

**AGENDA
MUNICIPAL COUNCIL
WORKSESSION MEETING
Monday, March 21, 2011
6:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on January 6, 2011, and posted in the Main Lobby of the Municipal Complex on the same date.
4. **ORAL PETITIONS AND REMARKS**
5. **APPROVAL OF MINUTES:**
 - a. Closed Session Meeting of February 28, 2011
 - b. Closed Session Meeting of March 7, 2011
6. **ADMINISTRATIVE AGENDA:**

FROM MAYOR ANTONIA RICIGLIANO:

 - a. Appointments to the Library Board of Trustees
 - b. Appointment to the Fair Rental Housing Board
7. **2011 CALENDAR YEAR BUDGET**
 - a. Introduction of the 2011 Calendar Year Budget
8. **REPORTS FROM ALL COUNCIL COMMITTEES:**
9. **POINTS OF LIGHT**
10. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Resolution authorizing a public sale of personal surplus property
11. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through March 17, 2011
 - b. Resolution authorizing refund in the amount of \$175,426.99 for redemption of tax sale certificates.
 - c. Resolution authorizing refund of tax overpayments, totaling \$67,886.95.
 - d. Transfer of Funds
 - e. Temporary Emergency Appropriations
12. **FROM THE DEPARTMENT OF HEALTH:**
 - a. Resolutions authorizing various refunds.
13. **FROM THE DEPARTMENT OF LAW:**
 - a. Resolution amending Resolution R.014-012011 regarding account numbers
 - b. Resolution amending Resolution R.015-012011 regarding account numbers
 - c. Resolution amending Resolution R.014-012011 increasing the amount by \$25,340.00
 - d. Resolution amending Resolution R.015-012011 increasing the amount by \$11,704
14. **FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**
 - a. Engineering Inspection Fee Refund for Hawkeye Development Co., Lund Avenue, Application #P101-94/95
 - b. Release of cash performance for Hawkeye Development Co., Lund Avenue, Application #P101-94/95

- c. Tree Maintenance Bond Refund for BAPS NE, 2500 Woodbridge Avenue, Permit #06-98
 - d. Tree Maintenance Bond Refund for Dindy Investments, 48 Stephenville Parkway, Permit #07-22.
 - e. Final Acceptance of Contract No. 08-09-29, Mound 'B' Riverfront Walkway Pedestrian Bridge.
 - f. Release of cash and performance bond for Garden State Buildings, LO c/o Summit Associates, Inc., 117 Sunfield Avenue, Application #P22-06/07
 - g. Engineering Inspection Fee Refund for Fox and Foxx Development, 53 Million Street, Application #Z96-06/07
 - h. Release of cash and performance bond for Fox and Foxx Development, 53 Million Street, Application #Z96-06/07
 - i. Engineering Inspection Fee Refund for Brookhill Estates (Millennium Homes), 6 Lawlor Court, Application #P4988
 - j. Ordinance regarding no parking on Kilmer Road
 - k. Ordinance creating a Riparian Zone
 - l. Engineering Inspection Fee Refund for JFK Hospital – Neuroscience Institute, James Street, Application #P01-05/06
 - m. Release of cash performance bond for American G.P. Int'l Inc., 19 Williams Road.
 - n. Engineering Inspection Fee Refund for Millennium Properties, 56 & 58 Jersey Avenue, Application #P89-97/98
15. **FROM THE DEPARTMENT OF PUBLIC WORKS:**
- a. Resolution authorizing additional funds for the award of contract for the repair of a reconditioned pump for the Sewer Division – National Road Pump Station
 - b. Award of bid for Contract No. 10-06-28, Bus Repair Services
 - c. Award of bid for Contract No. 10-07-30, Janitorial/Industrial/Hardware Supplies
16. **FROM THE DEPARTMENT OF RECREATION:**
- a. Various refunds of adult basketball fees
17. **FROM THE CHIEF OF FIRE:**
- a. Approval of volunteer firefighters
18. **FROM THE CHIEF OF POLICE:**
- a. Resolution authorizing reimbursement to Tri-Form Construction, Inc. regarding Contract No. 11-02-06, Police Renovations
19. **FROM THE COUNCIL MEMBER OF THE PLANNING BOARD:**
20. **UNFINISHED BUSINESS:
ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING,
AND FINAL ADOPTION:**
- O.1765-2011 AN ORDINANCE AMENDING TITLE TWO OF THE CODE OF THE TOWNSHIP OF EDISON REGARDING THE HIRING OF POLICE OFFICERS
 - O.1766-2011 AN ORDINANCE AMENDING TITLE TWO OF THE CODE OF THE TOWNSHIP OF EDISON REGARDING THE HIRING OF EMPLOYEES
 - O.1767-2011 AN ORDINANCE AMENDING TITLE TWO OF THE CODE OF THE TOWNSHIP OF EDISON REGARDING THE MAYOR'S STAFF
21. **COMMUNICATIONS:**
- a. Letter from the Executive Director of the Housing Authority regarding Camp Kilmer – receive

- b. Letter from Frank C. Fusco, Esq. regarding the public entertainment/event permit for the 2011 India Day Parade – receive
- c. Electronic Mail Message from Rabbi Dr. Bernhard Rosenberg regarding Chaplaincy and Ethics Board - receive

22. **DISCUSSION ITEMS:**

Council President Diehl

None

Councilmember Gomez

None

Councilmember Karabinchak

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

Councilmember Lankey

None

Councilmember Mascola

None

Councilmember Perilstein

None

Councilmember Prasad

None

23. **CLOSED SESSION:**

- a. Land Sale
- b. Land Acquisition

24. **ADJOURNMENT**

**RESOLUTION AUTHORIZING A PUBLIC SALE PURSUANT TO N.J.S.A. 40A:11-36 ET. SEQ.
OF PERSONAL SURPLUS PROPERTY NOT NEEDED FOR PUBLIC USE**

WHEREAS, certain equipment owned by The Township of Edison is no longer needed for the operation of the Township governmental functions or are obsolete or unfit for the use for which they were acquired; and

WHEREAS, N.J.S.A. 40A-11-36 requires that all such personal property be sold at public auction or sealed bid to the highest bidder; and

WHEREAS, The Township of Edison has two Metric parking machines that are no longer needed for public use.

NOW, THEREFORE, IT IS RESOLVED, by the Township Council of the Township of Edison, that the Purchasing Agent is hereby authorized and directed to advertise the public sale of the aforesaid Metric Parking Machines and same be offered for sale through sealed bid upon the following terms and conditions:

1. All merchandise must be paid in full no later than 5 business days from the time and date of the bid opening day.
2. No express or implied warranty is made for the property subject to sale. All property is being sold in **“AS IS CONDITION” - “WHERE IS”**.
3. The Township has the right to accept or reject any and all bids.
4. Method of payment is Cash, Certified Bank Check or Money Order.
5. All sales are final.
6. All merchandise must be removed within ten (10) business days from the time and date of bid opening or buyers will be charged a \$10.00 per day, per item storage fee.

RESOLUTION

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

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

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Director of Finance is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing, totaling \$175,426.99.

RESOLUTION

Whereas, on various properties located within the Township of Edison, overpayments of real estate taxes have been made due to erroneous or duplicate payments: and

Whereas, applications have been made to the Tax Collector for refunds of said overpayments, totaling \$67,886.95 and

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

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

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

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

WHEREAS, it has been determined that the February 24, 2011 Transfer Resolution had an outside the Cap account number, and therefore has to be amended.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, in the County of Middlesex, New Jersey that the February 24, 2011 Transfer Resolution be reduced by \$59,310.

IT IS FURTHER RESOLVED THAT the proper Township Officials are hereby authorized to make the necessary reductions between said appropriations as authorized in the foregoing resolution and the annexed spreadsheets.

DATED: March 16, 2011

OTHER EXPENSES		
ACCOUNT	TO:	
Personnel		
0-01-20-0105-000-027	\$ 4,310.00	
Defense of Tax Appeals,		
0-01-20-0155-002-027	\$ 5,000.00	
Dept of Law, OE		
0-01-20-0155-001-027	\$ 50,000.00	
TOTAL	\$ 59,310.00	
OTHER EXPENSES		FROM:
Construction Enforcing Agency		
0-01-22-0195-000-020		\$ 59,310.00

	TOTAL	\$ 59,310.00
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RESOLUTION		
N		
WHEREAS , the Local Budget Law, specifically N.J.S.A. 40A:4-19, requires that the governing body		
of a municipality shall by Resolution adopted within the first 30 days of the beginning of the fiscal year ,make	shall by Resolution make appropriationsif 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 date of the Resolution is within the first 30 days of the beginning of the fiscal year.		
the Division of Local Government Services has extended the normal budget deadlines by thirty days and advised that the period for normal temporary appropriations has been extended by an additional thirty		
thirty days and		
NOW THEREFORE, BE IT RESOLVED , by the Municipal Council of the Township of Edison,		
County of Middlesex, New Jersey that the following Temporary Appropriations be made and that a		
Certified copy of this Resolution be transmitted to the Director of Finance for his record.	this resolution be forwarded to the Act. Director of Finance	
TEMPORARY BUDGET APPROPRIATIONS		CY2011
CURRENT FUND		
Office of the Mayor		
	Salaries and Wages	7,000
	Other Expenses	1,000
Municipal Council		
	Salaries and Wages	6,000
	Other Expenses	250
Ethics Commission		
Office of the Township Clerk		
	Salaries and Wages	31,674
	Other Expenses	30,000
Office of the Business Administrator		
	Salaries and Wages	62,308
	Other Expenses	4,000
Communications		
	Salaries and Wages	20,091
	Other Expenses	1,000
Division of Central Purchases		
	Salaries and Wages	24,126
Postage		
	Other Expenses	30,000
Centralized Stores		
	Other Expenses	10,000
Miscellaneous		
	Other Expenses	250
Division of Personnel		
	Salaries and Wages	39,027

	Other Expenses	60,000
Department of Law		
	Salaries and Wages	7,000
	Other Expenses	50,000
Department of Finance		
	Salaries and Wages	20,000
	Other Expenses	500
Division of Accounts and Controls		
	Salaries and Wages	10,000
	Other Expenses	6,000
Data Processing		
	Other Expenses	25,000
Division of Custody and Disbursements		
	Salaries & Wages	27,316
	Other Expenses	250
Division of Tax Collection		
	Salaries and Wages	31,657
	Other Expenses	5,000
Division of Tax Assessment		
	Salaries and Wages	30,000
	Other Expenses	10,000
Legal Tax Appeals		
	Other Expenses	50,000
Department of Recreation and Parks		
	Salaries and Wages	265,732
	Other Expenses	100,000
Telephone		
	Other Expenses	20,000
Heat, Light and Power		
	Other Expenses	115,000
Division of Parks		
	Salaries and Wages	130,146
	Other Expenses	12,500
Department of Health		
Division of Health		
	Salaries and Wages	220,105
	Other Expenses	20,000
Division of Human Resources		
	Salaries and Wages	5,500
	Other Expenses	225
Division of Senior Citizen Services		
	Salaries and Wages	47,093
	Other Expenses	7,000
Community Shuttle		
	Salaries and Wages	27,500
	Other Expenses	5,750
Bridges Youth Program		
		15,000
Division of Police		
	Salaries and Wages	3,527,716
	Other Expenses	50,000
Emergency Dispatch		
	Salaries and Wages	239,355
	Other Expenses	70,000
Police Vehicle Maintenance		
	Salaries and Wages	30,229
	Other Expenses	32,500

Uniform Fire Safety Act		
	Salaries and Wages	50,000
	Other Expenses	2,000
Division of Fire		
	Salaries and Wages	3,169,814
	Other Expenses	110,000
Fire Hydrant Services		
	Other Expenses	525,000
Aid to Volunteer Fire Companies		
	Other Expenses	
Department of Public Works		
Municipal Garage		
	Salaries and Wages	118,068
	Other Expenses	12,500
Vehicle Impound Area		
	Salaries and Wages	11,500
Other Expenses		750
Fuels and Lubricants for Municipal Equipment		
	Other Expenses	120,000
Street Lighting		
	Other Expenses	150,000
Division of Streets		
	Salaries and Wages	268,798
	Other Expenses	75,000
Division of Public Buildings		
	Salaries and Wages	218,597
	Other Expenses	40,000
Division of Sanitation		
	Salaries and Wages	180,642
	Other Expenses	17,500
Public Defender		
	Salary and Wages	3,750
	Other Expenses	250
Department of Planning and Engineering		
Division of Planning and Zoning		
	Salaries and Wages	62,617
	Other Expenses	250
Community Development		
	Salaries and Wages	750
Planning Board		
	Other Expenses	4,500
Zoning Board		
	Salaries and Wages	
	Other Expenses	4,500
Rent Control Board		
	Salaries and Wages	1,000
	Other Expenses	1,000
Environmental Commission		
	Other Expenses	
Division of Engineering		
	Salaries and Wages	80,884
	Other Expenses	15,000
Group Insurance		
	Other Expenses	2,250,000
Other Insurance and Surety Bonds		
	Other Expenses	1,696,469
First Aid Organizations		
	Other Expenses	52,500
Office of Emergency Management		

	Other Expenses	2,500
Condominium Services		
	Other Expenses	
Employees' Unemployment Insurance		
	Other Expenses	25,000
Celebration of Public Events		
	Other Expenses	4,750
Municipal Court		
	Salaries and Wages	91,322
	Other Expenses	\
Uniform Construction Code		
	Salaries and Wages	107,311
	Other Expenses	100,000
Social Security		
	Other Expenses	300,000
Library		
	Other Expenses	800,000
Division of Fire EMT Services		
	Salaries and Wages	95,000
	Other Expenses	40,000
PRRS	Other Expense	6,299,389
PRRS	Other Expense	3,672,133
PERS	Other Expense	2,289,401
EECBG		2,500
Municipal Alliance		13,135
Clean Communities		17,233
Payment of Bond Principal		
Interest on Bonds		
Green Trust Loan Program		
MCIA Capital Lease Payments		
NJEIT Loan		
	TOTAL CURRENT FUND	28,645,611
SEWER OPERATING UTILITY FUND		
	Salaries and Wages	238,400
	Other Expenses	375,000
	Middlesex County Utility Authority Charges	950,000
	Social Security	20,000
	TOTAL SEWER OPERATING UTILITY FUND	1,583,400
SANITATION FUND		
	Salaries and Wages	445,916
	Other Expenses	425,000
	Social Security	35,000
	Disposal Fees	250,000
	TOTAL SANITATION FUND	1,155,916

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO JUAN FLORES FOR
OVERPAYMENT OF A RENTAL REOCCUPANCY INSPECTION FEES**

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

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

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$25.00 to Juan Flores, 39 Apple Street, Edison, NJ 08817 which amount represents the amount of overpayment for initial Rental Reoccupancy Inspection.

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO HALLADAY'S
HARVEST BARN FOR OVERPAYMENT OF A TEMPORARY FOOD LICENSE**

WHEREAS, Halladay's Harvest Barn, a temporary retail food vendor at the NJ Flower Show held at the NJ Exposition Center, Edison, made an online application for a Temporary Retail Food license in the amount of \$200.00; and

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

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$125.00 to Halladay's Harvest Barn, 6 Webb Terrace, Bellows Falls, VT 05101 which amount represents the amount of overpayment for a temporary food license.

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO FEDERAL
BUSINESS CENTERS FOR WITHDRAWAL OF APPLICATION FOR
WHOLESALE FOOD LICENSE**

WHEREAS, Federal Business Centers, made application for a Wholesale Food license on behalf of Hornell Brewing Company in the amount of \$400.00; and

WHEREAS, Hornell Brewing Company has withdrawn the lease application to operate a wholesale food business in the Township of Edison,

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$400.00 to Federal Business Centers, 300 Raritan Center Parkway, Edison, NJ 837 which amount represents the amount a wholesale food license which is no longer needed.

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 and other matters.

RESOLUTION

WHEREAS, by Resolution R.033-012010 adopted on January 13, 2010 the Township of Edison awarded a contract 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, by Resolution R. 014-012011 adopted on March 9, 2011 the Township of Edison amended Resolution R.719-112010 and increased the authorized contract to Louis Rainone, Esq., and DeCotis, FitzPatrick & Cole, LLP, to represent the Township of Edison, LLP, to represent the Township of Edison as Township Attorney in an amount not to exceed \$190,000; and

WHEREAS, the Account number set forth in Resolution R. 014-012011 was incorrect, and the total amount authorized should have been \$170,000 not \$190,000; 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 Resolution R. 014-012011 is hereby amended solely to correct the Account number identified therein and the total amount authorized.

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

RESOLUTION

WHEREAS, by Resolution R.032-012010 adopted on January 13, 2010 the Township of Edison awarded a contract to Karl Kemm, Esq., and Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township of Edison as Township Attorney; and

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

WHEREAS, by Resolution R. 015-012011 adopted on March 9, 2011 the Township of Edison amended Resolution R.719-112010 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 \$160,000; and

WHEREAS, the resolutions previously adopted did not contemplate inclusion of Tax Appeal Defense costs during CY 2010 which amount of \$182,000.00; and

WHEREAS, the Account number set forth in Resolution R. 015-012011 was incorrect; 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 Resolution R. 015-012011 is hereby amended solely to correct the Account number identified therein.

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

RESOLUTION

WHEREAS, by Resolution R.032-012010 adopted on January 13, 2010 the Township of Edison awarded a contract to Karl Kemm, Esq., and Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township of Edison as Township Attorney; and

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

WHEREAS, by Resolution R. 015-012011 adopted on March 9, 2011 the Township of Edison amended Resolution R.719-112010 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 \$160,000; and

WHEREAS, additional funds in the amount of \$11,704.00 are needed to pay for legal services rendered in CY2010 for a total for CY 2010 of \$171,704.00; and

WHEREAS, funds in the amount of \$11,704.00 have been certified to be available in Account No. 0-01-20-0155-001-027.

WHEREAS, all other terms and conditions of the original Resolution, as amended, 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 Resolution R. 015-012011, as amended, is hereby amended solely to provide for the additional payment in the amount of \$11,704.00.

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 and other matters.

RESOLUTION

WHEREAS, by Resolution R.033-012010 adopted on January 13, 2010 the Township of Edison awarded a contract 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, by Resolution R. 014-012011 adopted on March 9, 2011 the Township of Edison amended Resolution R.719-112010 and increased the authorized contract to Louis Rainone, Esq., and DeCotis, FitzPatrick & Cole, LLP, to represent the Township of Edison, LLP, to represent the Township of Edison as Township Attorney in an amount not to exceed \$190,000 [\$170,000]; and

WHEREAS, additional funds in the amount of \$25,340.00 are needed to pay for legal services rendered in CY2010 for a total for CY 2010 of \$195,340.00; and

WHEREAS, funds in the amount of \$11,704.00 have been certified to be available in Account No. 0-01-20-0155-002-027.

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 Resolution R. 014-012011, as amended, is hereby amended solely to provide additional funds in the amount of \$25,340 for legal services rendered in CY 2010

RESOLUTION

WHEREAS, the Township Engineer advises that a final inspection was done of Hawkeye Development located at Lund Avenue in Blocks: 427 O & 427 Q, Lots: 10, 11, 12, & 6, 7, 8, 11; and

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

WHEREAS, on October 16, 1997, Hawkeye Development Company, posted inspection fees in the amount of \$516.87 on deposit with the Township of Edison in account #7200024535 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 \$513.80; and

WHEREAS, it is in now in order that the sum of \$3.07, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Hawkeye Development Company.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$3.07, plus accrued interest, if applicable, be refunded to Hawkeye Development Company having offices at 1862 Oak Tree Road, Edison, N.J. 08820.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$3.07, plus accrued interest, if applicable, in account #7200024535 to the applicant

RESOLUTION

WHEREAS, the Township Engineer advises that an inspection has been made of Hawkeye Development located at Lund Ave, Application #P101-94/95 and located in Block: 427-Q, Lot: 6-11, 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 November 21, 2000, 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 Cash Performance Bond check #2694, in the amount of \$2,845.20, plus accrued interest, if applicable, on deposit in account #7200025212 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 Cash Performance Bond in the amount of \$2,845.20, 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 \$2,845.20, plus accrued interest, if applicable, on deposit in account #7200025212 to the applicant.

RESOLUTION

WHEREAS, the Township Engineer advises that an inspection has been made of Hawkeye Development located at Lund Ave, Application #P101-94/95 and located in Block: 427Q, Lot: 6-11, 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 July 22, 1998, 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 #2835, in the amount of \$25,606.80, plus accrued interest, if applicable, on deposit in account #7200025264 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 \$25,606.80, plus accrued interest, if applicable, to the applicant; and

BE IT FURTHER RESOLVED that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Performance Bond in the amount of \$25,606.80, plus accrued interest, if applicable, on deposit in account #7200025264 to the applicant.

RESOLUTION

WHEREAS, BAPS NE-EDISON posted a Tree Maintenance Bond check #7101 in the amount of \$2,610.00, principal being BAPS NE-EDISON to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #06-98 located at 2500 Woodbridge Ave , Block: 375-HH and Lot: 12-J; and

WHEREAS, a Tree Maintenance Bond was posted on April 4, 2007 in the amount of \$2,610.00, on deposit in account #7760237696; and

WHEREAS, the Certificate of Occupancy was issued on June 19, 2008; and

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

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount of \$2,610.00, 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 \$2,610.00, 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 \$2,610.00, plus accrued interest, if applicable, on deposit in Account #7760237696 to BAPS NE-EDISON having offices at 2500 Woodbridge Avenue, Edison, N.J. 08817.

RESOLUTION

WHEREAS, Dindy Investments, Inc. posted a Tree Maintenance Bond check #1493 in the amount of \$45.00, principal being Dindy Investments, Inc. to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #07-22 located at 48 Stephenville Parkway , Block: 557-K and Lot: 20; and

WHEREAS, a Tree Maintenance Bond was posted on April 5, 2007 in the amount of \$45.00, on deposit in account #7760237697; and

WHEREAS, the Certificate of Occupancy was issued on September 22, 2008; and

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

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

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

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$45.00, plus accrued interest, if applicable, on deposit in Account #7760237697 to Dindy Investments, Inc. having offices at 635 Woodglen Road, P.O. Box 35, Glen Gardner, N.J. 08826.

EXPLANATION: This resolution provides for TOWNSHIP ACCEPTANCE of the constructed improvements under Contract # 08-09-29: Mound 'B' Riverfront Walkway and Pedestrian Bridge, Township of Edison, Middlesex County, NJ, and this resolution also authorizes Final Contract Payment to Applied Landscape Technologies, for a total final construction contract as-built cost of \$808,319.00.

TOWNSHIP OF EDISON

RESOLUTION

WHEREAS, Applied Landscape Technologies, 145 River Road, Montville, NJ 07045, was awarded construction Contract # 08-09-29 on February 11, 2009 (resolution R.103-022009, and purchase order # 09-04996) in an amount not to exceed \$752,570.00, for the Raritan Riverfront Walkway and Pedestrian Bridge project, Township of Edison, Middlesex County, New Jersey; and

WHEREAS, a construction change order # 1 in the amount of \$35,280.00 was found to be necessary and therefore approved on October 27, 2010 through Municipal Council resolution R.637-102010, resulting in a revised contract ceiling of \$787,850.00; and

WHEREAS, a construction change order # 2 in the amount of \$20,469.00 was found to be necessary and therefore approved on November 10, 2010 through Municipal Council resolution R.706-112010, resulting in a total revised contract ceiling of \$808,319.00; 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 15, 2010 in the amount of 100% of the construction costs up to and including change order # 1 work in the amount of \$787,850.00 has been received by the Township, and that a maintenance warranty letter has also been received by the Township covering the change order # 2 work in the amount of \$20,469.00, for work pertaining to 4 interpretive panels, 3 replacement benches, 2 sign kiosks, and the installation of a permanent sign; and

WHEREAS, the Township Engineer now recommends project acceptance, the release of the performance bond, and that the initial purchase order balance of \$301.03, the change order # 1 balance of \$705.60, plus the change order # 2 payment of \$20,469.00 be made to Applied Landscape Technologies, Inc., resulting in a final payment in a total amount not to exceed \$21,475.63, for a total construction contract as-built cost of \$808,319.00.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Contract # 08-09-29: Mound 'B' Riverfront Walkway and Pedestrian Bridge, Township of Edison, Middlesex County, NJ, is deemed accepted by the Township of Edison, subject to all maintenance bond and warranty provisions, and that the performance bond is to be released, and that final payment shall be made to Applied Landscape Technologies, 145 River Road, Montville, NJ 07045, in a total amount not to exceed \$21,475.63 for a total construction contract as-built cost of \$808,319.00 for Contract # 08-09-29: Mound 'B' Riverfront Walkway and Pedestrian Bridge, Township of Edison, Middlesex County, New Jersey.

RESOLUTION

WHEREAS, the Township Engineer advises that an inspection has been made of Garden State Buildings L.P., Application #P22-06/07 located in Block: 395, Lot: 31.04, 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, on March 3, 2011 a Maintenance Bond #S13123M of First Indemnity of America Insurance Company in the amount of \$75,077.33 was posted by Garden State Buildings. L.P.; and

WHEREAS, the Township Engineer, recommends the release of the Performance Bond #S13123 of First Indemnity of America Insurance Company in the amount of \$540,556.72 with the Township of Edison, principal being Garden State Buildings, L.P., and acceptance of the subject improvements; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Bond Check #1076170 in the amount of \$60,061.86, on deposit in account #7760013335 with the Township of Edison, principal being Garden State Buildings, L.P. c/o Summit Associates Inc. having offices at Raritan Plaza I, Raritan Center, Edison, N.J. 08818-7807 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 #S13123 in the amount of \$540,556.72 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 \$60,061.86 plus accrued interest, if applicable, on deposit in account #7760013335 to the applicant.

RESOLUTION

WHEREAS, the Township Engineer advises that a final inspection was done of Fox & Foxx Development, Application #Z96-06/07 located at 53 Million Street in Block: 935, Lots: 10, 11 & 12; and

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

WHEREAS, on January 29, 2009, Fox & Foxx Development LLC, posted inspection fees in the amount of \$2,096.25 on deposit with the Township of Edison in account #7760295992 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 \$2,077.20; and

WHEREAS, it is in now in order that the sum of \$19.05, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Fox & Foxx Development LLC; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$19.05, plus accrued interest, if applicable, be refunded to Fox & Foxx Development LLC having offices at 940 Amboy Avenue, Suite 101, Edison, N.J. 08837.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$19.05, plus accrued interest, if applicable, in account #7760295992 to the applicant.

RESOLUTION

WHEREAS, on February 7, 2011 a Maintenance Bond #5039104 was posted by Fox & Foxx Development LLC in the amount of \$6,288.75 and it is now recommended by the Township Engineer to release the Cash Performance and Performance Bond for the above application; and

WHEREAS, the Township Engineer advises that an inspection has been made of Fox & Foxx Development, Application #Z96-06/07 located at 53 Million St. in Block: 935, Lot: 10, 11 & 12, 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 Township Engineer, recommends the release of the Performance Bond #5034175 of Bond Safeguard Insurance Company in the amount of \$45,279.00 with the Township of Edison, principal being Fox & Foxx Development LLC and acceptance of the subject improvements; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Bond Check #12227840 in the amount of \$5,031.00, on deposit in account #7760013367 with the Township of Edison, **principal being Fox & Foxx Development LLC having offices at 940 Amboy Avenue, Suite 101, Edison, N.J. 08837**, and acceptance of the subject improvements; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the aforementioned improvements are hereby complete and satisfactory and the Township Clerk be and is hereby authorized to **return the aforesaid Performance Bond in the amount of \$45,279.00 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 \$5,031.00, plus accrued interest, if applicable, on deposit in account #7760013367 to the applicant.**

RESOLUTION

WHEREAS, the Township Engineer advises that a final inspection was done of Brookhill Estates, Application #P4988 located at 6 Lawlor Court in Block: 427, Lot: C; and

WHEREAS, the Cash Performance Bond was released on May 22, 2007, Resolution #306-062007; and

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

WHEREAS, Millennium Homes (Brookhill Estates), posted inspection fees in the amount of \$8,935.65 on deposit with the Township of Edison in account #7200024857; 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 \$8,460.11; and

WHEREAS, it is in now in order that the sum of \$475.45, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Millennium Homes; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$475.45, plus accrued interest, if applicable, be refunded to Millennium Homes having offices at P.O. Box 269, Metuchen, N.J. 08840.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$475.45, plus accrued interest, if applicable, in account #7200024857 to the applicant.

EXPLANATION: This Ordinance establishes Parking Prohibitions (No Parking) on certain road segments of Kilmer Road as described, specifically the establishment of No Parking on the north side of Kilmer Road from the limits of Plainfield Avenue (CR # 529) to the Borough of Highland Park border, and the establishment of No Parking on the south side of Kilmer Road from the limits of Plainfield Avenue (CR # 529) to the NJ Transit Driveway opposite Kilmer Court.

EDISON TOWNSHIP

ORDINANCE O.____-2011

WHEREAS, the Township of Edison wishes to prohibit parking at all times on certain roadway segments of Kilmer Road, and wishes to establish No Parking on the north side of Kilmer Road from the limits of Plainfield Avenue (CR # 529) to the Borough of Highland Park border, and wishes to also establish No Parking on the south side of Kilmer Road from the limits of Plainfield Avenue (CR # 529) to the NJ Transit Driveway opposite Kilmer Court; and

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

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

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

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

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

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

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

EXPLANATION: This ordinance amends the Township of Edison Code by creating new **Chapter 38 entitled “Riparian Zone.”**

TOWNSHIP OF EDISON

ORDINANCE

BE IT ORDAINED, by the Council of the Township of Edison, County of Middlesex, State of New Jersey, that Chapter XXXVIII currently designated as “Reserved” as follows is hereby supplemented and amended to establish a new Chapter XXXVIII entitled “Riparian Zone” to read as follows:

SECTION I. The index for new Chapter 38 entitled “Riparian Zone” shall read as follows:

RIPARIAN ZONE

- 38-1. Purpose and Authority
- 38-2. Definitions
- 38-3. Establishment and Protection of Riparian Zones
- 38-4. Variances
- 38-5. Exceptions
- 38-6. Appeals, Conflicts, and Severability
- 38-7. Enforcement
- 38-8. Effective Date

SECTION II. New Chapter 38 entitled “Riparian Zone” shall read as follows:

38-1. PURPOSE AND AUTHORITY

The purpose of this Ordinance is to designate riparian zones, and to provide for land use regulation therein in order to protect the streams, lakes, and other surface water bodies of the Township of Edison, Middlesex County, NJ, and to comply with N.J.A.C. 7:15-5.25(g)3, which requires municipalities to adopt an ordinance that prevents new disturbance for projects or activities in riparian zones as described herein. Compliance with the riparian zone requirements of this Ordinance does not constitute compliance with the riparian zone or buffer requirements imposed under any other Federal, State or local statute, regulation or ordinance.

38-2. DEFINITIONS

Acid producing soils means soils that contain geologic deposits of iron sulfide minerals (pyrite and marcasite) which, when exposed to oxygen from the air or from surface waters, oxidize to produce sulfuric acid. Acid producing soils, upon excavation, generally have a pH of 4.0 or lower. After exposure to oxygen, these soils generally have a pH of 3.0 or lower. Information regarding the location of acid producing soils in New Jersey can be obtained from local Soil Conservation District offices.

Applicant means a person, corporation, government body or other legal entity applying to the Planning Board, Board of Adjustment or the Construction Office proposing to engage in an activity that is regulated by the provisions of this ordinance, and that would be located in whole or in part within a regulated Riparian Zone.

Category One waters or C1 waters shall have the meaning ascribed to this term by the Surface Water Quality Standards, N.J.A.C. 7:9B, for purposes of implementing the antidegradation policies set forth in those standards, for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, and other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources.

Disturbance means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

Intermittent Stream means a surface water body with definite bed and banks in which there is not a permanent flow of water and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

Lake, pond, or reservoir means any surface water body shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at

N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys; that is an impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of surface water. This excludes sedimentation control and stormwater retention/detention basins and ponds designed for treatment of wastewater.

Perennial stream means a surface water body that flows continuously throughout the year in most years and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

Riparian zone means the land and vegetation within and directly adjacent to all surface water bodies including, but not limited to lakes, ponds, reservoirs, perennial and intermittent streams, up to and including their point of origin, such as seeps and springs, as shown on the New Jersey Department of Environmental Protection's GIS hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys. There is no riparian zone along the Atlantic Ocean nor along any manmade lagoon or oceanfront barrier island, spit or peninsula.

Special Water Resource Protection Area or SWRPA means a 300 foot area provided on each side of a surface water body designated as a C1 water or tributary to a C1 water that is a perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein and shown on the USGS quadrangle map or in the County Soil Surveys within the associated HUC 14 drainage, pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h).

Surface water body(ies) means any perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein. In addition, any regulated water under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-2.2, or State open waters identified in a Letter of Interpretation issued under the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-3 by the New Jersey Department of Environmental Protection Division of Land Use Regulation shall also be considered surface water bodies.

Threatened or endangered species means a species identified pursuant to the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-1 et seq., the Endangered Species Act of 1973, 16 U.S.C. §§1531 et seq. or the Endangered Plant Species List, N.J.A.C. 7:5C-5.1, and any subsequent amendments thereto.

Trout maintenance water means a section of water designated as trout maintenance in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

Trout production water means a section of water identified as trout production in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

38-3. ESTABLISHMENT AND PROTECTION OF RIPARIAN ZONES

A. Except as provided in Sections 38-4. and 38-5. below, riparian zones adjacent to all surface water bodies shall be protected from avoidable disturbance and shall be delineated as follows:

1. The riparian zone shall be 300 feet wide along both sides of any Category One water (C1 water), and all upstream tributaries situated within the same HUC 14 watershed. At present there are NO waters classified as Category One (C1) waters under Township of Edison jurisdiction.
2. The riparian zone shall be 150 feet wide along both sides of the following waters not designated as C1 waters:
 - a. Any trout production water and all upstream waters (including tributaries);
 - b. Any trout maintenance water and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water;
 - c. Any segment of a water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the surface water body for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water; and
 - d. Any segment of a water flowing through an area that contains acid producing soils.
3. For all other surface water bodies, a riparian zone of 50 feet wide shall be maintained along both sides of the water.

B. If a discernible bank is not present along a surface water body, the portion of the riparian zone outside the surface water body is measured landward as follows:

1. Along a linear fluvial or tidal water, such as a stream, the riparian zone is measured landward of the feature's centerline;

2. Along a non-linear fluvial water, such as a lake or pond, the riparian zone is measured landward of the normal water surface limit;
3. Along a non-linear tidal water, such as a bay or inlet, the riparian zone is measured landward of the mean high water line; and
4. Along an amorphously-shaped feature such as a wetland complex, through which water flows but which lacks a discernible channel, the riparian zone is measured landward of the feature's centerline.

C. The applicant or designated representative shall be responsible for the initial determination of the presence of a riparian zone on a site, and for identifying the area of the riparian zone on any plan submitted to the Township of Edison in conjunction with an application for a construction permit, subdivision, land development, or other improvement that requires plan submissions or permits. This initial determination shall be subject to review and approval by the municipal engineer, governing body, or its appointed representative, and, where required by State regulation, the New Jersey Department of Environmental Protection.

38-4. VARIANCES

To the extent allowed by the Stormwater Management Rules (N.J.A.C. 7:8), the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), and the Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38), new disturbances for projects or activities in the riparian zone established by this Ordinance may be allowed through the Zoning Board of Adjustment review and approval of a variance, provided the disturbance is proposed to be located on a pre-existing lot (existing as of the effective date of this ordinance) when there is insufficient room outside the riparian zone for the proposed use otherwise permitted by the underlying zoning; there is no other reasonable or prudent alternative to placement in the riparian zone, including obtaining variances from setback or other requirements that would allow conformance with the riparian zone requirements; and upon proof by virtue of submission of appropriate maps, drawings, reports and testimony, that the disturbance is:

- A. Necessary to protect public health, safety or welfare;
- B. To provide an environmental benefit;
- C. To prevent extraordinary hardship on the property owner peculiar to the property; or
- D. To prevent extraordinary hardship, provided the hardship was not created by the property owner, by not allowing a minimum economically viable use of the property based upon reasonable investment.

38-5. EXCEPTIONS

To the extent allowed under the Stormwater Management Rules (N.J.A.C. 7:8), the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), and the Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38) and subject to review and approval by the New Jersey Department of Environmental Protection to the extent required by those rules, the following disturbances for projects or activities in the riparian zone established by this Ordinance are allowed:

- A. Redevelopment within the limits of existing impervious surfaces;
- B. Linear development with no feasible alternative route;
- C. Disturbance that is in accordance with a stream corridor restoration or stream bank stabilization plan or project approved by the New Jersey Department of Environmental Protection;
- D. Disturbance necessary to provide for public pedestrian access or water dependent recreation that meets the requirements of the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A, the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, or the Coastal Zone Management rules, N.J.A.C. 7:7E; or
- E. Disturbance with no feasible alternative required for the remediation of hazardous substances performed with New Jersey Department of Environmental Protection or Federal oversight pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq. or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq.

38-6. APPEALS, CONFLICTS, AND SEVERABILITY

- A. Any party aggrieved by the location of the riparian zone boundary determination under this Ordinance may appeal to the Township Engineer under the provisions of this Ordinance. The party contesting the location of the riparian zone boundary shall have the burden of proof in case of any such appeal.

B. Any party aggrieved by any determination or decision of the Township Engineer under this Ordinance may appeal to the Municipal Council of the Township of Edison. The party contesting the determination or decision shall have the burden of proof in case of any such appeal.

C. **Conflicts:** All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this Ordinance shall apply.

D. **Severability:**

1. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.

2. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.

3. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

38-7. ENFORCEMENT

A prompt investigation shall be made by the Department of Planning and Engineering, of the Township of Edison, of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Ordinance is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Ordinance shall be construed to preclude the right of the Township of Edison, pursuant to N.J.S.A 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this Ordinance shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Ordinance. Each day a violation continues shall be considered a separate offense.

SECTION III. This Ordinance shall take effect twenty (20) days after final adoption and publication and approval by the Mayor in accordance with NJSA 40:69A-181(b)., and shall be filed with the County Planning Board after adoption.

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

RESOLUTION

WHEREAS, the Township Engineer advises that a final inspection was done of JFK Hospital-Neuroscience Institute, Application #P01-05/06 located at James Street in Block: 643-EE, Lot: 17U4, 17S; and

WHEREAS, the Cash Performance Bond was released on March 14, 2008, Resolution #134-032008; and

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

WHEREAS, Community Hospital Group Inc. posted inspection fees in the amount of \$282.50 on deposit with the Township of Edison in account #7200025149; 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 \$105.06; and

WHEREAS, it is in now in order that the sum of \$177.44, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Community Hospital Group Inc.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$177.44, plus accrued interest, if applicable, be refunded to Community Hospital Group Inc. having offices at JFK Medical Center, James Street, Edison, N.J. 08817.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$177.44, plus accrued interest, if applicable, in account #7200025149 to the applicant.

RESOLUTION

WHEREAS, the Township Engineer advises that an inspection has been made of 19 Williams Road, Application #Single Family located in Block: 1015, Lot: 15, 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 Township Engineer, recommends the release of the Cash Performance Bond, Check #05030402 in the amount of \$6,000.00, on deposit in account #7760013241 with the Township of Edison, principal being American G.P. Int'l Inc., having offices at 91 Buena Vista Ave., Rumson, N.J. 07760 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 \$6,000.00, 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 \$6,000.00 plus accrued interest, if applicable, on deposit in account #7760013241 to the applicant.

RESOLUTION

WHEREAS, the Township Engineer advises that a final inspection was done of 56 & 58 Jersey Ave, located in Block: 652, Lot: 25 & 26, Application #P89-97/98; and

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

WHEREAS, Millennium Properties posted inspection fees in the amount of \$590.96 on deposit with the Township of Edison in account #7760216686 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 \$590.96; and

WHEREAS, **it is in now in order that account #7760216686 is now a zero balance; and**

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON **that account #7760216686 is now a zero balance, therefore no money shall be returned to New First Millennium Properties LLC 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 #7760216686.**

**RESOLUTION APPROVING ADDITIONAL FUNDS TO PUMPING SERVICES
INCORPORATED FOR THE REPAIR OF A RECONDITIONED PUMP FOR THE SEWER
DIVISION-NATIONAL ROAD PUMP STATION**

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

WHEREAS, PUMPING SERVICES INCORPORATED, 201 Lincoln Boulevard, Middlesex, NJ 08846 was awarded a contract in the amount of \$10,951.00 through Resolution R.125-022011 on February 24, 2011 for said reconditioned pump; and

WHEREAS, during the repair of the pump, additional parts were found to be in need of replacement which were not part of the original estimate; and

WHEREAS, funds in the needed additional amount of \$3,063.00 have been certified to be available in the Sewers-Materials and Supplies Account, No. 1-07-55-0501-000-030.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Mayor, or her designee, is hereby authorized to execute a contract in the amount of \$3,063.00, and any other necessary documents, with PUMPING SERVICES INCORPORATED.

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO BELAIR SERVICES FOR
BUS REPAIR SERVICES**

WHEREAS, bids were received by the Township of Edison on January 20, 2011 for Public Bid No. 10-06-28, Bus Repair Services; and

WHEREAS, BELAIR SERVICES, 641 Tremont Avenue, Orange, NJ 07050, submitted the lowest legally responsible, responsive bid; and

WHEREAS, the maximum amount of this purchase is \$10,000.00 and funds in the amount of \$10,000.00 have been certified to be available in the Community Shuttle-Maintenance of Motor Vehicle Account, Number 1-01-27-0330-003-025 subject to and contingent upon appropriation of sufficient funds in the 2011 budget.

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

1. All bids have been reviewed, and the bid submitted by BELAIR SERVICES, 641 Tremont Avenue, Orange, NJ 07050, for Bus Repair Services 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 \$10,000.00, and any other necessary documents, with BELAIR SERVICES 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 ACCEPTING BID AND AWARDING CONTRACT TO MAX L. BROWN
COMPANY, INC. FOR JANITORIAL / INDUSTRIAL / HARDWARE SUPPLIES**

WHEREAS, bids were received by the Township of Edison on December 28, 2010 for Public Bid No. 10-07-30, Janitorial/Industrial/Hardware supplies; and

WHEREAS, MAX L. BROWN HARDWARE COMPANY, INC., 1000 Port Carteret Drive, Suite D, Carteret, NJ 07008, submitted the lowest legally responsible, responsive bid for various catalog items; and

WHEREAS, the maximum amount of this purchase is \$63,875.00 and funds in the amount of \$63,875.00 have been certified to be available in the following accounts:

\$15,000.00 – Account No. 1-01-25-0265-001-035 (Fire Fighting-Janitorial, Laundry, House)
\$5,000.00 – Account No. 1-01-25-0240-000-030 (Police Dept. Materials & Supplies)
\$5,000.00 – Account No. 1-01-26-0315-002-034 (Police Vehicles-Motor Vehicles Parts/Access.)
\$1,000.00 – Account No. 1-01-28-0370-000-066 (Recreation Supplies)
\$2,000.00 – Account No. 1-09-55-0800-001-210 (Sanitation Operating Supplies – General)
\$1,500.00 – Account No. 1-01-26-0315-001-034 (Municipal Garage-Motor Vehicle Parts)
\$4,000.00 – Account No. 1-07-55-0501-000-030 (Sewer-Materials & Supplies)
\$4,000.00 – Account No. 1-01-28-0375-000-030 (Parks & Trees–Materials & Supplies)
\$3,000.00 – Account No. 1-01-26-0290-000-030 (Streets & Roads–Materials & Supplies)
\$20,000.00 – Account No. 1-01-26-0310-000-035 (Buildings & Grounds-Janitorial Supplies)
\$2,000.00 – Account No. 1-01-26-0310-000-030 (Buildings & Grounds-Materials & Supplies)
\$775.00 – Account No. G-02-10-0330-727-001 (Clean Communities Grant)
\$600.00 – Account No. T-12-00-0100-000-001 (Dog Expenditures)

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 MAX L. BROWN HARDWARE COMPANY, INC., 1000 Port Carteret Drive, Suite D, Carteret, NJ 07008 for Janitorial/Industrial/Hardware supplies is determined to be the lowest legally responsible, responsive bid for various catalog items.
5. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$63,875.00, and any other necessary documents, with MAX L. BROWN HARDWARE COMPANY, 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 ACCEPTING BID AND AWARDING CONTRACT TO FASTENAL COMPANY
FOR JANITORIAL / INDUSTRIAL / HARDWARE SUPPLIES**

WHEREAS, bids were received by the Township of Edison on December 28, 2010 for Public Bid No. 10-07-30, Janitorial/Industrial/Hardware supplies; and

WHEREAS, FASTENAL COMPANY, 2001 Theurer Blvd., Winona, MN 55987, submitted the lowest legally responsible, responsive bid for various catalog items; and

WHEREAS, the maximum amount of this purchase is \$14,000.00 and funds in the amount of \$14,000.00 have been certified to be available in the following accounts:

\$2,000.00 – Account No. 1-01-25-0265-001-035 (Fire Fighting-Janitorial, Laundry, House)
\$5,000.00 – Account No. 1-01-25-0240-000-030 (Police Dept. Materials & Supplies)
\$5,000.00 – Account No. 1-01-26-0315-002-034 (Police Vehicles-Motor Vehicles Parts/Access.)
\$2,000.00 – Account No. 1-07-55-0501-000-030 (Sewer-Materials & Supplies)

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 FASTENAL COMPANY, 2001 Theurer Blvd., Winona, MN 55987 for Janitorial/Industrial/Hardware supplies is determined to be the lowest legally responsible, responsive bid for various catalog items.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$14,000.00, and any other necessary documents, with FASTENAL 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 ACCEPTING BID AND AWARDING CONTRACT TO CHROMATE
INDUSTRIAL CORPORATION FOR JANITORIAL / INDUSTRIAL / HARDWARE SUPPLIES**

WHEREAS, bids were received by the Township of Edison on December 28, 2010 for Public Bid No. 10-07-30, Janitorial/Industrial/Hardware supplies; and

WHEREAS, CHROMATE INDUSTRIAL CORPORATION, 100 DaVinci Drive, Bohemia, NY 11716, submitted the lowest legally responsible, responsive bid for various catalog items; and

WHEREAS, the maximum amount of this purchase is \$4,000.00 and funds in the amount of \$4,000.00 have been certified to be available in the Municipal Garage-Motor Vehicle Parts Account, Number 1-01-26-0315-001-034, 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 CHROMATE INDUSTRIAL CORPORATION, 100 DaVinci Drive, Bohemia, NY 11716 for Janitorial/Industrial/Hardware supplies is determined to be the lowest legally responsible, responsive bid for various catalog items.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$4,000.00, and any other necessary documents, with CHROMATE INDUSTRIAL CORPORATION, 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 AUTHORIZING A REIMBURSEMENT TO
PREFERRED FREEZER SERVICES OF NEWARK, LLC
FOR A BASKETBALL GOOD STANDING REFUND**

WHEREAS Preferred Freezer Services of Newark, LLC paid \$300.00 to participate in the Edison Recreation Adult Basketball League; and

WHEREAS the Preferred Freezer Services team was not ejected or did not forfeit out of the league and is entitled to a \$100.00 “Good Standing Refund”.

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 \$100.00 to Preferred Freezer Services of Newark, LLC, 360 Avenue P, Newark, NJ 07105, which represents the amount of the “Good Standing Refund”.

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
ZACHARY MANFRE FOR A BASKETBALL GOOD STANDING
REFUND**

WHEREAS Zachary Manfre paid \$300.00 to participate in the Edison Recreation Adult Basketball League; and

WHEREAS Zachary Manfre's team was not ejected or did not forfeit out of the league and is entitled to a \$100.00 "Good Standing Refund".

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 \$100.00 to Zachary Manfre, 1 Kenmore Rd., Edison, NJ 08817, which represents the amount of the "Good Standing Refund".

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
ALBANO FERREIRA FOR A BASKETBALL GOOD STANDING
REFUND**

WHEREAS Albano Ferreira paid \$300.00 to participate in the Edison Recreation Adult Basketball League; and

WHEREAS Albano Ferreira's team was not ejected or did not forfeit out of the league and is entitled to a \$100.00 "Good Standing Refund".

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 \$100.00 to Albano Ferreira, 148 Keswick Drive, Piscataway, NJ 08854, which represents the amount of the "Good Standing Refund".

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
JOHN HINTON FOR A BASKETBALL GOOD STANDING REFUND**

WHEREAS John Hinton paid \$300.00 to participate in the Edison Recreation Adult Basketball League; and

WHEREAS John Hinton's team was not ejected or did not forfeit out of the league and is entitled to a \$100.00 "Good Standing Refund".

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 \$100.00 to John Hinton, 35 Reading Road, Edison, NJ 08817, which represents the amount of the "Good Standing Refund".

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
ROBERT URPSIS FOR A BASKETBALL GOOD STANDING
REFUND**

WHEREAS Robert Urpsis paid \$300.00 to participate in the Edison Recreation Adult Basketball League; and

WHEREAS Robert Urpsis's team was not ejected or did not forfeit out of the league and is entitled to a \$100.00 "Good Standing Refund".

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 \$100.00 to Robert Urpsis, 98 Predmore Avenue, Colonia, NJ 07067, which represents the amount of the "Good Standing Refund".

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
SCOTT MIGLIORE FOR A BASKETBALL GOOD STANDING
REFUND**

WHEREAS Scott Migliore paid \$300.00 to participate in the Edison Recreation Adult Basketball League; and

WHEREAS Scott Migliore's team was not ejected or did not forfeit out of the league and is entitled to a \$100.00 "Good Standing Refund".

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 \$100.00 to Scott Migliore, 40 Caldwell Road, Edison, NJ 08817, which represents the amount of the "Good Standing Refund".

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
TERRENCE BROWN FOR A BASKETBALL GOOD STANDING
REFUND**

WHEREAS Terrence Brown paid \$300.00 to participate in the Edison Recreation Adult Basketball League; and

WHEREAS Terrence Brown's team was not ejected or did not forfeit out of the league and is entitled to a \$100.00 "Good Standing Refund".

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 \$100.00 to Terrence Brown, 213 Astor Lane, Franklin Park, NJ 08823, which represents the amount of the "Good Standing Refund".

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
MICHAEL TARANTINO FOR A
BASKETBALL GOOD STANDING REFUND**

WHEREAS Michael Tarantino paid \$300.00 to participate in the Edison Recreation Adult Basketball League; and

WHEREAS Michael Tarantino's team was not ejected or did not forfeit out of the league and is entitled to a \$100.00 "Good Standing Refund".

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 \$100.00 to Michael Tarantino, 2811 Forest Haven Boulevard, Edison, NJ 08817, which represents the amount of the "Good Standing Refund".

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
BRIAN KULAS FOR A BASKETBALL GOOD STANDING REFUND**

WHEREAS Brian Kulas paid \$300.00 to participate in the Edison Recreation Adult Basketball League; and

WHEREAS Brian Kulas's team was not ejected or did not forfeit out of the league and is entitled to a \$100.00 "Good Standing Refund".

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 \$100.00 to Brian Kulas, 10 Landing Lane, Apt. 8G, New Brunswick, NJ 08901, which represents the amount of the "Good Standing Refund".

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
MARC RIZZO FOR A BASKETBALL GOOD STANDING REFUND**

WHEREAS Marc Rizzo paid \$300.00 to participate in the Edison Recreation Adult Basketball League; and

WHEREAS Marc Rizzo's team was not ejected or did not forfeit out of the league and is entitled to a \$100.00 "Good Standing Refund".

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 \$100.00 to Marc Rizzo, 7 Shinne Cock Ct., Monroe, NJ 08831, which represents the amount of the "Good Standing Refund".

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
STEVEN RUDALF FOR A BASKETBALL GOOD STANDING
REFUND**

WHEREAS Steven Rudalf paid \$300.00 to participate in the Edison Recreation Adult Basketball League; and

WHEREAS Steven Rudalf's team was not ejected or did not forfeit out of the league and is entitled to a \$100.00 "Good Standing Refund".

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 \$100.00 to Steven Rudalf, 473 Horizon Drive, Edison, NJ 08817, which represents the amount of the "Good Standing Refund".

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
TYLER JONES FOR A BASKETBALL GOOD STANDING REFUND**

WHEREAS Tyler Jones paid \$300.00 to participate in the Edison Recreation Adult Basketball League; and

WHEREAS Tyler Jones's team was not ejected or did not forfeit out of the league and is entitled to a \$100.00 "Good Standing Refund".

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 \$100.00 to Tyler Jones, 23 Rose Street, Metuchen, NJ 08840, which represents the amount of the "Good Standing Refund".

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
NIMA GHEZELBASH
FOR A BASKETBALL GOOD STANDING REFUND**

WHEREAS Nima Ghezelbash paid \$300.00 to participate in the Edison Recreation Adult Basketball League; and

WHEREAS Nima Ghezelbash's team was not ejected or did not forfeit out of the league and is entitled to a \$100.00 "Good Standing Refund".

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 \$100.00 to Nima Ghezelbash, 21 Koster Blvd., Apt. 6B, Edison, NJ 08837, which represents the amount of the "Good Standing Refund".

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
ROSS HEALTH SCIENCES, INC.
FOR A BASKETBALL GOOD STANDING REFUND**

WHEREAS Ross Health Sciences, Inc. paid \$300.00 to participate in the Edison Recreation Adult Basketball League; and

WHEREAS the Ross Health Sciences team was not ejected or did not forfeit out of the league and is entitled to a \$100.00 “Good Standing Refund”.

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 \$100.00 to Ross Health Sciences, Inc., 630 Route 1, Ste. 300, North Brunswick, NJ 08902, which represents the amount of the “Good Standing Refund”.

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
ADAM STEINBERG FOR A BASKETBALL GOOD STANDING
REFUND**

WHEREAS Adam Steinberg paid \$300.00 to participate in the Edison Recreation Adult Basketball League; and

WHEREAS Adam Steinberg's team was not ejected or did not forfeit out of the league and is entitled to a \$100.00 "Good Standing Refund".

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 \$100.00 to Adam Steinberg, 41 Menlo Avenue, Metuchen, NJ 08840, which represents the amount of the "Good Standing Refund".

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
DIPEN PATEL FOR A BASKETBALL GOOD STANDING REFUND**

WHEREAS DiPen Patel paid \$300.00 to participate in the Edison Recreation Adult Basketball League; and

WHEREAS DiPen Patel's team was not ejected or did not forfeit out of the league and is entitled to a \$100.00 "Good Standing Refund".

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 \$100.00 to DiPen Patel, 407 Frederick Avenue, South Plainfield, NJ 07080, which represents the amount of the "Good Standing Refund".

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
CHRIS YOUNG FOR A BASKETBALL GOOD STANDING REFUND**

WHEREAS Chris Young paid \$300.00 to participate in the Edison Recreation Adult Basketball League; and

WHEREAS Chris Young's team was not ejected or did not forfeit out of the league and is entitled to a \$100.00 "Good Standing Refund".

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 \$100.00 to Chris Young, 1713 Azalea Drive, North Brunswick, NJ 08902, which represents the amount of the "Good Standing Refund".

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
RALPH RUSSO FOR A BASKETBALL GOOD STANDING REFUND**

WHEREAS Ralph Russo paid \$300.00 to participate in the Edison Recreation Adult Basketball League; and

WHEREAS Ralph Russo's team was not ejected or did not forfeit out of the league and is entitled to a \$100.00 "Good Standing Refund".

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 \$100.00 to Ralph Russo, 23 Country Club Drive, Ringoes, NJ 08551, which represents the amount of the "Good Standing Refund".

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO TRI-FORM CONSTRUCTION, INC.
FOR PAYMENT OF CONTRACT DOCUMENTS FOR PUBLIC BID NO. 11-02-06, POLICE
RENOVATIONS**

WHEREAS, TRI-FORM CONSTRUCTION, INC., 119 Liberty Street, Metuchen, NJ 08840, paid \$150.00 for contract documents for Public Bid No. 11-02-06, Police Renovations on March 1, 2011; and

WHEREAS, Edison Township Council Member Robert Karabinchak is President of TRI-FORM CONSTRUCTION, INC., and therefore, ineligible to bid on an Edison Township proposal; and

WHEREAS, funds in the amount of \$150.00 have been certified to be available in Account No. 1-01-55-0291-000-000.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$150.00 to TRI-FORM CONSTRUCTION, INC., 119 Liberty Street, Metuchen, NJ 08840.

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

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.

Explanation: This Ordinance requires the Mayor to obtain the advice and consent of the Council to appoint or hire any supervisor managerial employee whose salary, wages and other compensation is fifty thousand (\$50,000) dollars or more.

TOWNSHIP OF EDISON

ORDINANCE O.1766-2011

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

Section 1. Subsection 2-1.1 entitled “General Powers and Duties” of Section 2-1 entitled “Mayor” of Chapter II entitled “Administration” of the Code of the Township of Edison is hereby supplemented and amended to read as follows:

2-1.1 General Powers and Duties.

The Mayor, as the chief executive officer of the Township, shall have the power and duty to supervise the administration of the Charter and ordinances of the Township and the general laws applicable thereto. He or she shall have such powers of appointment and removal as are provided by Charter or general law. He or she shall have the power to appoint, with the advice and consent of the Council, to all offices where no other provision is made for such appointment; it being the intent and purpose of this provision, in order to control spending, that the Mayor shall obtain the advice of the Council and consent to appoint, hire or retain any supervisory or managerial employee whose salary, wages, and other compensation equals or exceeds fifty thousand (\$50,000) dollars. He or she shall assign and approve the assignment of space in public buildings and other public places for the temporary or permanent use of any department, agency, body, officer or instrumentality and shall, through the Business Administrator, control the assignment, allocation and use of furniture, equipment or other public property in the Township government. He or she may assign and reassign, transfer and retransfer, from time to time, either temporarily or permanently, any property or personnel from one function to another or from one administrative unit to another as the management of the Township government may require, subject to the express requirements of the Charter and all other applicable general laws. This section shall not, however, apply to Council or Township Clerk. Service to the residents of Edison Township require that the Mayor serve in a full-time capacity wherein the position of Mayor shall be his or her primary occupation, dedicated to the affairs of Edison Township. During his or her term of office, the mayor shall not maintain or secure any other full-time employment.

Section 2. If any section, subsection, sentence clause, phrase or portion of this ordinance, for any reason, be deemed invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This Ordinance shall take effect twenty (20) days after the final passage by Council and approval of the Mayor in accordance with N.J.S.A. 40:69A-181(b).

EXPLANATION: This ordinance amends the section of the Township Code relating to the Mayor's staff.

EDISON TOWNSHIP

ORDINANCE

WHEREAS, the Township Council wishes to amend the Code of the Township of Edison regarding the Mayor's Staff .

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 2-1.2 entitled "Mayor's Staff" is hereby amended as follows:

CHAPTER II ADMINISTRATION

Article I Mayor and Council

2-1 Mayor

2-1.2 Mayor's Staff

The Mayor may appoint a secretary, executive secretary or other personnel not exceeding two (2) ~~three (3)~~ in number.

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.