

**AGENDA
MUNICIPAL COUNCIL
COMBINED MEETING
Wednesday, November 9, 2011
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 January 6, 2011, and posted in the Main Lobby of the Municipal Complex on the same date.
4. **REVIEW OF MINUTES:**
 - a. Regular Meeting of October 13, 2011
 - b. Worksession Meeting of October 24, 2011
5. **REPORTS FROM ALL COUNCIL COMMITTEES:**
6. **POINTS OF LIGHT**
7. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Agreement for Yard Waste Recycling and Marketing Services (Resolution R.781-112011)
 - b. Award of negotiated contract for RFP 11-04, Project Management of EECBG Roof-Mounted Ballasted EMC 165 KW Design-Build Project (Resolution R.789-112011)
 - c. Award of bid for Contract No. 11-08-05R, Roof-Edison Memorial Tower Museum. (Resolution R.790-112011)
 - d. Resolution authorizing internet based reverse auctions for the purchase of electric and gas power supplies (Resolution R.792-112011)
8. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through November 3, 2011 (Resolution R.774-112011)
 - b. Resolution authorizing refund in the amount of \$19,743.71 for redemption of tax sale certificates. (Resolution R.782-112011)
 - c. Resolution authorizing one year extension to Cherokee Equities to foreclose tax sale certificate (Resolution R.777-112011)
 - d. Transfer of Funds (Resolution R.786-112011)
 - e. Resolution authorizing application to the Local Finance Board (Resolution R.797-112011)
 - f. Resolution authorizing a special emergency (Resolution R.798-112011)
 - g. Emergency Resolution for tax appeal settlements (Resolution R.799-112011)
 - h. Refunding Bond Ordinance (Ordinance O.1783-2011)

9. **FROM THE DEPARTMENT OF HEALTH:**
 - a. Resolutions authorizing various refunds (Resolutions R.778-112011 through R.780-112011)

10. **FROM THE DEPARTMENT OF LAW:**
 - a. Resolution authorizing Developer's Agreement with Metuchen-Edison YMCA (Resolution R.787-112011)
 - b. Right of Way Use Agreement with Cross River Fiber LLC (Ordinance O.1781-2011)
 - c. Ordinance authorizing rezoning of properties (Ordinance O.1782-2011)
 - d. Resolution authorizing preliminary investigation for Velikan Place and Old Post Road (Resolution R.788-112011)
 - e. Resolution requesting additional funds for Labor Counsel (Resolution R.800-112011)
 - f. Resolution requesting additional funds for Township Attorney (Resolution R.801-112011)

11. **FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**
 - a. Release of Cash Performance Bond for A.T. Ferraro Construction, LLC, 19 Sky Top Road, Application #P5084 (Resolution R.775-112011)
 - b. Release of cash and performance bond for Kris Zwonar, 55 Manning Street, Application #P4914. (Resolution R.776-112011)

12. **FROM THE DEPARTMENT OF PUBLIC WORKS:**
 - a. Award of quote for a heavy duty trailer mounted light tower (Resolution R.791-112011)
 - b. Award of quote for a flow meter for the sanitary sewer Kilmer Chamber (Resolution R.793-112011)
 - c. Award of quote for bathroom supplies and improvements for the Municipal Court area restrooms (Resolution R.794-112011)

13. **FROM THE DEPARTMENT OF RECREATION:**
 - a. Resolutions authorizing reimbursement of fees (Resolutions R.784-112011 and R.785-112011)
 - b. Interlocal Services Agreement for AM & PM Latchkey Services (Resolution R.795-112011)

14. **FROM THE CHIEF OF POLICE:**
 - a. Award of contract for an online reporting system (Resolution R.796-112011)

15. **FROM THE TOWNSHIP CLERK:**
 - a. Person to Person transfer of Liquor License No. 1205-33-049-006, Outback Steakhouse (Resolution R.783-112011)

16. **FROM THE COUNCIL MEMBER TO THE PLANNING BOARD:**

17. **UNFINISHED BUSINESS:
ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING, AND
FINAL ADOPTION:**

O.1780-2011 AN ORDINANCE AMENDING SECTION 7-14 OF THE CODE OF
THE TOWNSHIP OF EDISON REGARDING NO PARKING ON
KILMER ROAD FROM PLAINFIELD AVENUE TO THE BOROUGH
OF HIGHLAND PARK

18. **COMMUNICATIONS:**
None

19. **DISCUSSION ITEMS:**

Council President Diehl
None

Councilmember Gomez
None

Councilmember Karabinchak
a. Tax Appeals
b. Oak Tree and Woodland Intersection
c. Creation of a parking authority
d. Expanding Edison TV
e. Edison Tower

Councilmember Lankey
None

Councilmember Mascola
None

Councilmember Perilstein
None

Councilmember Prasad
None

20. **CLOSED SESSION:**
a. Litigation – Tax Appeal Settlements/Accumulated Time
b. Personnel – CFO Strategy
c. Contract Negotiations – DCA proposal on Special Needs Housing Partnership

21. **APPROVAL OF MINUTES:**

- a. Regular Meeting of October 13, 2011
- b. Worksession Meeting of October 24, 2011

22. **COUNCIL PRESIDENT'S REMARKS**

23. **UNFINISHED BUSINESS:**

ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING AND FINAL ADOPTION:

The following Ordinances have been published according to law, the affidavits are in the possession of the Township Clerk, and copies are posted in the Council Chambers:

O.1780-2011 AN ORDINANCE AMENDING SECTION 7-14 OF THE CODE OF THE TOWNSHIP OF EDISON REGARDING NO PARKING ON KILMER ROAD FROM PLAINFIELD AVENUE TO THE BOROUGH OF HIGHLAND PARK

24. **NEW BUSINESS:**

PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR MONDAY, NOVEMBER 21, 2011:

O.1781-2011 AN ORDINANCE AUTHORIZING A RIGHT OF WAY USE AGREEMENT WITH CROSS RIVER FIBER LLC FOR THE INSTALLATION OF TELECOMMUNICATION LINES AND FACILITIES

O.1782-2011 AN ORDINANCE CHANGING THE ZONING OF VARIOUS PROPERTIES AS RECOMMENDED IN THE MASTER PLAN REVIEW

O.1783-2011 REFUNDING BOND ORDINANCE PROVIDING FOR THE PAYMENT OF AMOUNTS OWING TO OTHERS FOR TAXES LEVIED IN AND BY THE TOWNSHIP OF EDISON, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$5,360,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF.

25. **PUBLIC COMMENT ON THE RESOLUTIONS**

26. **PROPOSED RESOLUTIONS**

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

Consent Agenda

- R.774-112011 Resolution approving disbursements for the period ending November 3, 2011.
- R.775-112011 Resolution authorizing release of cash performance bond for A.T. Ferraro Construction, LLC, 19 Sky Top Road, Application #P5084.
- R.776-112011 Resolution authorizing release of cash performance and performance bond for Kris Zwonar, 55 Manning Street, Application #P4914.
- R.777-112011 Resolution authorizing one year extension to Cherokee Equities to foreclose tax sale certificate
- R.778-112011 Resolution authorizing refund of Rental Reoccupancy Inspection Fee to Jerome J. Bruder, in the amount of \$50.00.
- R.779-112011 Resolution authorizing refund of Rental Reoccupancy Inspection Fee to Jeff Casper, in the amount of \$25.00.
- R.780-112011 Resolution authorizing refund of temporary food license fee to Timothy Bear, in the amount of \$25.00.
- R.781-112011 Resolution authorizing the Yard Waste Recycling and Marketing Services Agreement.
- R.782-112011 Resolution authorizing refund in the amount of \$19,743.71 for redemption of tax sale certificates.
- R.783-112011 Resolution authorizing Person to Person Transfer of Liquor License No. 1205-33-049-006, from Outback/Mid Atlantic-I, LP t/a Outback Steakhouse to Outback Steakhouse of Florida, LLC t/a Outback Steakhouse.
- R.784-112011 Resolution authorizing refund of Yelencsics Park Rental Fee to Joan Latham, in the amount of \$100.00.
- R.785-112011 Resolution authorizing refund of Yelencsics Park Rental Fee to Rebecca Roberts, in the amount of \$100.00.
- R.786-112011 Resolution authorizing Transfer of Funds.
- R.787-112011 Resolution authorizing Developer's Agreement with Metuchen-Edison YMCA, 1775 Oak Tree Road.
- R.788-112011 Resolution authorizing preliminary investigation and study for the possible condemnation of property to connect the water line on Velikan Place and Old Post Road.
- R.789-112011 Resolution authorizing award of negotiated contract for RFP 11-04, Project Management of EECBG Roof-Mounted Ballasted EMC 165 KW Design-Build Project to CCMS Corporation, in an amount not to exceed \$15,180.00.
- R.790-112011 Resolution authorizing award of bid for Contract No. 11-08-05-R, Roof-Edison Memorial Tower Museum to Gen II Contracting Company, in an amount not to exceed \$26,560.00.

- R.791-112011 Resolution authorizing award of quote for a heavy duty trailer mounted light tower to Montague Tool and Supply Company, in an amount not to exceed \$4,989.60.
- R.792-112011 Resolution authorizing the hiring and engagement of World Energy Solutions, Inc. to conduct internet-based reverse auctions for the purchase of electric and gas power supplies.
- R.793-112011 Resolution authorizing award of quote for a flow meter for the sanitary sewer kilmer chamber to Eastech Flow Control, Inc., in an amount not to exceed \$11,340.00.
- R.794-112011 Resolution authorizing award of quote for bathroom supplies and improvements for the Municipal Court area restrooms to Aaron & Company, in an amount not to exceed \$12,845.60.
- R.795-112011 Resolution authorizing an interlocal services agreement with the Board of Education for AM & PM Latch Key Program services.
- R.796-112011 Resolution authorizing award of contract for an online reporting system for the Division of Police to Coplogic, Inc., in an amount not to exceed \$17,000.00.
- R.797-112011 Resolution authorizing application to the Local Finance Board for a proposed refunding bond ordinance authorizing the issuance of tax appeal refunding notes.
- R.798-112011 Resolution authorizing special emergency for contractually required severance liabilities resulting from the layoff or retirement of employees.
- R.799-112011 Resolution requesting approval of the Director of Local Government Services for an emergency appropriation to satisfy Tax Appeal judgments.
- R.800-112011 Resolution authorizing additional funds for Professional Services contract for Labor Counsel to Louis Rainone, Esq., in the amount of \$100,000.00.
- R.801-112011 Resolution authorizing additional funds for Professional Services contract for Township Attorney to Karl Kemm, Esq., in the amount of \$135,250.00.

25. **COMMUNICATIONS:**

None

27. **ORAL PETITIONS AND REMARKS**

28. **ADJOURNMENT**

EXPLANATION: This Ordinance establishes Parking Prohibitions (No Parking) on the entire segment of Kilmer Road as described, specifically the establishment of No Parking on both the north side and the south side of Kilmer Road, from the limits of Plainfield Avenue (CR # 529) to the Borough of Highland Park border.

EDISON TOWNSHIP
ORDINANCE O.1780-2011

WHEREAS, the Township of Edison wishes to prohibit parking at all times on the entire roadway segment of Kilmer Road, and wishes to establish No Parking on both the north side and the south side of Kilmer Road, from the limits of Plainfield Avenue (CR # 529) to the Borough of Highland Park border; and

WHEREAS, the Township of Edison is permitted to adopt said ordinance without the approval of the Commissioner of Transportation pursuant to N.J.S.A. 39:4-197 and N.J.S.A. 39:4-8; and

WHEREAS, as required by N.J.S.A. 39:4-8, the Township Engineer has provided the appropriate certification.

BE IT ORDAINED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that Chapter VII Traffic, Section 7-14 entitled “PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.” is hereby amended as follows:

SECTION I. Section 7-14 entitled “PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.” is hereby amended to revise **Kilmer Road** as follows:

<i>Name of Street</i>	<i>Sides</i>	<i>Location</i>
[Kilmer Road]	[South]	[From Truman Drive to a point 600 feet east thereof]
Kilmer Road	North	From Plainfield Avenue (CR # 529) west to the Borough of Highland Park border
Kilmer Road	South	From Plainfield Avenue (CR # 529) [to the NJ Transit Driveway opposite Kilmer Court] <u>west to the Borough of Highland Park border</u>
[Kilmer Road]	[South]	[From Truman Drive southwest to the Highland Park border]

SECTION II. This ordinance shall take effect twenty (20) days after adoption, concurrence through consent resolution of the Middlesex County Board of Chosen Freeholders, and approval by the Mayor in accordance with N.J.S.A. 40:69A-181(b).

SECTION III. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Explanation: This Ordinance authorizes the Mayor to execute a Rights of Way Use Agreement with Cross River Fiber LLC for the use of public rights of way for the installation of telecommunication lines and facilities.

TOWNSHIP OF EDISON

ORDINANCE O.1781-2011

WHEREAS, Cross River Fiber LLC is a telecommunications company which possesses the required approval from the New Jersey Board of Public Utilities and is requesting consent from the Township pursuant to N.J.S.A. 48:2-14 to use its rights of way as proposed in the attached Rights of Way Use Agreement; and

WHEREAS, Cross River Fiber LLC will, in part, be providing service to I.O. Data Centers which is located on the property designated as Block 795-D, Lot 22B-8, 3003 Woodbridge Avenue which is more commonly known as the former New York Times building. I.O. Data Centers is a computer data storage services company which is in need of telecommunication lines and services to operate its business which Cross River Fiber LLC will be providing; and

WHEREAS, as the Township is authorized to grant such consent pursuant to N.J.S.A. 48:3-11 et seq..

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

1. The attached Rights of Way Use Agreement with Cross River Fiber LLC is hereby approved by the Township Council and the Mayor is hereby authorized to execute the attached Rights of Way Use Agreement.
2. The Mayor, Township Attorney and other necessary Township Officials are hereby authorized to execute and deliver the Rights of Way Use Agreement and all other documents and undertake all actions reasonably necessary to effectuate the Rights of Way Use Agreement approved herein.

BE IT FURTHER ORDAINED, that this ordinance shall take effect twenty (20) days after the adoption and approval by Mayor in accordance with N.J.S.A 40:69A: 181(b).

EXPLANATION: This Ordinance changes the zoning of various properties as recommended in the Master Plan Review.

EDISON TOWNSHIP

ORDINANCE O.1782-2011

WHEREAS, the Edison Township Planning Board undertook a reexamination of the Master Plan pursuant to N.J.S.A. 40:55D-89 of the Municipal Land Use Law and issued a reexamination report entitled: “Master Plan Reexamination Report, Township of Edison, Middlesex County, State of New Jersey” prepared by Bignell Planning Consultants, Inc., dated February 2011 which was adopted by Planning Board Resolution on April 14, 2011 ; and

WHEREAS, in part the reexamination report recommends that the zoning of certain properties be changed and the Edison Township Council wishes to implement those recommendations; and

WHEREAS, the Edison Township Council also wishes to amend the official Zoning Map of the Township of Edison, pursuant to N.J.S.A. 40:55D-32 of the Municipal Land Use Law, to change the zoning designation for these properties as set forth herein; and

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

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

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

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

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

SECTION I. The zoning district classifications for the following properties are changed as follows:

STREET	BLOCK	LOT	CURRENT ZONE	NEW ZONE
Plainfield Ave	4-A	22	PB	GB
Plainfield Ave	4-A	23	PB	GB

STREET	BLOCK	LOT	CURRENT ZONE	NEW ZONE
Route 1	182-A	4A	R-B	GB-H
Route 1	182-A	5	R-B	GB-H
Route 1	182-A	7Y	R-B	GB-H
Oak Tree Road	546-B	1 thru 20	OS	GB
Oak Tree Road	546-B	23 thru 41	OS	GB
Oak Tree Road	546-I	23	OS	GB
Oak Tree Road	546-I	17	OS	GB
Oak Tree Road	546-I	24	OS	GB
Oak Tree Road	546-I	25	OS	GB
Oak Tree Road	546-I	26	OS	GB
Oak Tree Road	546-I	36	OS	GB
Oak Tree Road	546-I	37	OS	GB
Oak Tree Road	546-I	38-A	OS	GB
Oak Tree Road	546-I	39-A	OS	GB
Oak Tree Road	546-I	40-A	OS	GB
Oak Tree Road	643-DD	20-G-1	OS	GB
Oak Tree Road	643-DD	19-B	OS	GB
Oak Tree Road	643-DD	19-C	OS	GB
Oak Tree Road	643-DD	19-F	OS	GB
Oak Tree Road	546-K	3	R-A	OS
James Street	630	20	R-BB	OS
James Street	630	14A	R-BB	OS
James Street	630	15A	R-BB	OS
James Street	630	16A	R-BB	OS
James Street	630	17A	R-BB	OS
James Street	630	18A	R-BB	OS
James Street	630	21	R-BB	OS
James Street	630	22	R-BB	OS
James Street	631	7-A-1	R-BB	OS
James Street	631	8.01	R-BB	OS
James Street	631	9-A-1	R-BB	OS
James Street	631	10-A	R-BB	OS
James Street	631	11.01	R-BB	OS
James Street	631	12-A-1	R-BB	OS
James Street	632	16	R-BB	OS
James Street	632	17	R-BB	OS
James Street	632	2A	R-BB	OS
James Street	632	3A	R-BB	OS
James Street	632	4A	R-BB	OS
James Street	632	5A	R-BB	OS
James Street	632	6A	R-BB	OS
James Street	632	15-A-1	R-BB	OS
James Street	633	1-A	R-BB	OS
James Street	633	2-A	R-BB	OS
James Street	633	3-A	R-BB	OS
James Street	633	4-A	R-BB	OS
James Street	633	5.01	R-BB	OS

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

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

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

ORDINANCE O.1783-2011

REFUNDING BOND ORDINANCE PROVIDING FOR PAYMENT OF AMOUNTS OWING TO OTHERS FOR TAXES LEVIED IN AND BY THE TOWNSHIP OF EDISON, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$ 5,360,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF BOND OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF.

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

Section 1. The Township of Edison, in the County of Middlesex, New Jersey (the "Township") is hereby authorized to pay an aggregate amount not exceeding \$ 4,960,000 for amounts owed by the Township to the owners of various properties for taxes levied in the Township and for the costs associated therewith, as more particularly described on the list of Settled Appeals and available for inspection in the office of the Municipal Clerk, which list is hereby incorporated by reference as if set forth at length herein.

Section 2. An aggregate amount not exceeding \$ 400,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 3. In order to finance the cost of the project described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount of \$ pursuant to the Local Bond Law.

Section 4. In anticipation of the issuance of the refunding bonds, negotiable tax appeal refunding notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All tax appeal refunding notes issued hereunder shall mature at such times as may be determined by the chief financial officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such denominations.

All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature and be paid not later than the fifth (**seventh**) anniversary of the date of the original notes; provided, however, that no notes shall be renewed beyond the first or any succeeding anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which the notes are issued, determined in accordance with the maturity schedule for the bonds approved by the Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the tax appeal refunding notes and any renewals thereof and any permanent bonds are outstanding, shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking

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

Section 6. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations section 1.150-2 or any successor provision of federal income tax law.

Section 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the chief financial officer of the Township as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted. This bond ordinance, and the authorization herein to issue tax appeal refunding notes, shall expire 365 days from the effective date.

RESOLUTION R.774-112011

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF
THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING NOVEMBER 3, 2011

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through November 3, 2011

FUND	AMOUNT
Current	\$12,341,023.09
Dog (Animal Control)	4,337.40
Sewer Utility	46,728.69
Capital	8,052.10
CDBG	11,427.50
Trust	101,541.17
Grant Funds	127,672.70
Sanitation Fund	221,391.68
Payroll Deductions	433,436.55
Park Improvements	0.00
Developers Escrow	27,149.40
Cash Performance	0.00
Affordable Housing	975.00
Tax Sale	151,474.30
Law Enforcement	0.00
Affordable Housing	0.00
Street Opening Escrow	0.00
Tree Fund	0.00
TOTAL	\$13,475,209.58

/s/ Lawrence Pollex
Acting Chief Financial Officer

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

TOWNSHIP OF EDISON
RESOLUTION R.775-112011

WHEREAS, the Township Engineer advises that an inspection has been made of 19 Sky Top Road, located in Block 1014, Lot 18.02, Application #P5084, and said inspection indicates all improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

WHEREAS, the Certificate of Occupancy was issued in September, 2009, since this project has extended beyond the two-year maintenance bond period there will be no maintenance bond required; and

WHEREAS, Inspection Fees were posted in account #7760216818 which has a zero balance; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Bond Check #6962 in the amount of \$10,478.80, on deposit in account #7760013340 with the Township of Edison, principal being A.T. Ferraro Construction, LLC having offices at 53 King Street, Edison, N.J. 08820 and acceptance of the subject improvements; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the aforementioned improvements are hereby complete and satisfactory and the Township Clerk be and is hereby authorized to return the aforesaid Cash Performance Bond in the amount of \$10,478.80, plus accrued interest, if applicable to the applicant; and

BE IT FURTHER RESOLVED that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance Bond in the amount of \$10,478.80, plus accrued interest, if applicable, on deposit in account #7760013340 to the applicant.

TOWNSHIP OF EDISON
RESOLUTION R.776-112011

WHEREAS, the Township Engineer advises that an inspection has been made of 55 Manning Street Application #P4914 located in Block: 266-A, Lot: 16.02 and said inspection indicates all improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

WHEREAS, the Certificate of Occupancy was issued on June 10, 2011, also on October 4, 2011 the Maintenance Bond was posted by 55 Manning Street LLC (Kris Zwonar) in the amount of \$839.85: and

WHEREAS, the Township Engineer, recommends the release of the Performance Bond check #443317 of United Central Bank in the amount of \$6,046.92 on deposit in Account #7761417000 with the Township of Edison, principal being Krzysztof F. Zwonar and acceptance of the subject improvements; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Bond Check #443316 in the amount of \$671.88, on deposit in account #7761417000 with the Township of Edison, principal being Krzysztof F. Zwonar having offices at 716 Old Post Road, Edison, N.J. 08817 and acceptance of the subject improvements; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the aforementioned improvements are hereby complete and satisfactory and the Township Clerk be and is hereby authorized to return the aforesaid Performance Bond in the amount of \$6,046.92, plus accrued interest, if applicable, on deposit in account 7761417000 to the applicant; and

BE IT FURTHER RESOLVED that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance Bond in the amount of \$671.88, plus accrued interest, if applicable, on deposit in account #7761417000 to the applicant.

Resolution Authorizing a One Year Extension to Cherokee Equities to Foreclose Tax Sale Certificates

WHEREAS, the governing body of the Township of Edison in accordance with Resolution No. 432-072-009 authorized a restricted Assignment of certain Tax Sale Certificates described now as:

TSC **07-89** on Block 71, Lot 9

TSC **99-392** on Block 71, Lot 10

TSC **91-204** on Block 692.B, Lot 50

from the Township of Edison to Cherokee Equities, LLC; and

WHEREAS, pursuant to N.J.S.A. 54:5-114 et. seq./Jones Act provisions, Cherokee is required to record a Tax Foreclosure Final Judgment within two years of August 12, 2009; and

WHEREAS, Cherokee has been diligently pursuing these tax sale foreclosures, but an extensive chronic backlog in the Foreclosure Unit of the New Jersey Superior Court, as well as complicated title and defendant service, will make it impossible for Cherokee to record its Final Judgments within two years of August 12, 2009; and

WHEREAS, N.J.S.A. 54:5-114.5 provides that the governing body on good cause shall have the power to extend the time and to grant further extension of the right of Cherokee to foreclose said tax liens; and

WHEREAS, the NJ Superior Court Foreclosure Unit's backlog is still ongoing;

NOW, THEREFORE, ON THIS _____ DAY OF _____, 2011, IT IS HEREBY RESOLVED by the governing body of the Township of Edison, County of Middlesex and State of New Jersey as follows:

Cherokee Equities, LLC and/or its assignees is/are hereby granted a two (2) year extension to foreclose the three (3) Tax Sale Certificates named herein, and therefore, the Final Judgment needs to be recorded within four (4) years of August 12, 2009.

RESOLUTION R.778-112011

RESOLUTION AUTHORIZING A REIMBURSEMENT TO JEROME J. BRUDER FOR OVERPAYMENT OF A RENTAL REOCCUPANCY INSPECTION FEES

WHEREAS, Jerome J. Bruder, owner of a rental unit located at 24 Coolidge Avenue, Edison, made application for an initial Rental Reoccupancy Inspection along with payment in the amount of \$50.00 on August 5, 2011; and

WHEREAS, Mr. Bruder made application along with the required \$50.00 fee for the same unit and tenant on February 2, 2009 in accordance with the Code of the Township of Edison, Section 17-1.11e

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$50.00 to Jerome J. Bruder, 6 Vauxhall Court, Edison, NJ 08820 which amount represents the amount of duplicate payment for initial Rental Reoccupancy Inspection

RESOLUTION R.779-112011

RESOLUTION AUTHORIZING A REIMBURSEMENT TO JEFF CASPER FOR OVERPAYMENT OF A RENTAL REOCCUPANCY INSPECTION FEES

WHEREAS , Jeff Casper, owner of a rental unit located at 2200 Woodbridge Avenue, Apt 5A, Edison, made an online application for an initial Rental Reoccupancy Inspection along with payment in the amount of \$75.00; and

WHEREAS, in accordance with the Code of the Township of Edison, Section 17-1.11e, the appropriate fee for initial Rental Reoccupancy Inspection is \$50.00.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$25.00 to Jeff Casper, P.O. Box 1069, Edison, NJ 08818 which amount represents the amount of overpayment for initial Rental Reoccupancy Inspection

RESOLUTION R.780-112011

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO TIMOTHY BEAR
FOR OVERPAYMENT OF A TEMPORARY FOOD LICENSE**

WHEREAS, Timothy Bear, T/A Tim's Food & Games, a temporary retail food vendor at the NJ Exposition Center, Edison, made an online application for a Temporary Retail Food license in the amount of \$100.00; and

WHEREAS, in accordance with the Code of the Township of Edison, Section 12-6.2(m) the appropriate fee for Temporary Retail Food License for this event is \$75.00.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$25.00 to Timothy Bear, 127 N. 15th Street, Allentown, PA 18102 which amount represents the amount of overpayment for a temporary food license.

RESOLUTION R.781-112011

BE IT RESOLVED, by the Township Council of the Township of Edison that the Mayor and Township Clerk are hereby authorized to execute the attached Agreement for the provision of Yard Waste Recycling and Marketing Services.

RESOLUTION R.782-112011

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

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

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Director of Finance is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing, totaling \$19,743.71.

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RESOLUTION R.783-112011

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption Liquor License #1205-33-049-006, heretofore issued to Outback/Mid Atlantic-I, LP, t/a Outback Steakhouse for premises located at 481 Route 1, Edison, NJ 08817; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business.

NOW, THEREFORE BE IT RESOLVED that the Edison Township Governing Body does hereby approve, effective November 9, 2011, the transfer of the aforesaid Plenary Retail Consumption License to Outback Steakhouse of Florida, LLC, t/a Outback Steakhouse for premises located at 481 Route 1, Edison, NJ 08817 and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Outback Steakhouse of Florida, LLC, effective November 10, 2011."

RESOLUTION R.784-112011

RESOLUTION AUTHORIZING A REIMBURSEMENT TO
JOAN LATHAM FOR THE RENTAL OF YELENCISICS PARK

WHEREAS Joan Latham made an overpayment in the amount of \$100.00 for the rental of Yelencsics Park; and

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$100.00 to Joan Latham, 15 Bartha Ave., Edison, NJ 08817, which amount represents the amount of the overpayment.

RESOLUTION R.785-112011

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
REBECCA ROBERTS FOR THE RENTAL OF YELENCISICS PARK**

WHEREAS Rebecca Roberts made an overpayment in the amount of \$100.00 for the rental of Yelencsics Park; and

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$100.00 to Rebecca Latham, 55 Harrison Ave., Edison, NJ 08837, which amount represents the amount of the overpayment.

RESOLUTION R.786-112011

**AUTHORIZING THE TRANSFER OF FUNDS IN THE CALENDAR YEAR 2011
CURRENT FUND BUDGET APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-**

59

WHEREAS, N.J.S.A. 40A:4-59 authorizes the transfer of funds during the last two months of a fiscal year and during the first three months of the subsequent fiscal year; and

WHEREAS, certain calendar year 2011 appropriations as budgeted are insufficient to meet the needs for which those appropriations were originally established while certain other appropriations appear to have surplus balances not currently needed to pay claims for which they were budgeted; and

WHEREAS, the annexed spread sheet details the accounts to which funds need to be transferred and the accounts from which funds will be transferred to insure that adequate appropriation balances exist where needed to pay approved claims against the Township;

NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF EDISON IN THE COUNTY OF MIDDLESEX, NEW JERSEY, THAT the proper Township Officials are hereby authorized to transfer funds as indicated on the annexed spread sheet from those designated appropriations having apparent surplus balances to those designated appropriations having apparent insufficient balances to insure that adequate appropriation balances exist where needed.

SALARIES AND WAGES (TO)

ACCOUNT	TO:
Administration 20-0100-001-011	\$ 11,000.00
Communication/T.V. 20-0100-001-011	\$ 12,300.00
HR/Personnel 20-0105-000-011	\$ 9,100.00
Purchasing 20-0100-002-011	\$ 30,000.00
Clerk 20-0120-001-011	\$ 2,200.00
Tax Collector 20-0145-000-011	\$ 29,750.00
Tax Assessor 20-0150-000-011	\$ 13,750.00
Planning & Zoning 20-0186-000-011	\$ 12,500.00
Insp/Code Enf. 22-0195-000-011	\$ 61,000.00
Rent Control 22-0200-001-011	\$ 4,000.00
Solid Waste Recycling 26-0305-000-011	\$ 50,000.00
Health 27-0330-001-011	\$ 124,500.00
Senior Citizens 27-0330-002-011	\$ 35,500.00
Community Shuttle 27-0330-003-001	\$ 15,000.00
Recreation 28-0370-000-011	\$ 26,750.00
Police 25-0240-000-011	\$ 215,000.00
Fire 25-0265-001-011	\$ 428,150.00
EMT's 25-0265-003-011	\$ 136,000.00
TOTAL	\$ 1,216,500.00

ACCOUNT

FROM:

SALARIES AND WAGES (FROM)

Parks 28-0375-000-011	\$ 50,000.00
Buildings and Grounds 26-0310-000-011	\$ 120,000.00
Streets & Roads 26-0290-000-011	\$ 100,000.00
Municipal Garage 26-0315-001-011	\$ 80,000.00

Auto Impound 26-0300-000-011	\$	17,000.00
Maint. Of Police Vehicles 26-0315-002-011	\$	7,500.00
Municipal Court 43-0490-000-011	\$	75,000.00

OTHER EXPENSES (FROM)

Municipal Clerk 20-0120-001-028	\$	10,000.00
Data Processing 20-0140-000-059	\$	10,000.00
Tax Collection 20-0145-000-104	\$	20,000.00
Health 27-0330-001-028	\$	20,000.00
Seniors 27-0330-002-032 & 036	\$	7,500.00
Shuttle 27-0330-003; 034,077&093	\$	5,000.00

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Communications/911 25-0250-000-026	\$	20,000.00
Maint. of Police Vehuicles 26-0315-002-025	\$	20,000.00
Fire Prevention 25-0265-002-026	\$	180,000.00
Fire 25-0265-001-079	\$	30,000.00
Parks 28-0375-000-030	\$	4,000.00
Municipal Garage 26-0315-001-034	\$	20,000.00
Zoning 21-0185-001-028	\$	8,000.00
Rent Control 22-0200-001-021	\$	6,500.00
Emergency Management 25-0252-000-030	\$	5,000.00
Ethics 20-0120-002-023	\$	9,000.00
Public Events 30-0420-000-020	\$	2,000.00
Court 43-0490-000-058	\$	30,000.00
Code Enforcement 22-0195-000-029	\$	200,000.00
Payroll 20-0130-003-029	\$	10,000.00
Personnel/HR 20-0105-000-059	\$	50,000.00
EMT Services 25-0265-003-051	\$	100,000.00

TOTAL \$ 1,216,500.00

EXPLANATION: This Resolution authorizes the Mayor and Township Clerk to execute the attached Developer's Agreement with Metuchen-Edison YMCA in connection with the property identified as Block 643-Z, Lot 16, commonly referred to as 1775 Oak Tree Road, as shown on the Edison Township tax map (the "Property").

EDISON TOWNSHIP

RESOLUTION R.787-112011

WHEREAS, the Property was the subject of an application before the Zoning Board of Adjustment of the Township of Edison (hereinafter the "Board"), for approval of a preliminary and final major site plan approval to permit the construction of a two-story 6,450 square foot addition to the existing YMCA facility, including associated concrete walkways, parking improvements, landscaping and lighting on its property on 1775 Oak Tree Road, as shown as Block 643-Z, Lot 16 on the Township Tax Map (the "Project"); and

WHEREAS, the Board granted the requested preliminary and final major site plan and memorialized the same by Resolution on November 20, 2007; and

WHEREAS, the Resolution and the Code of the Township of Edison require the developer to enter into a Developer's Agreement with the Township of Edison in connection with the project; and

WHEREAS, the Developer's Agreement attached hereto has been prepared by the Township Attorney and has been reviewed and approved by the Township Engineer and by the attorney for the developer;

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 Mayor and Township Clerk are hereby authorized to execute the Developer's Agreement with the Developer in the form annexed hereto.
2. The Township Clerk is hereby authorized to forward the original and certified copies of the Developer's Agreement to the Township Attorney for recording with the Clerk of the County of Middlesex.
3. The Township Clerk is also directed to forward a copy of this Resolution, once adopted, to the Township Attorney and Township Engineer for their records.

EXPLANATION: This Resolution authorizes the Township to conduct a preliminary investigation and study for the possible condemnation of property to connect the water line on Velikan Place to Old Post Road.

EDISON TOWNSHIP

RESOLUTION R.788-112011

WHEREAS, the existing water line on Velikan Place ends at the cul-de-sac on that road and does not create a “loop system” which can adversely effect water pressure and water quality; and

WHEREAS, the Township of Edison has determined that it is in the best interests of the Township and the public to acquire easements across Block 161.U, Lots 54, 55 and 56 to extend the water line from its terminus at the Velikan Place cul-de-sac to the water line in Old Post Road to create a “loop system;” and

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

1. The Township and its Mayor, Attorney, officials, agents, servants and employees is hereby authorized to conduct a preliminary investigation and study and do all things necessary and proper and required by law for said preliminary investigation and study including but not limited to entering the properties to perform surveying and tests, and to

retain surveyors, real estate appraisers subject to the limitations and requirements of Township purchasing ordinances and as provided by law.

2. After the preliminary investigation and study is performed, and if then so desired the Township Council shall by ordinance authorize negotiations with the property owners for acquisition of the easements and condemnation should negotiations fail.

RESOLUTION R.789-112011

**RESOLUTION AWARDING CONTRACT TO CCMS CORPORATION FOR
PROJECT MANAGEMENT OF EECBG ROOF-MOUNTED BALLASTED EMC
165 KW DESIGN-BUILD PROJECT**

WHEREAS, the Township of Edison advertised on the Township website for Request for Proposals on September 12, 2011, for RFP 11-04, PROJECT MANAGEMENT OF EECBG ROOF-MOUNTED BALLASTED EMC 165 KW DESIGN-BUILD PROJECT for a bid opening date of September 27, 2011 and no proposals were received; and

WHEREAS, the Township of Edison re-advertised for the above project under RFP 11-04R on the Township website on September 29, 2011 and on October 14, 2011, two sealed proposals were received for the above project and the lowest bidder was CCMS, 1670 Route 34, North, Wall, NJ 07727 in the amount of \$31,280.00; and

WHEREAS, Section 40A:11-13.2a of the Local Public Contracts Law allows for the rejection of bids when the lowest bid substantially exceeds the cost estimate for goods or services and R.772-102011 dated October 26, 2011 rejected bids for this reason; and

WHEREAS, pursuant to 40A:11-5(3) when bids have been advertised on two occasions and have been rejected on both occasions or rejected once and no bids were received on the other occasion, any such contract may then be negotiated; and

WHEREAS, the Township of Edison negotiated said contract with the two vendors who submitted bids (CCMS Corp. and CME Assoc.); and

WHEREAS, after said negotiations, CCMS CORPORATION, 1670 Route 34 North, Wall, NJ 07727 is the lowest bidder in the amount of \$15,180.00; and

WHEREAS, funds in the amount of \$15,180.00 have been certified to be available in the US DOE EECBG Grant Account, Number G-02-10-0100-806-001.

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

1. This contract has been negotiated and the proposal as submitted by CCMS CORPORATION, 1670 Route 34 North, Wall, NJ 07727 for Project Management for EECBG Roof-Mounted Ballasted EMC 165KW Design-Build Project is determined to be the lowest quote.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount of \$15,180.00, and any other necessary documents, with CCMS CORPORATION as described herein.

RESOLUTION R.790-112011

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO GEN II CONTRACTING COMPANY FOR ROOF –EDISON MEMORIAL TOWER MUSEUM

WHEREAS, bids were received by the Township of Edison on October 14, 2011 for Public Bid No. 11-08-05-R, Roof -Edison Memorial Tower Museum; and

WHEREAS, GEN II CONTRACTING COMPANY, 395A Millstone Road, Clarksburg, NJ 08510 submitted the lowest legally responsible, responsive bid; and

WHEREAS, the maximum amount of this purchase shall not exceed \$26,560.00 for Item No: 1 and Item No. 4 of Public Bid No: 11-08-05R and funds in this amount have been certified to be available as follows:

\$3,163.78 – Account No. T-13-00-1000-000-033 (Edison Tower Restoration – Pavers)

\$1,000.00 – Account No. T-13-00-1000-000-034 (Edison Tower Donation)

\$22,396.22 – Account No. T-23-00-0000-000-001 (Park Improvement Expenditures)

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 GEN II CONTRACTING COMPANY, 395A Millstone Road, Clarksburg, NJ 08510 for Roof - Edison Memorial Tower Museum, is determined to be the lowest legally responsible, responsive bid.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$26,560.00, and any other necessary documents, with GEN II CONTRACTING COMPANY as described herein.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and/or bonds of the unsuccessful bidders.

RESOLUTION R.791-112011

**RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT TO
MONTAGUE TOOL & SUPPLY COMPANY FOR A HEAVY DUTY TRAILER
MOUNTED LIGHT TOWER**

WHEREAS, quotes were solicited by The Township of Edison for a Heavy Duty Trailer Mounted Light Tower for the Division of Police; and

WHEREAS, MONTAGUE TOOL & SUPPLY COMPANY, 42 Broad Street, Branchville, NJ 07826 submitted the lowest quote in the amount of \$7,166.89; and

WHEREAS, funds in the amount of \$2,177.29 have been certified to be available in the Drunk Driving Enforcement Fund Account, No. G-02-10-0240-741-000 and funds in the amount of \$4,989.60 have been certified to be available in the Drunk Driving Enforcement Account No. G-02-XX-0240-741-000; and

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

1. All quotes have been reviewed, and the quote as submitted by MONTAGUE TOOL & SUPPLY COMPANY, 42 Broad Street, Branchville, NJ 07826 for a Heavy Duty Trailer Mounted Light Tower for the Division of Police; is determined to be the lowest quote.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount of \$7,166.89, and any other necessary documents, with MONTAGUE TOOL & SUPPLY COMPANY.

RESOLUTION AUTHORIZING THE HIRING AND ENGAGEMENT OF WORLD ENERGY SOLUTIONS, INC., TO CONDUCT INTERNET-BASED REVERSE AUCTIONS FOR THE PURCHASE OF ELECTRIC AND GAS POWER SUPPLIES

WHEREAS, the Mayor and Township Council of the Township of Edison are committed to the pursuit of initiatives that will stabilize and even reduce the costs of local government operations and thereby relieve the ever increasing financial burdens that confront Edison and its residents and property owners; and

WHEREAS, the Mayor and Township Council, upon the advice and recommendation of administrative personnel, have determined that meaningful cost reductions may be achieved through the competitive procurement of electric and gas generation service from third party suppliers utilizing an internet-based reverse auction platform, rather than purchasing electric and gas power supplies through regulated pricing offered by Public Service Electric and Gas Company, the local electric gas utility; and

WHEREAS, the State of New Jersey allows local government units, through participation in an E-Procurement Pilot Program in accordance with the provisions of the Local Unit Electronic Technology Pilot Program and Study Act (P. L. 2001, c. 30), to utilize online bidding services to purchase electric and gas power supplies; and

WHEREAS, pursuant to provisions of the Local Unit Electronic Technology Pilot Program and Study Act (P. L. 2001, c. 30), local contracting units are specifically authorized to engage, without competitive bidding, on-line purchasing agents for the purpose of conducting internet-based auctions to procure certain bulk commodities, including electric and gas energy supplies; and

WHEREAS, World Energy Solutions, Inc., 446 Main Street, Worcester, Massachusetts 01608, is approved by the State of New Jersey, Division of Local Government Service as an approved provider of online reverse auctions for the purchase of energy generation services; and

WHEREAS, World Energy Solutions, Inc., has offered to serve as Edison Township's online purchasing agent for the reasonable sum of \$0.001 per kilowatt-hour of procured electric and gas generation service, payable by the successful vendor.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of the Township of Edison, County of Middlesex, and State of New Jersey, that:

1. The participation of the Township of Edison in the New Jersey E-Procurement Pilot Program pursuant to the provisions of the Local Unit Electronic Technology Pilot Program and Study Act (P. L. 2001, c. 30) is hereby authorized and approved for the purpose of purchasing electric and gas generation service from third party suppliers utilizing online competitive bidding services and, in particular, an internet-based reverse auction platform.

2. The Township is hereby authorized to hire World Energy Solutions, Inc., with corporate offices located at 446 Main Street, Worcester, Massachusetts 01608, as an online purchasing agent, to conduct competitive reverse auctions utilizing an internet-based platform, as well as to perform related procurement services, in conjunction with the Township's planned purchase of electric and gas energy supplies.
3. The engagement of World Energy Solutions, Inc., shall be effected through the execution of an Exchange Agreement in the form attached hereto and made a part hereof, which said contract is hereby awarded, without competitive bidding, pursuant to the provisions of Section 7 of the Local Unit Electronic Technology Pilot Program and Study Act (P. L. 2001, c. 30).
4. The attached Energy Management Service Agreement with World Energy Solutions, Inc. is hereby approved by the Township Council and the Mayor, Township Clerk, Township Attorney and other necessary Township Officials are hereby authorized to execute and deliver the Agreement attached hereto and all other documents and undertake all actions reasonably necessary to effectuate this Resolution and the Agreement.
5. A certified true copy of this Resolution shall be provided to World Energy Solutions, Inc. and the State of New Jersey, Division of Local Government Services.

RESOLUTION R.793-112011

**RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT TO
EASTECH FLOW CONTROL, INC. FOR FLOW METER FOR THE SANITARY
SEWER KILMER CHAMBER**

WHEREAS, quotes were solicited by The Township of Edison, Department of Public Works for a flow meter for the Sanitary Sewer Kilmer Chamber; and

WHEREAS, EASTECH FLOW CONTROL, INC, 4250 S. 76th E. Avenue, Tulsa, OK 74145 submitted the lowest quote in the amount of \$11,340.00; and

WHEREAS, funds in the amount of \$11,340.00 have been certified to be available in the Sewer-Other Equipment and Supplies Account, No. 1-07-55-0501-000-058; and

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

1. All quotes have been reviewed, and the quote as submitted by EASTECH FLOW CONTROL, INC, 4250 S. 76th E. Avenue, Tulsa, OK 74145 for a Flow Meter for the Sanitary Sewer Kilmer Chamber for the Department of Public Works is determined to be the lowest quote.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount of \$11,340.00, and any other necessary documents, with EASTECH FLOW CONTROL, INC.

RESOLUTION R.794-112011

**RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT TO
AARON & COMPANY FOR ADA BATHROOM SUPPLIES AND
IMPROVEMENTS FOR THE MUNICIPAL COURT AREA RESTROOMS**

WHEREAS, quotes were solicited by The Township of Edison for ADA Bathroom Supplies and Improvements for the Municipal Court Area restrooms; and

WHEREAS, AARON & COMPANY, 30 Turner Place, P.O. Box 8310, Piscataway, NJ 08855-8004 submitted the lowest quote in the amount of \$12,845.60; and

WHEREAS, funds in the amount of \$12,658.58 have been certified to be available in the CDBG-Recovery Act of 2009 Program Account, No. G-02-09-0195-753-000 and funds in the amount of \$187.02 have been certified to be available in the ADA Compliance of Two Restrooms Account No. T-14-10-0520-000-004; and

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

1. All quotes have been reviewed, and the quote as submitted by AARON & COMPANY, 30 Turner Place, P.O. Box 8310, Piscataway, NJ 08855-8004 for ADA Bathroom Supplies and Improvements for the Municipal Court Area restrooms; is determined to be the lowest quote.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount of \$12,845.60, and any other necessary documents, with AARON & COMPANY.

RESOLUTION R.795-112011

RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO ENTER INTO AN
INTERLOCAL SERVICE AGREEMENT WITH THE EDISON BOARD OF
EDUCATION

WHEREAS, N.J.S.A. 40:8A-1 et seq. - authorizes contracting units to enter into Interlocal Service Agreements; and

WHEREAS, the Edison Township Board of Education, herein referred to as the "Lead Agency", has offered voluntary participation in an Interlocal Service Agreement for the purchase of snacks for the AM & PM Latch Key Program for the 2011/2012 school year; and

WHEREAS, the Township of Edison, County of Middlesex, State of New Jersey, desires to participate in the Middlesex County Food Service Program; and

WHEREAS, COMPASS GROUP D/B/A CHARTWELLS, 498 Ocean Avenue, Sea Bright NJ 07760 is the vendor selected for the Edison Board of Education; and

WHEREAS, the price for these snacks shall be \$.70 per snack payable to EDISON BOE CAFETERIA ACCOUNT C/O COMPASS GROUP –CHARTWELLS; and

WHEREAS, the amount of this contract cannot be determined at this time, and the total amount of the award cannot be encumbered; 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 official responsible for issuing the purchase order shall ensure that funds are available for the purchase through either an encumbrance or certification of availability of funds pursuant to N.J.A.C. 5:30-11.10.

NOW, THEREFORE, IT IS RESOLVED, by the Township Council of the Township of Edison, that the Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$153,720.00 and any other necessary documents, with EDISON BOE CAFETERIA ACCOUNT C/O COMPASS GROUP – CHARTWELLS.

RESOLUTION R.796-112011

**RESOLUTION AWARDDING CONTRACT TO COPLOGIC, INC. FOR AN
ONLINE REPORTING SYSTEM FOR THE DIVISION OF POLICE**

WHEREAS, the Township of Edison wishes to purchase an online reporting system for the Division of Police; and

WHEREAS, COPLOGIC, INC., 231 Market Place, Suite 520, San Ramon, CA 94583, is the only online reporting system downloadable to QED (our CAD system) and therefore, quotes could not be obtained; and

WHEREAS, the total cost of this contract is \$17,000.00 (setup and implementation fee of \$10,000.00 and support and maintenance fees of \$7,000.00 for the first year); and

WHEREAS, funds in the amount of \$17,000.00 have been certified to be available in the Federal Forfeited Property Account, Number T-13-00-0000-000-008.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Mayor, or her designee, is hereby authorized to execute the attached agreements and any other necessary documents, in the amount of \$17,000.00, with COPLOGIC, INC., 231 Market Place, Suite 520, San Ramon, CA 94583 as set forth above.

**RESOLUTION OF THE TOWNSHIP OF EDISON AUTHORIZING AN APPLICATION TO THE LOCAL
FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-51**

WHEREAS, the Township of Edison in the County of Middlesex, New Jersey (the "Township") desires to apply to the Local Finance Board of the State of New Jersey for its review and to seek approval of a proposed refunding bond ordinance authorizing the issuance of tax appeal refunding notes to finance amounts owed to others for the payment of taxes in accordance with N.J.S.A. 40A:2-51; and

WHEREAS, the Township believes that:

- (a) It is in the public interest to accomplish such purpose;
- (b) Said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the Township.
- (c) The amounts to be expended for such purpose or improvements are not unreasonable or exorbitant.
- (d) The proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit and will not create an undue financial burden to be placed upon the local unit.

**NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF EDISON,
MIDDLESEX COUNTY, NEW JERSEY that:**

Section 1. An application to the New Jersey Local Finance Board is hereby approved, and the Township Bond Counsel along with other proper Township Officials are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

Section 2. The Township Clerk is hereby directed to prepare and file a copy of the proposed ordinance and this resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its approval as provided by the applicable New Jersey Statute.

RESOLUTION R.798-112011

AUTHORIZING A “SPECIAL EMERGENCY” PURSUANT TO N.J.S. 40A:4-53

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred by the Township of Edison for contractually required severance liabilities resulting from the layoff or retirement of employees; and

WHEREAS, N.J.S. 40A:4-53 provides that it shall be lawful to make such appropriation, which appropriation and/or the “special emergency notes” issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth of the amount authorized pursuant to this act.

NOW, THEREFORE, IT IS RESOLVED, that in accordance with the provisions of N.J.S. 40A:4-55:

1. An emergency appropriation is hereby made for Accumulated Leave Compensation in the total amount of \$1,269,453.37.
2. That the emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than \$253,890.67.
3. That an “emergency note”, not in excess of the amount authorized pursuant to law, be provided.
4. That such note shall be executed by Lawrence P. Pollex, C.F.O. and Reina Murphy, Municipal Clerk.
5. That said note shall be dated November 9, 2011, may be renewed from time to time provided that such note and any renewals shall mature and be paid in the amount of not less than one-fifth of the total amount appropriated by this resolution in each year after the authorization.
6. That the statement required by the Local Finance Board has been filed with the Clerk and a copy will be transmitted to the Director of the Division of Local Government Services.
7. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.

RESOLUTION R.799-112011

AUTHORIZING AN EMERGENCY RESOLUTION REQUIRING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES PURSUANT TO N.J.S. 40A:4-49

WHEREAS, an emergency has arisen with respect to payments required to satisfy Tax Appeal judgments and no adequate provision was made in the 2011 budget for the aforesaid purposes, and N.J.S. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriations to be created by this resolution is \$ 4,926,888.88 and three (3) percent of the total operating appropriations in the budget (including sewer utility operations) for 2011 is \$ 3,956,557.97; and

WHEREAS, the foregoing appropriation together with any prior appropriations exceeds three (3) percent of the total operating appropriations (including sewer utility operation appropriations) in the budget for 2011;

NOW, THEREFORE, IT IS RESOLVED, by the Council of the Township of Edison in the County of Middlesex, New Jersey that in accordance with N.J.S. 40A:4-49, petition be made to the Director of the Division of Local Government Services for permission to exceed the statutory limitation of three (3) percent for the creation of an appropriation for the purpose set forth in the preamble I accordance with the following:

1. An emergency appropriation is hereby made for
Reserve for Tax Appeals \$ 4,926,888.88
2. That said emergency appropriation shall be provided for in full in the 2012 budget within CAPS, pursuant to N.J.S. 40A:4-53.3c (1).
3. That an Emergency Note not in excess of the above amount be authorized pursuant to N.J.S. 40A:4-51.
4. That such note shall be executed by Lawrence P. Pollex, Chief Financial Officer and by Reina Murphy, Municipal Clerk.
5. That such note shall be dated _____, 2011, may be renewed from time to time and such note and any renewals shall be payable on or before December 31, 20
6. That the statement required by the Local Finance Board has been filed with the Clerk and copy transmitted to the Director of the Division of Local Government Services.
7. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

Explanation: This Resolution increases the permissible expenditures for the Professional Services Contract awarded to Louis Rainone, Esq., and DeCotiis, FirzPatrick & Cole, LLP, to represent the Township as labor counsel.

RESOLUTION R.800-112011

WHEREAS, by Resolution R.638-082011 adopted on August 24, 2011 the Township of Edison awarded a contract to Louis Rainone, Esq., and DeCotiis, FirzPatrick & Cole, LLP, to represent the Township as labor counsel; and

WHEREAS, the Resolution approved expenditures for this Contract not to exceed \$100,000.00; and

WHEREAS, due to the nature and volume of work the Contract needs to be increased to approve additional expenditures of \$100,000.00 for a total authorized expenditure of \$200,000.00; and

WHEREAS, all other terms and conditions of the original Resolution shall remain in full force and effect.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Edison, County of Middlesex, and State of New Jersey, that the authorized amount of this Contract is hereby increased by \$100,000.00 for a total authorized expenditure of \$200,000.00.

Explanation: This Resolution increases the permissible expenditures for the Professional Services Contract awarded to Karl Kemm, Esq., and Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township of Edison as Township Attorney.

RESOLUTION R.801-112011

WHEREAS, by Resolution R.637-082011 adopted on August 24, 2011 the Township of Edison awarded a contract to Karl Kemm, Esq., and Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township of Edison as Township Attorney; and

WHEREAS, the Resolution approved expenditures for this Contract not to exceed \$100,000.00; and

WHEREAS, due to the nature and volume of work the Contract needs to be increased to approve additional expenditures of \$135,250.00 for a total authorized expenditure of \$235,000.00; and

WHEREAS, all other terms and conditions of the original Resolution shall remain in full force and effect.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Edison, County of Middlesex, and State of New Jersey, that the authorized amount of this Contract is hereby increased by \$135,250.00 for a total authorized expenditure of \$235,000.00.