

**AGENDA
MUNICIPAL COUNCIL
WORKSESSION MEETING
JUNE 20, 2016
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 December 12, 2015 and posted in the Main Lobby of the Municipal Complex on the same date.
4. **ORAL PETITIONS AND REMARKS**
5. **APPROVAL OF MINUTES:**
 - a. Regular Meeting of May 11, 2016
 - b. Worksession Meeting of May 23, 2016
6. **REPORTS FROM ALL COUNCIL COMMITTEES:**
7. **POINTS OF LIGHT**
8. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Awarding the Second year of the Data and Voice Service Contract .
 - b. Award of Contract/Purchase Order for Tires and Tubes
 - c. Awarding/Amending Contract for Radio Communications System Consultant to acquire 700 MHZ Frequencies.
9. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through June 16, 2016
 - b. Resolution authorizing refund in the amount of \$181,771.30 for redemption of tax sale certificates.
 - c. Resolution authorizing refund for Tax Overpayments totaling \$5,265.02.
 - d. Resolution authorizing refund for Sewer Tax Overpayments totaling \$444.79.
 - e. Resolutions authorizing the Settlement of Tax Appeals.
 - f. Resolution authorizing the Award of a Non-Fair and Open Contract for the Maintenance and Support of Data Processing Tax Assessor Software.
 - g. Resolution authorizing a Professional Services Contract for Financial Management and Advisory Services.
10. **FROM THE DEPARTMENT OF LAW:**
 - a. Resolution referring the Townships Final 2016 housing Element and Fair Share Plan (2016 HEFSP) to the Edison Planning Board for review and adoption of a

Resolution approving the Final 2016 HEFSP as an amendment to the Township's Master Plan.

- b. Resolution authorizing a Contract for Special Legal Services related to potential claims against certain Pharmaceutical companies.
- c. Resolution authorizing the submission of a claim to surety involving Woodland Estates by Fenix LLC
- d. Resolution designating Property identified as 225 Raritan Center (Block 390.DD, Lot 8.B) in the Township as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law N.J.S.A 40A:12A-1 et seq.
- e. Resolution support the adoption of Senate Bill S2254 and Assembly Bill A3821, which clarify that a municipality's present and prospective fair share of the housing need in a given region shall be computed for a 10 year period, and shall not include a retrospective obligation arising from any so called gap period. The Resolutions authorizes the Mayor and Council to send to the appropriate letters of support to the Legislature.
- f. Resolution authorizes the Mayor to execute the attached Developer's Agreement with Edison Towne Square with respect to the property identified as Block 198-L Lot 37-01(formerly Ford Plant Property) as shown on the Edison Township Tax Map.

11. **FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**

- a. Resolution refunding Tree Maintenance Bond.
- b. Resolution amends R.070-022016 authorizing the increase of certain funds to the Edison Housing Authority.
- c. Resolution replacing R.069-022016 for the grant of certain funds in the amount of \$9,440.00 to Enable, Inc. (replacing former owner of 2031 Oak Tree Road.) from the Affordable Housing Emergency Generator Program.
- d. Resolution authorizing change order No. 1 in the amount of \$600.00 for case number 0315 for a total revised contract amount of \$20,700.00.
- e. Resolution authorizes the Township Council to approve a qualified pool of engineers on an as needed basis for Township projects.
- f. Resolution authorizes the Township Council to approve CME Associates for engineering services on an as needed basis with regard to Landfill closure.

12. **FROM THE DEPARTMENT OF PUBLIC WORKS:**

- a. Award of Contract for Public Bid No. 16-08-25R Sewer Pump Rentals.

13. **FROM THE DEPARTMENT OF RECREATION:**

- a. Resolution authorizing a reimbursement for the Summer Playground Program.

14. **FROM THE CHIEF OF FIRE:**

- a. Resolutions authorizes the Township Council to grant permission to Garden State Fireworks to discharge Fire Works.

15. **FROM THE CHIEF OF POLICE:**

- a. Award of Contract for Public Bid No. 16-04-12 – Online Training Software.
- b. Award of a Non Fair and Open Contract for the Maintenance and support of the Software Computer Aided Dispatch and Records Management System used by Police and Fire.

16. **FROM THE TOWNSHIP CLERK:**

- a. Resolution authorizing the 2016/2017 Liquor License Renewals
- b. Resolution authorizing a refund for a Raffle Permit not needed.
- c. Resolution authorizing the sale of One (1) Plenary Retail Distribution Liquor License and further authorizing the Township Clerk to advertise for bid proposals for same pursuant to N.J.S.A. 33:1-19.1.

17. **FROM THE COUNCIL MEMBER OF THE PLANNING BOARD:**

18. **UNFINISHED BUSINESS:**

ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING, AND FINAL ADOPTION:

O.1930-2016 ORDINANCE APPROVING THE APPLICATION FOR FINANCIAL AGREEMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW N.J.S.A. 40A:12A-1 ET SEQ.

O.1931-2016 ORDINANCE AUTHORIZING THE SALE OF UNDERSIZED LAND NOT NEEDED FOR PUBLIC USE PURSUANT TO N.J.S. A. 40A:12-13.

O.1932-2016 ORDINANCE APPROVING MUNICIPAL SERVICES AGREEMENT WITH OUT OF BOUNDS ASSOCIATION, INC.

O.1933-2016 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND ESTABLISH A CAP BANK.

19. **COMMUNICATIONS:**

- a. Electronic mail received from BAPS regarding their fee waiver.
- b. Electronic mail received from Ralph Bucci regarding Council Seat.

20. **DISCUSSION ITEMS:**

Council President Lombardi

- a. Resolution of Recognition for Gold Award Girl Scouts.

Councilmember Diehl

None

Councilmember Gomez
None

Councilmember Patil
None

Councilmember Sendelsky
None

Councilmember Shah
None

21. **CLOSED SESSION:**
a. Tax Appeals

22. **ADJOURNMENT**

RESOLUTION

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING JUNE 16, 2016

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through June 16, 2016

FUND	AMOUNT
Current	\$13,047,241.56
Affordable Housing	57,162.70
Capital	1,049,933.78
Cash Performance	0.00
CDBG	339.36
Developers Escrow	27,074.21
Dog (Animal Control)	340.00
Federal Forfeited	2,595.00
Grant Funds	2,158.20
Law Enforcement	0.00
Open Space	0.00
Park Improvements	0.00
Payroll Deduction	496,320.56
Sanitation Fund	189,224.86
Sewer Utility	48,698.53
Tax Sale Redemption	128,729.24
Tree Fund	0.00
Tree Planting	0.00
Trust	103,960.82
TOTAL	\$15,153,778.82

/s/ Nicholas C. Fargo
Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the above-referenced disbursements report is hereby approved.

RESOLUTION

Authorizing refund for redemption of tax sale certificates

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that 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 Tax Collector further reports that the said tax sale certificates have been redeemed thereof, and further advises that 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 aforementioned recitals are incorporated herein as though fully set forth at length.

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison, that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing, totaling **\$181,771.30**.

June 22, 2016

RESOLUTION

Authorizing refund for tax overpayments

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that 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 the said overpayments, and the Tax Collector advises that the requesters are entitled to refunds as provided the attached listing; and

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the aforementioned recitals are incorporated herein as though fully set forth at length.

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing totaling **\$5,265.02**.

June 22, 2016

RESOLUTION

Authorizing the refund of sewer charge overpayments to certain property owners in the Township

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that certain property owners in the Township have overpaid for sewer use charges due to erroneous or duplicate payments totaling amounts greater than that assessed to them for the year **2015**; and

WHEREAS, applications have been made to the Tax Collector for refunds of the aforesaid overpayments, and the Tax Collector advises that the property owners are entitled to refunds as provided for below; and

WHEREAS, the Municipal Council of the Township of Edison desires to authorize the refund of these sewer charge overpayments.

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

1. The aforementioned Recitals are incorporated herein as though fully set forth at length.

2. The Municipal Council hereby authorizes the appropriate official of the Township to draw and issue checks to the person(s) in the amounts provided for below, in satisfaction of sewer charge overpayments:

Property Owner:	RABBATH, RAYMOND S & BETTY A
Property Location:	125 MONROE AVE
Block/Lot/Qualifier	619.A / 3
Sewer Account:	16426-0
Amount to be Refunded:	\$ 131.47
Property Owner:	TASEVSKIS & S & COTO, SLAVICA
Property Location:	74 WINTHROP RD
Block/Lot/Qualifier	1136/9
Sewer Account:	22955-0
Amount to be Refunded:	\$ 313.32
GRAND TOTAL:	\$ 444.79

3. This Resolution shall take effect immediately.

June 22, 2016

BLOCK	LOT	OWNER	YEAR	CURRENT	PROPOSED	REDUCTION	TAX
104.N	23	VERIZON	2014	1,000,000	700,000	300,000	4
124	2.E5	MORRIS 27	2010	13,576,000	3,639,200	9,936,800	4
124	2.E5	MORRIS 27	2011	13,576,000	3,712,800	9,863,200	4
124	2.E5	MORRIS 27	2012	13,576,000	3,828,800	9,747,200	4
288	13	PENA	2013	500,700	338,200	162,500	4
366.B	15	BASELL USA	2011	3,935,600	3,210,600	725,000	4
366.B	15	BASELL USA	2012	3,935,600	3,210,600	725,000	4
366.B	15	BASELL USA	2013	3,935,600	3,210,600	725,000	4
366.B	15	BASELL USA	2015	3,935,600	3,210,600	725,000	5
390.E	6.01	EMBA REALTY	2010	2,530,900	2,444,200	86,700	4
390.E	6.01	EMBA REALTY	2011	2,530,900	2,444,200	86,700	4
390.R	10.A	BT-NEWYO	2014	5,136,000	4,500,000	636,000	4
390.R	10.A	BT-NEWYO	2015	5,136,000	4,500,000	636,000	5
433.A	58	OAK GROVE ASSOC.	2013	13,322,900	10,720,400	2,602,500	4
433.A	58	OAK GROVE ASSOC.	2014	13,322,900	10,662,600	2,660,300	4
433.A	58	OAK GROVE ASSOC.	2015	13,322,900	10,025,300	3,297,600	4
546.NN	17	KANUGA & DOSHI	2014	1,060,100	960,100	100,000	4
546.NN	17	KANUGA & DOSHI	2015	1,060,100	960,100	100,000	4
755.B	38	SUGARBUSH ASSOC.	2014	1,302,000	1,052,900	249,100	4
						0	
						0	TO
						0	
						0	
		2016 ADJUSTMENTS				0	
366.B	15	BASELL USA	2016	3,935,600	1,967,800	1,967,800	5
366.B	4.B1	BASELL USA	2016	1,500,000	750,000	750,000	5
366.B	14.A	BASELL USA	2016	124,000	62,000	62,000	5
366.B	16	BASELL USA	2016	1,885,500	942,800	942,700	5
433.A	58	OAK GROVE ASSOC.	2016	13,322,900	8,036,700	5,286,200	5
546.NN	17	KANUGA & DOSHI	2016	1,060,100	960,100	100,000	5

* 2016 RATE ESTIMATED

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO VITAL COMMUNICATIONS, INC. FOR THE MAINTENANCE AND SUPPORT OF DATA PROCESSING TAX ASSESSOR SOFTWARE USED BY THE TAX ASSESSOR'S OFFICE

WHEREAS, the Township of Edison needs to renew the annual maintenance and support agreement for the data processing tax assessor software used by the Tax Assessor's Office 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 Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, such annual renewal for the support of proprietary software may be awarded without public advertising for bids or bidding, in accordance with N.J.S.A. 40A:11-5(dd); and

WHEREAS, VITAL COMMUNICATIONS, INC., 900 South Broad Street, Trenton, NJ 08611, has submitted a proposal to provide such services for a one year term from July 1, 2016 through June 30, 2017 at a cost of \$48,000.00; and

WHEREAS, VITAL COMMUNICATIONS, INC, 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 VITAL COMMUNICATIONS, INC. from making any reportable contributions through the term of the contract; and

WHEREAS, funds in the amount of \$48,000.00 cannot be encumbered at this time; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)); and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

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

1. The Mayor, or his designee, is hereby authorized to execute a contract and any other necessary documents, in the amount of \$48,000.00, with VITAL COMMUNICATIONS, INC., 900 South Broad Street, Trenton, NJ 08611 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 under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(dd).
3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
4. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and in compliance with the Local Public Contracts Law guidelines.

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT TO GOVERNMENT STRATEGY GROUP FOR FINANCIAL MANAGEMENT AND ADVISORY SERVICES

WHEREAS, the Township of Edison (the Township) has determined that it is in its best interests and those of the Township residents to engage a financial management services firm to support the Township's Chief Financial Officer (CFO) and to ensure proper financial reporting, and the Township is authorized pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* ("Local Contracts Law") to contract for "professional services" as it may require; and

WHEREAS, Government Strategy Group, 1253 Springfield Avenue, New Providence, NJ 07974 has submitted a proposal to provide such services including, but not limited to, the areas of public finance and municipal accounting, and has extensive staff and resources that may be utilized to support the Township's CFO; and

WHEREAS, for these reasons the Mayor and the Municipal Council recommend Government Strategy Group for its Financial Management and Advisory Services and seek to enter a contract with Government Strategy Group to provide for same; and

WHEREAS, the Local Contracts Law, 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, this Contract is not awarded through a "fair and open process" pursuant to *N.J.S.A. 19:44A-20.5, et seq.*; and

WHEREAS; the total amount of this contract shall be in the amount of \$14,900.00 per month, payable in monthly installments, not to exceed \$178,800.00 for the one year contract; and

WHEREAS, Government Strategy Group., 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 Government Strategy Group from making any reportable contributions through the term of this one year contract; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)); and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

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

5. The Township is hereby authorized to execute a contract and any other necessary documents, with Government Strategy Group, 1253 Springfield Avenue, New Providence, NJ 07974, in an amount not to exceed \$178,800.00 as set forth above.
6. This contract is awarded pursuant to *N.J.S.A. 40A:11-5* and *19:44A-20.5 et. seq.*, and without competitive bidding.
7. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
8. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to *N.J.S.A. 40A:11-1, et seq.* and in compliance with the Local Public Contracts Law guidelines.

RESOLUTION AWARDING THE SECOND YEAR OF THE DATA AND VOICE SERVICE CONTRACT TO BUSINESS AUTOMATION TECHNOLOGIES, INC. D/B/A DATA NETWORK SOLUTIONS

WHEREAS, bids were received by the Township of Edison on April 14, 2015 for Public Bid No. 15-01-23-Data and Voice Service for the Township of Edison; and

WHEREAS, BUSINESS AUTOMATION TECHNOLOGIES, INC. D/B/A DATA NETWORK SOLUTIONS, 116 Oceanport Ave., Bldg. 1, Little Silver, NJ 07739 submitted the lowest legally responsible, responsive bid; and

WHEREAS, R.284-052015 dated May 13, 2015 authorized the first year of a two year contract with BUSINESS AUTOMATION TECHNOLOGIES, INC. D/B/A DATA NETWORK SOLUTIONS for the period of July 8, 2015 through July 7, 2016; and

WHEREAS, we are awarding the second year contract for the period of July 7, 2016 through July 6, 2017; with all terms and conditions of the contract remaining the same although we will be disconnecting the services at 205 Raritan Center Parkway which is allowable as per the contract; and

WHEREAS, the total amount of the second year contract shall not exceed \$30,000.00; and

WHEREAS, the maximum amount for this contract cannot be determined at this time, and the total amount of the award of this contract cannot be encumbered; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)); and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison that the Mayor, or his designee, is hereby authorized to execute the second year of the contract in the amount not to exceed \$30,000.00 and any other necessary documents, with BUSINESS AUTOMATION TECHNOLOGIES, INC. D/B/A DATA NETWORK SOLUTIONS as described herein.

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDERS TO EDWARDS TIRE
COMPANY INCORPORATED FOR GOODYEAR TIRES AND TUBES**

WHEREAS, there is a need to purchase Goodyear Tires and Tubes for the maintenance of the Township of Edison vehicles; and

WHEREAS, EDWARDS TIRE COMPANY INCORPORATED, P.O. Box 704, Farmingdale, NJ 07727 has been awarded State Contract Number 82527 under M-8000/Tires, Tubes and Services; and

WHEREAS, the total amount of this contract, not to exceed \$100,000.00, cannot be encumbered at this time; 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; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)); and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase orders in the amount not to exceed \$100,000.00 and any other necessary documents, with EDWARDS TIRE COMPANY INCORPORATED, P.O. Box 704, Farmingdale, NJ 07727 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. 82527/M-8000.

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER(S) TO EDWARDS TIRE COMPANY
INCORPORATED FOR BRIDGESTONE/FIRESTONE TIRES AND
TUBES**

WHEREAS, there is a need to purchase Bridgestone/Firestone Tires and Tubes for the maintenance of the Township of Edison vehicles; and

WHEREAS, EDWARDS TIRE COMPANY INCORPORATED, P.O. Box 704, Farmingdale, NJ 07727 has been awarded State Contract Number 82528 under M-8000/Tires, Tubes and Services; 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; and

WHEREAS, the total amount of this contract, not to exceed \$50,000.00, cannot be encumbered at this time; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)); and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) in the amount not to exceed \$50,000.00 and any other necessary documents, with EDWARDS TIRE COMPANY INCORPORATED, P.O. Box 704, Farmingdale, NJ 07727 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. 82528/M-8000.

RESOLUTION AWARDING/AMENDING CONTRACT TO V-COMM, LLC FOR RADIO COMMUNICATION SYSTEM CONSULTANT TO ACQUIRE 700 MHZ FREQUENCIES

WHEREAS, V-COMM, LLC, 2540 US Highway 130, Ste. 101, Cranbury, NJ 08512 was awarded RFP 15-03, Radio Communication System Consultant, on October 14, 2015 by Resolution R.700-102015; and

WHEREAS, RFP 15-03 included a provision for additional work that may be needed during the course of the project and requested and received an hourly rate schedule for said additional work needed; and

WHEREAS; Edison Township is in need of 700 MHZ frequency acquisition services; and

WHEREAS; V-COMM, LLC has submitted a proposal to provide complete 700 MHZ Frequency Acquisition Services for a price not to exceed \$34,450.00; and

WHEREAS, funds in the amount of \$34,450.00 have been certified to be available in the Section 20 Costs Account, No. C-04-14-1872-490-000; and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein and as per the proposal.

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

1. The proposal as submitted by V-COMM, LLC, 2540 US Highway 130, Ste. 101, Cranbury, NJ 08512 for 700 MHZ frequency acquisition services is accepted.
2. The Mayor, or his designee, is hereby authorized to amend the original contract with V-COMM, LLC in the amount not to exceed \$34,450.00, in accordance with the proposal.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$34,450.00** are available for the above contract in Account No. **C-04-14-1872-490-000**.

Nicholas C. Fargo
Chief Financial Officer

EXPLANATION: A Resolution referring the Township’s Final 2016 Housing Element and Fair Share Plan (“2016 HEFSP”) to the Edison Planning Board for review and adoption of a Resolution approving the Final 2016 HEFSP as an amendment to the Township’s Master Plan

EDISON TOWNSHIP

A RESOLUTION REFERRING THE TOWNSHIP’S FINAL 2016 ELEMENT AND FAIR SHARE PLAN TO THE EDISON PLANNING BOARD FOR ADOPTION OF A RESOLUTION BY THE PLANNING BOARD APPROVING THE FINAL 2016 HEFSP AS AN AMENDMENT TO THE TOWNSHIP’S MASTER PLAN

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision, In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015)(the "2015 Case"), which transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing (“COAH”) to the New Jersey Superior Court, and established a transitional process for municipalities, like the Township of Edison, to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plans (“HEFSP”) as being constitutionally compliant and seeking judicial protections and immunity; and

WHEREAS, pursuant to N.J.S.A. 52:27D-313 and the 2015 Case, the New Jersey Superior Court has the authority to enter an Order granting protection and repose against exclusionary zoning litigation to a municipality that is in compliance with its affordable housing obligations under the Fair Housing Act, N.J.S.A. 52:27D-301, et seq.; and

WHEREAS, on July 7, 2015, the Township of Edison (the “Township”) filed a declaratory judgment action with the New Jersey Superior Court seeking to declare its HEFSP as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period (the “Declaratory Judgment Action”). In that filing, the Township also sought a determination from the Superior Court with respect to the Township’s future use and disposition of the Township’s Affordable Housing Trust Funds, as directed by the New Jersey Appellate Division in the case, In Re Failure of the Council on Affordable Housing to Adopt Trust Fund Commitment Regulations ; and

WHEREAS, the Superior Court of New Jersey has ordered that municipalities that filed declaratory judgment actions must submit an updated HEFSP that address their affordable housing obligations as calculated by municipal experts; and

WHEREAS, the Township's Planning Consultant, Shirley M. Bishop, PP, prepared an updated 2016 HEFSP (the "2016 HEFSP") that addresses the Township's affordable housing obligation based on a proposed settlement with the Fair Share Housing Center ("FSHC") and the Intervenor/Defendants in the Declaratory Judgment Action (the "Settlement Agreement"); and

WHEREAS, the Settlement Agreement sets forth the 2016 HEFSP and other terms and conditions of settlement to resolve and settle the Declaratory Judgment Action; and

WHEREAS, by prior Resolution of the Township Council on April 27, 2016, Council authorized the submission of the 2016 HEFSP to the Planning Board, in accordance with the directive of the New Jersey Superior Court in the pending Declaratory Judgment Action, requesting that the Planning Board adopt a Resolution accepting the 2016 HEFSP and committing to promptly comply with the formal, procedural requirements for the adoption of the 2016 HEFSP, as an amendment to the Township's Master Plan, if the 2016 HEFSP is approved by the Court; and

WHEREAS, the Planning Board adopted said Resolution at its April 18, 2016 Meeting, and the 2016 HEFSP and Settlement Agreement were subsequently preliminarily approved by Judge Natali on June 7, 2016 and a Preliminary Judgment of Compliance issued, at the Township's Compliance Hearing before the Court on that date, subject to certain supplements to be made to the 2016 HEFSP, as set forth by the Court and in the June 4, 2016 Report of the Special Court Master in the case; and

WHEREAS, the Court has scheduled a Final Compliance Hearing for October 7, 2016, at which time it is anticipated that the Court will grant a Final Judgment of Compliance and Repose to the Township, provided all required supplements to the 2016 HEFSP and required approvals of the Planning Board and Township, have been completed prior to this date; and

WHEREAS, as a requirement for Final Judgment, the Planning Board is required to adopt the Final 2016 HEFSP as an amendment to the Township's Master Plan; and

WHEREAS, as set forth in the Planning Board's April 18, 2016 Resolution, the Board committed to promptly comply with the formal procedural requirements for adoption of the 2016 HEFSP as an amendment to the Township's Master Plan, if the 2016 HEFSP was approved by the New Jersey Superior Court in the Township's pending Declaratory Judgment Action; and

WHEREAS, the supplements to the 2016 HEFSP, as set forth by the Court and Special Master at the June 7, 2016 Compliance Hearing, have been made and/or will be completed by no later than June 21, 2016 and submitted on June 22, 2016 to the Special Master and Parties to the Declaratory Judgment Action, for their approval by no later than July 1, 2016 in preparation for and submission of the Final 2016 HEFSP to the Planning Board on or about July 8, 2016 for action by the Planning Board at the Planning Board's July 18, 2016 Meeting.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby authorizes the submission of the Final 2016 HEFSP, as supplemented and approved by the Special Master and Parties in the pending Declaratory Judgment Action, to the Planning Board as set forth herein, for adoption as an amendment to the Township's Master Plan at the July 18, 2016 Meeting of the Planning Board.
3. The Clerk of the Township shall forward a copy of this Resolution and the Final 2016 HEFSP, as supplemented, to the Planning Board for action, as set forth herein.
4. This Resolution shall take effect immediately.

EXPLANATION: A RESOLUTION AUTHORIZING A CONTRACT FOR SPECIAL LEGAL SERVICES RELATED TO POTENTIAL CLAIMS AGAINST CERTAIN PHARMACEUTICAL COMPANIES

EDISON TOWNSHIP

A RESOLUTION AUTHORIZING A CONTRACT FOR SPECIAL LEGAL SERVICES RELATED TO POTENTIAL CLAIMS AGAINST CERTAIN PHARMACEUTICAL COMPANIES

WHEREAS, the law firm, Eichen Crutchlow Zaslou & McElroy, LLP, (the "Firm") is preparing to file legal action under New Jersey's insurance fraud statute for recovery of compensatory damages, treble damages, costs and fees, against the pharmaceutical industry, on behalf of several insurers who have paid millions of dollars for insureds and claimants, to be treated with opioid drugs when, the Firm alleges, there were safer, less costly alternatives readily available; and

WHEREAS, the Firm maintains that the pharmaceutical industry has deprived patients, their doctors, and health care payors, of the chance to exercise informed judgment and has subjected them to enormous costs and suffering, and that this course of conduct, has violated and continues to violate local, state, and common law; and

WHEREAS, the Firm further maintains that these actions could lead to substantial recoveries for those who paid for opioid treatment, and that any insurer who paid for the use of opioid drugs has the potential to recover those funds through this lawsuit; and

WHEREAS, the Township may have a potential claim for recovery in this matter; and

WHEREAS, the Township seeks to engage the services of the Firm to investigate any potential claim the Township may have, based in statute or common law, related to the alleged fraudulent marketing, sale and/or over-prescription of opioid drugs, and if a potential claim is determined to exist, to file and prosecute such claims on behalf of the Township;

WHEREAS, the Firm will be paid by the Township on a contingent fee basis (33⅓% fee of any settlement or jury award) on recovery of a financial settlement or jury award.

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

1. The Township is hereby authorized to retain the services of the Firm as set forth herein and to execute a contract with the Firm for such services, as reviewed and approved by Township Counsel.

EXPLANATION: A Resolution authorizing the submission of a claim to surety involving Woodland Estates by Fenix LLC

EDISON TOWNSHIP

A RESOLUTION AUTHORIZING THE SUBMISSION OF A CLAIM TO SURETY REGARDING BOND FOR PROJECT INVOLVING WOODLAND ESTATES BY FENIX, LLC

WHEREAS, on May 30, 2007 a Subdivision Bond No. 5027982 (the "Bond") was issued to the Township of Edison in the amount of \$1,124,447.37 by Bond Safeguard Insurance Company with respect to the Township's contract with Woodland Estates by Fenix, LLC for certain construction work and improvements at Woodland Estates at North Edison; and

WHEREAS, over the years, the Bond has been reduced accordingly from \$1,124,447.37 to \$337,343.21, on two occasions, by Resolution of the Council and agreement of the Parties, upon completion of certain work; and

WHEREAS, Woodland Estates by Fenix, LLC has failed to complete certain road work improvements required under the contract, in an amount estimated to be approximately \$175,000 and it is the Township's understanding that the company has since dissolved, and consequently, the work remains incomplete; and

WHEREAS, the Bond provides that the Surety, upon receipt of a resolution of the Township indicating that the improvements have not been installed or completed, will complete the improvements or pay to the Township such amount up to the Principal amount of the Bond which will allow the Township to complete the improvements; and

WHEREAS, in accordance with the Bond requirements, it is the intent of this Resolution, to authorize the Township to submit the necessary claim(s) to the Surety under the Bond, for review and action with respect to the incomplete road work improvements required to be completed under the contract by Woodland Estates by Fenix, LLC, and as covered by the Bond.

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

1. The Township is hereby authorized to submit a claim under the Bond, to the Surety for review and action, regarding the incomplete road work improvements under the Township's contract with Woodland Estates by Fenix, LLC

EXPLANATION: A Resolution designating property identified as 225 Raritan Center (Block 390.DD, Lot 8.B) in the Township as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*

EDISON TOWNSHIP

RESOLUTION _____

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “**Redevelopment Law**”), authorizes a municipality to determine whether certain property within the municipality constitutes an area in need of redevelopment; and

WHEREAS, to make such a determination under the Redevelopment Law, the municipal council (the “**Township Council**”) of the Township of Edison (the “**Township**”), by way of Resolution 810-122015, adopted December 9, 2015, authorized and directed the planning board of the Township (the “**Planning Board**”) to conduct a preliminary investigation of the property identified as 225 Raritan Center, and more commonly known as Block 390.DD, Lot 8.B on the Township’s tax maps (the “**Study Area**”), and to determine that the Study Area meets the criteria for a Non-Condensation Redevelopment Area, pursuant to Sections 5 and 6 of the Redevelopment Law; and

WHEREAS, on June 14, 2016, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law, at which hearing it determined that the Study Area qualified as an area in need of redevelopment and recommended that the Township Council designate the Study Area as an area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

WHEREAS, the Township Council has determined that, based upon the recommendation of the Planning Board, the Study Area should be designated an area in need of redevelopment under the Redevelopment Law, with such designation authorizing the Township and Township Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, other than the power of eminent domain,

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

- Section 1. The foregoing recitals are incorporated herein as if set forth in full.
- Section 2. The recommendations and conclusions of the Planning Board are hereby accepted by the Township Council.
- Section 3. Based upon the findings and recommendations of the Planning Board, the Study Area is hereby designated an area in need of redevelopment without the power of eminent domain (the “**Non-Condensation Redevelopment Area**”), pursuant to the provisions of Sections 5 and 6 of the Redevelopment Law.
- Section 4. The Township Clerk is hereby directed to transmit a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs for review pursuant to Section 6b(5)(c) of the Redevelopment Law.
- Section 5. The Township Clerk is hereby directed to serve, within ten (10) days hereof, a copy of this Resolution upon (i) all record owners of property located within the Non-Condensation Redevelopment Area, as reflected on the tax assessor’s records, and (ii) each person who filed a written objection prior to the hearing held by the Planning Board, service to be in the manner provided by Section 6 of the Redevelopment Law.
- Section 6. This Resolution shall take effect immediately.

EXPLANATION: This Resolution support the adoption of Senate Bill S2254 and Assembly Bill A3821, which clarify that a municipality’s present and prospective fair share of the housing need in a given region shall be computed for a 10-year period, and shall not include a retrospective obligation arising from any so called “gap period. The Resolution authorizes the Mayor and Council to send the appropriate letters of support to the Legislature.

EDISON TOWNSHIP

RESOLUTION __

WHEREAS, pursuant to the March 10, 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, many municipalities (including Edison) filed declaratory judgment actions to voluntarily comply with their present and prospective affordable housing requirements as established in the FHA; and

WHEREAS, the FHA and existing case law are clear that “present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period.” (See N.J.S.A. 52:27D-307(c)); and

WHEREAS, in October 2015, the Middlesex County Superior Court issued a decision that included a distinct “gap period” obligation, retroactively imposing an additional municipal obligation over an additional 16 year period, separate and apart from the normal 10 year present and prospective need set forth in the FHA. Recently the Ocean County Superior Court did the same. The Ocean County decision is currently on appeal; and

WHEREAS, this “gap period” issue arises out of COAH’s inability to promulgate Third Round regulations from 1999 to the present, or make any final determination as to state and regional housing need. Despite this, the courts are not holding COAH accountable but rather are imposing additional obligations on municipalities. These retroactive obligations will have a significant and unfunded impact on municipalities, straining their already overburdened resources; and

WHEREAS, aside from other inequities and issues imposed by a so-called “gap” obligation, the households counted in the “gap period” may well be double counted when the present need is calculated. The prospect of double counting compounds this dilemma and will likely result in forcing municipalities and their property taxpayers to subsidize development or subject them to court orders allowing enormous numbers of new housing units as a result of “builder’s remedy” lawsuits. Such a result will radically and irrevocably transform the character and quality of life for all New Jersey residents; and

WHEREAS, hundreds of New Jersey’s municipalities have expended significant financial and other administrative resources in their attempts to voluntarily comply with their constitutional obligation for affordable housing as established by the Supreme Court and the FHA. As a direct result of the State’s failure to advance viable regulations or enact overdue legislative reform, this will only continue to spiral out of control; and

WHEREAS, Senate Bill S2254 and Assembly Bill A3821 are important legislative remedies designed to clarify existing law and preclude these significant, unfair impacts. Swift and decisive

adoption of both is a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities.

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 Council hereby support the adoption of Senate Bill S2254 and Assembly Bill A3821 which clarify that a municipality's present and prospective fair share of the housing need in a given region shall be computed for a 10-year period, and shall not include a retrospective obligation arising from any so called "gap period."
2. The Mayor and Township Council urge the members of the New Jersey Senate, General Assembly and the Governor, to swift and decisively adopt both as a critical step toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities.
3. A certified copy of this Resolution shall be sent to Hon. Chris Christie, Governor; Hon. Steve Sweeney, President, NJ Senate; Hon. Vincent Prieto, Speaker, NJ General Assembly; Senate and General Assembly representatives and the New Jersey State League of Municipalities.

EXPLANATION: Resolution Refunding Tree Maintenance Bond to Raman Patel
915 Beatrice Pkwy, Edison NJ 08820 12-056 Account # **7762575921**

TOWNSHIP OF EDISON

RESOLUTION

WHEREAS, on October 31, 2013, Raman Patel posted a Tree Maintenance Bond fees in the amount of \$2,025.00 on deposit with the Township of Edison in account #7762575921 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #12-056.

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 \$2,025.00 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 \$2,025.00 Herein above 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 \$2,025.00 on deposit in Account #7762575921 Raman Patel, having an address at 915 Beatrice Pkwy Edison, NJ 08820, **Account #7762575921**

Explanation: This Resolution amends R.070-021016 authorizing the increase of certain funds to the Edison Housing Authority from the Township's Affordable Housing Emergency Generator Program for Julius Engels Apartments, South Edison due to additional PSE&G charges.

AMENDED RESOLUTION

EDISON TOWNSHIP

WHEREAS, by Resolution dated February 25, 2015 the Township Council approved, authorized and established an Emergency Generator Program for the purchase and installation of emergency generators pursuant to N.J.A.C. 5:97-8.8(a) by certain qualified applicants and committed \$500,000 from the Township's Affordable Housing Trust Fund for this purpose; and

WHEREAS, the Township Council also approved and adopted a Manual at that time for the Emergency Generator Program in accordance with COAH's directives, which set forth the application process for applicants to comply with in order to participate in the Program and receive a grant for such work under the Program; and

WHEREAS, an application to participate in the Program was submitted by the Housing Authority of the Township of Edison and was reviewed and deemed complete and in compliance with the Program requirements; and

WHEREAS, the Township Council desires to award a grant to the Housing Authority of the Township of Edison in the amount of \$72,291.88 for the purchase and installation of an emergency generator that includes additional charges from PSE&G for Julius Engels Apartments under the Township's Emergency Generator

Program, and to authorize the execution of an Agreement between the Township and the Housing Authority of the Township of Edison with respect to such grant.

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

1. The Township Council hereby approves and authorizes a grant in the amount of \$72,291.88 from the Township's Affordable Housing Trust Fund (T-13-00-0000-000-006) with respect to the Township's Emergency Generator Program, to the Housing Authority of the Township of Edison for the purchase and installation of an emergency generator at Julius Engle Apartments, and authorizes the execution of an Agreement with the Housing Authority of the Township of Edison with respect to such grant.
2. That an original copy of this resolution shall be forwarded to the Municipal Housing Liaison.

Explanation: A Resolution replacing R.069-012016 for the grant of certain funds in the amount of \$9,440.00 to Enable, Inc. (replacing former owner of 2031 Oak Tree Road) from the Township's Affordable Housing Emergency Generator Program.

RESOLUTION

EDISON TOWNSHIP

WHEREAS, by Resolution dated February 25, 2015 the Township Council approved, authorized and established an Emergency Generator Program for the purchase and installation of emergency generators pursuant to N.J.A.C. 5:97-8.8(a) by certain qualified applicants and committed \$500,000 from the Township's Affordable Housing Trust Fund for this purpose; and

WHEREAS, the Township Council also approved and adopted a Manual at that time for the Emergency Generator Program in accordance with COAH's directives, which set forth the application process for applicants to comply with in order to participate in the Program and receive a grant for such work under the Program; and

WHEREAS, an application to participate in the Program was submitted by Enable, Inc. and was reviewed and deemed complete and in compliance with the Program requirements; and

WHEREAS, the Township Council desires to award a grant to Enable, Inc. in the amount of \$9,440.00 for the purchase and installation of an emergency generator under the Township's Emergency Generator Program and to authorize the execution of an Agreement between the Township and Enable, Inc. with respect to such grant.

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

3. The Township Council hereby approves and authorizes a grant in the amount of \$9,440.00 from the Township's Affordable Housing Trust Fund (T-13-00-0000-000-006) with respect to the Township's Emergency Generator Program, to Enable, Inc. for the purchase and installation of an emergency generator, and authorizes the execution of an Agreement with Enable, Inc. located at 13 Roszel Road, Suite B110, Princeton, NJ 08540 with respect to such grant.
4. That an original copy of this resolution shall be forwarded to the Municipal Housing Liaison.

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 IN THE AMOUNT OF \$600.00 FOR A-PLUS CONSTRUCTION FOR CASE NUMBER 0315, FOR A TOTAL REVISED CONTRACT AMOUNT OF \$20,700.00

WHEREAS, The Community Development Block Grant (CDBG) funds are used to facilitate various projects throughout the community as outlined in the Program Year 2015 Consolidated Annual Action Plan; and

WHEREAS, part of the funding is for improvements to qualified single family, owner occupied dwellings located in Edison; and

WHEREAS, A-PLUS CONSTRUCTION, 18 Station Road, Lincoln Park, NJ 07035, was awarded a contract through resolution R.170-032016 on March 9, 2016 in the amount of \$20,100.00; and

WHEREAS, during the course of the work, additional electrical repairs were found to be needed, there was a need to change electrical service and relocate and extend panel wiring as per PSE&G inspector; and

WHEREAS, funds in the amount of \$600.00 have been certified to be available in the CDBG Housing Rehabilitation Account Number T-14-15-0510-000-001.

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

NOW, THEREFORE IT IS RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Change Order No. 1 be awarded to A-PLUS CONSTRUCTION, 18 Station Road, Lincoln Park, NJ 07035 in an amount not to exceed \$600.00 resulting in a revised contract amount of \$20,700.00.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$600.00** are available for the above contract in Account No. **T-14-15-0510-000-001**.

Nicholas C. Fargo
Chief Financial Officer

EXPLANATION: This Resolution authorizes the Township Council to approve a qualified pool of engineers on an as-needed basis for Township projects.

EDISON TOWNSHIP
RESOLUTION _____

WHEREAS, the Township of Edison (the “Township”) issued a Request for Proposals for Engineering Services, RFP 16-06, seeking proposals from qualified individuals and firms to provide engineering services on an as-needed basis for Township projects (the “Request for Proposals”); and

WHEREAS, the Township evaluated the responses submitted by various qualified individuals and firms to the Request for Proposals in accordance with the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* (the “Public Contracts Law”); and

WHEREAS, the Township desires to approve a qualified pool of engineers on an as-needed basis for Township projects which shall include the following individuals and firms:

- 1) Remington & Vernick- 3 Jocama Boulevard, Suite 3, Old Bridge, New Jersey 08857;
- 2) T&M Associates- 11 Tindall Road, Middletown, New Jersey, 07748;
- 3) Prestige Environmental Inc.- 220 Davidson Avenue, Suite 307, Somerset, New Jersey 08873;
- 4) Naik Group- 200 Metroplex Drive, Suite 403, Edison, New Jersey 08817;
- 5) Centerstate Engineering- 481 Spotswood Englishtown Road, Monroe Township, New Jersey 08831;
- 6) CP Engineers, LLC- 35 Sparta Avenue, Sparta, New Jersey 07871;
- 7) Delaware & Raritan Engineering, Inc.- 200 Daniels Way. Suite 230, Freehold, New Jersey 07728;
- 8) Keller & Kirkpatrick, Inc.- 301 Gibraltar Drive, Suite 2A, Morris Plains, New Jersey 07950;
- 9) Maser Consultants, PC- 331 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701;
- 10) Midatlantic Engineering Partners, LLC- 5 Commerce Way, Suite 200, Hamilton, New Jersey 08691;
- 11) Suburban Consulting Engineers, Inc.- 96 U.S. Highway 206, Suite 101, Flanders, New Jersey 07836; and
- 12) CME Associates- 3141 Bordentown Avenue, Parlin, New Jersey 08859; and

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The aforementioned qualified pool of engineers is approved on an as-needed basis for Township projects, subject to subsequent authorization by Council if and as needed.
3. This Resolution shall take effect immediately.

EXPLANATION: This Resolution authorizes the Township Council to approve CME Associates for engineering services on an as-needed basis with regard to landfill closure.

EDISON TOWNSHIP
RESOLUTION _____

WHEREAS, the Township of Edison (the “Township”) issued a Request for Proposals for Engineering Services, RFP 16-06, seeking proposals from qualified individuals and firms to provide engineering services on an as-needed basis for Township projects (the “Request for Proposals”); and

WHEREAS, the Township evaluated the responses submitted by various qualified individuals and firms to the Request for Proposals in accordance with the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* (the “Public Contracts Law”); and

WHEREAS, the Township approved CME Associates, 3141 Bordentown Avenue, Parlin, New Jersey 08859 (“CME Associates”), to provide engineering services on an as-needed basis; and

WHEREAS, the Township seeks the services of CME Associates to provide the Township with engineering services on an as-needed basis with regard to landfill closure; and

WHEREAS, the Township authorizes CME to provide the Township with engineering services on an as-needed basis with regard to landfill closure at an amount not to exceed One Hundred Thousand Dollars (\$1000,000.00), to be held in the following capital accounts:

- 1) C-04-08-1616-130-490 - \$23,705.72;
- 2) C-04-12-1783-920-001 - \$32,806.27; and
- 3) C-04-14-1872-490-000 - \$43,488.01; and

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

4. The aforementioned recitals are incorporated herein as though fully set forth at length.
5. The Mayor and Township Clerk are hereby authorized and directed to execute the Contract.
6. A certificate showing the availability of funds for the Contract authorized hereby has been provided by the Chief Financial Officer of the Township and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable accounts.

7. No payments in excess of the “not-to-exceed” amount of One Hundred Thousand Dollars (\$100,000.00) will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.

8. Any modification to the Services Contract shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.

9. The Mayor of the Township may, upon ten (10) days written notice, and without cause, terminate the Contract.

10. In accordance with *N.J.S.A. 40A:11-5* of the Local Contracts Law, the Municipal Council hereby directs the Township Clerk to publish once in the official newspaper of the Township, a brief notice, substantially in the form attached hereto as *Exhibit B*, stating the nature, duration, service and amount of the Services Contract authorized for execution herein, which notice shall state that a copy of this Resolution and the Services Contract are on file and available for public inspection in the office of the Township Clerk.

11. The Services Contract shall, for all purposes, be deemed a New Jersey contract and the provisions of the Services Contract shall be governed and interpreted according to the laws of the State of New Jersey.

12. This Resolution shall take effect immediately.

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO XYLEM DEWATERING SOLUTIONS INCORPORATED D/B/A GODWIN PUMPS OF AMERICA FOR SEWER PUMP RENTALS

WHEREAS, bids were received by the Township of Edison on June 15, 2016 for Public Bid No.16-08-25R, Sewer Pump Rentals, for the Department of Public Works; and

WHEREAS, XYLEM DEWATERING SOLUTIONS INCORPORATED, D/B/A GODWIN PUMPS OF AMERICA, 6 Connerty Court, East Brunswick, NJ 08816, submitted the lowest legally responsible, responsive bid; and

WHEREAS, the initial contract shall be for one year from execution of the contract with the option to renew for the second year at the same prices, conditions, requirements and terms of the contract, subject to and contingent upon appropriation of sufficient funds for the second year; and

WHEREAS, the total amount of each year of the contract shall not exceed \$200,000.00 and cannot be encumbered at this time; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)); and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein and as submitted on the summary spreadsheet.

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 XYLEM DEWATERING SOLUTIONS INCORPORATED D/B/A GODWIN PUMPS OF AMERICA, 6 Connerty Court, East Brunswick, NJ 08816 for Sewer Pump Rentals for the Department of Public Works, is determined to be the lowest legally responsible, responsive bid.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$200,000.00 for the first year of the contract and the second year, if applicable, and any other necessary documents, with XYLEM DEWATERING SOLUTIONS INCORPORATED D/B/A GODWIN PUMPS OF AMERICA as described herein.

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
SHABANA AHMED FOR THE SUMMER PLAYGROUND PROGRAM**

WHEREAS Shabana Ahmed made payment in the amount of \$30.00 for her child, Danial Ahmed's participation in the Summer Playground Program at Stelton Park; and

WHEREAS the child is over the age limit for the Summer Playground Program.

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 \$30.00 to Shabana Ahmed, 8 Wilmbelton Ct., Edison, NJ 08820, which amount represents the registration for the Summer Playground Program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$30.00 are available in Account #6-01-55-0291-000-000.

EXPLANATION: This Resolution authorizes the Township Counsel to grant permission to Garden State Fireworks to discharge fire works for an Independence Day Celebration taking place on the grounds of the Lake Papaiani, scheduled for July 4, 2016 with a rain date of July 5, 2016

TOWNSHIP OF EDISON

RESOLUTION R. _____

Whereas, Garden State Fireworks has applied to the Township of Edison for a permit to discharge fireworks on July 4, 2016 with a rain date of July 5, 2016 for an Independence Day Celebration taking place on the grounds of Lake Papaiani; and

Whereas, Garden State Fireworks has provided proof of insurance to the Township of Edison for the purpose of conducting a fireworks display; and

Whereas, under N.J.S.A. 21:3-3, the Chief of Police, the Chief of Fire, and the Fire Marshal having reviewed the application for the firework display, have determined that the discharge of fireworks does not pose a hazard to anyone's property and/or person(s).

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

1. The Township Council does hereby grant permission for Garden State Fireworks to conduct a fireworks display on the evening of July 4, 2016 With a rain date of July 5, 2016 at approximately 9:00 p.m. on the grounds of Lake Papaiani in accordance with N.J.A.C. 5:70-2.7 (a)(5)(iii).
2. The Fire Marshal shall not issue the fireworks permit until **1.** A permit fee in the amount of \$331.00 is made payable to the Township of Edison pursuant to N.J.A.C. 5:70-2.9 (c)(3), **2.** Garden State Fireworks posts a bond in the amount of \$2,500.00 conditioned for the payment of potential damages pursuant to N.J.S.A. 21:3-5 and **3.** Garden State Fireworks post an escrow in the amount of \$500.00 for legal review of fireworks application and expenses associated with drafting a resolution authorizing the Township Council to issue any such fireworks permit **4.** A fire engine is on standby at the shoot site prior, during, and after the show until the post shell inspection has been conducted.
3. The Chief of the Fire Department and or The Fire Marshal shall have full enforcement and over sight powers to ensure that all aspects of the fireworks display are handled in accordance with the requirement of law.
4. The Township Clerk of Edison Township is directed to forward a copy of this Resolution to Garden State Fireworks, the Fire Prevention Bureau, Division of Fire, and Division of Police.

EXPLANATION: This Resolution authorizes the Township Council to grant permission to Garden State Fireworks to discharge fire works for an Independence Day Celebration taking place on the grounds of the Plainfield Country Club, scheduled for July 1, 2016 with a rain date of July 2, 2016

TOWNSHIP OF EDISON

RESOLUTION R. _____

Whereas, Garden State Fire works has applied to the Township of Edison for a permit to discharge fireworks on July 1, 2016 with a rain date of July 2, 2016 for an Independence Day Celebration taking place on the grounds of the Plainfield Country Club; and

Whereas, Garden State Fire works has provided proof of insurance to the Township of Edison for the purpose of conducting a fire works display; and

Whereas, under N.J.S.A. 21:3-3, the Chief of Police, the Chief of Fire, and the Fire Marshal having reviewed the application for the fire work display, have determined that the discharge of fireworks does not pose a hazard to anyone's property and/or person(s).

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

1. The Township Council does hereby grant permission for Garden State Fireworks to conduct a fireworks display on the evening of July 1, 2016 With a rain date of July 2, 2016 at approximately 9:00 p.m. on the grounds of the Plainfield Country Club in accordance with N.J.A.C. 5:70-2.7 (a)(5)(iii).
2. The Fire Marshal shall not issue the fire works permit until **1.** A permit fee in the amount of \$331.00 is made payable to the Township of Edison pursuant to N.J.A.C. 5:70-2.9 (c)(3), **2.** Garden State Fireworks posts a bond in the amount of \$2,500.00 conditioned for the payment of potential damages pursuant to N.J.S.A. 21:3-5 and **3.** Garden State Fireworks post an escrow in the amount of \$500.00 for legal review of fireworks application and expenses associated with drafting a resolution authorizing the Township Council to issue any such fireworks permit **4.** A fire engine is on standby at the shoot site prior, during, and after the show until the post shell inspection has been conducted.
3. The Chief of the Fire Department and or The Fire Marshal shall have full enforcement and over sight powers to ensure that all aspects of the fireworks display are handled in accordance with the requirement of law.
4. The Township Clerk of Edison Township is directed to forward a copy of this Resolution to Garden State Fire works, the Fire Prevention Bureau, Division of Fire, and Division of Police.

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO THE RODGERS GROUP, LLC
FOR ONLINE TRAINING SOFTWARE FOR THE DIVISION OF POLICE**

WHEREAS, bids were received by the Township of Edison on June 1, 2016 for Public Bid No.16-04-12 - Online Training Software for the Division of Police; and

WHEREAS, THE RODGERS GROUP, LLC, P.O. Box 831, Island Heights, NJ 08732, submitted the lowest legally responsible, responsive bid; and

WHEREAS, the total amount of this contract not to exceed \$20,000.00, cannot be encumbered at this time; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)); and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein and as submitted on the summary spreadsheet.

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 THE RODGERS GROUP, LLC, P.O. Box 831, Island Heights, NJ 08732 for Online Training Software for the Division of Police, is determined to be the lowest legally responsible, responsive bid.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$20,000.00 and any other necessary documents, with THE RODGERS GROUP, LLC as described herein.

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO VITAL COMMUNICATIONS, INC. FOR THE MAINTENANCE AND SUPPORT OF DATA PROCESSING TAX ASSESSOR SOFTWARE USED BY THE TAX ASSESSOR'S OFFICE

WHEREAS, the Township of Edison needs to renew the annual maintenance and support agreement for the data processing tax assessor software used by the Tax Assessor's Office 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 Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, such annual renewal for the support of proprietary software may be awarded without public advertising for bids or bidding, in accordance with N.J.S.A. 40A:11-5(dd); and

WHEREAS, VITAL COMMUNICATIONS, INC., 900 South Broad Street, Trenton, NJ 08611, has submitted a proposal to provide such services for a one year term from July 1, 2016 through June 30, 2017 at a cost of \$48,000.00; and

WHEREAS, VITAL COMMUNICATIONS, INC, 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 VITAL COMMUNICATIONS, INC. from making any reportable contributions through the term of the contract; and

WHEREAS, funds in the amount of \$48,000.00 cannot be encumbered at this time; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)); and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

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

9. The Mayor, or his designee, is hereby authorized to execute a contract and any other necessary documents, in the amount of \$48,000.00, with VITAL COMMUNICATIONS, INC., 900 South Broad Street, Trenton, NJ 08611 as set forth above.
10. This contract is awarded pursuant to N.J.S.A. 19:44A-20.5 et. seq. and without competitive bidding under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(dd).
11. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
12. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and in compliance with the Local Public Contracts Law guidelines.

RESOLUTION

WHEREAS, applications have be made for the renewal of Club Licenses, issued by the Municipal Council of the Township of Edison, expiring on June 30, 2016 and

WHEREAS, the proper applications and fees have been received; and

WHEREAS, no legally valid objections have been made as to why these applications should not be approved.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the following Club Licenses expiring on June 30, 2016, for which the required fee \$150.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be hereby renewed, effective June 22, 2016.

<u>LICENSE NUMBER</u>	<u>LICENSEE AND LOCATION</u>	<u>ADDRESS</u>
1205-31-037-001	American Legion Father & Son Post \$435 43 Oakland Avenue	Edison, NJ 08837
1205-31-039-001	Columbia Club of Edison, Inc. d/b/a Knight of Columbus 71 Council Place	Edison , NJ 08837
1205-31-047-001	Raritan River Boat Club Thompson Place	Edison, NJ 08817
1205-31-050-001	Edison Elks 375 Old Post Road	Edison, NJ 08817
1205-31-068-001	Edison Township Memorial Post 3117 VFW National Road	Edison, NJ 08818

RESOLUTION

WHEREAS, applications have be made for the renewal of Plenary Retail Consumption Licenses, issued by the Municipal Council of the Township of Edison, expiring on June 30, 2016; and

WHEREAS, the proper applications and fees have been received; and

WHEREAS, no legally valid objections have been made as to why these applications should not be approved.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey, that the following Plenary Retail Consumption Licenses expiring on June 30, 2016, for which the required fees of \$2,500.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be the same hereby granted and renewed, effective June 22, 2016.

<u>LICENSE NUMBER</u>	<u>LICENSEE AND LOCATION</u>	<u>ADDRESS</u>
1205-33-001-010	Seasons 52 217 Lafayette Avenue	Edison, NJ 08837
1205-33-003-002	Chestnut Inn, Inc. 1905 Woodbridge Avenue	Edison, NJ 08817
1205-33-007-005	The DK Family Inc. d/b/a The Edison Diner 101 U.S. Highway 1	Edison, NJ 08817
1205-33-015-015	Edison Land Investment 400 Plaza Drive	POCKET LICENSE Secaucus, NJ 07096
1205-33-019-010	CB Edison, LLC d/b/a Charlie Brown Steakhouse 222 Plainfield Road	Edison, NJ 08820
1205-33-025-009	Last Call Operating Co. II 19111 Dallas Parking Suite 370	POCKET LICENSE Dallas, TX 75287
1205-33-030-005	Edison Land Investment 400 Plaza Drive	POCKET LICENSE Secaucus, NJ 07096
1205-33-035-066	Elio's Inc. 1067 Inman Avenue	Edison, NJ 08820
1205-33-049-007	OSI Restaurant d/b/a Outback Steakhouse 481 U.S. Highway 1	Edison, NJ 08817
1205-33-058-003	Last Call Operating Co. I d/b/a Fox and Hound 250 Menlo Park Mall	Edison, NJ 08837

RESOLUTION

WHEREAS, applications have be made for the renewal of Plenary Retail Consumption Licenses (Hotel/Motel) , issued by the Municipal Council of the Township of Edison, expiring on June 30, 2016; and

WHEREAS, the proper applications and fees have been received; and

WHEREAS, no legally valid objections have been made as to why these applications should not be approved.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey, that the following Plenary Retail Consumption Licenses [Hotel/Motel] expiring on June 30, 2016 for which the required fees of \$2,500.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be the same hereby granted and renewed, effective June 22, 2016.

LICENSE NUMBER

LICENSEE AND LOCATION

ADDRESS

1205-36-055-002

Raritan Hospitality
d/b/a Edison Hotel
3050 Woodbridge Avenue

Edison, NJ 08837

RESOLUTION

WHEREAS, applications have be made for the renewal of Plenary Retail Distribution Licenses, issued by the Municipal Council of the Township of Edison, expiring on June 30, 2016; and

WHEREAS, the proper applications and fees have been received; and

WHEREAS, no legally valid objections have been made as to why these applications should not be approved.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the following Plenary Retail Distribution Licenses expiring on June 30, 2016, for which the required fee \$2,500.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be hereby renewed, effective June 22, 2016.

<u>LICENSE NUMBER</u>	<u>LICENSEE AND LOCATION</u>	<u>ADDRESS</u>
1205-44-021-005	Costco Wholesale Corporation 2210 Route 27	Edison, NJ 08817
1205-44-067-001	Wine Amphorae East Brunswick, LLC 883 Route 1 South	Edison, NJ 08817
1205-44-070-001	Daryl, LLC P.O. Box 29	POCKET LICENSE Woodbridge, NJ 07095

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
ENABLE, INC.**

WHEREAS Enable, Inc. made payment in the amount of \$20.00 for a Raffle License which no Raffle license fee is required.

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 \$20.00 to Enable, Inc., 13 Roszel Road, Suite B110, Princeton, NJ 08540, which amount represents the Raffle License fee which is not required.

Explanation: A Resolution authorizing the sale of one (1) Plenary Retail Distribution Liquor License and further authorizing the Township Clerk to advertise for bid proposals for same pursuant to *N.J.S.A. 33:1-19.1*

RESOLUTION

WHEREAS, there are presently six (9) plenary retail distribution licenses in the Township of Edison (“Township”) held by licensees; and

WHEREAS, pursuant to *N.J.S.A. 33:1-12.14*, new plenary retail distribution licenses may be issued in a municipality so long as the number of such licenses existing in the municipality is not greater than one for each 7,500 of its population according to the most recent estimates issued by the U.S. Bureau of the Census; and

WHEREAS, the Township has a population of nearly 100,000 people and may issue several new plenary retail distribution licenses; and

WHEREAS, the Municipal Council of the Township (“Municipal Council”) has determined it is reasonable and desirable to issue one (1) new plenary retail distribution license and to sell same at public sale, pursuant to the authority granted under State law and Chapter VI, Section 6-3.5 of the Township Code of Ordinances (“Code”); and

WHEREAS, the Municipal Council has determined to offer the opportunity to purchase said license to all qualified parties, in accordance with State law.

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

1. The Township of Edison hereby determines that it will sell at public sale one (1) new plenary retail distribution license for the sale of alcoholic beverages, in accordance with the procedures set forth at *N.J.S.A. 33:1-19 et seq.*
2. The Township Clerk shall publish a notice of the proposed issuance of the new alcoholic beverage license (“Notice”), indicating that applications therefore will be accepted by the Township at the time, date and place specified in the Notice. The Notice shall state that no applications shall be accepted later than Wednesday, August 10, 2016 at 1:00 p.m. All other conditions for the submission and acceptance of bids required hereunder shall be stated in the Notice.
3. The Notice shall be published in a newspaper circulating generally in the municipality at least two times, at least one week apart; the second of which shall be at least 30 days prior to the date after which no further applications will be accepted *i.e.* 30 days prior to Wednesday, August 10, 2016 at 1:00 p.m.
4. Bids must be made utilizing the Proposal Form available in the Office of the Township Clerk. The name and address of the bidder shall appear on the outside of the sealed envelope. All bidders must be qualified to have an interest in a retail alcoholic license under the standards set forth in the Alcoholic Beverage Control Act, *N.J.S.A. 33:1-1 et seq.* (“ABC Act”), the regulations promulgated thereunder at *N.J.A.C. 13:2-1.1 et seq.* (“ABC Regulations”), and all applicable Township ordinances and this Resolution.
5. All submitted bids must contain a deposit in the form of a certified check for 20% of the bid price. Once a bid is submitted to the Township Clerk, it cannot be withdrawn by the bidder. The highest bidder shall pay the balance of the bid to the Township Clerk in the form of cash or certified check within 30 days of the adoption of a resolution accepting the highest qualified bid. In the event of a default or breach of promise by the successful bidder, all deposit monies shall be forfeited to the Township.
6. The minimum bid price for the new retail distribution license shall be \$350,000.00.

7. All bids must contain a full and complete New Jersey Division of Alcoholic Beverage Control Application for Retail Alcoholic Beverage License long form application, a Certification of Proof of Compliance (available from the Township Clerk) stating that the applicant meets any and all conditions and requirements and knows of no reason why he or she would be disqualified from having an interest in a retail distribution license in New Jersey, and, a separately sealed envelope with the applicant's bid on the Township Proposal Form and the bid deposit (20% of the bid price). The Township Clerk will publicly announce and publish those applicants who presumptively meet the qualifications for bidding, as fixed by law, rules, regulations and resolution, on Wednesday, August 10, 2016 shortly after 1:00 p.m., being the time after which no applications will be accepted (and being five days prior to the opening of bids, which opening shall occur on Tuesday, August 16, 2016 at 1:00 p.m.) No bids will be opened from or on behalf of a bidder who has not been identified as presumptively meeting the pre-qualifications for bidding.
8. The Township reserves the right to reject any and all bids if the highest bid is not accepted.
9. The successful bidder shall tender payment of all required State and local application fees and license fees prior to licensure.
10. The issuance of the license to the successful bidder shall be contingent upon the satisfactory outcome of a municipal background check to investigate the source of funds used to purchase the license, the receipt of a favorable State and/or federal criminal background check; and the compliance with the publication, hearing, and resolution requirement under the ABC Regulations for the issuance of new licenses.
11. The municipality shall only award the license to the person who is the highest qualified bidder. The operation of a restaurant, public accommodation or other facility shall be a condition of licensure.
12. The successful applicant must comply with all ordinances of the Township, State laws and regulations in locating the license.
13. The sale may be postponed or canceled at any time prior to the opening of the bids on Tuesday, August 16, 2016 at 1:00 p.m.

ORDINANCE

EXPLANATION: An Ordinance approving the application for a financial agreement pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*

WHEREAS, Roosevelt Hospital Housing Urban Renewal Associates, LLC (the “**Entity**”) is the redeveloper of a portion of the property known as Block 690, Lots 1 and 2.B (the “**Project Area**”), which is located in an area previously designated as an area in need of rehabilitation; and

WHEREAS, the Township of Edison (the “**Township**”) and the Entity will enter into a Redevelopment Agreement pursuant to which, among other things, the Entity will rehabilitate the Project Area by constructing thereon a project consisting of an approximately 22,000 square foot medical office building and an affordable senior citizen housing facility, with associated parking, landscaping and site improvements (the “**Project**”); and

WHEREAS, the Entity submitted to the Mayor of the Township (the “**Mayor**”) an application (the “**Application**”), which is on file with the Township Clerk, to make payments to the Township in lieu of taxes in connection with the Project; and

WHEREAS, the Entity also submitted to the Mayor a form of financial agreement (the “**Financial Agreement**”), a copy of which is attached hereto as **Exhibit A**, establishing the rights, responsibilities and obligations of the Entity; and

WHEREAS, the Mayor submitted the Application and Financial Agreement to the Township Council with his recommendation for approval, a copy of which recommendation is on file with the Township Clerk; and

WHEREAS, the Township Council has determined that the Project represents an undertaking permitted by the Act.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Application and Financial Agreement are hereby approved.
3. The Mayor is hereby authorized to execute the Financial Agreement substantial in the form attached hereto as **Exhibit A**, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.
4. The Clerk of the Township is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Township upon such document.
5. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
6. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
7. This ordinance shall take effect in accordance with applicable law.

ORDINANCE

EXPLANATION: An Ordinance authorizing the sale of undersized land not needed for public use pursuant to N.J.S.A. 40A:12-13.

WHEREAS, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. (the “**Act**”), the municipal council (the “**Township Council**”) of the Township of Edison (the “**Township**”) may sell any real property, capital improvement or personal property, or interests therein, not needed for public use, as set forth in an ordinance authorizing the sale; and

WHEREAS, certain properties currently owned by the Township, which properties are identified in Exhibit A attached hereto (the “**Properties**”), are undersized; and

WHEREAS, there exists a property holder that owns land contiguous to the Properties who seeks to purchase the Properties to create one (1) contiguous lot measuring 100 feet by 100 feet; and

WHEREAS, the Township Council hereby determines that the Property is less than the minimum size required for development under the Township’s Zoning Regulations (Chapter 37 of the Township’s Code of General Ordinances), and without any capital improvements thereon, and may therefore be offered for purchase to the owner of real property contiguous thereto by private bid pursuant to *N.J.S.A. 12-13(b)(5)*, and

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Township Clerk is authorized, subject to the terms and conditions hereafter set forth, to offer for private sale pursuant to *N.J.S.A. 40A:12-13(b)* all of the Township's rights, title and interest in the Properties, at not less than fair market value thereof, to the owner of real property contiguous thereto.
3. This Ordinance shall be published twice in a newspaper approved for legal publications, once not less than seven (7) days prior to the second reading thereof in accordance with law applicable to the adoption of ordinances generally, and a second time within five (5) days after adoption hereof, at which time it shall also be posted on the bulletin board in the Township Municipal Building and remain so posted for at least twenty (20) days thereafter. Sworn proof of such publication(s) shall be filed by the Township Clerk with the Director of the State Division of Local Government Services in the Department of Community Affairs. A copy of this Ordinance shall also be mailed to the two owners of land contiguous to the Properties.
4. Offers by the owner to purchase the Properties may be made in writing addressed to the Township Clerk, Township of Edison, Edison Municipal Complex, 100 Municipal Boulevard, Edison, New Jersey 08817, for a period of twenty (20) days following the second advertisement hereof. Every bid shall be submitted as a sealed bid clearly indicating on the face of the envelope that it is a “Bid for Block 491-A, Lots 30 and 33.” The Township reserves the right to reject all bids in each instance where the highest bid is not accepted, and to re-advertise the Property for public sale following reconsideration within thirty (30) days of the date of adoption of this Ordinance.
5. In the event that more than one bid is received for the Property from multiple contiguous owners thereof, only the highest such bid will be considered for acceptance or rejection, which shall occur by formal resolution of the Municipal Council.
6. The conveyance of the Property to any successful bidder shall be: (1) for the total parcel without

the subdivision or sale of a portion thereof; (2) by quit claim deed without any covenants; (3) subject to any statement or facts which an accurate survey would show; (4) subject to all covenants, conditions, easements, liens and restrictions of record, as well as applicable ordinances of the Township; (5) without obligation of the Township to provide access, public or private, or any improvements thereon or thereto; and (6) with all sales being "as is" without any representation whatever as to character, quality, condition or otherwise, bidder being deemed to have inspected the Property and waived any objections to the conditions thereon. The Township offers no warranty as to any environmental condition which may exist on the Property and no representation as to the Property's development potential.

7. The Properties shall be deemed to merge and become one parcel for all purposes, including taxation and land use control, with the adjacent parcel owned by the successful bidder. In the event the successful bidder is the owner of more than one adjacent lot, the successful bidder shall be entitled to designate which of the adjacent parcels shall be consolidated with the Properties.

8. The acceptance of any bid by the Township shall be subject to receipt, within ten (10) days of such acceptance, of a certified deposit check of the bidder (or cashier's check) in the amount of ten percent (10%) of the accepted bid price, which shall be non-refundable, the balance to be paid not later than ninety (90) days from the date of bid, again by certified or cashier's check, at which time title shall be conveyed to bidder by the Township and the deed delivered therefore. Concurrently with payment of the ten percent (10%) deposit, bidder shall execute an agreement to accept the terms and conditions of sale set forth herein on a form to be prescribed by the Township. The terms of said agreement shall provide for the successful bidder's payment to the Township for all costs pertaining to this Ordinance and its attendant duties, including fees of the Township Attorney and the costs of applicable surveying and notice publication(s) (said costs not to exceed the sum of \$5,000.00). The successful bidder shall also pay all recording fees and pro-rated real estate taxes for the balance of the current year at the time of closing.

9. In no event shall the sale for the Properties alone be for less than fair market value, with an appraisal of the Properties being a condition of sale.

10. In the event the successful bidder should for any reason not pay the purchase price balance due as above provided, the Township reserves the right to cancel the sale and retain the ten percent (10%) deposit as liquidated damages for non-performance.

11. In the event title is not insurable by the bidder at prevailing rates by a reputable title insurance company, the successful bidder's sole remedy shall be to give written notice of cancellation of the bid to the Township within ninety (90) days of the date of bid. In that case, the Township shall refund the deposit, and there shall be no further obligation by either party to the other respecting said bid or any obligations created by the giving or acceptance of said bid.

12. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

13. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

ORDINANCE

EXPLANATION: An Ordinance Approving Municipal Services Agreement with Out of Bounds Association, Inc

Ordinance Approving Municipal Services Agreement with Out of Bounds Association, Inc.

WHEREAS, the Township of Edison (the “**Township**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Out of Bounds Association, Inc. (hereinafter referred to as the “Development” or “Association”), is a residential development located within the Township, and is a qualified private community as contemplated by and defined in the New Jersey Municipal Services Act (hereinafter referred to as the “Act”), P. L. 1989, C.299 (*N.J.S.A. 40:67-23.1 et seq.*); and

WHEREAS, the Township is required under the Act, to perform certain specified services on roads and streets in the Development, or if services are not performed directly by the Township, to reimburse the Development, to the extent specified in the Act and interpretive case law, for the actual, reasonable costs to the Association of providing said specified services, but in no event, in an amount exceeding the cost that would be incurred by the Township in providing those services directly on its own; and

WHEREAS, the Development seeks reimbursement from the Township for certain street lighting costs and snow removal costs for calendar years 2014 and 2015; and

WHEREAS, in consequence of the forgoing, the Township and the Association desire to resolve all issues relating to payment for such reimbursement, and to set forth a schedule for future payment for street lighting costs and snow removal services costs, all as provided in a Municipal Services Agreement appearing in substantially the form appended hereto as Exhibit A, and which shall be in such final form as may be approved by legal counsel.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby approves of the Municipal Services Agreement with the Association appearing in substantially the form appended hereto as Exhibit A, and which shall be in such final form as may be approved by legal counsel.
3. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance insofar as they may be so construed to give effect to the remaining provisions hereof.
4. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
5. This Ordinance shall take effect all as required by law.

**TOWNSHIP OF EDISON
COUNTY OF MIDDLESEX, NEW JERSEY**

**CALENDAR YEAR 2016
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Edison in the County of Middlesex, N.J., finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$3,723,395.37 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Edison in the County of Middlesex, N.J., a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Township of Edison shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$3,723,395.37 and that the CY 2016 municipal budget for the Township of Edison be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

