

**AGENDA
MUNICIPAL COUNCIL
REGULAR MEETING
Wednesday, March 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. Worksession Meeting of February 7, 2011
 - b. Closed Session Meeting of February 24, 2011
5. **COUNCIL PRESIDENT'S REMARKS**
6. **2011 CALENDAR YEAR BUDGET**
 - a. Introduction of the 2011 Calendar Year Budget
7. **2011 SOLID WASTE COLLECTION DISTRICT BUDGET**
 - a. Introduction of the 2011 Solid Waste Collection District Budget
8. **NEW BUSINESS:**
PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR WEDNESDAY, MARCH 23, 2011:

O.1765-2011 AN ORDINANCE AMENDING TITLE TWO OF THE CODE OF THE TOWNSHIP OF EDISON REGARDING THE HIRING OF POLICE OFFICERS
9. **PUBLIC COMMENT ON THE RESOLUTIONS**
10. **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.008-012011 Resolution authorizing use of competitive contracting for EMS Services. (Tabled at the meeting of January 12, 2011)
- 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)
- R.132-032011 Resolution approving disbursements for the period ending March 3, 2011.
- R.133-032011 Resolution authorizing award of State contract for cellular phone services and wireless cards to Verizon Wireless, in an amount not to exceed \$100,000.00.
- R.134-032011 Resolution authorizing refund in the amount of \$173,110.86 for redemption of tax sale certificates.
- R.135-032011 Resolution authorizing refund of tax overpayments, totaling \$17,360.59.
- R.136-032011 Resolution authorizing the award of a non-fair and open contract for appraisal services for tax appeals to Sterling DiSanto and Associates, in an amount not to exceed \$50,000.00.
- R.137-032011 Resolution authorizing tree maintenance bond refund to Hawkeye Development, 7, 9, 11 Homestead Road, Permit #06-62.
- R.138-032011 Resolution authorizing release of cash performance guarantee to Hawkeye Development Co., 6 Sunset Avenue, Application #P67-99/00.
- R.139-032011 Resolution authorizing revised bond reduction for Alfieri Office Tower, 399, 479, 499 Thornall Street, Application #P16-00/01.
- R.140-032011 Resolution authorizing release of performance bond to Hakweye Development Co., 6 Sunset Avenue, Application #P67-99/00.
- R.141-032011 Resolution authorizing award of quote for sewer repairs at 59 Route 27 to B & W Construction Company of NJ, in an amount not to exceed \$17,500.00.
- R.142-032011 Resolution authorizing refund of trip fee to Suzette DeAraujo, in the amount of \$50.00.
- R.143-032011 Resolution authorizing refund of ABC fee to Samira Iyer, in the amount of \$150.00.
- R.144-032011 Resolution authorizing award of a portion of Contract No. 10-05-18, Fire Department Equipment and Tools – Supply and Repair to Continental Fire and Safety, Inc., in an amount not to exceed \$59,000.00.
- R.145-032011 Resolution authorizing award of a portion of Contract No. 10-05-18, Fire Department Equipment and Tools – Supply and Repair to Absolute Fire Protection Company, Inc., in an amount not to exceed \$39,750.00.
- R.146-032011 Resolution authorizing a Legally Binding Agreement regarding certain property at Camp Kilmer.
- R.147-032011 Resolution authorizing submission of an amendment to the Redevelopment Plan and Homeless Assistance Submission regarding certain property at Sgt. J.W. Kilmer/AMSA 21 USARC Edison, NJ in conjunction with the base realignment and closure.
- R.148-032011 Resolution urging the Legislature and Governor to offset the costs associated with the impact of affordable housing units on municipalities and schools.

11. **COMMUNICATIONS:**

None

12. **ORAL PETITIONS AND REMARKS**

13. **ADJOURNMENT**

EXPLANATION: This ordinance amends the section of the Township Code relating to new hires in the Police Division to permit new hires with two (2) years police experience in lieu of sixty (60) credits from an accredited college or university.

EDISON TOWNSHIP

ORDINANCE O.1765-2011

WHEREAS, the Township Council wishes to amend the entry level criteria for new hires to the Police Division to include two (2) years police experience in lieu of sixty (60) credits from an accredited college or university.

BE IT ORDAINED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that Chapter 2 entitled "Administration" is hereby amended as follows:

SECTION I. Section 2-29.2 entitled "Entry Level Criteria Established" is hereby amended as follows:

CHAPTER II ADMINISTRATION

Article III Departments

2-28 DIVISION OF POLICE.

2-29.2 Entry Level Criteria Established.

a. Applicants for employment as Police Officers must meet the following qualifications:

7. Shall possess a minimum of sixty (60) credits from an accredited college or university. In lieu of the minimum of sixty (60) college credit requirement, an applicant shall have completed two (2) years of active military service with an honorable discharge and be a high school graduate or equivalent, or have two (2) years of active service in a federal, state, county or municipal law enforcement agency;

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

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

RESOLUTION R.008-012011

RESOLUTION AUTHORIZING THE USE OF COMPETITIVE CONTRACTING FOR EMS SERVICES

WHEREAS, the Local Public Contracts Law at N.J.S.A. 40A:11-4.1 et seq., provides for the utilization of a process called competitive contracting in lieu of public bidding for procurement of specific goods and/or services; and

WHEREAS, said process allows for competition, the award being based on a methodology which includes an evaluation, ranking, and weighing of criteria as well as cost; and

WHEREAS, the Township wishes to initiate competitive contracting for EMS Services; and

WHEREAS, N.J.S.A. 40A:11-4-3(a) requires that in order to initiate competitive contracting, the governing body shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in N.J.S.A. 40A:11-4.1 is desired to be contracted.

NOW, THEREFORE IT IS RESOLVED, by the Municipal Council of the Township of Edison that the appropriate township officials are hereby authorized to initiate competitive contracting for the aforesaid project in conformance with N.J.S.A. 40A:11-4.1 et seq.

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 R.014-012011

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 R.015-012011

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 R.063-012011

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 R.064-012011

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.

RESOLUTION R.132-032011

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

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

FUND	AMOUNT
Current	\$11,406,255.168
Dog (Animal Control)	1,955.95
Sewer Utility	112,181.98
Capital	2,130.91
CDBG	277,690.95
Trust	75,642.40
Grant Funds	1,676.65
Sanitation Fund	149,007.53
Payroll Deductions	417,727.50
Park Improvements	0.00
Developers Escrow	29,134.06
Cash Performance	0.00
Federal Forfeited	0.00
Tax Sale	14,444.74
Law Enforcement	0.00
Affordable Housing	5,073.75
Tree Planting	0.00
Water Operation	0.00
TOTAL	\$12,492,922.10

/s/ Frank DeRosa
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.133-032011

**RESOLUTION AWARDING CONTRACT TO VERIZON WIRELESS FOR THE
FURNISHING OF CELLULAR PHONE SERVICES AND WIRELESS CARDS**

WHEREAS, there is a need to purchase cellular phone services and wireless cards for the Township of Edison; and

WHEREAS, VERIZON WIRELESS, 502 First State Blvd., Newport, DE 19804 has been awarded State Contract Number A64428 under T-216A/Wireless Devices and Services; and

WHEREAS, there are outstanding invoices from January and February 2011 for cellular phone services in the amount of \$8,132.36 and wireless cards in the amount of \$6,748.63; and

WHEREAS, additional funds in the amount of \$43,251.37 for wireless cards and \$41,867.64 for cellular phone services are needed for anticipated expenditures through December 31, 2011; and

WHEREAS, the maximum amount of the purchase is \$100,000.00 and funds have been certified to be available in the Police Department, Telephone Charges Account, Number 1-01-25-0240-000-076 and the Dispatch 911 Telephone Charges Account, Number 1-01-25-0250-000-076 subject to and contingent upon appropriation of sufficient funds in the 2011 budget; and

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

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 a contract in the amount not to exceed \$100,000.00 and any other necessary documents, with VERIZON WIRELESS, 502 First State Blvd., Newport, DE 19804 as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. A64428 under T-216A.

RESOLUTION R.134-032011

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 \$173,110.86.

RESOLUTION R.135-032011

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 \$17,360.59 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.

RESOLUTION R.136-032011

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO STERLING DISANTO AND ASSOCIATES FOR APPRAISAL SERVICES FOR TAX APPEALS

WHEREAS; there exists a need for appraisal services for the defense of tax appeals; and

WHEREAS; this is a professional service and 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 \$50,000.00; and

WHEREAS, STERLING DISANTO & ASSOCIATES, 145 West End Avenue, PO Box 977, Somerville, NJ 08876, 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 STERLING DISANTO & ASSOCIATES from making any reportable contributions through the term of this one year contract; and

WHEREAS, funds in the amount of \$50,000.00 have been certified to be available in the Tax Assessment Other Professional Service Account, Number 1-01-20-0150-000-028, 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. The Mayor, or her designee, is hereby authorized to execute a contract and any other necessary documents, in the amount of \$50,000.00, with STERLING DISANTO & ASSOCIATES, 145 West End Avenue, PO Box 977, Somerville, NJ 08876 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.137-032011

WHEREAS, on October 27, 2006 Hawkeye Development Company posted a Tree Maintenance Bond check #5038 in the amount of \$1,350.00, principal being Hawkeye Development Company to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #06-62 located at 7, 9, 11 Homestead Road, Block: 1012 and Lot: 9.01, 10.01 & 10.02; and

WHEREAS, a Tree Maintenance Bond was posted on October 27, 2006 in the amount of \$1,350.00, on deposit in account #7760237652 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 two (2) trees that are missing; and**

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount of \$1,260.00 be refunded to the applicant, **leaving a balance of \$90.00 for the two (2) 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 \$1,260.00, 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 \$1,260.00, plus accrued interest, if applicable, on deposit in Account #7760237652 to Hawkeye Development Company having offices at 1862 Oak Tree Road, Edison, N.J. 08820.

RESOLUTION R.138-032011

WHEREAS, the Township Engineer advises that an inspection has been made of Hawkeye Development Co., Application #P67-99/00 located at 6 Sunset Avenue in Block: 1012, Lot: 11.02, and said inspection indicates all improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

WHEREAS, a Cash Performance Bond check #3653 was posted on January 28, 2002 in the amount of \$1,000.00, on deposit in account #7200025241 with the Township of Edison; and

WHEREAS, the Certificate of Occupancy was issued on February 22, 2007, since this project has extended beyond the 2-year maintenance bond period there will be no maintenance guarantee required; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Bond Check #3653 in the amount of \$1,000.00, plus accrued interest, if applicable, on deposit in account #7200025241 with the Township of Edison, principal being Hawkeye Development Co. having offices at 1862 Oak Tree Road, Edison, N.J. 08820 and acceptance of the subject improvements; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the aforementioned improvements are hereby complete and satisfactory and the Township Clerk be and is hereby authorized to return the aforesaid Cash Performance Bond in the amount of \$1,000.00, plus accrued interest, if applicable, to the applicant; and

BE IT FURTHER RESOLVED that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance Bond in the amount of \$1,000.00 plus accrued interest, if applicable, on deposit in account #7200025241 to the applicant.

RESOLUTION R.139-032011

WHEREAS, a Bond Reduction for 45% was one on 1/28/2011, Resolution #079-022011, please rescind Resolution #079-022011, as this Revised Resolution will be for a 55% Bond Reduction; and

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 **55%** from \$2,017,522.62 to \$907,885.17, or 45% of the original amount; **therefore refunding the amount of \$1,109,637.45; and**

WHEREAS, it is further the recommendation of the Township Engineer that the Cash Performance Bond check #371754202, be reduced by **55%**, from \$224,169.18 to \$100,876.13, or 45% of the original amount, **therefore refunding the amount of \$123,293.05, 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 \$907,885.17, 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 \$123,293.05, 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 \$100,876.13 remaining on deposit until such time as Final Acceptance is granted.

RESOLUTION R.140-032011

WHEREAS, the Township Engineer advises that an inspection has been made of Hawkeye Development located at 6 Sunset Ave, Application #P67-99/00 and located in Block: 1012, Lot: 11.02, and said inspection indicates all improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

WHEREAS, the Certificate of Occupancy was issued on February 22, 2007, and since this project has extended beyond the 2-year maintenance bond period from project completion there will be no maintenance bond required; and

WHEREAS, the Township Engineer, recommends the release of the Performance Bond check #3665, in the amount of \$2,000.00, plus accrued interest, if applicable, on deposit in account #7200025245 with the Township of Edison, principal being Hawkeye Development Company, having offices at 1862 Oak Tree Road, Edison, N.J. 08820 and acceptance of the subject improvements; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the aforementioned improvements are hereby complete and satisfactory and the Township Clerk be and is hereby authorized to return the aforesaid Performance Bond in the amount of \$2,000.00, 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 Performance Bond in the amount of \$2,000.00, plus accrued interest, if applicable, on deposit in account #7200025245 to the applicant.

RESOLUTION R.141-032011

**RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT TO B & W
CONSTRUCTION COMPANY OF NJ, INCORPORATED FOR SEWER REPAIRS
AT 59 ROUTE 27, EDISON**

WHEREAS, quotes were solicited by the Township of Edison for Sewer Repairs at 59 Route 27;
and

WHEREAS, B & W CONSTRUCTION COMPANY OF NJ, INCORPORATED, PO BOX 574,
South River, NJ 08882, submitted the lowest quote in the amount not to exceed \$17,500.00; and

WHEREAS, funds in the amount not to exceed \$17,500.00 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 B & W CONSTRUCTION COMPANY OF NJ, INCORPORATED, PO BOX 574, South River, NJ 08882 for Sewer Repairs at 59 Route 27, is determined to be the lowest quote.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$17,500.00, and any other necessary documents, with B & W CONSTRUCTION COMPANY OF NJ, INCORPORATED.

RESOLUTION R.142-032011

**RESOLUTION AUTHORIZING REFUND OF \$50.00 TO
SUZETTE DE ARAUJO FOR A CANCELLED TRIP**

WHEREAS Suzette de Araujo made application together with payment in the amount of \$50.00 to attend the Philadelphia Duck Tour; and

WHEREAS Suzette de Araujo has paid the current trip fee of fifty dollars (\$50.00); and

WHEREAS The Department of Recreation cancelled this trip; and

WHEREAS Denise C. Halliwell, Director of the Department of Recreation & Parks recommends the return of said payment;

NOW THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, in the County of Middlesex, that the Director of Finance be and is hereby authorized to refund the payment in the amount of \$50.00 to Suzette de Araujo.

RESOLUTION R.143-032011

RESOLUTION AUTHORIZING A REIMBURSEMENT TO SAMIRA IYER FOR AN ABC REFUND

WHEREAS Samira Iyer made application together with payment in the amount of \$150.00 for the ABC Program at Ben Franklin School; and

WHEREAS Samira Iyer had to remove her child, Samir Iyer from the program due to medical reasons.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$150.00 to Samira Iyer, 21 Vista Drive, Edison, NJ 08817 which represents the amount of payment for one month of the ABC program.

RESOLUTION R.144-032011

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO CONTINENTAL FIRE AND SAFETY, INC. FOR FIRE DEPARTMENT EQUIPMENT AND TOOLS-SUPPLY AND REPAIR

WHEREAS, bids were received by the Township of Edison on December 15, 2010 for Public Bid No. 10-05-18, Fire Department Equipment and Tools-Supply and Repair; 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 \$59,000.00 and funds in the amount of \$59,000.00 have been certified to be available in the Fire Department Other Equipment & Supply Account, Number 1-01-25-0265-001-058 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:

3. All bids have been reviewed, and the bid submitted by CONTINENTAL FIRE AND SAFETY, INC., 180 Volusia Avenue, Trenton, NJ 08610 for Equipment and Tools-Supply and Repair is determined to be the lowest legally responsible, responsive bid for Item numbers 2, 6, 11, 21-22, 32, 34, 37, 40-43, 48, 51, 54, 56 and 61.
4. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$59,000.00, and any other necessary documents, with CONTINENTAL FIRE AND SAFETY, INC. as described herein.
5. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and/or bonds of the unsuccessful bidders.

RESOLUTION R.145-032011

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO ABSOLUTE FIRE PROTECTION COMPANY, INC. FOR FIRE DEPARTMENT EQUIPMENT AND TOOLS-SUPPLY AND REPAIR

WHEREAS, bids were received by the Township of Edison on December 15, 2010 for Public Bid No. 10-05-18, Fire Department Equipment and Tools-Supply and Repair; 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 \$39,750.00 and funds in the amount of \$39,750.00 have been certified to be available in the Fire Department Other Equipment & Supply Account, Number 1-01-25-0265-001-058, 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 Fire Department Equipment and Tools-Supply and Repair, is determined to be the lowest legally responsible, responsive bid for Item numbers 1, 5, 9, 12-13, 16-20, 24-25, 27-28, 31, 33, 47, 49, 52-53, 55, 57-58 and 60.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$39,750.00, 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.146-032011

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO ENTER
INTO
A LEGALLY BINDING AGREEMENT "LBA"
REGARDING CERTAIN PROPERTY AT CAMP KILMER**

WHEREAS, effective on November 9, 2005 the Base Closure and Realignment Commission decision to close Camp Kilmer was finalized;

WHEREAS, on May 9, 2006 the Township of Edison was recognized by the Office of Economic Adjustment of the Department of Defense ("DOD") as the Local Redevelopment Authority ("LRA") for Camp Kilmer;

WHEREAS, the LRA published a Notice of Surplus Federal Property to state and local governments, homeless service providers and other interested parties on June 8, 2006;

WHEREAS, between June 29, 2006 and November 3, 2006 the LRA received Notices of Interest (each, an "NOI") from various organizations, indicating their desire to establish programs to provide assistance and services to homeless persons as defined in the McKinney-Vento Act (42 U.S.C. 11301 et seq.) ("Homeless Persons")

WHEREAS, the LRA, in its capacity as the LRA for Camp Kilmer and under the redevelopment process, approved and adopted a Reuse and Redevelopment Plan and Homeless Assistance Submission for Camp Kilmer dated January 13, 2008 ("Redevelopment Plan");

WHEREAS, the LRA determined that the NOI received from a group of non profit entities known as the Camp Kilmer Collaborative dated November 3, 2006 complied with the requirements of the Enabling Acts, the regulations governing the closure and reuse planning for Camp Kilmer and the provisions dealing with the notices of interest by homeless service providers;

WHEREAS, the Homeless Service Provider is a New Jersey non-profit corporation that desires to work with Homeless Persons in the vicinity of Camp Kilmer by providing, in collaboration with others, shelter, housing and services to them;

WHEREAS, this Agreement is submitted as a Legally Binding Agreement "LBA" pursuant to 32 C.F.R. Part 176.30(b)(3), and is a component of the homeless assistance submission ("Homeless Assistance Submission") of the LRA for the redevelopment of Camp Kilmer, as required by the Enabling Acts, and as more specifically required by 32 C.F.R. Part 176.

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

1. The attached Legally Binding Agreement is hereby approved by the Township Council and the Mayor, Township Clerk, Township Attorney and other necessary Township Officials and Employees are hereby authorized to execute and deliver the Legally Binding Agreement and all other documents and undertake all actions reasonably necessary to effectuate and implement this Resolution and the terms of the Legally Binding Agreement.
2. The Township Clerk is also directed to forward a certified copy of this Resolution, once adopted, to the Township Attorney.

RESOLUTION NR.147-032011

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO SUBMIT
AN AMENDMENT TO THE REDEVELOPMENT PLAN and HOMELESS
ASSISTANCE SUBMISSION REGARDING CERTAIN PROPERTY AT
SGT. J.W. KILMER/AMSA 21 USARC EDISON, NEW JERSEY
IN CONJUNCTION WITH THE
BASE REALIGNMENT AND CLOSURE**

WHEREAS, effective on November 9, 2005 the Base Closure and Realignment Commission decision to close Camp Kilmer was finalized;

WHEREAS, on May 9, 2006 the Township of Edison was recognized by the Office of Economic Adjustment of the Department of Defense ("DOD") as the Local Redevelopment Authority ("LRA") for Camp Kilmer;

WHEREAS, the LRA, in its capacity as the LRA for Camp Kilmer and under the redevelopment process, approved and adopted a Redevelopment Plan and Homeless Assistance Submission for Camp Kilmer dated January 13, 2008 ("Redevelopment Plan");

WHEREAS, the LRA is amending the Redevelopment Plan to consist of the following applications and areas: 1- Recreation – open space proposed playground, 2- Board of education proposed school, 3- Recreation- community center, 4- Homeless low/moderate income housing, 5- Dept of Public Works Vehicle Maintenance Building.

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

1. The attached Amendment to Redevelopment Plan and Homeless Assistance Submission Sgt. J.W. Kilmer/AMSA 21 USARC Edison, New Jersey Base Realignment and Closure is hereby approved by the Township Council and the Mayor, Township Clerk, Township Attorney and other necessary Township Officials and Employees are hereby authorized to execute and deliver the Amendment to Redevelopment Plan and all other documents and undertake all actions reasonably necessary to effectuate and implement this Resolution and the terms of the Amendment to Redevelopment Plan.
2. The Township Clerk is also directed to forward a certified copy of this Resolution, once adopted, to the Township Attorney.

EXPLANATION: This Resolution expresses the Edison Township Council's desire for the New Jersey Legislature and Governor to provide funding to offset the costs associated with the impact of affordable housing units on municipalities and schools.

EDISON TOWNSHIP

RESOLUTION R.148-032011

**RESOLUTION URGING THE NEW JERSEY LEGISLATURE AND
GOVERNOR
TO PROVIDE FUNDING TO OFFSET THE COSTS ASSOCIATED WITH THE
IMPACT OF AFFORDABLE HOUSING UNITS
ON MUNICIPALITIES AND SCHOOLS**

WHEREAS, the Southern Burlington County NAACP v. Mt. Laurel cases simply required municipalities to establish land use regulations that will provide a reasonable opportunity for a variety of housing including low and moderate cost housing; and

WHEREAS, thereafter the State of New Jersey created the Council on Affordable Housing ("COAH") which has adopted regulations, including the "Third Round Regulations," which impose upon municipalities a specific number of low and moderate income units that they must provide within prescribed time frames; and

WHEREAS, many municipalities, such as Edison, are willing to provide a reasonable opportunity for a variety of housing including low and moderate cost housing, however the COAH Regulations provide no appreciation for, or accommodation of, the financial impact of these low and moderate income units on the finances of municipalities and school districts; and

WHEREAS, as the State of New Jersey and COAH have imposed these procedures and requirements in excess of the requirements of the Southern Burlington County NAACP v. Mt. Laurel cases they should also provide funding to offset the costs associated with the impact of affordable housing units on municipalities and schools; and

WHEREAS, in regard to school districts, COAH units generate additional children that are entitled to a public education which creates an additional strain on the finances of our often overburdened school districts; and

WHEREAS, in regard to municipalities, properties containing COAH units require the same degree of municipal services as other properties, however as they are income restricted under COAH Regulations they are not assessed at the same rate as non-COAH restricted properties and therefore reduces the taxes to municipalities to provide the same degree of municipal services; and

WHEREAS, the Township Council urges the New Jersey Legislature and Governor to promulgate procedures to determine the number of school age children generated by COAH units and to create a mechanism to provide funding to school districts to offset the impact of COAH units; and

WHEREAS, the Township Council urges the New Jersey Legislature and Governor to promulgate procedures to determine the impact of COAH units upon municipal tax bases and to create a mechanism to provide funding to municipalities to offset the impact of COAH units.

NOW, THEREFORE, BE IT RESOLVED, by the Edison Township Council in the County of Middlesex in the State of New Jersey hereby urges the New Jersey Legislature and Governor to promulgate procedures to determine the financial impact created by COAH units and to create a mechanism to provide funding to municipalities and school districts to offset the impact of COAH units; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to our local legislators Senator Barbara Buono, Assemblyman Peter J. Barnes III, Assemblyman Patrick J. Diegnan Jr., the New Jersey Senate, the New Jersey Assembly, the Office of the Governor, the Middlesex County Board of Chosen Freeholders, the New Jersey State League of Municipalities, the Edison Township School District, the New Jersey Commissioner of Education and the New Jersey State Board of Education.