

**AGENDA
MUNICIPAL COUNCIL
WORKSESSION MEETING
Monday, March 7, 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. Worksession Meeting of February 7, 2011
 - b. Closed Session Meeting of February 24, 2011
6. **ADMINISTRATIVE AGENDA:
FROM MAYOR ANTONIA RICIGLIANO:**
 - a. Chaplain Ordinance
7. **REPORTS FROM ALL COUNCIL COMMITTEES:**
8. **POINTS OF LIGHT**
9. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Award of contract for the furnishing of cellular phone services and wireless cards
10. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through March 3, 2011
 - b. Resolution authorizing refund in the amount of \$173,110.86 for redemption of tax sale certificates.
 - c. Resolution authorizing refund of tax overpayments, totaling \$17,360.59.
 - d. Award of non fair and open contract for appraisal services for tax appeals
11. **FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**
 - a. Tree Maintenance Bond Refund for Hawkeye Development, 7, 9, 11 Homestead Road, Permit #06-62
 - b. Release of cash performance guarantee for Hawkeye Development Co., 6 Sunset Avenue, Application #P67-99/00
 - c. Revised Bond Reduction for Alfieri Office Tower, 399, 479, 499 Thornall Street, Application #P16-00/01
 - d. Release of Performance Bond for Hawkeye Development Co., 6 Sunset Avenue, Application #P67-99/00
12. **FROM THE DEPARTMENT OF PUBLIC WORKS:**
 - a. Award of quote for sewer repairs at 59 Route 27
13. **FROM THE DEPARTMENT OF RECREATION:**
 - a. Refund of cancelled trip fee
 - b. Refund of ABC fee
14. **FROM THE CHIEF OF FIRE:**
 - a. Award of Contract No. 10-05-18, Fire Department Equipment and Tools – Supply and Repair
15. **FROM THE COUNCIL MEMBER OF THE PLANNING BOARD:**

16. **PROPOSED RESOLUTIONS:**

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)

17. **COMMUNICATIONS:**

None

18. **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

- a. Resolution of Recognition – Martin Luther King School
- b. Resolution of Recognition – Woodrow Wilson School
- c. Ordinance

Councilmember Prasad

None

19. **CLOSED SESSION:**
None

20. **ADJOURNMENT**

EXPLANATION: This Ordinance creates the positions of Chaplain to the Division of Police and provides for the appointment of up to five (5) Chaplains.

EDISON TOWNSHIP

ORDINANCE O. ____ -2011

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

SECTION I. Article III entitled “Departments” of Chapter II entitled “Administration” of the Municipal Code of the Township of Edison is hereby supplemented by the insertion of the following new Section 2-36 entitled “Division of Police - Chaplains” as follows:

2-36 Division of Police - Chaplains.

In accordance with N.J.S.A. 40A:14-141, up to five (5) Chaplains may be appointed by the Mayor to the Division of Police. Any person so appointed by the Mayor to qualify shall be an ordained clergyman in good standing in the religious body from which he or she is selected. The Chaplain or Chaplains so appointed shall:

- a. become members of the Division of Police without rank;
- b. serve without salary or remuneration;
- c. serve during the term of office of the Mayor appointing him or her;
- d. be removed by the Mayor in his or her discretion.

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 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

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

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 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

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

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---REVISED

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

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 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 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 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 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 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 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

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

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

WHEREAS, due to the nature and volume of work the Contract needs to be increased to approve additional expenditures of \$100,000.00 for a total authorized expenditure of \$220,000.00; and

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

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, County of Middlesex, and State of New Jersey, that the authorized amount of this Contract is hereby increased by \$100,000.00 for a total authorized expenditure of \$220,000.00.

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

RESOLUTION

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Edison, County of Middlesex, and State of New Jersey, that the authorized amount of this Contract is hereby increased by \$120,000.00 for a total authorized expenditure of \$220,000.00.

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

RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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