

**AGENDA
MUNICIPAL COUNCIL
SPECIAL MEETING
THURSDAY, AUGUST 14, 2014
6:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by a Special Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on July 24, 2014 and posted in the Main Lobby of the Municipal Complex on the same date.
4. **2014 CALENDAR YEAR MUNICIPAL BUDGET:**
 - a. Introduction of Amendment
5. **NEW BUSINESS:
PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR
AUGUST 27, 2014.**

O.1878-2014 ORDINANCE AMENDING CHAPTER XXV OF THE TOWNSHIP CODE TO REDUCE THE REPLACEMENT TREE WARRANTY PERIOD AND DELINEATE THE TREE REPLACEMENT REQUIREMENTS FOR NEW AND RECONSTRUCTION DEVELOPMENT PROJECTS WHICH EXCEED IMPERVIOUS COVERAGE OF 200,000 SQUARE FEET.

6. **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.356-082014 Resolution authorizing the Township of Edison to execute an Agreement and become a Member of the Somerset County Cooperative Pricing System #2-SOCCP.
- R.357-082014 Resolution authorizing the Township of Edison to purchase Leaf Bags From Dano Enterprises through the Somerset County Cooperative Pricing System in the amount of \$65,200.00.

7. Such other matters as the Council President deems necessary to bring before the Council at this time.
8. Oral Petitions and Remarks
9. Adjournment

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

ORDINANCE O.1878-2014

EDISON TOWNSHIP

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

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

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

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

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

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

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

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

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

Project Size
(s.f. of impervious coverage)

Number of Trees

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

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Chapter XXV, Section 25-12.1 of the Code to read as follows:

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

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

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

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

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

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

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

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

RESOLUTION R.356-082014

RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO EXECUTE AN AGREEMENT AND BECOME A MEMBER OF THE SOMERSET COUNTY COOPERATIVE PRICING SYSTEM #2-SOCCP

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 desires to become a member of the Somerset County Cooperative Pricing System, #2-SOCCP, effective on execution date of agreement (), that such membership shall be for the period ending December 31, 2018, and each renewal, thereafter of the system, unless the Township of Edison elects to formally withdraw from the system; and

NOW, THEREFORE, IT IS RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the Mayor or his designee is hereby authorized to execute the attached agreement for membership in the Somerset County Cooperative Pricing System as stated herein.

RESOLUTION R.357-082014

RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO PURCHASE LEAF BAGS FROM DANO ENTERPRISES THROUGH THE SOMERSET COUNTY 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, Dano Enterprises, 76 Progress Dr., Stanford, CT 06902, is the vendor selected for the cooperative purchase of leaf bags through the Somerset County Cooperative Pricing System; and

WHEREAS, the Township of Edison wishes to purchase leaf bags through this cooperative pricing system; and

WHEREAS, the amount of this purchase will be 200,000 bags at .326 per bag for a not to exceed amount of \$65,200.00; and

WHEREAS, funds in the amount of \$65,200.00 have been certified to be available in the Sanitation, Operation - Supplies – General Account, Number 4-09-55-0800-001-210; 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 \$65,200.00 with Dano Enterprises, 76 Progress Dr., Stanford, CT 06902, the approved Somerset County Cooperative Pricing System vendor through this resolution, which shall be subject to all the conditions applicable to the current Somerset County 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 **\$65,200.00** are available for the above contract in Account No. **4-09-55-0800-001-210**.

Agnes Yang
Acting Chief Financial Officer

Date

