

**AGENDA
MUNICIPAL COUNCIL
WORKSESSION MEETING
Tuesday, February 22, 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. **ORAL PETITIONS AND REMARKS**
5. **APPROVAL OF MINUTES:**
 - a. Regular Meeting of January 12, 2011
 - b. Worksession Meeting of January 24, 2011
 - c. Closed Session Meeting of January 31, 2011
 - d. Closed Session meeting of February 9, 2011
6. **COUNCIL APPOINTMENTS:**

6:30 p.m. Camp Kilmer
7. **REPORTS FROM ALL COUNCIL COMMITTEES:**
8. **POINTS OF LIGHT**
9. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Resolution rejecting bids for the furnishing of collision repairs
10. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through February 17, 2011
 - b. Resolution authorizing refund in the amount of \$93,888.36 for redemption of tax sale certificates.
 - c. Resolution authorizing refund of tax overpayments, totaling \$10,154.06.
 - d. Resolution authorizing transfer of funds
 - e. Resolutions authorizing release of escrow funds
11. **FROM THE DEPARTMENT OF HEALTH:**
 - a. Resolution authorizing Volunteer Awards Banquet at the Pines Manor
 - b. Resolution accepting grant for H1N1 Emergency Preparedness Training and Educational Materials
12. **FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**
 - a. Engineering Inspection Fee Refund for Fox and Foxx Development, LLC, 2 Peru Street, Application #P25-02/03
 - b. Resolution authorizing refund of construction permit fee to Ruth Garibotto.
 - c. Tree Maintenance Bond refund for Fox and Foxx Development, LLC, 351 Rahway Road, Permit #08-15.
 - d. Maintenance Bond Refund for Fox and Foxx Development, LLC, Beech Street and Western Avenue, Application #P5073.
 - e. Tree Maintenance Bond refund for Panattoni Construction, 1133 Inman Avenue, Permit #07-128.
 - f. Engineering Inspection Fee Refund, Fox and Foxx Development, LLC, 51 Philo Boulevard, Application #P4982.
 - g. Bond Reduction for Seagis Edison 2170 LLC, Affinity Federal Credit Union, 2170 Route 27 and Vineyard Road, Application #Z36-08/09

- h. Bond Reduction for Westbrook Estates LLC, Tingley Lane, Application #P5115
 - i. Tree Maintenance Bond Refund for Churnder and Mingshan Chang, 40 Lamar Avenue, Permit #07-76
 - j. Tree Maintenance Bond Refund for Avtar S. Bamrah, 128 Harding Avenue, Permit #07-75
 - k. Engineering Inspection Fee Refund for Fox and Foxx Development LLC, New Brooklyn Road, Application #P4907
 - l. Engineering Inspection Fee Refund for Fox and Foxx Development LLC, 7 Porter Street
13. **FROM THE DIRECTOR OF PUBLIC WORKS:**
- a. Resolution rejecting bids for the furnishing of automotive parts and accessories.
 - b. Resolution authorizing second year for Contract No. 09-05-19, Ford Car and Truck Parts and Chevrolet Car Parts
 - c. Resolution authorizing award of quote for a reconditioned pump for the sewer division – National Road pump station
14. **FROM THE CHIEF OF POLICE:**
- a. Resolution rejecting bids for the furnishing of remanufactured automatic transmission
 - b. Resolution authorizing additional funds for Contract No. 08-14-14, Remanufactured Automatic Transmissions – Police Division
15. **FROM THE COUNCIL MEMBER OF THE PLANNING BOARD:**
16. **UNFINISHED BUSINESS:
ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING,
AND FINAL ADOPTION:**
- O.1764-2011 AN ORDINANCE AUTHORIZING ACCEPTANCE OF A SIGHT TRIANGLE EASEMENT FOR THE PROPERTY LOCATED AT 49 CHRISTIE STREET FROM FOX AND FOXX DEVELOPMENT
17. **PROPOSED RESOLUTIONS:**
- R.014-012011 Resolution authorizing amendment to Professional Services contract for Labor Counsel to Louis Rainone, Esq. of DeCotiis, Fitzpatrick and Cole, LLP, in an additional amount of \$100,000.00. (Tabled at the meeting of January 12, 2011)
 - R.015-012011 Resolution authorizing amendment to Professional Services contract for Township Attorney to Karl Kemm, Esq. of Hoagland, Longo, Moran, Dunst and Doukas, LLP, in an additional amount of \$120,000.00. (Tabled at the meeting of January 12, 2011)
 - R.063-012011 Resolution authorizing Professional Services Contract for Township Attorney to Karl Kemm, Esq. and Hoagland, Longo, Moran, Dunst and Doukas, LLP, in an amount not to exceed \$283,000.00. (Tabled at the Meeting of January 31, 2011)
 - R.064-012011 Resolution authorizing Professional Services Contract for Labor Counsel to Louis Rainone, Esq. and DeCotiis, FitzPatrick and Cole, LLP, in an amount not to exceed \$150,000.00. (Tabled at the meeting of January 31, 2011)
18. **COMMUNICATIONS:**
None

19. **DISCUSSION ITEMS:**

Council President Diehl

None

Councilmember Gomez

None

Councilmember Karabinchak

- a. Tax Appeals
- a. Resolution regarding Educational Funding
- b. Oak Tree and Woodland Intersection
- c. Gurley and Woodbridge Intersection
- d. Police Hiring Ordinance
- e. Creation of a parking authority
- f. Expanding Edison TV
- g. Ordinance
- h. Edison Tower

Councilmember Lankey

None

Councilmember Mascola

None

Councilmember Perilstein

- a. Resolution regarding the landfill closure

Councilmember Prasad

None

20. **CLOSED SESSION:**

- a. Tax Appeal Settlements

21. **ADJOURNMENT**

RESOLUTION REJECTING ALL BIDS FOR THE FURNISHING OF COLLISION REPAIRS

WHEREAS, the Township of Edison advertised for bids by public notice published in the Home News on October 27, 2010, for Public Bid No. 10-10-25, COLLISION REPAIRS for a bid opening date of November 10, 2010 and no bids were received; and

WHEREAS, the Township of Edison re-advertised for the above public bid (renamed 10-10-25R) by public notice published in the Home News on November 15, 2010; and

WHEREAS, on November 30, 2010, sealed bids were received for the above project and the lowest responsive, responsible bidder was Central Jersey Collision dba Elizabeth Truck Center, 878 North Avenue, Elizabeth, NJ 07201 in the amount of \$58.00 per hour for labor and 10% discount for parts; 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

WHEREAS, pursuant to 40A:11-5(3) when bids have been advertised pursuant to 40A:11-4 et seq., on two occasions and have been rejected on both occasions, any such contract may then be negotiated and may be awarded upon adoption of a resolution by the governing body.

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

1. The bids for Public Bid No. 10-10-25R entitled "COLLISION REPAIRS" is hereby rejected pursuant to N.J.S.A 40A:11-13.2a .
2. The Township is hereby authorized to initiate negotiations of said project pursuant to 40A:11-5(3).

RESOLUTION

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 \$93,888.36.

RESOLUTION

Whereas, 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 said overpayments, totaling \$10,154.06 and

Whereas, the attached listing is a detail of the requested refund.

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that the Director of Finance shall and is hereby authorized to draw checks to the parties in the amounts specified on the attached listing.

**AUTHORIZING THE TRANSFER OF FUNDS BETWEEN CURRENT FUND
APPROPRIATIONS**

WHEREAS, N.J.S.A. 40A:4-58 and N.J.S.A. 40A:4-59 provide for transfers of funds during the last two months of the current fiscal year and the first three months of the succeeding fiscal year; and

WHEREAS, it has been determined that certain existing appropriations are insufficient to meet the needs for which they have been established; and

WHEREAS, it has been determined that certain other existing appropriations are sufficient to meet the needs for which they were established and it appears that surplus balances exist in these appropriations.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, in the County of Middlesex, New Jersey that there be transferred funds from those appropriations having surplus balances to those appropriations having insufficient balances to meet the requirements of the demands for payment made upon them, as indicated on the annexed spread sheets.

IT IS FURTHER RESOLVED THAT the proper Township Officials are hereby authorized to make the necessary transfers between said appropriations (totaling \$260,310) as authorized in the foregoing Resolution and the annexed spreadsheets (two spreadsheets annexed hereto).

OTHER EXPENSES

ACCOUNT	TO:
Payroll (Accounts and Controls), 0-01-20-0130-003-029	\$ 6,000.00
Personnel, 0-01-20-0105-000-027	\$ 30,000.00
Defense of Tax Appeals, 0-01-20-0150-002-027	\$ 5,000.00
Dept. of Law, OE 0-01-20-0155-001-027	\$ 50,000.00
Streets and Roads 0-01-26-0290-000-030	\$ 20,500.00
Buildings and Grounds 0-01-26-0310-000-030	\$ 15,100.00
Fuels and Lubricants 0-01-31-0460-000-074	\$ 31,400.00
Fire Hydrant charges; Middlesex Water Co. 0-01-25-0265-004-114	\$ 83,000.00
Heat, Light and Power 0-01-31-0430-000-071	\$ 19,310.00
TOTAL	\$ 260,310.00

FROM:

OTHER EXPENSES	
Business Administrator 0-01-20-0100-001-020	\$ 5,000.00
Personnel 0-01-20-0105-000-020	\$ 5,000.00
Clerk 0-01-0120-001-020	\$ 5,000.00
Ethics Commission 0-01-20-0120-002-020	\$ 5,000.00
Data Processing 0-01-20-0140-000-020	\$ 5,000.00
Tax Collection 0-01-20-0145-000-020	\$ 35,000.00
Engineering 0-01-20-0165-000-020	\$ 10,000.00
Zoning Board 0-01-21-0185-001-020	\$ 5,000.00
Construction Enforcing Agency (I/S cap) 0-01-22-0195-000-020	\$ 59,310.00
Rent Control Board 0-01-22-0200-001-020	\$ 5,000.00
Div. of Police 0-01-25-0240-000-020	\$ 5,000.00
Emergency Dispatch 0-01-25-0250-000-020	\$ 50,000.00
Solid Waste Recycling 0-01-26-0305-000-020	\$ 15,000.00
Municipal Garage 0-01-26-0315-001-020	\$ 15,000.00

Police Vehicles	0-01-26-0315-002-020	\$	25,000.00
Senior Citizen Services	0-01-27-0330-002-020	\$	5,000.00
Community Shuttle	0-01-27-0330-003-020	\$	6,000.00
	TOTAL	\$	260,310.00

RESOLUTION TO RELEASE ESCROW FUNDS

WHEREAS, the Township Planning Board Secretary advises the following applicant has deposited Escrow Funds for Developer Escrow Fees, pursuant to Township Ordinance; and WHEREAS, the applicant has requested the return of the unused portion of Developers Escrow Fees, as provided by law; and

NOW THEREFORE, IT IS
RESOLVED BY THE MUNICIPAL
COUNCIL OF THE TOWNSHIP OF
EDISON, that the proper Township
Officials are hereby authorized to
release said unused Developers Escrow
Fees, under account number
7200025099, to the following:

Panattoni Dev Company LLC
180 Raritan Center Pkwy, 1st Floor
Edison, NJ 08837

Developer's Name & Address:

Application Number:

P10-05/06

Project Location:

Inman Avenue

Block/Lot:

431/1.A.1

**Amount to be Refunded, plus
accrued interest, if applicable:**

\$393.15

RESOLUTION TO RELEASE ESCROW FUNDS

WHEREAS, the Township Planning Board Secretary advises the following applicant has deposited Escrow Funds for Developer Escrow Fees, pursuant to Township Ordinance; and WHEREAS, the applicant has requested the return of the unused portion of Developers Escrow Fees, as provided by law; and

NOW THEREFORE, IT IS
RESOLVED BY THE
MUNICIPAL COUNCIL OF THE
TOWNSHIP OF EDISON, that the
proper Township Officials are
hereby authorized to release said
unused Developers Escrow Fees,
under account number
7760295962, to the following:

Developer's Name & Address:

Target
1000 Nicolet Mall
TPN-13A
Minneapolis, MN 55403

Application Number:

P04-08/09

Project Location:

Parsonage Road

Block/Lot:

686-688/2.A-5.A

**Amount to be Refunded, plus
accrued interest, if applicable:**

\$451.96

RESOLUTION

WHEREAS, the Township of Edison through the Edison Municipal Alliance/Youth Services Commission holds a Volunteer Awards Banquet every two years to honor those that have given of their time and financial support; and

WHEREAS, the Edison Municipal Alliance/Youth Services Commission wishes to hold such event at the Pines Manor, Edison, New Jersey; and

WHEREAS, **The Pines Manor**, 2085 Rte. 27, Edison, NJ 08817 has agreed to supply catering services for a fee in the amount of \$6,826.44.00; and

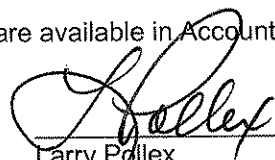
WHEREAS, funds for this contract in an amount of \$6,826.44 are available in Account T-01-55-0279-000 as certified by Chief Financial Officer.

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

The Mayor and Township Clerk are hereby authorized to execute a contract with **The Pines Manor**, 2085 Rte. 27, Edison, NJ 08817, in an amount NOT TO EXCEED \$6,826.44, subject to agreement and approval of the attached contract by the Director of Law.

CERTIFICATION

I hereby certify that funds in the amount of \$6,826.44 are available in Account T-01-55-0279-000 for the above contract.



Larry Pollex
Chief Financial Officer

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$10,000 FROM THE NEW JERSEY HEALTH OFFICERS ASSOCIATION FOR H1N1 EMERGENCY PREPAREDNESS TRAINING AND EDUCATIONAL MATERIALS

WHEREAS, the Township of Edison has been approved to receive a grant of \$10,000.00 from the New Jersey Health Officers Association through the local public health emergency preparedness funding; and

WHEREAS, the Edison Department of Health and Human Services wishes to accept said grant from the New Jersey Health Officers Association to continue to provide public health emergency preparedness and awareness activities to the staff and residents of Edison; and

WHEREAS, these services provide a significant benefit to the residents of the Township by providing public health emergency preparedness training, exercises and educational materials to the staff and residents of the Township of Edison.

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

1. The appropriate fiscal officer shall accept the funds in connection with said project from the New Jersey Health Officers Association and make disbursements in accordance with said application.
2. The Mayor is hereby authorized to execute an agreement and any and all documents pertaining to said grant.

RESOLUTION

WHEREAS, the Township Engineer recommends the refund of Inspection Fees for Fox & Foxx Development, LLC, Application #P25-02/03 located at 2 Peru St, Block: 559 and Lot:28.02; and

WHEREAS, the Cash Performance Bond and the Performance Bond were released on December 2, 2005, Resolution #R562-122005; and

WHEREAS, the applicant was required to post engineering inspection fees, pursuant to Township Ordinance; and

WHEREAS, on November 21, 2003, Fox & Foxx Development posted a check #7772 in the amount of \$78.25 on deposit with the Township of Edison in account #7200024933 for engineering fees; and

WHEREAS, the applicant has requested the return of engineering inspection fees, as provided by law; and

WHEREAS, it is in now in order that the sum of \$78.25, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Fox & Foxx Development, LLC.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$78.25, plus accrued interest, if applicable, be refunded to Fox & Foxx Development, LLC having offices at 940 Amboy Avenue-Suite 101, Edison, N.J. 08837; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$78.25, plus accrued interest, if applicable, in account #7200024933 to the applicant.

EXPLANATION: This resolution provides for a Resident refund of the construction permit fee posted for residential conversions from UST to other fuel sources which do not require tanks.

TOWNSHIP OF EDISON
RESOLUTION

WHEREAS, on July 21, 2010, a Construction (Building) Permit fee, check #944, permit #2010-2320, was posted in the total amount of \$75.00; by the homeowner; Ruth Garibotto; residing at 678 New Dover Rd;

WHEREAS, the application was submitted for the removal of an oil tank at 678 New Dover Rd by the hired contractor; Oil Tank Services, Inc.; where the homeowner paid the permit fees after the date which the ordinance stating that the municipal fees will be waived for oil to gas heating conversions, per the Edison Municipal Ordinance No. O.1753-2010; and

WHEREAS, it is therefore appropriate that the municipal permit fee in the amount of \$75.00, to be refunded to the applicant; and

WHEREAS, based upon legal advise on the amended ordinance, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #2010-2320, in the amount of \$75.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$75.00 on construction permit fees posted by the homeowner, Ruth Garibotto residing at 678 New Dover Road;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$75.00 from the Refund of Revenue Fund to the homeowner, Ruth Garibotto; Township of Edison Resident.

RESOLUTION

WHEREAS, Fox & Foxx Development, LLC posted a Tree Maintenance Bond check#19683 in the amount of \$45.00, principal being Fox & Foxx Development, LLC to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #08-15 located at 351 Rahway Road, Block: 410-C and Lot: 9-B; and

WHEREAS, the Certificate of Occupancy date is October 10, 2008; and

WHEREAS, a Tree Maintenance Bond was posted on February 11, 2008 in the amount of \$45.00, on deposit in account #7760275050; and

WHEREAS, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that the trees planted have remained alive for the required two year maintenance period; and

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount of \$45.00, plus accrued interest, if applicable, be refunded to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$45.00, plus accrued interest, if applicable, hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$45.00, plus accrued interest, if applicable, on deposit in Account #7760275050 to Fox & Foxx Development, LLC having offices at 940 Amboy Avenue-Suite 101, Edison, N.J. 08837.

RESOLUTION

WHEREAS, the Township Engineer advises that an inspection has been made of Fox & Foxx Development, LLC, Application #P5073 located at Beech Street & Western avenue in Block:277 Lots:8.01, 9.01 & 14.01, and said inspection indicates all improvements are complete and in accordance with the Municipal Standards of the Township of Edison; and

WHEREAS, on January 29, 2008, Fox & Foxx Development, LLC., posted a Maintenance Bond Check #1155347 in the amount of \$2,366.40 on deposit in Account #7760013329 to guarantee the integrity of the site improvements with the Township of Edison. The maintenance period has elapsed with no defects developing; and

WHEREAS, the Township Engineer, recommends the release of the Maintenance Bond, Check #1155347 in the amount of \$2,366.40 plus accrued interest, if applicable, on deposit in account #7760013329 with the Township of Edison, principal being Fox & Foxx Development, LLC having offices at 940 Amboy Avenue, Suite 101, Edison, N.J. 08837 and acceptance of the subject improvements; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the aforementioned improvements are hereby complete and satisfactory and the Township Clerk be and is hereby authorized to return the aforesaid Maintenance Bond in the amount of \$2,366.40, 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 Maintenance Bond in the amount of \$2,366.40, plus accrued interest, if applicable, on deposit in account #7760013329 to the applicant.

RESOLUTION

WHEREAS, on September 26, 2007 Panattoni Construction posted a Tree Maintenance Bond check #6054 in the amount of \$8,145.00, principal being Panattoni Construction to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #07-128 located at 1133 Inman Avenue, Block: 431 and Lot: 1-A-1; and

WHEREAS, a Tree Maintenance Bond was posted on September 26, 2007 in the amount of \$8,145.00, on deposit in account #7760237747 with the Township of Edison; and

WHEREAS, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that most of the trees have remained alive for the required two year maintenance period, **except for three (3) trees which are dead; and**

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount of \$8,010.00 be refunded to the applicant, **leaving a balance of \$135.00 for the three (3) dead trees, to be transferred to the proper account; and**

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$8,010.00, plus accrued interest, if applicable, hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$8,010.00, plus accrued interest, if applicable, on deposit in Account #7760237747 to Panattoni Construction having offices at 8775 Folsom Blvd., Suite 100, Sacramento, Ca. 95826.

RESOLUTION

WHEREAS, the Township Engineer advises that a final inspection was done of Fox & Foxx Development, LLC located at 51 Philo Blvd. in Block: 789, Lots: 29-32, Application #P4982; and

WHEREAS, the Cash Performance and Performance Bond were released on July 11, 2006, Resolution #378-082006; and

WHEREAS, the applicant was required to post engineering inspection fees, pursuant to Township Ordinance; and

WHEREAS, on July 8, 2002, Fox & Foxx Development, LLC posted a check #1003678 in the amount of \$630.00 on deposit with the Township of Edison in account #7200024800 for engineering fees; and

WHEREAS, the applicant has requested the return of the unused portion of engineering inspection fees, as provided by law; and

WHEREAS, the sum expended for engineering inspections totals \$325.09; and

WHEREAS, it is in now in order that the sum of \$304.91, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Fox & Foxx Development, LLC; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$304.91, plus accrued interest, if applicable, be refunded to Fox & Foxx Development, LLC having offices at 940 Amboy Avenue, Suite 101, Edison, N.J. 08837; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$304.91, plus accrued interest, if applicable, in account #7200024800 to the applicant.

RESOLUTION

WHEREAS, Seagis Edison 2170 LLC posted a Performance Bond Letter of Credit No.S202992 on July 19, 2010 of Bank of America, in the amount of \$447,096.24, to guarantee the installation of improvements for the project known as Seagis Edison 2170 LLC (Affinity Federal Credit Union) located at 2170 Rt. 27 & Vineyard Road in Block: 1120 and Lot: 63 and designated Application #Z36-08/09; and

WHEREAS, a Cash Performance Bond check #500219967-6 was posted on July 15, 2010 by Seagis Edison 2170 LLC in the amount of \$49,677.36, on deposit in account #7761416945; and

WHEREAS, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that, based upon the improvements completed to date, a bond reduction is in order; and

WHEREAS, it is the recommendation of the Township Engineer that the Performance Bond be reduced by 30% from \$447,096.24 to \$312,967.36, or 70% of the original amount; therefore refunding the amount of \$134,128.88; and

WHEREAS, it is further the recommendation of the Township Engineer that the Cash Performance Bond check #500219967-6, be reduced by 30%, from \$49,677.36 to \$34,774.15, or 70% of the original amount, therefore refunding the amount of \$14,903.21, plus accrued interest, if applicable; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Performance Bond hereinabove mentioned be reduced to \$312,967.36, by virtue of a substitute bond or endorsement to the Performance Bond presently in place, until such time as Final Acceptance is granted.

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$14,903.21, plus accrued interest, if applicable on deposit in Account #7761416945 to Seagis Edison 2170 LLC having offices at 100 Front Street-Suite 1370, Conshohocken, Pa. 19428 with the sum of \$34,774.15 remaining on deposit until such time as Final Acceptance is granted.

RESOLUTION

WHEREAS, Westbrook Estates LLC posted a Performance Bond No.1909984 on July 13, 2010 of The Hanover Insurance Company, in the amount of \$294,337.26, to guarantee the installation of improvements for the project known as Westbrook Estates LLC located at Tinley Lane in Block: 425 and Lot: 71.03 and designated Application #P5115; and

WHEREAS, a Cash Performance Bond check #035505 was posted on July 16, 2010 by Westbrook Estates LLC in the amount of \$32,704.14, on deposit in account #7761416937; and

WHEREAS, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that, based upon the improvements completed to date, a bond reduction is in order; and

WHEREAS, it is the recommendation of the Township Engineer that the Performance Bond be reduced by 60% from \$294,337.26 to \$117,734.90, or 40% of the original amount; therefore refunding the amount of \$176,602.36; and

WHEREAS, it is further the recommendation of the Township Engineer that the Cash Performance Bond check #035505, be reduced by 60%, from \$32,704.14 to \$13,081.65, or 40% of the original amount, therefore refunding the amount of \$19,622.49, plus accrued interest, if applicable; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Performance Bond hereinabove mentioned be reduced to \$117,734.90, by virtue of a substitute bond or endorsement to the Performance Bond presently in place, until such time as Final Acceptance is granted.

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$19,622.49, plus accrued interest, if applicable on deposit in Account #7761416937 to Westbrook Estates LLC having offices at 635 Wood Glen Road, Glen Gardner, N.J. 08826 with the sum of \$13,081.65 remaining on deposit until such time as Final Acceptance is granted.

RESOLUTION

WHEREAS, Churnder &Mingshan Chang posted a Tree Maintenance Bond check #118 in the amount of \$360.00, principal being Churnder & Mingshan Chang to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #07-76 located at 40 Lamar Avenue, Block: 545-W and Lot: 28-31; and

WHEREAS, a Tree Maintenance Bond was posted on May 23, 2007 in the amount of \$360.00, on deposit in account #7760237712; and

WHEREAS, the Certificate of Occupancy was issued on November 6, 2008; and

WHEREAS, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that the trees planted have remained alive for the required two year maintenance period; and

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount of \$360.00, plus accrued interest, if applicable, be refunded to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$360.00, plus accrued interest, if applicable, hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$360.00, plus accrued interest, if applicable, on deposit in Account #7760237712 to Churnder & Mingshan Chang having offices at 40 Lamar Avenue, Edison, N.J. 08820.

RESOLUTION

WHEREAS, on July 18, 2007, Avtar S. Bamrah posted a Tree Maintenance Bond check #156 in the amount of \$1,530.00, principal being Avtar S. Bamrah to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #07-75 located at 128 Harding Avenue, Block: 556-B and Lot: 52 & 53; and

WHEREAS, a Tree Maintenance Bond was posted on July 18, 2007 in the amount of \$1,530.00, on deposit in account #7760237726 with the Township of Edison; and

WHEREAS, the Certificate of Occupancy was issued on June 26, 2008; and

WHEREAS, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that most of the trees have remained alive for the required two year maintenance period, **except for fifteen (15) trees that are missing; and**

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount of \$855.00 be refunded to the applicant, **leaving a balance of \$675.00 for the fifteen (15) trees that are missing, to be transferred to the proper account; and**

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$855.00, plus accrued interest, if applicable, hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$855.00, plus accrued interest, if applicable, on deposit in Account #7760237726 to Avtar S. Bamrah having offices at 33 Kane Avenue, Spotswood, N.J. 08884.

RESOLUTION

WHEREAS, the Township Engineer advises that a final inspection was done of Fox & Foxx Development, LLC located at New Brooklyn Road in Block: 20-H, Lots: 31, 32, Application #P4907; and

WHEREAS, the Cash Performance and Performance Bond were released on April 10, 2002, Resolution #267-042002; and

WHEREAS, the applicant was required to post engineering inspection fees, pursuant to Township Ordinance; and

WHEREAS, on September 15, 2000 Fox & Foxx Development, LLC posted inspection fees in the amount of \$1,699.44 on deposit with the Township of Edison in account #7200024592 for engineering fees; and

WHEREAS, the applicant has requested the return of the unused portion of engineering inspection fees, as provided by law; and

WHEREAS, the sum expended for engineering inspections totals \$1,628.33; and

WHEREAS, it is in now in order that the sum of 71.11, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Fox & Foxx Development, LLC; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$71.11, plus accrued interest, if applicable, be refunded to Fox & Foxx Development, LLC having offices at 940 Amboy Avenue, Suite 101, Edison, N.J. 08837; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$71.11, plus accrued interest, if applicable, in account #7200024592 to the applicant.

RESOLUTION

WHEREAS, the Township Engineer advises that a final inspection was done of Fox & Foxx Development, LLC located at 7 Porter St in Block: 97-B, Lot: 1.02 Application #none; and

WHEREAS, the Cash Performance Bond was released on July 23, 2003 Resolution #455-082003 and the Performance Bond was released on January 2, 2004, Resolution #014-012004; and

WHEREAS, the applicant was required to post engineering inspection fees, pursuant to Township Ordinance; and

WHEREAS, on March 11, 2002, Fox & Foxx Development, LLC posted a check #2645469 in the amount of \$284.68 on deposit with the Township of Edison in account #7200025246 for engineering fees; and

WHEREAS, the applicant has requested the return of the unused portion of engineering inspection fees, as provided by law; and

WHEREAS, the sum expended for engineering inspections totals \$226.23; and

WHEREAS, it is in now in order that the sum of \$58.45, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Fox & Foxx Development, LLC; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$58.45, plus accrued interest, if applicable, be refunded to Fox & Foxx Development, LLC having offices at 940 Amboy Avenue, Suite 101, Edison, N.J. 08837; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$58.45, plus accrued interest, if applicable, in account #7200025246 to the applicant.

**RESOLUTION REJECTING ALL BIDS FOR THE FURNISHING OF AUTOMOTIVE PARTS
AND ACCESSORIES**

WHEREAS, the Township of Edison advertised for bids by public notice published in the Home News on December 2, 2010, for Public Bid No. 10-10-23, AUTOMOTIVE PARTS AND ACCESSORIES; and

WHEREAS, on December 16, 2010, sealed bids were received for the above project and after review of said bids, it was decided that the specifications should be revised; and

WHEREAS, Section 40A:11-13.2d of the Local Public Contracts Law allows for the rejection of bids when the township wants to substantially revise the specifications for the goods and services; and

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

3. The bids for Public Bid No. 10-10-23 entitled "AUTOMOTIVE PARTS AND ACCESSORIES" is hereby rejected pursuant to N.J.S.A 40A:11-13.2d.
4. The Township Purchasing Agent is hereby authorized to re-advertise and re-bid said project.

**RESOLUTION AUTHORIZING SECOND YEAR CONTRACT TO
DITSCHMAN FLEMINGTON FORD FOR THE FURNISHING OF
FORD CAR AND TRUCK PARTS AND CHEVROLET CAR
PARTS**

WHEREAS, bids were received by the Township of Edison on June 9, 2009 for Contract No. 09-05-19, FORD CAR AND TRUCK PARTS AND CHEVROLET CAR PARTS; and

WHEREAS, DITSCHMAN FLEMINGTON FORD, 215 Route 31/202 Flemington, NJ 08822 submitted the lowest legally responsible bid for various items of the bid; and

WHEREAS, resolution R.465-082009 awarded DITSCHMAN FLEMINGTON FORD \$10,000.00 for the first year of a two year contract effective October 15, 2009 and that first year allotment has been depleted; and

WHEREAS, the maximum amount of the purchase is \$10,500.00 and funds have been certified to be available in the following accounts contingent upon appropriation of sufficient funds in the 2011 budget:

Streets and Roads Motor Vehicle Parts Account, Number 1-01-26-0290-000-034
Sewer Motor Vehicle Parts and Accessories Account, Number 1-07-55-0501-000-034
Parks and Trees Motor Parts Account, Number 1-01-28-0375-000-034
Buildings and Grounds Motor Vehicle Parts Account, Number 1-01-26-0310-000-034
Sanitation Operating Equipment Maintenance Account, Number 1-09-55-0800-001-216
Municipal Garage Motor Vehicle Parts Account, Number 1-01-26-0315-001-034
Fire Firefighting Maintenance Motor Vehicle Account, Number 1-01-25-0265-001-034
Police Vehicle Motor Vehicle Parts and Accessories Account, Number 1-01-26-0315-002-034

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

1. The Mayor, or her designee, is hereby authorized to execute the second year of the two year contract in the amount not to exceed \$10,500.00 and any other necessary documents, with DITSCHMAN FLEMINGTON FORD, 215 Route 31/202 Flemington, NJ 08822 as described herein.

RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT TO PUMPING SERVICES INCORPORATED FOR A RECONDITIONED PUMP FOR THE SEWER DIVISION-NATIONAL ROAD PUMP STATION

WHEREAS, quotes were solicited by the Township of Edison for a reconditioned pump for the Sewer Division-National Road Pump Station; and

WHEREAS, PUMPING SERVICES INCORPORATED, 201 Lincoln Boulevard, Middlesex, NJ 08846, submitted the lowest quote in the amount of \$10,951.00; and

WHEREAS, funds in the amount of \$10,951.00 have been certified to be available in the Sewers-Materials and Supplies Account, No. 1-07-55-0501-000-030 subject to and contingent upon appropriation of sufficient funds in the 2011 budget.

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 PUMPING SERVICES INCORPORATED, 201 Lincoln Boulevard, Middlesex, NJ 08846 for a reconditioned pump for the Sewer Division-National Road Pump Station, is determined to be the lowest quote.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount of \$10,951.00, and any other necessary documents, with PUMPING SERVICES INCORPORATED.

**RESOLUTION REJECTING ALL BIDS FOR THE FURNISHING OF REMANUFACTURED
AUTOMATIC TRANSMISSIONS – POLICE DIVISION**

WHEREAS, the Township of Edison advertised for bids by public notice published in the Home News on December 29, 2010, for Public Bid No. 10-04-14, REMANUFACTURED AUTOMATIC TRANSMISSIONS-POLICE DIVISION; and

WHEREAS, on January 12, 2011, sealed bids were received for the above project and after review of said bids, it was decided that the specifications should be clarified and revised; and

WHEREAS, Section 40A:11-13.2d of the Local Public Contracts Law allows for the rejection of bids when the township wants to substantially revise the specifications for the goods and services; and

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

1. The bids for Public Bid No. 10-04-14 entitled “REMANUFACTURED AUTOMATIC TRANSMISSIONS-POLICE DIVISION” is hereby rejected pursuant to N.J.S.A 40A:11-13.2d.
2. The Township Purchasing Agent is hereby authorized to re-advertise and re-bid said project.

**RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE
REMANUFACTURED AUTOMATIC TRANSMISSIONS
CONTRACT WITH VARGA ENTERPRISES T/A VARGA
TRANSMISSION CENTER FOR THE POLICE DIVISION IN AN
AMOUNT NOT TO EXCEED \$13,000.00**

WHEREAS, VARGA ENTERPRISES T/A VARGA TRANSMISSION CENTER, 937 Joyce Kilmer Avenue, North Brunswick, NJ 08902 was awarded Contract No. 08-14-14, REMANUFACTURED AUTOMATIC TRANSMISSIONS-POLICE DIVISION on November 28, 2008 through Resolution R.601-112008 for a two year period effective January 28, 2009 in the amount of \$15,000.00 and that amount has been depleted; and

WHEREAS, the Purchasing Agent is in the process of rebidding this contract; and

WHEREAS, in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-15, a contract may be extended when a contracting unit has commenced rebidding prior to the time the contract expires; and

WHEREAS, the Business Administrator recommends that this contract in the amount not to exceed \$13,000.00 be renewed on a month to month basis expiring April 31, 2011 with the price as well as all terms and conditions to remain the same; and

WHEREAS, funds in the amount of \$13,000.00 have been certified to be available in the Police Vehicle Maintenance of Motor Vehicles Account, Number 1-01-26-0315-002-025, subject to and contingent upon appropriation of sufficient funds in the 2011 budget.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison the Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$13,000.00, and any other necessary documents, with VARGA ENTERPRISES T/A VARGA TRANSMISSION CENTER, 937 Joyce Kilmer Avenue, North Brunswick, NJ 08902, as described herein.

Explanation: This Ordinance authorizes the Township of Edison to accept a Sight Triangle Easement at the property located at 49 Christie Street from Fox and Foxx Development.

EDISON TOWNSHIP

ORDINANCE

WHEREAS, Fox and Foxx Development, LLC (“Grantor”) obtained an approval from the Edison Township Planning Board (“Planning Board”) by Resolution dated October 18, 2010 for the re-subdivision of Lots 5, 6 and 7 in Block 666 which created new Lots 5.01 and 7.01 (“Approval”); and,

WHEREAS, the Approval required the Grantor to provide to the Township of Edison (“Grantee”) a certain Sight Triangle Easement affecting portion of new Lot 7.01 in Block 666 which located in the southerly corner of the intersection of Christie Street and Jersey Avenue; and,

WHEREAS, the Township Council of the Township of Edison, desires to accept the above described Sight Triangle Easement; and,

WHEREAS, the purpose of this conveyance is to satisfy the conditions of preliminary and final minor subdivision approval, as set forth in the Planning Board’s Approval; and,

WHEREAS, the Township Attorney has reviewed and approves the above Sight Triangle Easement and finds it acceptable in all respects.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey, that it hereby authorizes acceptance of the above Sight Triangle Easement and conveyance attached hereto and authorizes the Mayor, Township Clerk, Township Attorney and other necessary Township Officials and Employees to execute and deliver the Easement and all other documents and undertake all actions reasonably necessary to effectuate and implement this Ordinance and the terms of the Easement as may be necessary.

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 Resolution increases the permissible expenditures for the Professional Services Contract awarded to Louis Rainone, Esq., and DeCotis, FitzPatrick & Cole, LLP, to represent the Township of Edison as Labor Counsel.

RESOLUTION

WHEREAS, by Resolution R.033-012010 adopted on January 13, 2010 the Township of Edison awarded a contract in an amount not to exceed \$75,000 to Louis Rainone, Esq., and DeCotis, FitzPatrick & Cole, LLP, to represent the Township of Edison as Labor Counsel; and

WHEREAS, by Resolution R.625-102010 adopted on October 27, 2010 the Township of Edison amended Resolution R.033-012010 and increased the authorized contract to Louis Rainone, Esq., and DeCotis, FitzPatrick & Cole, LLP, to represent the Township of Edison as Labor Counsel in an amount not to exceed \$120,000; 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 \$220,000.00; and

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

NOW, THEREFORE, IT IS 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 \$220,000.00.

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

WHEREAS, by Resolution R.032-012010 adopted on January 13, 2010 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, by Resolution R.719-112010 adopted on November 22, 2010 the Township of Edison amended Resolution R.032-012010 and increased the authorized contract to Karl Kemm, Esq., and Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township of Edison as Township Attorney in an amount not to exceed \$100,000; and

WHEREAS, due to the nature and volume of work the Contract needs to be increased to approve additional expenditures of \$120,000.00 for a total authorized expenditure of \$220,000.00; 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 \$120,000.00 for a total authorized expenditure of \$220,000.00.

Explanation: This Resolution awards a Professional Services Contract to Karl P. Kemm, Esq., and Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township of Edison as Township Attorney.

RESOLUTION

WHEREAS, Karl P. Kemm, Esq., previously handled various legal matters on behalf of the Township of Edison, has an excellent reputation in the area of municipal government, has practiced law for many years, has knowledge of the Township of Edison ("Township") and has extensive legal staff and resources and a multi-disciplinary practice necessary to handle any matter in the municipal arena and any other unanticipated legal issue which may arise from time to time; and

WHEREAS, for these reasons the Mayor and the Township Council recommend Karl P. Kemm, Esq., for the position of Township Attorney; and

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

WHEREAS, prior to the execution of a contract, Karl P. Kemm, Esq., will have completed and submitted a Business Entity Disclosure Certification which certifies that no individual with a 10% interest or larger in Hoagland, Longo, Moran, Dunst & Doukas, LLP, has made any reportable contributions to a political or candidate committee in the Township Council of the Township of Edison in the previous year, and that the contract will prohibit an individual with a 10% interest or larger in Hoagland, Longo, Moran, Dunst & Doukas, LLP, from making any reportable contributions through the term of the contract, pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, this contract is not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, compensation for the professional services included under the Township Attorney Retainer shall be the sum of \$33,000.00, payable in 12 monthly installments at the first Council Meeting of each month, and shall include:

Advise the Council. Advise the Council or its committees or any Township Officer, when thereto requested, upon all legal questions arising in the conduct of the Township's business;

Prepare Ordinances. Prepare and revise all ordinances of the Code when so requested by the Council or any committee thereof;

Prepare Resolutions. Prepare or draft and revise all resolutions when so requested by the Council or any committee or member thereof;

Render Opinions. Render his or her opinion on any legal matter or question submitted to him or her by the Council or any of its committees or by any Township officer, in writing or orally;

Attend Council Meetings. Attend Council meetings, including special meetings and conference meetings, for the purpose of giving the Council any legal advice requested by its members;

Bid Openings. Attend and advise the Council or any designated officer of the Township in the opening and awarding of public bids; and

WHEREAS, compensation for the professional services outside of the scope of the above Township Attorney Retainer including but not limited to:

Advise the Mayor and Administration or any Township Officer, when thereto requested, upon all legal questions arising in the conduct of the Township's business; and

Represent the Township in all legal matters and litigation matters and before all boards and government agencies.

shall be at a rate of \$140 per hour for all attorneys and \$70 per hours for legal assistants, in an amount not to exceed two hundred fifty thousand and 00/100 (\$250,000.00) dollars (inclusive of expenses); and

WHEREAS, the Township Council feels that it is in the best interest of the Township of Edison to enter into the attached Contract for Professional Services with Karl P. Kemm, Esq. and Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township as Township Attorney; and

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Contract for Professional Services with Karl P. Kemm, Esq. and Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township as Township Attorney.
2. The Contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law, more specifically N.J.S.A. 40A:11-5, because the services in question are of a specialized, technical and professional nature.
3. A certificate showing the availability of funds for the Contract authorized hereby has been provided by the Chief Financial Officer and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable accounts and is contingent upon the adoption of a temporary and/or permanent budget for the 2011 calendar year.
4. No payments in excess of the "not-to-exceed" Contract amount will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
5. Any modification to the Contract shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.
6. The Mayor of Edison may, upon ten (10) days written notice, and without cause, terminate the Contract.
7. The Contract shall, for all purposes, be deemed a New Jersey Contract and any provisions of the Contract shall be governed and interpreted according to the Laws of the State of New Jersey.

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

Explanation: This Resolution awards a Professional Services Contract to Louis Rainone, Esq., and DeCotiis, FitzPatrick & Cole, LLP, to represent the Township as labor counsel.

RESOLUTION

WHEREAS, Louis Rainone, Esq., previously handled legal matters on behalf of the Township of Edison; and

WHEREAS, the Mayor recommends, with the approval of the Director of Law, that Louis Rainone, Esq., for the position of Labor Counsel; and

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

WHEREAS, prior to the execution of a contract, Louis Rainone, Esq., will have completed and submitted a Business Entity Disclosure Certification which certifies that no individual with a 10% interest or larger in DeCotiis, FitzPatrick & Cole, LLP, has made any reportable contributions to a political or candidate committee in the Township Council of the Township of Edison in the previous year, and that the contract will prohibit an individual with a 10% interest or larger in DeCotiis, FitzPatrick & Cole, LLP, from making any reportable contributions through the term of the contract, pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, this contract is not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, compensation for the professional services shall be at a rate of \$140 per hour for all attorneys and \$70 per hours for legal assistants, in an amount not to exceed One Hundred Fifty Thousand (\$150,000.00) dollars (inclusive of expenses); and

WHEREAS, the Township Council feels that it is in the best interest of the Township of Edison to enter into the attached Contract for Professional Services with Louis Rainone, Esq. and DeCotiis, FitzPatrick & Cole, LLP, to represent the Township as special counsel for the limited outstanding tax appeals herein identified.

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Contract for Professional Services with Louis Rainone, Esq. and DeCotiis, FitzPatrick & Cole, LLP, to represent the Township as Labor Counsel.
2. The Contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law, more specifically N.J.S.A. 40A:11-5, because the services in question are of a specialized, technical and professional nature.
3. A certificate showing the availability of funds for the Contract authorized hereby has been provided by the Chief Financial Officer and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable accounts and is contingent upon the adoption of a temporary and/or permanent budget for the 2011 calendar year.
4. No payments in excess of the "not-to-exceed" Contract amount will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
5. Any modification to the Contract shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.
6. The Township of Edison may, upon ten (10) days written notice, and without cause, terminate the Contract.

7. The Contract shall, for all purposes, be deemed a New Jersey Contract and any provisions of the Contract shall be governed and interpreted according to the Laws of the State of New Jersey.

8. The contractor shall report directly to the Edison Township Attorney, who will be the chief contact with the Township of Edison.

9. The contractor shall notify the Edison Township Attorney when 80% of the "not-to-exceed" amount is attained.

10. All work relating to the demotions of policemen and fireman in the letters of January 8, 2010 from Mayor Ricigliano will be billed separately.

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