

**AGENDA
MUNICIPAL COUNCIL
SPECIAL MEETING
TUESDAY, AUGUST 7, 2012
6:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by a Special Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on August 1, 2012 and posted in the Main Lobby of the Municipal Complex on the same date.
4. **PROPOSED RESOLUTIONS**
Copies of this Resolution 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.491-082012 Resolution awards a Profession Services Agreement to Matthew D. Jessup, ESQ and McManimon, Scotland & Baumann, LLC to represent the Township of Edison as Bond Counsel.
- R.492-082012 Resolution 2012 Drive Sober or Get Pulled Over Statewide Crackdown Grant Approval
5. Such other matters as the Council President deems necessary to bring before the Council at this time.
 6. Oral Petitions and Remarks
 7. Adjournment

Explanation: This Resolution awards a Professional Services Agreement to Matthew D. Jessup, Esq., and McManimon, Scotland & Baumann, LLC, to represent the Township of Edison as Bond Counsel.

RESOLUTION R.491-082012

WHEREAS, the Township is in need of legal services relating to the issuance of bonds, notes and related financing issues; and

WHEREAS, Matthew D. Jessup, Esq. has extensive experience and an excellent reputation in the area of municipal and public entity finance and serving as bond counsel; and

WHEREAS, for these reasons the Mayor recommends, with the approval of the Director of Law, the appointment of Matthew D. Jessup, Esq., and the firm of McManimon, Scotland & Baumann, LLC, for the position of Township Bond Counsel; and

WHEREAS, for these reasons the Township Council recommends Matthew D. Jessup, Esq. for the position of Township Bond Counsel; and

WHEREAS, the Local Public Agreements Law N.J.S.A.. 40A: 11-1 et seq., more specifically N.J.S.A. 40A:11-5, allows for the awarding of a Agreement for "Professional Services" without public advertising for bids; and

WHEREAS, prior to the execution of a Agreement, Matthew D. Jessup, Esq., will have completed and submitted a Business Entity Disclosure Certification which certifies that no individual with a 10% interest or larger in McManimon, Scotland & Baumann, LLC, has made any reportable contributions to a political or candidate committee of the Township Council of the Township of Edison in the previous year, and that the Agreement will prohibit an individual with a 10% interest or larger in McManimon, Scotland & Baumann, LLC, from making any reportable contributions through the term of the Agreement, pursuant to N.J.S.A. 19:44A-20.5, et seq; and

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

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

WHEREAS, compensation for professional services shall be at the rates in the attached Agreement incorporated herein by reference, any professional services not included in the costs of a bond or note issue as provided for in the attached Agreement are not to exceed \$75,000.00 without prior approval; and

WHEREAS, the Township Council has determined that it is in the best interest of the Township of Edison to enter into the attached Agreement for professional services with Matthew D. Jessup, Esq. and McManimon, Scotland & Baumann, LLC, to represent the Township as Township Bond Counsel; and

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

1. The Mayor, Township Clerk, Township Attorney, and other necessary Township Officials are hereby authorized to execute and deliver the attached Agreement for professional services with Matthew D. Jessup, Esq. and McManimon, Scotland & Baumann, LLC, to represent the Township as Township Bond Counsel and all other documents and undertake all actions reasonably necessary to effectuate this Resolution.
2. The Agreement is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Agreements Law, more specifically N.J.S.A. 40A:11-5, because the services in question are of a specialized, technical and professional nature.
3. A certificate showing the availability of funds for the Agreement authorized hereby has been provided by the Chief Finance Officer and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable ordinances.
4. No payments in excess of the "not-to-exceed" Agreement amount will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
5. Any modification to the Agreement shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the Agreement.
6. The Township of Edison may, upon ten (10) days written notice, and without cause, terminate the Agreement.
7. The Agreement shall, for all purposes, be deemed a New Jersey Agreement and any provisions of the Agreement shall be governed and interpreted according to the Laws of the State of New Jersey.
8. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Township Council of the Township of Edison that a copy of this Resolution shall be published in the official newspaper within 10 days of its passage, as required by law, and shall be on file and available for public inspection in the office of the Edison Township Municipal Clerk, Edison Township Municipal Building, 100 Municipal Boulevard, Edison, New Jersey 08817.

CERTIFICATION

I hereby certify that funds in the amount of **\$75,000.00** are available in Account No. _____

Janice Saponaro

Chief Financial Officer

Resolution R.492-082012
2012 DRIVE SOBER OR GET PULLED OVER Statewide
Crackdown
Grant Approval

Whereas, the Division of Police has been approved for grant funding in the amount of \$4,400.00 to provide additional manpower hours to enforce DWI Laws; and

Whereas, in 2009, there were 583 fatalities from traffic accidents in New Jersey of which 185 were alcohol related; and

Whereas, this enforcement crackdown will combat violations related to DWI Laws; and

Whereas, the State of New Jersey, Division of Highway Traffic Safety, has approved several law enforcement agencies throughout the State to participate in the grant; and

Whereas; the project will involve increased enforcement from August 17, 2012 through September 3, 2012; and

Whereas; an increase in enforcement will save lives on our roadways;

Therefore, be it resolved that the Edison Township Council and the Division of Police declares it's acceptance of the grant and supports our participation in the Drive Sober or Get Pulled Over 2012 Statewide Crackdown Grant between August 17, 2012 – September 3, 2012 and pledges to increase awareness of DWI Laws.

Be It Further Resolved, that the Business Administrator or designee is hereby authorized to accept the aforesaid grant approval for and on behalf of the Township of Edison.