

**AGENDA
MUNICIPAL COUNCIL
REGULAR MEETING
Wednesday, February 9, 2011
7:00 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. **APPROVAL OF MINUTES:**
 - a. Combined Meeting of December 20, 2010
 - b. Worksession Meeting of January 10, 2011
5. **COUNCIL PRESIDENT'S REMARKS**
6. **APPROVAL OF VOLUNTEER FIREFIGHTERS:**

Raritan Engine Company #2
Sean N. Egan
James W. Dovel

Edison Volunteer Fire Company #1
Jelani Best
7. **NEW BUSINESS:**

PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR THURSDAY, FEBRUARY 24, 2011:

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
8. **PUBLIC COMMENT ON THE RESOLUTIONS**
9. **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.070-022011 Resolution approving disbursements for the period ending February 3, 2011.
- R.071-022011 Resolution authorizing refund in the amount of \$237,786.83 for redemption of tax sale certificates.
- R.072-022011 Resolution authorizing refund of tax overpayments, totaling \$15,742.22.
- R.073-022011 Resolution authorizing temporary appropriations.
- R.074-022011 Resolution amending Resolution R.157-022010 for professional auditing services to Hodulik and Morrison, PA, in an additional amount of \$10,000.
- R.075-022011 Resolution authorizing engineering inspection fee refund for Western Avenue/Maximum & Co., Western Avenue.
- R.076-022011 Resolution authorizing signatory for Treatment Works approval and temporary discharge approval.

- R.077-022011 Resolution authorizing Township Engineer to execute transportation, environmental and other regulatory permit applications.
- R.078-022011 Resolution establishing the hourly rates to be charged for in-house review of engineering applications.
- R.079-022011 Resolution authorizing bond reduction for Alfieri Office Tower, 399, 479, 499 Thornall Street, Application #P16-00/01.
- R.080-022011 Resolution authorizing engineering inspection fee refund for Suburban Real Estate Dev. Corp., 9 Brook Avenue, Application #P5016
- R.081-022011 Resolution authorizing engineering inspection fee refund for Wick Companies, LLC, 110 & 136 Talmadge Road, Application #Z19-04/05
- R.082-022011 Resolution authorizing release of cash and performance bond for Wick Companies, LLC, Edison Commerce Center, 110 & 136 Talmadge Road, Application #Z19-04/05
- R.083-022011 Resolution authorizing tree maintenance bond refund for Onyx Management Group, LLC, Municipal Boulevard and Hoey Drive, Permit #08-115.
- R.084-022011 Resolution authorizing engineering inspection fee refund for Onyx Management Group, LLC, Municipal Boulevard and Hoey Drive, Application #Z02-07/08/-Z5112
- R.085-022011 Resolution authorizing release of cash and performance bond for Onyx Management Group, LLC, Municipal Boulevard and Hoey Drive, Application #Z02-07/08-Z5112.
- R.086-022011 Resolution authorizing Final Acceptance of Contract No. 09-19-01, Edison Jets Football Field Renovations.
- R.087-022011 Resolution authorizing award of bid for Contract No. 10-06-26, Emergency Traffic Signal Repairs to Jen Electric, in an amount not to exceed \$50,000.00.
- R.088-022011 Resolution authorizing award of bid for Contract No. 10-08-25, Sewer Pump and Generator Rentals to Godwin Pumps of America, Inc., in an amount not to exceed \$75,000.00.
- R.089-022011 Resolution authorizing award of various items for Contract No. 10-01-29, Uniforms and Equipment – Fire Department and EMT to Continental Fire and Safety, Inc., in an amount not to exceed \$275,064.00.
- R.090-022011 Resolution authorizing award of various items for Contract No. 10-01-29, Uniforms and Equipment – Fire Department and EMT to Absolute Fire Protection Company, Inc., in an amount not to exceed \$13,151.20.
- R.091-022011 Resolution authorizing award of various items for Contract No. 10-01-29, Uniforms and Equipment – Fire Department and EMT to First Due Emergency Supply Company, in an amount not to exceed \$27,156.30.
- R.092-022011 Resolution authorizing award of a non-fair and open contract for Township Auditor to Hodulik and Morrison, in an amount not to exceed \$115,000.00.
- R.093-022011 Resolution appointing Councilmember Robert Karabinchak as a Class III Member of the Planning Board.
- R.094-022011 Resolution appointing Councilmember Alvaro Gomez as a Council Liaison member of the Housing Authority.
- R.095-022011 Resolution appointing Ralph Errico as a member of the Zoning Board of Adjustment, term to expire December 31, 2014.
10. **COMMUNICATIONS:**
- a. Electronic Mail Message from Bimal Joshi regarding snow removal - receive
11. **ORAL PETITIONS AND REMARKS**
12. **ADJOURNMENT**

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 O.1764-2011

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).

RESOLUTION R.070-022011

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

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

FUND	AMOUNT
Current	\$22,495,295.92
Dog (Animal Control)	408.70
Sewer Utility	166,957.95
Capital	110,288.27
CDBG	77,831.00
Trust	441,417.43
Grant Funds	35,603.68
Sanitation Fund	160,849.09
Payroll Deductions	892,300.87
Park Improvements	0.00
Developers Escrow	37,441.29
Cash Performance	23,699.14
Federal Forfeited	0.00
Tax Sale	0.00
Law Enforcement	0.00
Affordable Housing	200.00
Tree Planting	0.00
Water Operation	0.00
TOTAL	\$24,442,293.34

/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.

RESOLUTION R.071-022011

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 \$237,786.83.

February 9, 2011

RESOLUTION R.072-022011

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 \$15,742.22 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.

February 9, 2011

RESOLUTION R.073-022011

**RESOLUTION AUTHORIZING TEMPORARY APPROPRIATIONS
FOR CALENDAR YEAR 2011**

WHEREAS, N.J.S.A. 40A:4-19 requires that the governing body of a municipality shall by Resolution make appropriations if any contract, commitments or payments are to be made between the beginning of the fiscal year and the adoption of the budget; and

WHEREAS, the Division of Local Government Services has extended the normal budget deadlines by thirty days and has advised that the period for normal temporary appropriations has been extended by an additional 30 days; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Edison in the County of Middlesex, New Jersey that the temporary appropriations on the annexed spread sheet consisting of five (5) pages be made.

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2011

CURRENT FUND

		TEMPORARY
Office of the Mayor		
	Salaries and Wages	\$ 7
	Other Expenses	\$ 1
Municipal Council		
	Salaries and Wages	\$ 6
	Other Expenses	\$
Ethics Commission		\$ 1
Office of the Township Clerk		
	Salaries and Wages	\$ 29
	Other Expenses	\$ 30
Office of the Business Administrator		
	Salaries and Wages	\$ 57
	Other Expenses	\$ 4
Communications		
	Salaries and Wages	\$ 17
	Other Expenses	\$ 1
Division of Central Purchases		
	Salaries and Wages	\$ 22
Postage		
	Other Expenses	\$ 30
Centralized Stores		
	Other Expenses	\$ 10
Miscellaneous		
	Other Expenses	\$
Division of Personnel		
	Salaries and Wages	\$ 35
	Other Expenses	\$ 60
Department of Law		
	Salaries and Wages	\$ 7
	Other Expenses	\$ 50
Department of Finance		
	Salaries and Wages	\$ 20
	Other Expenses	\$
Division of Accounts and Controls		
	Salaries and Wages	\$ 10
	Other Expenses	\$ 6
Data Processing		
	Other Expenses	\$ 25
Division of Custody and Disbursements		
	Salaries & Wages	\$ 22
	Other Expenses	\$
Division of Tax Collection		
	Salaries and Wages	\$ 30
	Other Expenses	\$ 5
Division of Tax Assessment		
	Salaries and Wages	\$ 30
	Other Expenses	\$ 10
Legal Tax Appeals		
	Other Expenses	\$ 50

Department of Recreation and Parks			
	Salaries and Wages	\$	250
	Other Expenses	\$	100
Telephone			
	Other Expenses	\$	20
Heat, Light and Power			
	Other Expenses	\$	115
Division of Parks			
	Salaries and Wages	\$	125
	Other Expenses	\$	12
Department of Health			
Division of Health			
	Salaries and Wages	\$	200
	Other Expenses	\$	20
Division of Human Resources			
	Salaries and Wages	\$	5
	Other Expenses	\$	
Division of Senior Citizen Services			
	Salaries and Wages	\$	45
	Other Expenses	\$	5
Community Shuttle			
	Salaries and Wages	\$	27
	Other Expenses	\$	5
Bridges Youth Program			
	Other Expenses	\$	15
Division of Police			
	Salaries and Wages	\$	3,500
	Other Expenses	\$	50
Emergency Dispatch			
	Salaries and Wages	\$	225
	Other Expenses	\$	70
Police Vehicle Maintenance			
	Salaries and Wages	\$	27
	Other Expenses	\$	32
Uniform Fire Safety Act			
	Salaries and Wages	\$	50
	Other Expenses	\$	2
Division of Fire			
	Salaries and Wages	\$	2,500
	Other Expenses	\$	50
Fire Hydrant Services			
	Other Expenses	\$	175
Aid to Volunteer Fire Companies			
	Other Expenses		
Department of Public Works			
Municipal Garage			
	Salaries and Wages	\$	112
	Other Expenses	\$	12
Vehicle Impound Area			
	Salaries and Wages	\$	11
	Other Expenses	\$	
Fuels and Lubricants for Municipal Equipment			
	Other Expenses	\$	120
Street Lighting			
	Other Expenses	\$	150

Division of Streets	Salaries and Wages	\$	262
	Other Expenses	\$	75
Division of Public Buildings	Salaries and Wages	\$	200
	Other Expenses	\$	40
Division of Sanitation	Salaries and Wages	\$	175
	Other Expenses	\$	17
Public Defender	Salary and Wages	\$	3
	Other Expenses	\$	
Department of Planning and Engineering			
Division of Planning and Zoning	Salaries and Wages	\$	52
	Other Expenses	\$	
Community Development	Salaries and Wages	\$	
Planning Board	Other Expenses	\$	4
Zoning Board	Other Expenses	\$	4
Rent Control Board	Salaries and Wages	\$	1
	Other Expenses	\$	1
Environmental Commission	Other Expenses		
Division of Engineering	Salaries and Wages	\$	75
	Other Expenses	\$	15
Group Insurance	Other Expenses	\$	2,250
Other Insurance and Surety Bonds	Other Expenses	\$	1,690
First Aid Organizations	Other Expenses	\$	52
Office of Emergency Management	Other Expenses	\$	2
Condominium Services	Other Expenses		
Employees' Unemployment Insurance	Other Expenses	\$	25
Celebration of Public Events	Other Expenses	\$	4
Municipal Court	Salaries and Wages	\$	82
	Other Expenses	\$	12
Uniform Construction Code	Salaries and Wages	\$	102
	Other Expenses	\$	100
Social Security	Other Expenses	\$	300
Library	Other Expenses	\$	800
Division of Fire EMT Services	Salaries and Wages	\$	95

	Other Expenses	\$	40
EECBG		\$	2
Municipal Alliance		\$	13
Clean Communities		\$	17
Payment of Bond Principal			
Interest on Bonds			
Green Trust Loan Program			
MCIA Capital Lease Payments			
NJEIT Loan			
	TOTAL	\$	15,140
SEWER UTILITY FUND			
	Salaries and Wages	\$	237
	Other Expenses	\$	375
	Middlesex County Utility Authority Charges	\$	950
	Social Security	\$	20
	TOTAL	\$	1,582
SANITATION FUND			
	Salaries and Wages	\$	425
	Other Expenses	\$	425
	Social Security	\$	35
	Disposal Fees	\$	250
	TOTAL	\$	1,135

DATED: February 9, 2009

RESOLUTION R.074-022011

RESOLUTION AMENDING RESOLUTION R.157-03010 AWARDED A CONTRACT FOR PROFESSIONAL AUDITING SERVICES TO HODULIK AND MORRISON, P.A. FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2010.

WHEREAS, the Municipal Council of the Township of Edison adopted Resolution R.157-032010 on March 24, 2010 to retain Hodulik and Morrison, P.A., to provide auditing services for the Township for the Calendar Year ending on December 31, 2010; and

WHEREAS, the award of the contract did not include costs for services to be performed by the auditor beyond the scope of audit of the Municipal budgets and the cost of services necessary to assist the Township with the issuance of capital instruments; and

WHEREAS, the auditor's representation and engagement proposal included the necessity of performing an audit of the BPU mandated Municipal Landfill closure fund and hourly charges for extra work required in his engagement with the Township; and

WHEREAS, the Township budgeted \$115,000 for auditing services in the 2010 budget and the Township anticipates charges in addition to the \$105,000 amount originally certified in R.157-032010.

NOW THEREFORE IT IS RESOLVED by the Council of the Township of Edison in the County of Middlesex, New Jersey that the original amount approved for this contract with Hodulik and Morrison, P.A., 1102 Raritan Avenue, Highland Park, N.J. 08904 is increased to a total amount not to exceed \$115,000..

RESOLUTION R.075-022011

WHEREAS, the Township Engineer advises that a final inspection was done of Western Avenue, located in Block: 276-E, Lot: 14A, 15A, 16 & 20, Application # None; and

WHEREAS, the Cash Performance Bond and the Performance Bond were released on April 8, 2009, Resolution #R.280-042009; and

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

WHEREAS, Maximum & Co. L.P. posted inspection fees in the amount of \$8,541.02 on deposit with the Township of Edison in account #7200025102 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 \$8,541.02; and

WHEREAS, it is in now in order that account #7200025102 is now a zero balance; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON **that account #7200025102 is now a zero balance, therefore no money shall be returned to Maximum & Co. L.P. and the account can now be closed out; and**

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to close out account #7200025102.

EXPLANATION: This Resolution names and authorizes the Township Engineer to execute treatment works approval (TWA) applications and temporary discharge approval (TDA) applications on behalf of the Township of Edison for the purpose of approval of sanitary sewer extensions and/or temporary discharge approvals to Edison's sanitary sewer system.

**TOWNSHIP OF EDISON
RESOLUTION R.076-022011**

WHEREAS, under certain parameters promulgated by the New Jersey Department of Environmental Protection (NJDEP), it is necessary that an application be submitted with Township endorsement to the aforesaid agency for treatment works approvals and/or extensions to the Edison Township sanitary sewer system; and

WHEREAS, pursuant to New Jersey Statutes, it is a requirement that the applicants gain approval of the aforementioned Edison Township sanitary sewer system extension from the Middlesex County Utilities Authority (MCUA) and the New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, the required approval for the Edison Township sanitary sewer system extensions, and/or temporary discharges to the Edison Township sanitary sewer system, will not be approved unless the applications bear the signature of the Edison Township Engineer, John A. Medina, P.E., to indicate his approval;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that the Edison Township Engineer, John A. Medina, P.E., be and is hereby authorized to sign the required applications for treatment works approval (TWA) for extensions to the Edison Township sanitary sewer system, and for applications for temporary discharge approval (TDA), as the case may be, for submission to the Middlesex County Utilities Authority (MCUA) and/or the New Jersey Department of Environmental Protection.

EXPLANATION: This Resolution authorizes the Township Engineer to execute transportation, environmental, and other regulatory permit applications on behalf of the Township of Edison. This resolution also establishes the Township Engineer as the “Community Official” responsible for floodplain management under the U.S. Department of Homeland Security – Federal Emergency Management Agency (FEMA) National Flood Insurance Program.

**TOWNSHIP OF EDISON
RESOLUTION R.077-022011**

BE IT RESOLVED, by the Municipal Council of the Township of Edison, in the County of Middlesex, State of New Jersey, that Edison Township Engineer, John A. Medina, P.E., is hereby authorized to prepare and execute as may be necessary on behalf of the Township of Edison, any and all, transportation, environmental, and other regulatory permit applications required to be issued by federal, state, county, regulatory body or entity (including but not limited to permit applications under the NJDEP, the NJDOT, the FSCD, and/or the County of Middlesex); and

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison, in the County of Middlesex, State of New Jersey, that Edison Township Engineer, John A. Medina, P.E., is also designated as the Community Official responsible for floodplain management under the U.S. Department of Homeland Security – Federal Emergency Management Agency (FEMA) National Flood Insurance Program, and is hereby authorized to sign and execute such Community Acknowledgement Forms, certifications, and prepare FEMA applications, as may be deemed necessary pursuant to the National Flood Insurance Program, on behalf of the Township of Edison.

EXPLANATION: This Resolution establishes the hourly rates to be charged for in-house review of applications for development, review and preparation of documents, inspection of improvements, or other applicable charges made under N.J.S.A. 40:55D-53.2(a).

**TOWNSHIP OF EDISON
RESOLUTION R.078-022011**

BE IT RESOLVED, by the Municipal Council of the Township of Edison, in the County of Middlesex, State of New Jersey, that in accordance with Section 53.2(a) of the Municipal Land Use Law, (the "MLUL"), the attached 2011 Engineering Escrow Fee Schedule establishing the hourly rates to be charged for in-house review of applications for development, review and preparation of documents, inspection of improvements, or other charges authorized by the MLUL is hereby approved.

BE IT FURTHER RESOLVED, that the Township Engineer shall maintain the 2011 Engineering Escrow Fee Schedule hereby established and shall transmit updates or revisions to the 2011 Fee Schedule to the Township Clerk should updates or revisions become necessary during the course of the calendar year 2011.

RESOLUTION R.079-022011

WHEREAS, M. Alfieri Co., Inc. posted a Performance Bond #1012881 posted on September 15, 2006 of Lexon Insurance Company, in the amount of \$2,017,522.62, to guarantee the installation of improvements for the project known as Alfieri Office Tower located in Block: 676 and Lots: 2-B-1 & 2-B-4 and designated Application #P16-00/01; and

WHEREAS, a Cash Performance Bond check #371754202 was posted on September 15, 2006 by M. Alfieri Co., Inc. in the amount of \$224,169.18, on deposit in account #7760013286; 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 45% from \$2,017,522.62 to \$1,109,637.44, or 55% of the original amount; therefore refunding the amount of \$907,885.18.

WHEREAS, it is further the recommendation of the Township Engineer that the Cash Performance Bond check #371754202, be reduced by 45%, from \$224,169.18 to \$123,293.04, or 55% of the original amount, therefore refunding the amount of \$100,876.14, 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 \$1,109,637.44, 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 \$100,876.14, plus accrued interest, if applicable on deposit in Account #7760013286 to M. Alfieri Co., Inc. having offices at 399 Thornall Street, Edison, N.J. 08837 with the sum of \$123,293.04 remaining on deposit until such time as Final Acceptance is granted.

RESOLUTION R.080-022011

WHEREAS, the Township Engineer advises that a final inspection was done of Suburban Real Estate Dev. Corp. located at 9 Brook Ave in Block: 1011, Lot: 15, Application #P5016; and

WHEREAS, the Cash Performance and Performance Bond were released on December 11, 2003, Reso #633-122003; and

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

WHEREAS, on April 4, 2003, Suburban Real Estate Dev. Corp., posted a check #7102 in the amount of \$618.60 on deposit with the Township of Edison in account #7200024880 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 \$605.44; and

WHEREAS, it is in now in order that the sum of \$13.16, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Suburban Real Estate Dev.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$13.16, plus accrued interest, if applicable, be refunded to Suburban Real Estate Dev. Corp. having offices at 228-A Pierson Avenue, Edison, N.J. 08837; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$13.16, plus accrued interest, if applicable, in account #7200024880 to the applicant.

RESOLUTION R.081-022011

WHEREAS, the Township Engineer advises that a final inspection was done of Wick Companies LLC located at 110 & 136 Talmadge Road in Block: 22, Lot: 5A, 6A, 12A3 & 11B1, Application #Z19-04/05; and

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

WHEREAS, on June 29, 2005, 30 Van Dyke Avenue Urban Renewal, LLC, posted a check #1496 in the amount of \$30,671.22 on deposit with the Township of Edison in account #7200025074 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 \$20,321.65; and

WHEREAS, it is in now in order that the sum of \$10,349.57, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to 30 Van Dyke Avenue Urban Renewal, LLC; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$10,349.57, plus accrued interest, if applicable, be refunded to 30 Van Dyke Avenue Urban Renewal, LLC having offices at 100 Woodbridge Center Drive, Woodbridge, N.J. 07095; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$10,349.57, plus accrued interest, if applicable, in account #7200025074 to the applicant.

RESOLUTION R.082-022011

WHEREAS, the Township Engineer advises that an inspection has been made of Wick Companies LLC located at 110 & 136 Talmadge Road in Block #22 Lots: 5A, 6A, 12A3 & 11B1, Application #Z19-04/05 and said inspection indicates all improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison, therefore, it is now in order that Final Acceptance is granted and the Cash Performance Bond Reduction Balance and the Performance Bond Reduction Balance presently being held by the Township of Edison be released; and

WHEREAS, Since the project has extended beyond the (2) two-year maintenance bond period there will be no maintenance bond required; and

WHEREAS, a Cash Performance Bond Check#293401194 was posted on June 29, 2005 by 30 Van Dyke Avenue Urban Renewal, LLC in the amount of \$73,610.94 on deposit in Account #7760013255; and

WHEREAS, a Cash Performance Bond Reduction was posted on July 18, 2006, Resolution #384-082006 reducing the Cash Performance Bond to \$31,652.70; and

WHEREAS, a Performance Bond Irrevocable Standby Letter of Credit #SM214540W was posted on July 13, 2005 by 30 Van Dyke Avenue Urban Renewal, LLC in the amount of \$662,498.46; and

WHEREAS, a Performance Bond Reduction was posted on July 18, 2006, Resolution #384-082006 reducing the Performance Bond to \$284,874.34; and

WHEREAS, the Township Engineer recommends the release of the Cash Performance Bond Reduction balance in the amount of \$31,652.70 plus accrued interest, if applicable, on deposit in account #7760013255 principal being 30 Van Dyke Avenue Urban Renewal, LLC, having offices at 100 Woodbridge Center Drive, Woodbridge, N.J. 07095 and acceptance of the subject improvements; and

WHEREAS, the Township Engineer recommends the release of the Performance Bond Reduction in the amount of \$284,874.34; 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 Irrevocable Letter of Credit in the amount of \$284,874.34, to the applicant; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the Director of Finance be and is hereby authorized to return the Cash Performance Bond in the amount of \$31,652.70, plus accrued interest if applicable on deposit in account #7760013255 to the applicant.

RESOLUTION R.083-022011

WHEREAS, the Township Engineer advises that we have received a written request from Onyx Management Group, LLC (Children of America Day Care), Application #Z02-07/08-Z5112 located at Municipal Boulevard and Hoey Drive in Block: 123, Lot: 11-G that they have abandoned the project which never began and they are now requesting the refund of the Inspection Fees posted on September 9, 2008; and

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

WHEREAS, on September 9, 2008, Edison Square Limited Partnership, LLC c/o Onyx Management Group, LLC, posted a check #622-19636 in the amount of \$8,076.80, on deposit with the Township of Edison in account #7760295966 for engineering fees; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$8,076.80, plus accrued interest, if applicable, be refunded to Edison Square Limited Partnership c/o Onyx Management Group, LLC having offices at 900 Route 9 North, Suite 301, Woodbridge, N.J. 07095; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$8,076.80 plus accrued interest, if applicable, in account #7760295966 to the applicant.

RESOLUTION R.084-022011

WHEREAS, Edison Square Limited Partnership c/o Onyx Management Group, LLC posted a Tree Maintenance Bond check #622-19653 in the amount of \$2,700.00, principal being Edison Square Limited Partnership to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #08-115 located at Municipal Blvd. & Hoey Drive, Block: 123 and Lot: 11-G; and

WHEREAS, a Tree Maintenance Bond was posted on September 12, 2008 in the amount of \$2,700.00, on deposit in account #7760275079; and

WHEREAS, the Township Engineer has received a written request from Edison Square Limited Partnership c/o Onyx Management Group, LLC that they have abandoned the project which never began, and now request the release of the Tree Maintenance Bond; and

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount of \$2,700.00, 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 \$2,700.00, 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 \$2,700.00, plus accrued interest, if applicable, on deposit in Account #7760275079 to Edison Square Limited Partnership, LLC c/o Onyx Management Group, LLC having offices at 900 Route 9, North, Suite 301, Woodbridge, N.J. 07095.

RESOLUTION R.085-022011

WHEREAS, the Township Engineer advises that we have received a written request from Edison Square Limited Partnership c/o Onyx Management Group, LLC, Application #Z02-07/08-Z5112 located at Municipal Boulevard and Hoey Drive in Block: 123 and Lot: 11-G that they have abandoned the project which never began, and they are now requesting the release of the Cash Performance Bond and Performance Bond posted on September 9, 2008; and

WHEREAS, the Township Engineer therefore recommends the release of the Performance Bond check #622-19638 in the amount of \$174,458.88, on deposit in account #7760013352 with the Township of Edison, principal being Edison Square Limited Partnership c/o Onyx Management Group, LLC; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Bond, Check #622-19637 in the amount of \$19,384.32, on deposit in account #7760013352 with the Township of Edison, principal being Edison Square Limited Partnership c/o Onyx Management Group, LLC, having offices at 900 Route 9 North, Suite 301, Woodbridge, N.J. 07095; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the Township Clerk be and is hereby authorized to return the aforesaid Performance Bond in the amount of 174,458.88 and the Cash Performance Bond in the amount of 19,384.32, plus accrued interest if applicable, on deposit in account #7760013352 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 \$19,384.32, and the Performance Bond in the amount of 174,458.88 plus accrued interest if applicable, on deposit in account #7760013352 to the applicant.

EXPLANATION: This resolution provides for Township Acceptance of the constructed improvements under Contract # 09-19-01: Edison Jets Football Field Renovation, at Papianni Park, Township of Edison, Middlesex County, NJ, and this resolution also authorizes listed Change Orders and Final Contract Payment to Zenith Construction Services, Inc., for a total final construction contract as-built cost of \$462,331.00.

TOWNSHIP OF EDISON

RESOLUTION R.086-022011

WHEREAS, Zenith Construction Services, Inc., 256 Grant Avenue East, Newark, NJ 07029-2714, was awarded construction contract # 09-19-01 on March 25, 2009 (resolution R.180-032009, and purchase order # 09-05284) in an amount not to exceed \$418,842.00, for the Edison Jets Football Field Renovation, at Papianni Park, Township of Edison, Middlesex County, New Jersey.

WHEREAS, the Township Engineer has deemed that construction change orders became necessary during the course of the work, and recommends authorization for change order # 1 in the amount of \$13,500.00 for new underground sprinkler lines, change order # 2 in the amount of \$11,823.00 for fence revisions, change order # 3 in the amount of \$12,100.00 for roof soffits and fascia work, plus change order # 4, the net plus adjustment of \$6,066.00 based on the as-built field measurements of contract item quantities, resulting in a cumulative **total (plus) change order in an amount of \$43,489.00** (or 10.38% over the original bid amount); and

WHEREAS, the Township Engineer has reviewed the project and certifies that the construction work under the contract has been completed, and states that a two-year maintenance bond, effective from June 30, 2010 in the amount of 100% of the final construction contract cost of \$462,331.00 has been received by the Township of Edison, and recommends project acceptance and that change order payments (\$43,489.00) plus a final retainage payment (\$8,376.84) be made to Zenith Construction Services, Inc., in a total amount not to exceed \$51,865.84 for a total construction contract as-built cost of \$462,331.00.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the Edison Jets Football Field Renovation, at Papianni Park, Township of Edison, Middlesex County, NJ, is deemed accepted by the Township of Edison, subject to all maintenance bond provisions, and that the listed change orders are hereby approved, and that change order payments plus a final retainage payment shall be made to Zenith Construction Services, Inc., 256 Grant Avenue East, Newark, NJ 07029-2714, in a total amount not to exceed \$51,865.84 for a total construction contract as-built cost of \$462,331.00 for Contract # 09-19-01: Edison Jets Football Field Renovation, at Papianni Park, Township of Edison, Middlesex County, New Jersey.

RESOLUTION R.087-022011

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO JEN ELECTRIC, INC.
FOR EMERGENCY TRAFFIC SIGNAL REPAIRS**

WHEREAS, bids were received by the Township of Edison on December 14, 2010 for Public Bid No. 10-06-26, Emergency Traffic Signal Repairs for the Department of Public Works; and

WHEREAS, JEN ELECTRIC, INC., 631 Morris Avenue, Springfield, NJ 07081, submitted the lowest legally responsible, responsive bid; and

WHEREAS, funds in the amount of \$50,000.00 have been certified to be available in the Streets and Other Contractual Items Account, Number 1-01-26-0290-000-029, 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 bids have been reviewed, and the bid submitted by JEN ELECTRIC, INC., 631 Morris Avenue, Springfield, NJ 07081 for Emergency Traffic Signal Repairs for the Department of Public Works, 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 \$50,000.00, and any other necessary documents, with JEN ELECTRIC, INC 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.088-022011

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO GODWIN PUMPS OF AMERICA, INC. FOR SEWER PUMP AND GENERATOR RENTALS

WHEREAS, bids were received by the Township of Edison on December 22, 2010 for Public Bid No. 10-08-25, Sewer Pump and Generator Rentals, for the Department of Public Works; and

WHEREAS, GODWIN PUMPS OF AMERICA, INC., 84 Floodgate Road, Bridgeport, NJ 08014, submitted the lowest legally responsible, responsive bid; and

WHEREAS, funds in the amount of \$75,000.00 have been certified to be available in the Sewer Other Contractual Items Account, Number 1-07-55-0501-000-029, 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 bids have been reviewed, and the bid submitted by GODWIN PUMPS OF AMERICA, INC., 84 Floodgate Road, Bridgeport, NJ 08014 for Sewer Pump and Generator Rentals for the Department of Public Works, 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 \$75,000.00, and any other necessary documents, with GODWIN PUMPS OF AMERICA, INC 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.089-022011
RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO CONTINENTAL FIRE AND SAFETY, INC. FOR UNIFORMS AND EQUIPMENT-FIRE DEPARTMENT AND EMT

WHEREAS, bids were received by the Township of Edison on December 15, 2010 for Public Bid No. 10-01-29, Uniforms and Equipment-Fire Department and EMT; and

WHEREAS, CONTINENTAL FIRE AND SAFETY, INC., 180 Volusia Avenue, Trenton, NJ 08610, submitted the lowest legally responsible, responsive bid for various items of the bid; and

WHEREAS, the maximum amount of this purchase is \$275,064.00 and funds in the amount of \$274,546.00 have been certified to be available in the Fire Fighting Clothing and Uniforms Account, Number 1-01-25-0265-001-032 and funds in the amount of \$518.00 have been certified to be in the EMT Services Clothing and Uniforms Account, Number 1-01-25-0265-003-032, 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:

4. All bids have been reviewed, and the bid submitted by CONTINENTAL FIRE AND SAFETY, INC., 180 Volusia Avenue, Trenton, NJ 08610 for Uniforms and Equipment-Fire Department and EMT, is determined to be the lowest legally responsible, responsive bid for Item number 4 for EMT Personnel and Item numbers 4-6 and 8-9 for Fire Division Personnel.
5. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$275,064.00, and any other necessary documents, with CONTINENTAL FIRE AND SAFETY, INC. as described herein.
6. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and/or bonds of the unsuccessful bidders.

RESOLUTION R.090-022011
RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO ABSOLUTE FIRE
PROTECTION COMPANY, INC. FOR UNIFORMS AND EQUIPMENT-FIRE DEPARTMENT
AND EMT

WHEREAS, bids were received by the Township of Edison on December 15, 2010 for Public Bid No. 10-01-29, Uniforms and Equipment-Fire Department and EMT; and

WHEREAS, ABSOLUTE FIRE PROTECTION COMPANY, INC., 2800 Hamilton Blvd., South Plainfield, NJ 07080, submitted the lowest legally responsible, responsive bid for various items of the bid; and

WHEREAS, the maximum amount of this purchase is \$13,151.20 and funds in the amount of \$271.00 have been certified to be available in the Fire Fighting Clothing and Uniforms Account, Number 1-01-25-0265-001-032 and funds in the amount of \$12,880.00 have been certified to be in the EMT Services Clothing and Uniforms Account, Number 1-01-25-0265-003-032, 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 bids have been reviewed, and the bid submitted by ABSOLUTE FIRE PROTECTION COMPANY, INC., 2800 Hamilton Blvd., South Plainfield, NJ 07080 for Uniforms and Equipment-Fire Department and EMT, is determined to be the lowest legally responsible, responsive bid for Item numbers 7-8 for EMT Personnel and Item number 7 for Fire Division Personnel.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$13,151.20, and any other necessary documents, with ABSOLUTE FIRE PROTECTION COMPANY, INC. 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.091-022011

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO FIRST DUE
EMERGENCY SUPPLY COMPANY FOR UNIFORMS AND EQUIPMENT-FIRE DEPARTMENT
AND EMT**

WHEREAS, bids were received by the Township of Edison on December 15, 2010 for Public Bid No. 10-01-29, Uniforms and Equipment-Fire Department and EMT; and

WHEREAS, FIRST DUE EMERGENCY SUPPLY COMPANY, 444 Huffville-Crosskeys Road, Sewell, NJ 08080, submitted the lowest legally responsible, responsive bid for various items of the bid; and

WHEREAS, the maximum amount of this purchase is \$27,156.30 and funds in the amount of \$11,358.30 have been certified to be available in the Fire Fighting Uniforms Allowance Account, Number 1-01-25-0265-001-043 and funds in the amount of \$15,798.00 have been certified to be in the EMT Services Clothing and Uniforms Account, Number 1-01-25-0265-003-032, 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 bids have been reviewed, and the bid submitted by FIRST DUE EMERGENCY SUPPLY COMPANY, 444 Huffville-Crosskeys Road, Sewell, NJ 08080 for Uniforms and Equipment-Fire Department and EMT, is determined to be the lowest legally responsible, responsive bid for Item numbers 1-3, 5-6 and 9-11 for EMT Personnel and Item numbers 1-3 for Fire Division Personnel.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$27,156.30, and any other necessary documents, with FIRST DUE EMERGENCY SUPPLY 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.092-022011

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO HODULIK AND MORRISON, P.A. TO REPRESENT THE TOWNSHIP AS TOWNSHIP AUDITOR

WHEREAS, Hodulik and Morrison, P.A., previously handled auditing for the Township of Edison; and

WHEREAS, the Township Council recommends Hodulik and Morrison, P.A., for the position of Township Auditor; and

WHEREAS, this contract is being awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 et. seq.; and

WHEREAS; the total amount of this contract shall not exceed \$115,000.00; and

WHEREAS, Hodulik and Morrison, P.A., has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Edison in the previous one year, and that the contract will prohibit Hodulik and Morrison, P.A. from making any reportable contributions through the term of this one year contract; and

WHEREAS, compensation for the professional services shall be at a rate of \$135 per hour for Principal, \$110 per hour for Senior Accountant and \$85 per hour for Junior Accountant, in an amount not to exceed One Hundred Fifteen Thousand (\$115,000.00) dollars (inclusive of expenses); and

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

1. The Township Council is hereby authorized to execute a contract and any other necessary documents, in the amount of \$115,000.00, with Hodulik and Morrison, P.A., 1102 Raritan Avenue, PO Box 1450, Highland Park, NJ 08904 as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 19:44A-20.5 et. seq, and without competitive bidding.
3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

RESOLUTION R.093-022011

WHEREAS, pursuant to N.J.S.A. 55D-23(a), a Class III Member of the Planning Board must be appointed by the Governing Body; and

WHEREAS, the Municipal Council must make such appointment to said Board;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that they do hereby ratify and confirm the appointment of Councilmember Robert Karabinchak to serve as the Class III Council Representative Member of the Edison Township Planning Board for a term of one year ending December 31, 2011.

RESOLUTION R.094-022011

WHEREAS, pursuant to N.J.S.A. 40A:12A-1 et seq, a Member of the Housing Authority must be appointed by the Governing Body; and

WHEREAS, the Municipal Council must make such appointment to said Board;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Councilmember Alvaro Gomez be appointed as a Council Liaison member of the Housing Authority for a term of one (1) year to expire on December 31, 2011.

RESOLUTION R.095-022011

WHEREAS, it is the duty of the Municipal Council to appoint members to the Zoning Board of Adjustment; and

WHEREAS, the Municipal Council wishes to appoint Ralph Errico as a member of the Zoning Board of Adjustment;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Mr. Ralph Errico, 29 Plafsky Drive, Edison, New Jersey 08817 be and he is hereby appointed as a member of the Zoning Board of Adjustment, said term to expire December 31, 2014.