

**AGENDA  
MUNICIPAL COUNCIL  
WORKSESSION MEETING  
September 12, 2016  
6:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on December 12, 2015 and posted in the Main Lobby of the Municipal Complex on the same date.
4. **ORAL PETITIONS AND REMARKS**
5. **APPROVAL OF MINUTES:**
  - a. Worksession Meeting of August 22, 2016
  - b. Regular Meeting of August 24, 2016
  - c. Closed Session Meeting of August 22, 2016
  - d. Closed Session Meeting of June 20, 2016
6. **ADMINISTRATIVE AGENDA:  
FROM MAYOR THOMAS LANKEY:**
  - a. Appointment of Members to the Environmental Commission.
7. **REPORTS FROM ALL COUNCIL COMMITTEES:**
8. **POINTS OF LIGHT**
9. **FROM THE BUSINESS ADMINISTRATOR:**
  - a. Resolution authorizing the execution of Agreement with USW Local 1426 (Nurses)
  - b. Resolution authorizing the execution of Agreement with OPEIU Local 32 (Crossing Guards)
  - c. Awarding of Contract for Public Bid No. 16-01-18 Promotional Items, Trophies and Awards.
  - d. Award of Contract/Purchase order for Camera Equipment for Edison TV.
  - e. Resolution authorizing the execution of Agreement with PBA Local 75.
  - f. Resolution authorizing the execution of Agreement with PBA Local 75 (Superior Officers)
10. **FROM THE DEPARTMENT OF FINANCE:**
  - a. Report of Disbursements through September 8, 2016

- b. Resolution authorizing refund in the amount of \$132,290.97 for redemption of tax sale certificates.
- c. Resolution authorizing the refund of sewer charge overpayments, totaling \$162.80.
- d. Resolution authorizing refund for tax overpayments, totaling \$15,155.69.
- e. Resolution requesting approval of Items of Revenue and Appropriations.

11. **FROM THE DEPARTMENT OF HEALTH:**

- a. Resolution authorizing the development and submission of 2017 EDHHS/EMA Bridges Teen Arts and 2017 EDGHS/ EMA Bridges Youth Summer Outreach Program grant to Investors Bank Foundation.
- b. Resolution authorizing the development and submission of 2017 EDHHS/EMA Bridges Teen Arts and 2017 EDGHS/ EMA Bridges Youth Summer Outreach Program grant to Wal-Mart Foundation.
- c. Resolution authorizing the development and submission of 2017 EDHHS/EMA Bridges Teen Arts and 2017 EDGHS/ EMA Bridges Youth Summer Outreach Program grant to H-Mart.
- d. Resolution authorizing the development and submission of 2017 Middlesex County Cultural and Heritage Commission Arts Grant.
- e. Resolution authorizing the development and submission of the Edison Greenway Group, Inc. on behalf of the Edison Township Environmental Commission.

12. **FROM THE DEPARTMENT OF LAW:**

- a. Resolution authorizes the settlement of Litigation with the Centre Place Homeowners Association, with respect to certain code enforcement fees and fire subcode violation issues.
- b. Resolution authorizing payment for services provided by the Special Court Master in the Township's Affordable Housing Declaratory Judgment Action.
- c. Resolution approving Township's Updated Affordable Housing Spending Plan.
- d. Ordinance authorizing exchange of Township Fire Equipment to the Middlesex County Department of Public Safety and Health in exchange for a Six thousand Dollar (\$6,000.00) training class credit.
- e. Resolution rescinding Ordinance O.1939-2016 entitled "Ordinance Amending Chapter 37 of the Township of Edison Code of General Ordinance to amend GB General Business district to include a Convenience store with fuel Station as a Permitted Use" as first read at the Council Meeting of August 24, 2016 and rescinding Resolution R.583-082016 referring Ordinance O.1939-2016 to the Township of Edison Planning Board for review and recommendations.
- f. Resolution referring the proposed ordinance amending GB General Business District to include a convenience store with a fuel station as a permitted use.
- g. Resolution authorizing the discharge of Mortgage pertaining to assistance made available under the Township's Community Development Block grant Program regarding Block 84, Lot 66 (aka 189 Suttons Lane).

13. **FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**

- a. Resolution Refunding Tree Maintenance Bond for Permit #13-049, Account #7763090906.

14. **FROM THE DEPARTMENT OF RECREATION:**

- a. Resolution awarding reimbursement to Various Softball Teams.

15. **FROM THE CHIEF OF FIRE:**

- a. Resolution authorizes the Township Council to grant permission to Fireworks Extravaganza, Inc. to discharge fireworks for the Dushahra Festival at Lake Papianni.
- b. Award of Contract/Purchase order for Emergency Lighting to outfit three 2016 Chevy Tahoe vehicles.
- c. Resolution authoring contribution of First Aid Squad Funds from the 2016 Calendar Year Budget.
- d. Resolution authorizing appropriation of funds to Volunteer Fire Companies for 2016.
- e. This resolution approves the internal development and submission of the Township of Edison Division of Fire's web-based, on-line application to the 2016 USDHS FEMA Assistance to Firefighter Grant (AFG) program, for grant funding of up to \$500,000.00, to obtain funds to facilitate the acquisition of up-to-date Extrication Equipment, Apparatus, Technology, Supplies and related items, for the protection, improved safety and effective performance of active Edison Division of Fire Firefighters, as well as of the public-at-large.

16. **FROM THE CHIEF OF POLICE:**

- a. Award of Contract/Purchase order for the purchase of three (3) Concealable Body Armor Vests.

17. **FROM THE TOWNSHIP CLERK:**

- a. Resolution in support of reallocation of state aid to Education.

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

19. **UNFINISHED BUSINESS:**

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

**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.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.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.

20. **DISCUSSION ITEMS:**

**Council President Lombardi**

None

**Councilmember Coyle**

None

**Councilmember Diehl**

None

**Councilmember Gomez**

None

**Councilmember Patil**

None

**Councilmember Sendelsky**

None

**Councilmember Shah**

None

21. **ADJOURNMENT**

**RESOLUTION**

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING SEPTEMBER 8, 2016.

**WHEREAS**, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through September 8, 2016.

FUND	AMOUNT
Current	\$8,789,372.57
Affordable Housing	78,993.11
Capital	27,023.43
Cash Performance	450,985.19
CDBG	0.00
Developers Escrow	0.00
Dog (Animal Control)	1,273.58
Federal Forfeited	6,053.71
Grant Funds	10,082.82
Law Enforcement	0.00
Open Space	0.00
Park Improvements	0.00
Payroll Deduction	96,023.62
Sanitation Fund	99,558.10
Sewer Utility	2,452,449.55
Tax Sale Redemption	264,069.00
Tree Fund	0.00
Tree Planting	1,350.00
Trust	726,451.80
<b>TOTAL</b>	<b>\$13,003,686.48</b>

/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**

**WHEREAS**, the Township of Edison and USW Local 1426 (Nurses) are parties to a collective negotiations agreement covering the period January 1, 2011 to December 31, 2014, which has expired; and

**WHEREAS**, the Township and USW Local 1426 (Nurses) have engaged in good faith collective negotiations in an effort to reach agreement or otherwise resolve terms and conditions for a new labor agreement; and

**WHEREAS**, the Township and USW Local 1426 (Nurses) have reached an understanding on terms and conditions for a new agreement subject to ratification by USW Local 1426 (Nurses) and approval by the Governing Body; and

**WHEREAS**, the terms and conditions for a new agreement have been ratified by the membership of USW Local 1426 (Nurses).

**NOW THEREFORE BE IT RESOLVED** that the Council hereby accepts and ratifies the attached Memorandum of Understanding relative to USW Local 1426 (Nurses) for the period January 1, 2015 through December 31, 2018.

## **RESOLUTION**

**WHEREAS**, the Township of Edison and OPEIU Local 32 (Crossing Guards) are parties to a collective negotiations agreement covering the period July 1, 2010 thru June 30, 2015, which has expired; and

**WHEREAS**, the Township and OPEIU Local 32 (Crossing Guards) have engaged in good faith collective negotiations in an effort to reach agreement or otherwise resolve terms and conditions for a new labor agreement; and

**WHEREAS**, the Township and OPEIU Local 32 (Crossing Guards) have reached an understanding on terms and conditions for a new agreement subject to ratification by OPEIU Local 32 (Crossing Guards) and approval by the Governing Body; and

**WHEREAS**, the terms and conditions for a new agreement have been ratified by the membership of OPEIU Local 32 (Crossing Guards).

**NOW THEREFORE BE IT RESOLVED** that the Council hereby accepts and ratifies the attached Memorandum of Understanding relative to OPEIU Local 32 (Crossing Guards) for the period July 1, 2015 through June 30, 2018.



**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO PRINCETON ADVERTISING SPECIALTIES INC. FOR THE FURNISHING OF PROMOTIONAL ITEMS, TROPHIES AND AWARDS**

**WHEREAS**, bids were received by the Township of Edison on July 6, 2016 for Public Bid No. 16-01-18-Promotional Items, Trophies and Awards; and

**WHEREAS**, PRINCETON ADVERTISING SPECIALTIES, INC., P.O. Box 729, East Brunswick, NJ 08816 submitted the lowest legally responsible bid for various items of the bid as listed on the spreadsheet; and

**WHEREAS**, the total amount of this contract, not to exceed \$4,000.00, 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 PRINCETON ADVERTISING SPECIALTIES, INC., P.O. Box 729, East Brunswick, NJ 08816, for Promotional Items, Trophies and Awards is determined to be the lowest legally responsible 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 \$4,000.00 and any other necessary documents, with PRINCETON ADVERTISING SPECIALTIES, INC.

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO DREW & ROGERS, INC. FOR  
THE FURNISHING OF PROMOTIONAL ITEMS, TROPHIES AND AWARDS**

**WHEREAS**, bids were received by the Township of Edison on July 6, 2016 for Public Bid No. 16-01-18-Promotional Items, Trophies and Awards; and

**WHEREAS**, DREW & ROGERS, INC., 30 Plymouth St., Fairfield, NJ 07004 submitted the lowest legally responsible bid for various items of the bid as listed on the spreadsheet; and

**WHEREAS**, the total amount of this contract, not to exceed \$6,000.00, 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 DREW & ROGERS, INC., 30 Plymouth St., Fairfield, NJ 07004, for Promotional Items, Trophies and Awards is determined to be the lowest legally responsible 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 \$6,000.00 and any other necessary documents, with DREW & ROGERS, INC.

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT EXPRESS IMPRINTABLES, INC.  
FOR THE FURNISHING OF PROMOTIONAL ITEMS, TROPHIES AND AWARDS**

**WHEREAS**, bids were received by the Township of Edison on July 6, 2016 for Public Bid No. 16-01-18-Promotional Items, Trophies and Awards; and

**WHEREAS**, EXPRESS IMPRINTABLES, INC., 36 Sheffield Ave., Monroe, NJ 08831 submitted the lowest legally responsible bid for various items of the bid as listed on the spreadsheet; and

**WHEREAS**, the total amount of this contract, not to exceed \$32,000.00, 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 EXPRESS IMPRINTABLES, INC., 36 Sheffield Ave., Monroe, NJ 08831, for Promotional Items, Trophies and Awards is determined to be the lowest legally responsible 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 \$32,000.00 and any other necessary documents, with EXPRESS IMPRINTABLES, INC.

**RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT/PURCHASE  
ORDER TO ADORAMA FOR THE CAMERA EQUIPMENT FOR EDISON TV**

**WHEREAS**, quotes were solicited by the Township of Edison for camera equipment for Edison TV; and

**WHEREAS**, ADORAMA, INC., 42 West 18<sup>th</sup> Street, New York, NY 10011 submitted the lowest quote in the total amount of \$8,705.27; and

**WHEREAS**, funds in the amount of \$8,705.27 have been certified to be available in the Acquisition of Edison TV Equipment Account, number C-04-14-1872-100-006; and

**WHEREAS**, although quotes were received, this shall be awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 et. Seq.; and

**WHEREAS**, ADORAMA, INC., has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Edison in the previous one year, and that the contract will prohibit ADORAMA, INC. from making any reportable contributions through the term of the contract; 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. Quotes have been reviewed and the quote in the amount of \$8,705.27 by ADORAMA, INC., 42 West 18<sup>th</sup> Street, New York, NY 10011 for camera equipment is determined to be the lowest quote.
2. The Mayor, or his designee, is hereby authorized to execute a contract/Purchase Order in the amount of \$8,705.27 and any other necessary documents, with ADORAMA, INC.
3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of **\$8,705.27** are available for the above contract in Account No. **C-04-14-1872-100-006**.

\_\_\_\_\_  
Nicholas C. Fargo  
Chief Financial Officer

\_\_\_\_\_  
Date

## **RESOLUTION**

**WHEREAS**, the Township of Edison and Policemen's Benevolent Association, Local No. 75, Inc. are parties to a collective negotiations agreement covering the period January 1, 2014 to December 31, 2017, which has expired; and

**WHEREAS**, the Township and Policemen's Benevolent Association, Local No. 75 have engaged in good faith collective negotiations in an effort to reach agreement or otherwise resolve terms and conditions for a new labor agreement; and

**WHEREAS**, the Township and Policemen's Benevolent Association, Local No.75 have reached an understanding on terms and conditions for a new agreement subject to ratification by Policemen's Benevolent Association, Local No. 75 and approval by the Governing Body; and

**WHEREAS**, the terms and conditions for a new agreement have been ratified by the membership of the Policemen's Benevolent Association, Local No. 75.

**NOW THEREFORE BE IT RESOLVED** that the Council hereby accepts and ratifies the attached Memorandum of Understanding relative to Policemen's Benevolent Association, Local No. 75 for the period January 1, 2014 through December 31, 2017.

## **RESOLUTION**

**WHEREAS**, the Township of Edison and Superior Officers' Association Affiliated with the Edison Township Policemen's Benevolent Association, Local #75, Inc. are parties to a collective negotiations agreement covering the period January 1, 2009 to December 31, 2013, which has expired; and

**WHEREAS**, the Township and Edison and Superior Officers' Association Affiliated with the Edison Township Policemen's Benevolent Association, Local #75 have engaged in good faith collective negotiations in an effort to reach agreement or otherwise resolve terms and conditions for a new labor agreement; and

**WHEREAS**, the Township and Edison and Superior Officers' Association Affiliated with the Edison Township Policemen's Benevolent Association, Local #75 have reached an understanding on terms and conditions for a new agreement subject to ratification by Edison and Superior Officers' Association Affiliated with the Edison Township Policemen's Benevolent Association, Local #75 and approval by the Governing Body; and

**WHEREAS**, the terms and conditions for a new agreement have been ratified by the membership of the Edison and Superior Officers' Association Affiliated with the Edison Township Policemen's Benevolent Association, Local #75.

**NOW THEREFORE BE IT RESOLVED** that the Council hereby accepts and ratifies the attached Memorandum of Understanding relative to Edison and Superior Officers' Association Affiliated with the Edison Township Policemen's Benevolent Association, Local #75 for the period January 1, 2014 through December 31, 2017.

**RESOLUTION**

**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 **\$132,290.97**.

**September 14, 2016**

**RESOLUTION**

**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	ALEVIZATOS, GEORGE
Property Location:	190 JACKSON AVE
Block/Lot/Qualifier	726/30
Sewer Account:	18550-0
Amount to be Refunded:	\$ 162.80
<b>GRAND TOTAL:</b>	<b>\$ 162.80</b>

3. This Resolution shall take effect immediately.

September 14, 2016



**RESOLUTION**

**Authorizing refund for tax overpayments**

**WHEREAS**, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that on various properties located within the Township of Edison, overpayments of real estate taxes have been made due to erroneous or duplicate payments, and

**WHEREAS**, applications have been made to the Tax Collector for refunds of the said overpayments, and the Tax Collector advises that the requesters are entitled to refunds as provided the attached listing; and

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

**BE IT FURTHER RESOLVED**, by the Municipal Council of the Township of Edison that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing totaling **\$15,155.69**.

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

**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 \$5,000.00 from State Of New Jersey and wishes to amend its TY 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 TY 2016 in the amount of \$5,000.00 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:

2016 Click it or Ticket Grant ..... **\$ 5,000.00**

**BE IT FURTHER RESOLVED** that a like sum of \$5,000.00 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 Click it or Ticket Grant ..... **\$ 5,000.00**

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer forward one certified copy of this resolution to the Director of Local Government Services.

## RESOLUTION

**WHEREAS**, The Edison Department of Health and Human Services (EDHHS) established the Edison Municipal Alliance (EMA) as a Township-based, grass-roots volunteer organization comprised of community leaders, private citizens and human service agency representatives, over twenty three years ago; and

**WHEREAS**, the mission of EMA is to promote and support alcohol, tobacco, other drug, and violence prevention, education programs and related activities, in order to encourage positive, healthy behavior among local youths and their families, as an alternative to deleterious and potentially dangerous conduct and activities; and

**WHEREAS**, the Investors Bank Foundation has grant funds available, through its FY17 Community Grants Program for eligible programs, projects, activities and related costs of qualified organizations in the communities Investors Bank serves, for which it continues to solicit on-line requests; and

**WHEREAS**, the Edison Department of Health and Human Services, through EMA, intends to apply for grant funding for a maximum request of \$5,000.00 from the Investors Bank Foundation, as it will help to further strengthen its mission, focus and vision through effective programs, projects, events and activities; and

**WHEREAS**, no matching funds are required in order for the Edison Department of Health and Human Services, through EMA, to apply for or receive grant funding from the Investors Bank Foundation; and

**WHEREAS**, the Edison Department of Health and Human Services, through EMA, will utilize all grant funds awarded to it by the Investors Bank Foundation as described in its application for said funds and in compliance with all applicable Investors Bank Foundation, Municipal, Middlesex County, New Jersey and United States requirements, guidelines, regulations and statutes; and

***NOW, THEREFORE, BE IT RESOLVED***, that the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby approve and authorize the development and submission of said grant application, at a regularly-scheduled Public Meeting on the evening of Wednesday, September 14, 2016.

## **RESOLUTION**

**WHEREAS**, The Edison Department of Health and Human Services, established the Edison Municipal Alliance (EMA), as a grass-roots volunteer organization comprised of community leaders, private citizens and human service agency representatives, over twenty three (23) years ago; and

**WHEREAS**, the mission of EMA is to promote and support alcohol, tobacco, other drug, and violence prevention, education programs and related activities, in order to encourage positive, healthy behavior among local youths and their families, as an alternative to deleterious and potentially dangerous conduct and activities; and

**WHEREAS**, the Wal-Mart Foundation has grant funds available, through its Community Giving Program for eligible programs, projects, activities and related costs of qualified organizations and agencies of the communities Wal-Mart and Sam's Club serve, for which it continues to solicit on-line applications for grant funding; and

**WHEREAS**, the Edison Department of Health and Human Services, through EMA, intends to apply for grant funding for a maximum of \$2,500.00 from the Wal-Mart Foundation, as it will help to further strengthen its mission, focus and vision through effective programs, projects, events and activities such as its 2017 EMA/BRIDGES Teen Arts Program and 2017 Youth Summer Outreach Program; and

**WHEREAS**, no matching funds are required in order for the Edison Department of Health and Human Services, through EMA, to apply for or receive grant funding from the Wal-Mart Foundation; and

**WHEREAS**, the Edison Department of Health and Human Services, through EMA, will utilize all grant funds awarded to it by the Wal-Mart Foundation as described in its application for said funds and in compliance with all applicable Municipal, Middlesex County, New Jersey and United States Federal agency requirements, guidelines, regulations and statutes; and

***NOW, THEREFORE, BE IT RESOLVED***, that the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby approve and authorize the development and submission of said grant application, at a regularly-scheduled, public meeting on the evening of Wednesday, September 14, 2016.

**TOWNSHIP OF EDISON**  
**MUNICIPAL RESOLUTION**

**WHEREAS**, The Edison Department of Health and Human Services (EDHHS), established the Edison Municipal Alliance (EMA), as a grass-roots volunteer organization comprised of community leaders, private citizens and human service agency representatives, over twenty three (23) years ago; and

**WHEREAS**, the mission of EMA is to promote and support alcohol, tobacco, other drug, and violence prevention, education programs and related activities, in order to encourage positive, healthy behavior among local youths and their families, as an alternative to deleterious and potentially dangerous conduct and activities; and

**WHEREAS**, the H-Mart Foundation has grant funds available, through its Local Community Giving Program for eligible programs, projects, activities and related costs of qualified organizations and agencies of the communities H-Mart stores serve, for which it continues to solicit on-line and hardcopy requests; and

**WHEREAS**, the Edison Department of Health and Human Services, through EMA, intends to apply for grant funding for a maximum of \$10,000.00 from the H-Mart Foundation, as it will help to further strengthen its mission, focus and vision through effective programs, projects, events and activities such as its EMA/BRIDGES Teen Arts Program and Summer Program; and

**WHEREAS**, no matching funds are required in order for the Edison Department of Health and Human Services, through EMA, to apply for grant funding from the H-Mart Foundation; and

**WHEREAS**, the Edison Department of Health and Human Services, through EMA, will utilize all grant funds awarded to it by the H-Mart Foundation as described in its application for said funds and in compliance with all applicable Municipal, Middlesex County, New Jersey and United States Federal agency requirements, guidelines, regulations and statutes; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby approve and authorize the development and submission of said grant application, at a regularly-scheduled, public meeting on the evening of Wednesday, September 14, 2016.

## RESOLUTION

**WHEREAS**, the Edison Township Environmental Commission (ETEC) developed and submitted applications to the 2016 NJDEP Recreation Trails Program (2016 NJDEP RTP) and Middlesex County Open Space Trust Fund (MCOSTF) for grant funds to support ETEC Dudash Park Middlesex Greenway Access Enhancement Project; and

**WHEREAS**, ETEC Dudash Park Middlesex Greenway Access Enhancement Project proposes to plan, design, construct and establish the only paved, designated ADA parking lot on the entire 3.5 miles of the Middlesex Greenway; and

**WHEREAS**, the **Edison Greenway Group, Inc.** has offered to provide up to **\$12,000.00** of grant funds to address any other additional items and/or issues that may arise in relation to the ETEC Dudash Park Middlesex Greenway Access Enhancement Project, as well as general project support; and

**WHEREAS**, any grant funds provided by **Edison Greenway Group, Inc.** will not require any in-kind or cash match; and

**WHEREAS**, the Edison Township Environmental Commission (ETEC) will utilize all grant funds awarded to it by the Edison Greenway Group, Inc. as described in its application for said funds and in compliance with all applicable Municipal, Middlesex County, New Jersey and United States Federal agency requirements, guidelines, regulations and statutes; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby approve and authorize the development and submission of the **Edison Greenway Group, Inc.** grant application by ETEC, at a regularly-scheduled, work session on **Monday, September 12, 2016** and subsequent public meeting on the evening of **Wednesday, September 14, 2016**.

## **RESOLUTION**

**WHEREAS**, The Edison Department of Health and Human Services (EDHHS) established the Edison Municipal Alliance (EMA) as a Township-based, grass-roots volunteer organization comprised of community leaders, private citizens and human service agency representatives, over twenty two years ago; and

**WHEREAS**, the mission of EMA is to promote and support alcohol, tobacco, other drug, and violence prevention, education programs and related activities, in order to encourage positive, healthy behavior among local youths and their families, as an alternative to deleterious and potentially dangerous conduct and activities; and

**WHEREAS**, the Middlesex County Cultural and Heritage Commission (MCCHC) has grant funds available, through its 2017 Arts Grant Program (AGP) for eligible programs, projects, activities and related costs of qualified organizations in throughout Middlesex County, for which it shall accept on-line applications via the MCCHC AGP application website; and

**WHEREAS**, the Edison Department of Health and Human Services, through EMA, intends to apply for grant funding for a maximum request of approximately \$10,000.00 from the Middlesex County Cultural and Heritage Commission Arts Grant Program, as it will help to further strengthen its mission, focus and vision through effective programs, projects, events and activities; and

**WHEREAS**, a 50% Cash Match and a 50% In-Kind Match are required to submit an application to and receive an award from the Middlesex County Cultural and Heritage Commission Arts Grant Program; and

**WHEREAS**, the EDHHS EMA/BRIDGES Teen Arts Program has successfully participated in the MCCHC AGP in the past; and

**WHEREAS**, the Edison Department of Health and Human Services, through EMA, will utilize all grant funds awarded to it by the Middlesex County Arts Grant Program as described in its application for said funds and in compliance with all applicable Municipal, Middlesex County, New Jersey and United States federal requirements, guidelines, regulations and statutes; and

***NOW, THEREFORE, BE IT RESOLVED***, that the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby approve and authorize the development and submission of said grant application, at a regularly-scheduled Public Meeting on the evening of Wednesday, September 14, 2016.

**Explanation:** This Resolution authorizes the settlement of litigation with the Centre Place Homeowners Association, with respect to certain code enforcement fees and fire subcode violation issues.

### **RESOLUTION**

**WHEREAS**, in 2014, the Township of Edison initiated certain Code enforcement efforts against the Centre Place Homeowners Association (the “Association” or “Centre Place”) with respect to certain fire subcode violations found at Centre Place, principally, fire suppression system concerns; and

**WHEREAS**, in connection with those enforcement efforts, the Township obtained a ruling from the Middlesex County Construction Code Board of Appeals (the “UCC Board”) on February 23, 2016, which imposed a fine in the amount of \$13,800.00 upon the Association for failure to timely remedy certain fire subcode violations (although the UCC Board did also recognize that said violations were ultimately remediated to the Township Fire Official’s satisfaction); and

**WHEREAS**, the Association thereafter appealed the UCC Board’s determination to the Superior Court of New Jersey, in an action captioned *Centre Place Homeowners Association v. Township of Edison, et al.*, Docket No. MID-L-1786-16 (the “Litigation”); and

**WHEREAS**, following the filing of the Litigation and the filing of the Township’s Answer & Affirmative Defenses, but before a Pre-Trial Conference was held, the Parties began to discuss possible resolution of the Litigation; and

**WHEREAS**, following continued dialogue, the Parties have agreed, subject to approval of the respective Parties, to resolve the Litigation in consideration of the Association’s payment to the Township of the reduced amount of \$6,500.00 pursuant to the UCC Board’s February 2016 ruling; and

**WHEREAS**, the Township, in consideration of the forgoing and the attendant cost and expense of continuing the Litigation, has decided to settle the Litigation on the terms set forth herein, and as memorialized in the attached Settlement and Release.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The settlement of the Litigation for the sum of \$6,500.00, be and hereby is, approved, upon receipt of such payment from the Association to the Township.
3. The appropriate Township personnel be and are hereby authorized and directed to execute the Settlement and Release appended hereto, in substantially the form provided and approved by legal counsel, along with any other documents reasonably necessary to effectuate the settlement of the Litigation.
4. This Resolution shall take effect immediately.



**EXPLANATION:** Resolution authorizing payment for services provided by the Special Court Master in the Township's Affordable Housing Declaratory Judgment Action.

## **RESOLUTION**

**WHEREAS**, the Township of Edison filed a Declaratory Judgment Action in the Superior Court of New Jersey Middlesex County on July 7, 2015 in furtherance of the Supreme Court's March 10, 2015 decision captioned, In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Litigation"); and

**WHEREAS**, on July 21, 2015 the Honorable Douglas K. Wolfson, J.S.C. entered an Order appointing Elizabeth C. McKenzie, A.I.C.P., P.P., Special Court Master in the Litigation (the "Court Order"); and

**WHEREAS**, the Court Order sets forth the role of the Special Court Master, which is to assist the parties and the Court in the Litigation, and the Court Order also provides that the Township shall be responsible to pay the reasonable fees charged by the Special Court Master in the Litigation for her services; and

**WHEREAS**, the costs of the Special Court Master will exceed \$17,500, and therefore there is a need to take formal action to authorize such payments to the Special Court Master for these services as ordered by the Court; and

**WHEREAS**, the costs associated with the Special Court Master are expected to not exceed in total, \$30,000 and will be charged to the Township's Affordable Housing Trust Fund in light of the nature of the services that are being provided.

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

1. The Township hereby authorizes payments to be made to the Special Court Master in accordance with the services provided by the Master in the Litigation, as set forth and provided in the July 21, 2015 Order of Judge Wolfson, and in a total amount not to exceed \$30,000.
2. The payments to the Special Court Master shall be charged to the Township's Affordable Housing Trust Fund.
3. This Resolution shall take effect immediately.

**EXPLANATION:** This Resolution Approves the Township’s Updated Affordable Housing Spending Plan

**EDISON TOWNSHIP  
RESOLUTION \_\_\_\_\_**

**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 (the “Litigation”); 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**, by Resolution approved on August 24, 2016 , the Township approved an Amended Settlement Agreement with the Fair Share Housing Center and the Intervenors/Defendants, in the case to settle the Litigation, and endorsed the Township’s 2016 Housing Element and Fair Share Plan (the “HEFSP”); and

**WHEREAS**, as part of the Amended Settlement, the Township’s Planning Consultant prepared an Updated Spending Plan to provide an updated plan for the collection and distribution of development fee revenues to be used to support elements of the Township’s HEFSP; and

**WHEREAS**, the Governing Body of the Township of Edison desires to approve the Updated Spending Plan and submit same to the New Jersey Superior Court for approval as part of the Township’s submission for 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 Update Spending Plan and authorizes its submission, to the Court for approval at the October 7, 2016 Compliance Hearing, as part of the Township’s submission for a Judgment of Compliance and Repose by the Court.

Section 2. 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.

Section3. This Resolution shall take effect immediately.

EXPLANATION: An Ordinance authorizing the exchange of one (1) 1989 Seagrave Pumper and one (1) 1994 Seagrave Pumper from the Township of Edison Fire Department to the Middlesex County Fire Marshall's Office in exchange for a Six Thousand Dollar (\$6,000.00) credit toward training classes for the Township of Edison Fire Department.

**EDISON TOWNSHIP**

**ORDINANCE \_\_\_\_\_**

**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:12-5(a)(1)*, a municipality may, by ordinance, provide for the acquisition of any personal property by exchange; and

**WHEREAS**, the Township desires to exchange: one (1) 1989 Seagrave Pumper, 1250 GPM/750, VIN #1F9EU28J2KC5T2039; and one (1) 1994 Seagrave Pumper, 1250 GPM/750, VIN #1F9EU28JXRCST2171, from the Township of Edison Fire Department to the Middlesex County Department of Public Safety and Health, Bureau of the Fire Marshall, in exchange for a Six Thousand Dollar (\$6,000.00) credit toward training classes for the Township of Edison Fire Department; and

**WHEREAS**, on July 21, 2016, the Board of Chosen Freeholders of the County of Middlesex, pursuant to Resolution 16-1219-R, authorized the acceptance of one (1) 1989 Seagrave Pumper and one (1) 1994 Seagrave Pumper from the Township of Edison Fire Department to the Middlesex County Fire Marshall's Office in exchange for a Six Thousand Dollar (\$6,000.00) credit toward training classes for the Township of Edison Fire Department; and

**WHEREAS**, the Township of Edison Fire Department will have three (3) years to use the credit toward training classes beginning upon the passage of the July 21, 2016 passage of the Board of Chosen Freeholders of the County of Middlesex Resolution 16-1219-R.

**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 exchanges one (1) 1989 Seagrave Pumper, 1250 GPM/750, VIN #1F9EU28J2KC5T2039; and one (1) 1994 Seagrave Pumper, 1250 GPM/750, VIN #1F9EU28JXRCST2171, from the Township of Edison Fire Department to the Middlesex County Department of Public Safety and Health, Bureau of the Fire Marshall, in exchange for a Six Thousand Dollar (\$6,000.00) credit toward training classes for the Township of Edison Fire Department, to be used within three (3) years of July 21, 2016.

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

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

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

EXPLANATION: A Resolution rescinding Ordinance O.1939-2016 entitled “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” as first read at the Township of Edison Municipal Council Meeting of August 24, 2016 and rescinding Resolution R.583-082016 referring Ordinance O. 1939-2016 to the Township of Edison Planning Board for review and recommendation.

**EDISON TOWNSHIP**

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

**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**, on August 24, 2016, the Municipal Council adopted R.583-082016 which instructed the Planning Board to prepare a report of its recommendations to the Municipal Council with regard to the proposed ordinance O.1939-2016 amending the G-B General Business District; and

**WHEREAS**, the Municipal Council desires to rescind R.583-082016 in its entirety, including the instruction that the Planning Board prepare a report of its recommendations to the Municipal Council with regard to the proposed ordinance O.1939-2016 amending the G-B General Business District.

**NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, NEW JERSEY AS FOLLOWS:**

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

Section 2. The Municipal Council hereby rescinds R.583-082016. The Planning Board is no longer instructed prepare a report of its recommendations to the Municipal Council with regard to the proposed ordinance O.1939-2016 amending the G-B General Business District.

Section 3. The Township Clerk shall forward a copy of this Resolution to the Planning Board. A copy of this Resolution shall be maintained in the offices of the Township Clerk for public inspection.

Section 4. 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.

## EDISON TOWNSHIP

### RESOLUTION \_\_\_\_\_

**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**, 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.

**EXPLANATION:** A resolution authorizing the discharge of mortgage pertaining to assistance made available under the Township's Community Development Block Grant Program regarding Block 84, Lot 66 (aka 189 Suttons Lane).

**EDISON TOWNSHIP**

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

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

**WHEREAS**, under the powers vested in the Township by United States Department of Housing and Urban Development, Community Development Block Grant Program, the Township entered into a mortgage concerning Block 84, Lot 66 on the Township's Tax Maps (aka 189 Suttons Lane) (the "Property") dated August 14, 2006 (the "Mortgage"); and

**WHEREAS**, the municipal council of the Township (the "Municipal Council") hereby directs and authorizes that the Mayor and Township Clerk be authorized to execute a Discharge of Mortgage (attached hereto as Exhibit A) for the Property which was made to secure the Mortgagor's obligations pursuant to a certain Mortgage Note recorded in the Middlesex County Clerk's Office on July 10, 2008; and

**WHEREAS**, upon execution of the Discharge of Mortgage the Municipal Council directs that the Discharge of Mortgage be filed with the Middlesex County Clerk's Office for recording; and

**WHEREAS**, the Discharge of Mortgage acknowledges that the Mortgage has been paid in full or otherwise satisfied and discharged and that the Mortgage is now cancelled and void.

**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 authorizes and directs the Mayor to execute a Discharge of Mortgage (attached hereto as Exhibit A) for the Property which was made to secure the Mortgagor's obligations pursuant to a certain Mortgage Note recorded in the Middlesex County Clerk's Office on July 10, 2008 with regard to Block 84, Lot 66 on the Township's Tax Maps (aka 189 Suttons Lane) dated August 14, 2006.

Section 3. Upon the execution of the Discharge of Mortgage, the Discharge of Mortgage shall be filed with the Middlesex County Clerk's Office.

Section 4. This Resolution shall take effect immediately.

**RESOLUTION AWARDING REIMBURSEMENT TO VARIOUS SOFTBALL TEAMS  
FOR ENDING THE SEASON IN GOOD STANDING**

**WHEREAS**, there exists an ordinance for sports teams to pay entrance fees prior to playing in Edison Township’s Recreation leagues.

**WHEREAS**, the ordinance further states that a “Good Standing Refund” in the amount of \$150.00 shall be made payable to each softball team finishing the season in good standing with the league, and

**WHEREAS**, fees in the amount of \$2,100.00 have been certified to be available in the Township Trust Account, Number T-13-00-1000-000-048.

**WHEREAS**, the below listed adult softball teams eligible for a good standing refund are as follows:

<u>REFUND NAME</u>	<u>TEAM</u>
JOHN M. GATTO, CHFC/CLU	STATE FARM
AUGUSTO ACABOU	JFK
JASON TUNE	COLONIA 7-11
SAL LAGRASSO	MAIN STREET BARBERSHOP
CAMBER PHARMACEUTICALS, INC.	CAMBER
THOMAS LANKEY	WHISPERING KNOLL
AUGUSTO ACABOU	JFK JAGUARS
BENJAMIN TORO	GREAT WHITES
BRIAN BALAZSE	SOFTBALLS DEEP
TJ SMOLTINO	SOUTH SLIDERS
TOM CASTLES	CLAM HAMMERS
CAMPBELL FREIGHTLINER LLC	EFD/CAMPBELL SUPPLY
AUM BAR & GRILL LLC/DBA: ELIXIR	SOUTH EDISON BASHERS
ROBERT BELLUSCIO	TNT AUTO PARTS

**NOW, THEREFORE, IT IS RESOLVED** by the Municipal Council of the Township of Edison that authorization be given to release said funds to these teams.

**CERTIFICATION**

I hereby certify that funds in the amount of \$2100.00 are available for the above teams in Account No.T-13-00-1000-000-048.



**EXPLANATION:** This Resolution authorizes the Township Council to grant permission to Fireworks Extravaganza Inc. to discharge fireworks for the Dushahra Festival at Lake Papaiani in Edison, New Jersey scheduled for October 1, 2016 with a rain date of October 8, 2016.

### **RESOLUTION**

**WHEREAS,** Fireworks Extravaganza Inc. has applied to the Township of Edison for a permit to discharge fireworks on October 1, 2016 with a rain date of October 8, 2016 for the Dushahra Festival taking place at Lake Papaiani; and

**WHEREAS,** Fireworks Extravaganza Inc. has provided proof of insurance to the Township of Edison for the purpose of conducting a fireworks display; and

**WHEREAS,** under N.J.S.A. 21:3-3, the Chief of Police, the Chief of Fire, and the Fire Official having reviewed the application for the firework display, have determined that the discharge of fireworks does not pose a hazard to anyone's property and/or person(s).

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

1. The Township Council does hereby grant permission for Fireworks Extravaganza Inc. to conduct a fireworks display on the evening of October 1, 2016 at approximately 8:30 p.m. on the grounds of the Lake Papaiani in accordance with N.J.A.C. 5:70-2.7 (a)(5)(iii).
2. The Fire Official shall not issue the fireworks permit until **1.** A permit fee in the amount of \$331.00 is made payable to the Township of Edison pursuant to N.J.A.C. 5:70-2.9 (c)(3), **2.** Fireworks Extravaganza Inc. posts a bond in the amount of \$2,500.00 conditioned for the payment of potential damages pursuant to N.J.S.A. 21:3-5 and **3.** Fireworks Extravaganza Inc. post an escrow in the amount of \$500.00 for legal review of fireworks application and expenses associated with drafting a resolution authorizing the Township Council to issue any such fireworks permit. **4.** 1 pumper must be on Stand – By for the purpose of suppression, prior to the start of the show.
3. The Division of Fire and or The Fire Official shall have full enforcement and over sight powers to ensure that all aspects of the fireworks display are handled in accordance with the requirements of law.
4. The Township clerk of Edison Township is directed to forward a copy of this Resolution to, Fireworks Extravaganza Inc., the Fire Prevention Bureau, the Division of Fire, and Division of Police.

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO EAST COAST EMERGENCY LIGHTING TO OUTFIT THREE DIVISION OF FIRE 2016 CHEVY TAHOE VEHICLES**

**WHEREAS**, there is a need to outfit three (3) Division of Fire 2016 Chevy Tahoe vehicles; and

**WHEREAS, EAST COAST EMERGENCY LIGHTING, INC.**, 200 Meco Drive, Millstone, NJ 08535, has been awarded State Contract T-0106/POLICE AND HOMELAND SECURITY EQUIPMENT AND SUPPLIES and under this contract the vehicles shall be outfitted under the state contracts and under quote as listed below; and

**WHEREAS, EAST COAST EMERGENCY LIGHTING, INC.**, has been awarded State Contract 81336 under T-0106/POLICE AND HOMELAND SECURITY EQUIPMENT AND SUPPLIES for the emergency lighting in the amount of \$14,152.32; and

**WHEREAS, EAST COAST EMERGENCY LIGHTING, INC.**, has been awarded State Contract 81327 under T-0106/POLICE AND HOMELAND SECURITY EQUIPMENT AND SUPPLIES for the push bumpers in the amount of \$1,971.00; and

**WHEREAS, EAST COAST EMERGENCY LIGHTING, INC.**, has been awarded State Contract 81338 under T-0106/POLICE AND HOMELAND SECURITY EQUIPMENT AND SUPPLIES for installation for all of the above in the amount of \$5,625.00; and

**WHEREAS, EAST COAST EMERGENCY LIGHTING, INC.**, submitted the quote for HAVIS brand in the amount of \$3,950.52; and

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

**WHEREAS**, funds in the amount of \$25,698.84 have been certified to be 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 in the amount not to exceed **\$25,698.84** and any other necessary documents, with **EAST COAST EMERGENCY LIGHTING, INC.**, 200 Meco Drive, Millstone, NJ 08535, 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 Numbers 81336, 81327, and 81338 under T-0106.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of **\$25,698.84** are available in Account Number 6-01-25-0265-001-051.

---

Nicholas C. Fargo  
Chief Financial Officer

---

Date



**RESOLUTION AUTHORIZING CONTRIBUTION OF FIRST AID SQUAD FUNDS TO RARITAN VALLEY REGIONAL EMERGENCY MEDICAL SERVICES, INC. FROM THE 2016 CALENDAR YEAR BUDGET IN AN AMOUNT NOT TO EXCEED \$105,000.00**

**WHEREAS**, the Township of Edison budgeted \$105,000.00 in the calendar year 2016 budget and desires to distribute said funds to Raritan Valley Regional Emergency Medical Services, Inc., 848 New Dover Road, Edison, NJ 08820 for the volunteer first aid squad of the Township of Edison; and

**WHEREAS**, N.J.S.A. 40:5-2 authorizes municipalities to make such contributions; and

**WHEREAS**, upon receipt of these funds the volunteer first aid squad is responsible to comply with all federal, state and local statutes, ordinances and regulations as they would be with any other funds they receive; and

**WHEREAS**, funds in the amount of \$105,000.00 have been certified to be available in the Aid To Vol First Aid Squad Account, Number 6-01-25-0260-000-030; 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 in the County of Middlesex, New Jersey that the proper Township officials are hereby authorized to make the donation of \$105,000.00 as indicated herein.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of \$105,000.00 are available for the above expenditure in Account No. 6-01-25-0260-000-030.

---

Nicholas C. Fargo  
Chief Financial Officer

---

Date

**RESOLUTION AUTHORIZING APPROPRIATION OF FUNDS TO VOLUNTEER FIRE COMPANIES  
FOR 2016**

**WHEREAS**, it is the desire of the Township of Edison to appropriate funds for the direct use of the Volunteer Fire Departments located within the Township of Edison; and

**WHEREAS**, New Jersey State Statutes N.J.S.A. 40A:14-34, et. seq. authorizes said funding; and

**WHEREAS**, it is understood by the parties that the volunteer fire companies shall be responsible to comply with all Federal, State and Local restrictions and regulations regarding the use of said funds; and

**WHEREAS**, funds in the amount of \$40,000.00 have been certified to be available in the Aid to Volunteer Fire – Materials & Supplies Account, Number 6-01-25-0255-000-030; and

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

**NOW, THEREFORE, IT IS RESOLVED** by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that in accordance with N.J.S.A. 40A:14-34, et. seq., the following volunteer fire companies are hereby authorized to receive the following appropriations for 2016; and

- Raritan Engine Co.#1- \$10,000.00
- Raritan Engine Co.#2- \$10,000.00
- Edison Volunteer Fire Co. #1-\$10,000.00
- Oak Tree Volunteer Fire Co.- \$10,000.00

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount **\$40,000.00** are available for the above in Account No. **6-01-25-0255-000-030**.

\_\_\_\_\_  
Nicholas C.  
Fargo  
Chief Financial Officer

\_\_\_\_\_  
Date

**EXPLANATION:** This resolution approves the internal development and submission of the Township of Edison Division of Fire's web-based, on-line application to the 2016 USDHS FEMA Assistance to Firefighter Grant (AFG) program, for grant funding of up to \$500,000.00, to obtain funds to facilitate the acquisition of up-to-date Extrication Equipment, Apparatus, Technology, Supplies and related items, for the protection, improved safety and effective performance of active Edison Division of Fire Firefighters, as well as of the public-at-large.

### **RESOLUTION**

**WHEREAS,** the United States Department of Homeland Security (USDHS) Federal Emergency Management Agency (FEMA) has provided an opportunity to U.S. Municipalities, Territories and Protectorates to apply for grant funding under the 2016 Assistance to Firefighters Grant (AFG) program; and

**WHEREAS,** the 2016 USDHS FEMA AFG program provides grant funds to assist local Fire Fighter Companies to acquire Extrication Equipment, Apparatus, Technology, Supplies and related items to protect and assist Fire Fighters in local emergency, extrication, rescue and related hazardous activities, as well as the public-at-large; and

**WHEREAS,** the Township of Edison Division of Fire wishes to apply for grant funding for an amount not to exceed \$500,000.00, available from the 2016 USDHS FEMA AFG program; and

**WHEREAS,** the 2016 USDHS FEMA AFG program provides 90% in federal grant funds, with a requisite 10% local cost share to awardees, based upon the approved, total project narrative, budget and full application, completed and submitted by November 18, 2016.

**NOW, THEREFORE, BE IT RESOLVED,** that the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby approve and authorize the development and submission of said grant application, according to current 2016 USDHS FEMA AFG regulations, at a regularly-scheduled Public Meeting, on Wednesday, September 14, 2016.

### **USDHS FEMA Assistance to Firefighters Grants**

The primary goal of the Assistance to Firefighters Grants (AFG) is to meet the firefighting and emergency response needs of fire departments and nonaffiliated emergency medical services organizations. Since 2001, AFG has helped firefighters and other first responders to obtain critically needed equipment, protective gear, emergency vehicles, training, and other resources needed to protect the public and emergency personnel from fire and related hazards. The Federal Emergency Management Agency administers the grants in cooperation with the U.S. Fire Administration.

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO LANIGAN ASSOCIATES, INC. FOR THE PURCHASE OF THREE (3) CONCEALABLE BODY ARMOR VESTS FOR THE DIVISION OF POLICE**

**WHEREAS**, there is a need for three (3) Concealable Body Armor Vests for the Division of Police; and

**WHEREAS**, LANIGAN ASSOCIATES, INC., 496 Shrewsbury Avenue, Tinton Falls, NJ 07701 has been awarded State Contract Number 81348 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 maximum amount of the purchase shall not exceed \$2,865.00 (\$955.00 for each vest); and

**WHEREAS**, funds in the amount of \$2,865.00 have been certified to be available in the Bullet Proof Vest Partnership Grant Account, Number G-02-14-0240-716-000; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$2,865.00, and any other necessary documents, with LANIGAN ASSOCIATES, INC. 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. 81348 under T-0106.

**CERTIFICATION OF AVAILABILITY OF FUNDS**

I hereby certify that funds in the amount of **\$2,865.00** are available for the above in Account No. **G-02-14-0240-716-000**.

---

Nicholas C. Fargo  
Chief Financial Officer

---

Date

## **RESOLUTION STATE AID TO EDUCATION**

**WHEREAS**, the New Jersey State Constitution guarantees a “thorough and efficient” education to all New Jersey students, regardless of where they live; and

**WHEREAS**, the New Jersey School Funding Act of 2008 (SFRA) requires the State to provide funding to school districts based on the number of students enrolled in each district, with additional funding allocated for each student living in a low-income household; and

**WHEREAS**, the SFRA key concept that “the money follows the child” allows for equal opportunity for all the school children of New Jersey; and

**WHEREAS**, the State has failed to fully-fund or properly apply the SFRA since its adoption, including through the use of “adjustment aid” or “hold harmless aid”, which provides additional funds to districts who should have seen a decrease in funding from the State under the SFRA; and

**WHEREAS**, adjustment aid or “hold harmless” aid was not part of the SFRA and must be eliminated; and

**WHEREAS**, according to the latest data from the New Jersey Department of Community Affairs data, New Jerseyans on average paid \$8,353 in property taxes, while the national average is only \$2,127 according to the U.S. Census Bureau; and

**WHEREAS**, the property tax is the most regressive of all taxes, and penalizes middle class taxpayers most severely; and

**WHEREAS**, the high cost of property taxes has increased the out-migration of senior citizens, young millennials and others, negatively impacting the economic future of New Jersey; and

**WHEREAS**, the biggest driver of New Jersey’s highest-in-the-nation property taxes is the ineffective and unfair implementation of the school funding formula; and

**WHEREAS**, Governor Chris Christie has proposed a redistribution of state aid based on a new path that fundamentally provides equal funding for the education of each student; and

**WHEREAS**, State Senate President Stephen Sweeney has proposed a “Formula4Success” to revise the state aid funding formula so that all school districts shall be fully funded within the next five years; and

**NOW, THEREFORE BE IT RESOLVED** that the Edison Township Council hereby implores the Governor and the New Jersey State Legislature to collaborate in the reallocation of state aid to support the SFRA concept of “the money follows the child”, resulting in an equitable distribution of state aid dollars and adequacy for all school districts; and

**BE IT FURTHER RESOLVED** that the Edison Township Council and the constituents that it represents demand authentic property tax relief be delivered to tax-strapped families to reestablish economic competitiveness for New Jersey with other states.

1. The Township Clerk is hereby authorized to forward the original and certified copies of this Resolution to 18<sup>th</sup> Legislative District Senator Diegnan, and Assemblyman Karabinchak.
2. This Resolution shall take effect immediately.



**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:

2. The aforementioned recitals are incorporated herein as though fully set forth at length.
3. 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] ...

4. 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.

5. 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] ...

6. 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.

6. 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.

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

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

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

**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, 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:

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

10. 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.

11. 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.

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

13. 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.

