Police and Administrative Vehicles, through this Cooperative Pricing System; and

WHEREAS, the Township of Edison intends to enter into a contract/purchase order with MALL CHEVROLET for three (3) 2016 Chevrolet Tahoe PPVs at a total price of \$111,120.00 (\$37,040.00 each) under the Cranford Police Cooperative Pricing System; and

WHEREAS, funds for this purchase, in the amount of \$111,120.00 are available in the Fire Fighting - Purchase of Vehicles Account, Number 6-01-25-0265-001-051; 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 and any other necessary documents, in the amount of \$111,120.00 with MALL CHEVROLET, 75 Haddonfield Road, Cherry Hill, New Jersey 08002, the approved Cranford Police Cooperative Pricing System vendor through this resolution, which shall be subject to all the conditions applicable to the current Cranford Police Cooperative Pricing System Contract as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-11 et seq.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$111,120.00** are available in account number **6-01-25-0265-001-051**.

/s/ Nicholas C. Fargo
Chief Financial Officer

Resolution R.611-082016

**DRIVE SOBER OR GET PULLED OVER
2016
Labor Day Crackdown
Grant Approval**

WHEREAS, the Division of Police has applied for grant funding in the amount of \$5,000.00 to provide additional manpower hours to enforce DWI Laws; and

WHEREAS, in 2015, nationwide, fatalities from traffic accidents increased, many of which related to alcohol consumption; and

WHEREAS, an enforcement crackdown is planned to combat violations related to DWI Laws to reduce the number of fatalities related to impaired drivers; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the State to participate in the grant; and

WHEREAS; the project will involve increased enforcement from August 19 through September 5, 2016; and

WHEREAS; an increase in enforcement will save lives on our roadways;

THEREFORE, be it resolved that the Edison Township Council on behalf of the Division of Police will accept the grant, Drive Sober or Get Pulled Over 2016 Labor Day Crackdown between August 19, 2016 – September 5, 2016 and pledges to increase awareness of DWI Laws.

BE IT FURTHER RESOLVED, that the Business Administrator or designee be and is hereby authorized to sign the aforesaid grant approval for and on behalf of the Township of Edison.

RESOLUTION R.612-082016

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO ATLANTIC TACTICAL OF NJ FOR THE PURCHASE OF AMMUNITION FOR THE DIVISION OF POLICE

WHEREAS, there is a need to purchase ammunition for the Division of Police; and

WHEREAS, ATLANTIC TACTICAL OF NJ, 763 Corporate Circle, New Cumberland, PA, 17070 has been awarded ammunition from State Contract Number 81297 under T-0106 POLICE AND HOMELAND SECURITY EQUIPMENT AND SUPPLIES - STATEWIDE; and

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

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

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) in the amount not to exceed \$25,000.00, and any other necessary documents, with ATLANTIC TACTICAL OF NJ 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. 81297 under T-0106.

RESOLUTION R.613-082016

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO TASER INTERNATIONAL FOR THE PURCHASE OF DIGITAL EVIDENCE CAPTURE AND MANAGEMENT SYSTEM FOR THE DIVISION OF POLICE

WHEREAS, bids were received by the Township of Edison on August 17, 2016 for Public Bid No. 16-07-07 DIGITAL EVIDENCE CAPTURE AND MANAGEMENT SYSTEM; and

WHEREAS, TASER INTERNATIONAL, INC., 17800 N. 85TH Street, Scottsdale, AZ 85255 submitted the lowest legally responsible, responsive bid; and

WHEREAS, the initial contract period shall be two years with two, one year renewals at the sole option of the Township; and

WHEREAS, the initial purchase price shall be not to exceed \$361,473.92 for the first two years and \$178,920.00 for each of the next two years should the Township choose to renew for years three and four; and

WHEREAS, funds in the amount of \$298,973.92 have been certified to be available in the Various Equipment for Police Department Capital Account, Number C-04-15-1914-240-000, funds in the amount of \$62,500.00 will be available from the State of NJ, Attorney General's Body Worn Camera Assistance Program Grant, and funds in the amount of \$178,920.00 for years three and four of the contract is subject to and contingent upon sufficient funds in the temporary and/or permanent budgets for those years; 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 TASER INTERNATIONAL, INC., 17800 N. 85TH Street, Scottsdale, AZ 85255 for Digital Evidence Capture and Management System 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 \$361,473.92 for the initial two year period and \$357,840.00 for years three and four (\$178,920.00 for each additional year) and any other necessary documents, with TASER INTERNATIONAL, INC.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$298,973.92** are available for the above contract in Account No. **C-04-15-1914-240-000**, funds in the amount of **\$62,500.00** will be available from the State of NJ, Attorney General's Body Worn Camera Assistance Program Grant and funds in the amount of **\$357,840.00 (\$178,920.00** each for years three and four) of the contract is subject to and contingent upon sufficient funds in the temporary and/or permanent budgets for those years.

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.614-082016

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey, that the following Plenary Retail Consumption Licenses expiring on June 30, 2016, for which the required fees of \$2,500.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be the same hereby granted and renewed, effective July 27, 2016

| <u>LICENSE NUMBER</u> | <u>LICENSEE AND LOCATION</u> | <u>ADDRESS</u> |
|------------------------------|---|-----------------------|
| 1205-33-031-004 | Kamini, LLC 1695 Oak Tree Road Edison | POCKET |

EXPLANATION: A Resolution authorizing and approving the Person-to-Person and Place-to-Place transfer of the Plenary Retail Consumption License held by Edison Land Investment to TopGolf USA Edison, LLC with respect to business premises to be located at Edison Town Square, Route 1 in Edison.

RESOLUTION R.615-082016

WHEREAS, an application has been filed with the Township of Edison (“Township”) for a Person-to-Person and Place-to-Place transfer of the Plenary Retail Consumption Liquor License, No. 1205-33-015-015 (“License”), issued to Edison Land Investment. (“Seller”) to TopGolf USA Edison, LLC (“Applicant”) to be used at Applicant’s new business location at Edison Town Square, Route 1, Edison; and

WHEREAS, the Applicant’s submitted application form is complete in all respects, the transfer fees have been paid and the License has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 13 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the License and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, public notice of this transfer has been published in the Home News Tribune, a New Jersey publication, in accordance with law; and

WHEREAS, no legally valid objections have been received nor made as to why this transfer should not be granted to the Applicant.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, NEW JERSEY AS FOLLOWS:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby approves the Person-to-Person and Place-to-Place transfer of the License to the Applicant as to business premises now to be located at Edison Town Square, Route 1, effective August 24, 2016.
3. The Township Clerk is hereby directed to endorse the Applicant’s current license certificate as follows: “This license, subject to all of its terms and conditions, is hereby transferred to TopGolf USA Edison, LLC at business premises to be located at Edison Town Square, Route 1, Edison, New Jersey.”
4. This Resolution shall take effect immediately.

(New License No. 1205-33-015-016)

RESOLUTION R.616-082016

WHEREAS, it is the duty of the Municipal Council to appoint Member to the Zoning Board of Adjustment; and

WHEREAS, the Municipal Council has selected Philip C. Taglianetti, Sr. to be appointed to said Board.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Philip C. Taglianetti, Sr., 31 Warwick Road, Edison, NJ 08820 be and he is hereby appointed as a Member of the Zoning Board of Adjustment, said term to expire December 31, 2019.

RESOLUTION R.617-082016

WHEREAS, it is the duty of the Municipal Council to appoint 1st Alternate Member to the Zoning Board of Adjustment; and

WHEREAS, the Municipal Council has selected Michael Comba to be appointed to said Board.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Michael Comba, 4 Remington Drive, Edison, NJ 08820 be and he is hereby appointed as 1st Alternate Member of the Zoning Board of Adjustment, said term to expire December 31, 2016.

RESOLUTION R.618-082016

WHEREAS, it is the duty of the Municipal Council to appoint 2nd Alternate Member to the Zoning Board of Adjustment; and

WHEREAS, the Municipal Council has selected Sam Joshi to be appointed to said Board.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Sam Joshi, 15 Carriage Place , Edison, NJ 08820 be and he is hereby appointed as 2nd Alternate Member of the Zoning Board of Adjustment, said term to expire December 31, 2016.

RESOLUTION R.619-082016

**RESOLUTION AWARDING FORTY EIGHT MONTH LEASE FOR A MULTI FUNCTION COPIER TO
RICOH AMERICAS CORPORATION FOR THE TOWNSHIP CLERKS OFFICE**

WHEREAS, The Township Clerks Office is in need of a multi function machine that copies, prints, scans and faxes; and

WHEREAS, RICOH USA CORPORATION, 19 Chapin Rd., P.O. Box 2008, Pine Brook, NJ 07058 has been awarded State Contract Number 40467 under G-2075-Copiers, Maintenance and Supplies; and

WHEREAS, the lease shall be forty eight (48) months in the amount of \$395.22 per month, \$4,742.64 per year, not to exceed \$18,970.56 for the term of the lease; and

WHEREAS, this Ricoh MPC4503G includes 36,000 black and white and 6,000 color copies per quarter (black and white overages \$.007 each and color overages \$0.042 each) and all maintenance and supplies except paper; and

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

WHEREAS, the total amount of this contract, not to exceed \$18,970.56, cannot be encumbered at this time; and

WHEREAS, as this is a multi-year Contract, for the additional calendar years it is contingent upon the adoption of temporary and/or permanent budgets for those years; and

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a forty eight month lease for \$395.22 per month, \$4,742.64 per year, not to exceed \$18,970.56 for the term of the lease and any other necessary documents, with RICOH USA CORPORATION, 19 Chapin Rd., P.O. Box 2008, Pine Brook, NJ 07058as 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. 40467/G-2075.

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

RESOLUTION R.620-082016

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

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

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

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

WHEREAS, by Resolution R.496-062016, the Municipal Council determined to offer the opportunity to purchase said license to all qualified parties, in accordance with State law and authorized dates for the public sale with a public opening of bids for August 16, 2016; and

WHEREAS, the one bid that was submitted on August 10, 2016 was subsequently withdrawn on August 11, 2016, which date is prior to the date for the bid opening and therefore, there is a need to authorize a new public sale and schedule new dates for the public sale.

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

1. The Township of Edison hereby determines that it will sell at public sale one (1) new plenary retail distribution license for the sale of alcoholic beverages, in accordance with the procedures set forth at *N.J.S.A. 33:1-19 et seq.*
2. The Township Clerk shall publish a notice of the proposed issuance of the new alcoholic beverage license (“Notice”), indicating that applications therefore will be accepted by the Township at the time, date and place specified in the Notice. The Notice shall state that no applications shall be accepted later than Friday, October 7, 2016 at 1:00 p.m. All other conditions for the submission and acceptance of bids required hereunder shall be stated in the Notice.
3. The Notice shall be published in a newspaper circulating generally in the municipality at least two times, at least one week apart; the second of which shall be at least 30 days prior to the date after which no further applications will be accepted *i.e.* 30 days prior to Friday, October 7, 2016 at 1:00 p.m.
4. Bids must be made utilizing the Proposal Form available in the Office of the Township Clerk. The name and address of the bidder shall appear on the outside of the sealed envelope. All bidders must be qualified to have an interest in a retail alcoholic license under the standards set forth in the Alcoholic Beverage Control Act, *N.J.S.A. 33:1-1 et seq.* (“ABC Act”), the regulations promulgated thereunder at *N.J.A.C. 13:2-1.1 et seq.* (“ABC Regulations”), and all applicable Township ordinances and this Resolution.
5. All submitted bids must contain a deposit in the form of a certified check for 20% of the bid price. The highest bidder shall pay the balance of the bid to the Township Clerk in the form of cash or certified

check within 30 days of the adoption of a resolution accepting the highest qualified bid. In the event of a default or breach of promise by the successful bidder, all deposit monies shall be forfeited to the Township.

6. The minimum bid price for the new retail distribution license shall be 350,000.

7. All bids must contain a full and complete New Jersey Division of Alcoholic Beverage Control Application for Retail Alcoholic Beverage License long form application, a Certification of Proof of Compliance (available from the Township Clerk) stating that the applicant meets any and all conditions and requirements and knows of no reason why he or she would be disqualified from having an interest in a retail distribution license in New Jersey, and, a separately sealed envelope with the applicant's bid on the Township Proposal Form and the bid deposit (20% of the bid price). The Township Clerk will publicly announce and publish those applicants who presumptively meet the qualifications for bidding, as fixed by law, rules, regulations and resolution, on Friday, October 7, 2016 shortly after 1:00 p.m., being the time after which no applications will be accepted (and being five days prior to the opening of bids, which opening shall occur on Wednesday October 12, 2016 at 1:00 p.m.) No bids will be opened from or on behalf of a bidder who has not been identified as presumptively meeting the pre-qualifications for bidding.

8. The Township reserves the right to reject any and all bids if the highest bid is not accepted.

9. The successful bidder shall tender payment of all required State and local application fees and license fees prior to licensure.

10. The issuance of the license to the successful bidder shall be contingent upon the satisfactory outcome of a municipal background check to investigate the source of funds used to purchase the license, the receipt of a favorable State and/or federal criminal background check; and the compliance with the publication, hearing, and resolution requirement under the ABC Regulations for the issuance of new licenses.

11. The municipality shall only award the license to the person who is the highest qualified bidder. The operation of a restaurant, public accommodation or other facility shall be a condition of licensure.

12. The successful applicant must comply with all ordinances of the Township, State laws and regulations in locating the license.

13. The sale may be postponed or canceled at any time prior to the opening of the bids on Wednesday, October 12, 2016 at 1:00 p.m.

EXPLANATION:A resolution waiving Building Permit Fees for the BAPS Shri Swaminarayan Mandir Temple for construction work to be performed at Block 375-HH, Lot 12-J (2500 Woodbridge Avenue, Edison, New Jersey).

RESOLUTION R.621-082016

WHEREAS, BAPS Shri Swaminarayan Mandir Temple, in connection with certain construction and improvements to be made in the Township of Edison (the “Township”) at Block 375-HH, Lot 12-J (2500 Woodbridge Avenue) (the “Project”) has requested a reduction of certain construction and building permit fees; and

WHEREAS, the Project requires various construction and building permit fees pursuant to the New Jersey State Uniform Construction Code, *N.J.S.A. 52:27D-119 et seq.* and *N.J.A.C. 5:23-1.1 et seq.*, (the “Building Permit Fees”), of which the Township Code Section 14-1 *et seq.* allows for the waiver of only the Township’s portion of Building Permit Fees; and

WHEREAS, the Municipal Council desires to waive fifty percent (50%) of the Building Permit Fees, since the waiver of said Building Permit Fees will serve a public purpose and promote the public health, safety and welfare of the Township, and because BAPS Shri Swaminarayan Mandir Temple is a religious nonprofit organization; and

WHEREAS, BAPS Shri Swaminarayan Mandir Temple shall remain responsible for all other escrow fees and/or any New Jersey Department of Community Affairs fees required for the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Edison, that it does hereby waive the following fees and costs:

1. The Township’s portion of the various construction permit and inspection fees pursuant to the New Jersey State Uniform Construction Code, *N.J.S.A. 52:27D-119 et seq.* and *N.J.A.C. 5:23-1.1 et seq.*, and, Township Ordinance Section 14-1, not to include any other escrow fees and/or any New Jersey Department of Community Affairs fees required for the Project, are waived.
2. BAPS Shri Swaminarayan Mandir Temple shall remain responsible for all other escrow fees and/or any New Jersey Department of Community Affairs fees required for the Project.
3. This Resolution shall take effect immediately.

