

**MINUTES OF
MUNICIPAL COUNCIL
WORKSESSION AND REGULAR MEETING
January 23, 2014**

A Combined Meeting of the Municipal Council of the Township of Edison was held in the Council Chambers of the Municipal Complex. The meeting was called to order at 6:08 p.m. by Council President Karabinchak, followed by the Pledge of Allegiance.

Present were Councilmembers Diehl, Gomez, Karabinchak and Lombardi.
Councilmember Mascola entered at 6:09 p.m.
Councilmember Prasad entered at 6:09 p.m.
Councilmember Shah was absent.

Also present were Deputy Township Clerk Kenny, Township Attorney Northgrave, Business Administrator Ruane, Finance Director Saponaro, Public Works Director Roderman, Health Director Elliot, Recreation Director Halliwell, Township Engineer Medina, Police Captain Kelly, Fire Chief Latham and Cameraman Cologna.

The Township Clerk advised that 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 14, 2013, and posted in the Main Lobby of the Municipal Complex on the same date.

Council President Karabinchak announced that the Council will be going into closed session.

The Council retired to Closed Session at 6:15 p.m. on a motion made by Councilmember Diehl, seconded by Councilmember Gomez and duly carried. The Township Clerk read the following Resolution into the record:

CLOSED SESSION RESOLUTION

WHEREAS, Article VI of the Open Public Meetings Act provides that a public body may hold a closed session; and

WHEREAS, the Township Council will during this meeting enter into discussion of the following matters:

- 1) Personnel/Litigation Matter

WHEREAS, the matters to be discussed in closed session are to remain in the strictest of confidence by all Council Members in furtherance of their fiduciary duties to the Township of Edison;

NOW, THEREFORE, BE IT RESOLVED, matters discussed at this meeting will be released to the public when the reasons for discussing and acting upon them in closed session no longer exists.

The Council returned from Closed Session at 6:35 p.m. on a motion made by Councilmember Diehl, seconded by Councilmember Mascola and duly carried.

4. REVIEW OF MINUTES:

- a. through g. No comments were made.

5. REPORTS FROM ALL COUNCIL COMMITTEES:

Councilmember Mascola thanked the Administration and the Department of Public Works for allowing him to go on a 3 ½ hour ride-a-long with a DPW crew while they were snow-plowing. He said the job is a lot harder than it may look to residents and there is a great deal of skill required. He felt the biggest problem is actually with the resident's failure to remove parked cars from the streets and he asked the public for more cooperation.

6. POINTS OF LIGHT

Councilmember Diehl gave kudos to the Recreation Department for the Martin Luther King Day celebration. He said the free entertainment provided is as good as attending a Broadway show and not enough residents attend.

Councilmember Dr. Prasad echoed what Councilmember Diehl said regarding the Martin Luther King Day celebration adding that the poems presented were excellent.

7. FROM THE BUSINESS ADMINISTRATOR:

- a. Councilmember Lombardi asked that the rate for an assistant be amended to \$85.00 per hour.

b. No comment was made.

8. FROM THE DEPARTMENT OF FINANCE:

a. through d. No comments were made.

e. Resolution R.047-012014 was added to the agenda for a transfer of funds.

9. FROM THE DEPARTMENT OF LAW:

a. Resolution R.048-012014 was added to the agenda regarding a settlement with an explanation by Mr. Northgarve.

10. FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:

a. through h. No comments were made.

11. FROM THE PUBLIC WORKS:

a. No comment was made.

b. Council President Karabinchak asked the price of the tires.

Mr. Roderman said they are \$5400.

c. and d. No comments were made.

12. FROM THE CHIEF OF FIRE:

a. and b. No comments were made.

13. FROM THE TOWNSHIP CLERK:

a. and b. No comments were made.

14. FROM THE COUNCIL MEMBER OF THE PLANNING BOARD:

Councilmember Mascola reported that the last meeting was cancelled and the next meeting will be on January 29th.

15. DISCUSSION ITEMS:

Council President Karabinchak:

None

Councilmember Diehl:

None

Councilmember Gomez:

None

Councilmember Lombardi:

None

Councilmember Mascola:

None

Councilmember Prasad:

a. He inquired about a car accident on the Inman Avenue Rail Crossing.

Police Captain Kelly said he had no information on this but he will get it and report back.

16. CLOSED SESSION:

This was held earlier in the meeting.

17. COUNCIL PRESIDENT'S REMARKS:

Council President Karabinchak announced that the County will be purchasing the Visco property and that the Jehovah Witness Temple will not be built there.

18. APPROVAL OF MINUTES:

On a motion made by Councilmember Diehl, seconded by Councilmember Lombardi, and duly carried, the Minutes of the Regular Meeting of October 23, 2013, Closed Session Meeting of December 9, 2013, Combined Meeting of November 13, 2013 and November 26, 2013, Worksession Meeting of December 9, 2013 and January 6, 2014, and Regular Meeting of December 11, 2012 were accepted as submitted.

19. APPROVAL OF VOLUNTEER FIREFIGHTERS:

Applications for membership were received by:

Raritan Engine Company #2

Omad Azam

A motion was made by Councilmember Diehl, seconded by Councilmember Gomez, and duly carried, the above applications were approved.

20. PUBLIC COMMENTS AS TO PROPOSED RESOLUTIONS:

Council President Karabinchak opened the meeting to the public for comments on Proposed Resolutions R.019-012014 through R.048-012014.

There were no comments from the public regarding Proposed Resolutions. On a motion made by Councilmember Diehl, seconded by Councilmember Gomez and duly carried, the public hearing was closed.

Councilmember Lombardi asked that Resolution R.024-012014 be pulled for separate vote.

The following Resolutions R.019-012014 through R.023-012014 and R.025-012014 through R.048-012014 were adopted under the Consent Agenda on a motion made by Councilmember Diehl and seconded by Councilmember Gomez.

AYES - Councilmembers Diehl, Gomez, Lombardi, Mascola, Prasad, and Council President Karabinchak

NAYS - None

Councilmember Shah was absent.

RESOLUTION R.019-012014

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING January 16, 2014

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through January 16, 2014

FUND	AMOUNT
Current	\$12,081,746.37
Affordable Housing	350.00
Capital	46,611.92
Cash Performance	0.00
CDBG	138,425.10
Developers Escrow	13,494.18
Dog (Animal Control)	4,909.73
Federal Forfeited	0.00
Grant Funds	4,571.78
Law Enforcement	0.00
Open Space	0.00
Payroll Deduction	444,649.31
Sanitation Fund	206,052.33
Sewer Utility	128,162.97
Tax Sale Redemption	148,435.87
Water Operation Fund	0.00
Tree Planting	0.00
Trust	101,906.10
TOTAL	\$13,319,315.66

/s/ Janice Saponaro
Chief Financial Officer

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

RESOLUTION R.020-012014

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

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

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Director of Finance is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing, totaling \$ **511,755.55**.

RESOLUTION R.021-012014

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

WHEREAS, applications have been made to the Tax Collector for refunds of said overpayments, totaling \$1,768.20 and

WHEREAS, the attached listing is a detail of the requested refunds.

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

RESOLUTION R.022-012014

**Authorizing Overpayment Refund caused by
United State Bankruptcy Court Order**

WHEREAS, This office received an order, which is attached as part of this resolution, from the Bankruptcy Court of United State for the case # 10-24549 in reference to THE GREAT ATLANTIC & PACIFIC TEA COMPANY et al.

WHEREAS, in accordance with the court order, the assessed value of the property below have been reduced as follow for the listed tax year.

TAXPAYER IN RECORD	SECURITY CAP IND TRST C/O PROLOGIS
PROPERTY LOCATION	8 B COURT SOUTH
BLOCK / LOT / QUALIFIER	3.D / 5
2009 ASSESSMENT	\$6,410,600
2010 ASSESSMENT	\$5,913,700
2011 ASSESSMENT	\$5,476,400
2012 ASSESSMENT	\$5,476,400
2013 ASSESSMENT	\$5,476,400

WHEREAS, the reduction in assessed value listed, has caused real estate tax overpayment in the total amount of **\$253,597.49**, each tax year as detail below:

2009 TAX OVERPAYMENT	\$19,863.94
2010 TAX OVERPAYMENT	\$41,461.66
2011 TAX OVERPAYMENT	\$63,381.61
2012 TAX OVERPAYMENT	\$64,121.58
2013 TAX OVERPAYMENT	\$64,768.70

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison, shall and is hereby authorized to draw checks to the property owner or legal representative in the amounts of **\$253,597.49**.

RESOLUTION R.023-012014

**Authorizing Overpayment Refund caused by
United State Bankruptcy Court Order**

WHEREAS, This office received an order, which is attached as part of this resolution, from the Bankruptcy Court of United State for the case # 10-24549 in reference to THE GREAT ATLANTIC & PACIFIC TEA COMPANY et al.

WHEREAS, in accordance with the court order, the assessed value of the property below have been reduced as follow for the listed tax year.

TAXPAYER IN RECORD	O T R ASSOCIATES
PROPERTY LOCATION	1647-1665 OAK TREE RD
BLOCK / LOT / QUALIFIER	643.DD / 36
2010 ASSESSMENT	15,785,000

WHEREAS, the reduction in assessed value listed, has caused real estate tax overpayment in the total amount of **\$150,101.36**, each tax year as detail below:

2010 TAX OVERPAYMENT \$150,101.36

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison, shall and is hereby authorized to draw checks to the property owner or legal representative in the amounts of **\$150,101.36**.

RESOLUTION R.025-012014

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO GLOBAL DISTRIBUTORS, INC. C/O CANTON OFFICE FURNITURE FOR THE PURCHASE OF OFFICE FURNITURE FOR THE TOWNSHIP OF EDISON

WHEREAS, there is a need to purchase office furniture for various offices within the Township for the Calendar Year 2014; and

WHEREAS, GLOBAL DISTRIBUTORS INC. C/O CANTON OFFICE FURNITURE, 17 W. Stow Road, P.O. Box 562, Marlton, NJ 08053, has been awarded State Contract Number 81713 under G-2004/Furniture: Office, Lounge; and

WHEREAS, the total amount of this contract, not to exceed \$25,000.00, 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, 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.

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 in the amount not to exceed \$25,000.00 and any other necessary documents, with GLOBAL DISTRIBUTORS INC. C/O CANTON OFFICE FURNITURE, 17 W. Stow Road, P.O. Box 562, Marlton, NJ 08053 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. 81713 under G-2004.

RESOLUTION R.026-012014

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO HON COMPANY C/O CANTON OFFICE FURNITURE FOR THE PURCHASE OF OFFICE FURNITURE FOR THE TOWNSHIP OF EDISON

WHEREAS, there is a need to purchase office furniture for various offices within the Township of Edison for the Calendar Year 2014; and

WHEREAS, HON COMPANY C/O CANTON OFFICE FURNITURE, 200 Oak Street, Muscatine, IA 52761, has been awarded State Contract Number 81641 under G-2004/Furniture: Office, Lounge; and

WHEREAS, the total amount of this contract, not to exceed \$55,000.00, 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, 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.

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 in the amount not to exceed \$55,000.00 and any other necessary documents, with HON COMPANY C/O CANTON OFFICE FURNITURE, 200 Oak Street, Muscatine, IA 52761 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. 81641 under G-2004.

RESOLUTION R.027-012014

EXPLANATION: This resolution provides for Township Acceptance of the constructed improvements under Public Bid No. 12-25-02: 2012 CDBG Curb and Sidewalk Replacement Program, for Various Streets, Phase 2, and this resolution also authorizes FINAL CONTRACT PAYMENT in an amount not to exceed \$3,500.62 to M.N.C. General Contracting, Inc., for a total construction contract as-built cost of \$104,649.27 (\$167,088.00 original bid).

WHEREAS, M.N.C. General Contracting, Inc., PO Box 362, Old Bridge, NJ 08857 (phone # 732-251-3545) was awarded a construction contract through resolution R.603-092012 on September 24, 2012 (purchase order no. 12-05260) in an amount not to exceed \$167,088.00 for Public Bid No. 12-25-02: 2012 CDBG Curb and Sidewalk Replacement Program, for Various Streets, Phase 2, within Census Tract 18.04, Census Block 2, primarily along Old Post Road, in the Township of Edison, Middlesex County, New Jersey; and

WHEREAS, the Township Engineer has reviewed the project with the CDBG Coordinator and the Township Engineer certifies that the project has been completed, and that a two-year (2-year) maintenance bond, effective from December 9, 2013, in an amount equivalent to 100% of the final as-built construction costs of \$104,649.27 for the project has been received by the Township of Edison, and the Township Engineer recommends project acceptance, release of the performance bond, and that final payment, including retainage, be made to M.N.C. General Contracting, Inc., in an amount not to exceed \$3,500.62, for a total construction contract as-built cost of \$104,649.27.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the construction project, Public Bid No. 12-25-02: 2012 CDBG Curb and Sidewalk Replacement Program, for Various Streets, Phase 2, within Census Tract 18.04, Census Block 2, in the Township of Edison, Middlesex County, New Jersey, is deemed accepted by the Township of Edison, subject to the provisions of the maintenance bond, and that the performance bond may be released and that final payment, including retainage, shall be made to M.N.C. General Contracting, Inc., in an amount not to exceed \$3,500.62 for a total construction contract as-built cost of \$104,649.27, and the remaining contract balance of \$62,438.73 shall be unencumbered after final payment is made and said amount restored to the appropriate Township account.

RESOLUTION R.028-012014

EXPLANATION: Resolution Releasing of Maintenance Bond on Site Improvements
Under Application No.P19-09/10, Costco Wholesale-Gas Station.

WHEREAS, the Township Engineer advises that an inspection has been made of the Costco Gas Station located at Vineyard Road, Block 197, and Lot 9.01, under Application #P19-9/10, and said inspection indicates all improvements are complete and in accordance with the Municipal Standards of the Township of Edison; and

WHEREAS, on May 24, 2011, Costco Wholesale Corporation posted a Maintenance Bond # 023015782 in the amount of \$128,891.67 of Safeco Insurance Company with the Township of Edison, to guarantee the integrity of the site improvements with the Township of Edison. The maintenance period has elapsed with no defects developing; and

WHEREAS, the Township Engineer, recommends the release of the Maintenance Bond #023015782 in the amount of \$128,891.67. The principal being Costco Wholesale Corporation having offices at 999 Lake Drive, Issaquah, WA, and acceptance of the subject improvements; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the aforementioned improvements are hereby complete and satisfactory and the Township Clerk be and is hereby authorized to release the aforesaid Maintenance Bond in the amount of \$128,891.67.

BE IT FURTHER RESOLVED that the Township Clerk and the Director of Finance be and is hereby authorized to release the aforesaid Maintenance Bond # 023015782 in the amount of \$128,891.67, to the applicant.

RESOLUTION R.029-012014

EXPLANATION: This resolution provides for refund of monies spent for Zoning Variance fee.

WHEREAS, on October 18,2013, a zoning variance application was filed, Credit Card #061808, and a fee was posted in the total amount of \$100.00 by the applicant, and said fee is now in the process of being refunded to Emmanuel Dimitrankis, residing at 259 Fresh Ponds Road, Monroe Township, NJ 08831; and

WHEREAS, an application was submitted for a variance for signage. During the processing of the variance the Planning and Zoning Division was notified that the applicant did not want to proceed with the application; and

WHEREAS, the Township Engineer recommends the refund of the variance application fee on the Zoning application in the amount of \$100.00 for the referenced application; and

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$100.00 for variance application for Emmanuel Dimitrakis be refunded to the applicant;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund said amount of \$100.00 from the Refund of Revenue Fund to the applicant, Emmanuel Dimitrakis, residing at 259 Fresh Ponds Road, Monroe Township, NJ 08831.

RESOLUTION R.030-012014

EXPLANATION: Resolution Refunding Tree Maintenance Bond to Leonard Cursi for Site Plan Tree Plantings at 9 Universal Avenue under Tree Permit No. 11-012.

WHEREAS, on October 4, 2011 Leonard Cursi posted Tree Maintenance Bond fees in the amount of \$900.00 on deposit with the Township of Edison in account #7761963482 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Permit # 11-012 for property located at 9 Universal Avenue; and

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

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$900.00, plus accrued interest, if applicable, be refunded to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$900.00 plus accrued interest, if applicable, hereinabove mentioned be refunded to the applicant;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$900.00, plus accrued interest, if applicable, on deposit in Account #7761963482 to Leonard Cursi Construction Co Inc., having an address of 3808 Fleet Avenue, South Plainfield, N.J. 07080-4801.

RESOLUTION R.031-012014

EXPLANATION: Resolution Refunding Tree Maintenance Bond to Pietro Cucaro for Site Plan Tree Plantings at 236 Fletcher Street under Tree Permit No. 07-49.

WHEREAS, on April 25, 2007 Tree Maintenance Bond fees were posted in the amount of \$3,645.00 on deposit with the Township of Edison in account # 7760237705 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Permit #07-49 for property located at 236 Fletcher Street; and

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

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$3,645.00, plus accrued interest, if applicable, be refunded to the applicant;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$6,645.00 plus accrued interest, if applicable, hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$6,645.00, plus accrued interest, if applicable, on deposit in Account # 7760237705 to Pietro Cucaro having an address of 177 East Edgar Road, Linden, NJ 07036.

RESOLUTION R.032-012014

EXPLANATION: Resolution to Refund Unexpended Engineering Inspection Fee Escrow Funds for the Panattoni Development (CVS) at Inman Avenue & Shamrock Way.

WHEREAS, the Township Engineer advises that a final inspection was done of the Panattoni Development (CVS) at Inman Avenue & Shamrock Way, Block 431, Lot 8; and

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

WHEREAS, on September 26, 2007 Panattoni posted engineering inspection fees in the amount of \$28,545.57 on deposit with the Township of Edison in account # 7760216769 for engineering inspection fees; and

WHEREAS, the applicant has requested the return of the unused portion of engineering inspection fees, as provided by law; and

WHEREAS, the sum expended for engineering inspections totals \$11,817.76; and

WHEREAS, it is in now in order that the sum of \$16,727.81, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Panattoni Development Company LLC., having offices at 10 Parsonage Road, Edison, NJ 08837;

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$16,727.81, plus accrued interest, if applicable, be refunded to the applicant; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$16,727.81, plus accrued interest, if applicable, in account #7760216769 to the applicant.

RESOLUTION R.033-012014

EXPLANATION: Release of Cash Performance Bond Posted for 236 Fletcher Street.

WHEREAS, the Township Engineer advises that an inspection has been made of Pietro Cucaro's Application #P4952, with project located at 236 Fletcher Street, Block 920, and Lot 10.01, and said inspection indicates all improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

WHEREAS, a Cash Performance Bond Check # 627-04213 was posted on May 29, 2007 by Pietro Cucaro in the amount of \$11,445.90; and

WHEREAS, a Bond Reduction was posted on June 9, 2010, Resolution # 363-062010 reducing the Cash Performance Bond to \$5,722.95; and

WHEREAS, the Township Engineer recommends the release of the Cash Performance Bond Check #627-04213 in the amount of \$5,722.95, principal being Pietro Cucaro, having offices at 177 East Edgar Road, Linden, New Jersey 07036, and acceptance of the subject improvements; and

WHEREAS, a Cash Performance Bond in the amount of \$5,722.95 is on deposit with the Township of Edison;

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the aforementioned improvements are hereby complete and satisfactory and that the Director of Finance be and is hereby authorized to return the Cash Performance Bond in the amount of \$5,722.95, plus accrued interest on deposit in account #7760013315, to the applicant.

RESOLUTION R.034-012014

EXPLANATION: Resolution releasing performance guarantee on completed site plan improvements for CVS development by Panattoni Development, under application # P10-05/06.

WHEREAS, the Township Engineer advises that an inspection has been made of Panattoni Development (CVS), with project located at Inman Avenue & Shamrock Way, in Block 431, and Lot 8, under Application # P10-05/06, and said inspection indicates all improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison, therefore, it is now in order that Final Acceptance is granted and the Cash Performance Bond Reduction Balance and the Performance Bond Reduction Balance presently being held by the Township of Edison be released; and

WHEREAS, a Cash Performance Bond Check #000802 was posted on September 26, 2007 by Panattoni Development Company, LLC, in the amount of \$68,509.37 on deposit in Account #7760013322; and

WHEREAS, a Cash Performance Bond Reduction was posted on July 23, 2010, through Resolution R.478-082010 reducing the Cash Performance Bond to \$20,552.81; and

WHEREAS, a Performance Bond #104995571 of the Travelers Casualty & Surety Company was posted on September 26, 2007 by Panattoni Development in the amount of \$616,584.31; and

WHEREAS, a Performance Bond Reduction was posted on July 23, 2010, through Resolution R.478-082010 reducing the Performance Bond to \$184,975.29; and

WHEREAS, the Township Engineer recommends the release of the Cash Performance Bond Reduction balance in the amount of \$20,552.81 plus accrued interest, if applicable, on deposit in account #77760013322

principal being Panattoni Development Company, LLC having offices at 10 parsonage Road, Edison, NJ 08837 and acceptance of the subject improvements; and

WHEREAS, the Township Engineer recommends the release of the Performance Bond Reduction balance in the amount of \$184,975.29; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the aforementioned improvements are hereby complete and satisfactory and the Township Clerk be and is hereby authorized to return the aforesaid Performance Bond in the amount of \$184,975.29, to the applicant; and

BE IT FURTHER RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the Director of Finance be and is hereby authorized to return the Cash Performance Bond in the amount of \$20,552.81, plus accrued interest, if applicable, on deposit in account #7760013322, to the applicant.

RESOLUTION R.035-012014

RESOLUTION ACCEPTING QUOTE AND AWARDED CONTRACT TO A-PLUS CONSTRUCTION FOR HOME IMPROVEMENTS AS PART OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, The Community Development Block Grant (CDBG) funds are used to facilitate various projects throughout the community as outlined in the Program Year 2012 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, an emergency occurred for Case Number 0213 where the heat is not working and space heaters are currently being utilized; and

WHEREAS, pursuant to Local Public Contract Law N.J.S.A. 40A:11-6 et seq, a contract may be awarded and immediate delivery of goods or the performance of services may be provided when an emergency affects the public health, safety or welfare; and

WHEREAS, quotes were solicited by the Township of Edison for a new furnace and hot water heater; and

WHEREAS, A-PLUS CONSTRUCTION, 18 Station Road, Lincoln Park, NJ 07035, submitted the lowest quote in the amount of \$8,700.00; and

WHEREAS, funds in the amount of \$8,700.00 have been certified to be available in the CDBG Housing Rehabilitation Account Number T-14-12-0510-000-001; 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. All quotes have been reviewed, and the quote in the amount of \$8,700.00 submitted by A-PLUS CONSTRUCTION, 18 Station Road, Lincoln Park, NJ 07035, for home improvements is determined to be the lowest quote.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount of \$8,700.00 and any other necessary documents, with A-PLUS CONSTRUCTION as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$8,700.00** are available for the above contract in Account No. **T-14-12-0510-000-001**.

/s/ Janice Saponaro
Chief Financial Officer

RESOLUTION R.036-012014

RESOLUTION ACCEPTING BID AND AWARDED A CONTRACT TO STAVOLA CONSTRUCTION MATERIALS FOR THE FURNISHING OF MATERIALS

WHEREAS, bids were received by the Township of Edison on November 7, 2013 for Public Bid No. 13-03-08-Materials; and

WHEREAS, STAVOLA CONSTRUCTION MATERIALS, 175 Drift Road, Tinton Falls, NJ 07724 submitted the lowest legally responsible bid for various Items (A, B & C - Stone & Bituminous Materials) as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$289,500.00, 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 by STAVOLA CONSTRUCTION MATERIALS, 175 Drift Road, Tinton Falls, NJ 07724 for Materials is determined to be the lowest legally responsible bid for various Items (A, B & C - Stone & Bituminous Materials) as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$289,500.00 and any other necessary documents, with STAVOLA CONSTRUCTION MATERIALS.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and or bonds of the unsuccessful bidders.

RESOLUTION R.037-012014

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO TRAP ROCK INDUSTRIES INCORPORATED FOR THE FURNISHING OF MATERIALS

WHEREAS, bids were received by the Township of Edison on November 7, 2013 for Public Bid No. 13-03-08-Materials; and

WHEREAS, TRAP ROCK INDUSTRIES INCORPORATED, P.O. Box 419, Kingston, NJ 08528, submitted the lowest legally responsible bid for various Items (B & C - Road Stone & Bituminous Materials) as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$2,009,500.00, 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 by TRAP ROCK INDUSTRIES INCORPORATED, P.O. Box 419, Kingston, NJ 08528 for Materials is determined to be the lowest legally responsible bid for various Items (B & C - Road Stone & Bituminous Materials) as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$2,009,500.00 and any other necessary documents, with TRAP ROCK INDUSTRIES INCORPORATED.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and or bonds of the unsuccessful bidders.

RESOLUTION R.038-012014

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO CHEMUNG SUPPLY CORP. FOR THE FURNISHING OF MATERIALS

WHEREAS, bids were received by the Township of Edison on November 7, 2013 for Public Bid No. 13-03-08-Materials; and

WHEREAS, CHEMUNG SUPPLY CORP., P.O. Box 527, Elmira, NY 14902, submitted the lowest legally responsible bid for Items G & J of the bid - Drainage Pipe and Guardrail - as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$48,736.80, 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 by CHEMUNG SUPPLY CORP., P.O. Box 527, Elmira, NY 14902, for Materials is determined to be the lowest legally responsible bid for Items G & J of the bid - Drainage Pipe and Guardrail - as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$48,736.80 and any other necessary documents, with CHEMUNG SUPPLY CORP.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and or bonds of the unsuccessful bidders.

RESOLUTION R.039-012014

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO JOHN DEERE LANDSCAPES FOR THE FURNISHING OF MATERIALS

WHEREAS, bids were received by the Township of Edison on November 7, 2013 for Public Bid No. 13-03-08-Materials; and

WHEREAS, JOHN DEERE LANDSCAPES, 1385 E. 36th St., Cleveland, OH 44114, submitted the lowest legally responsible bid for Item I-3-Calcium Chloride Pellets - as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$2,040.00, 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 by JOHN DEERE LANDSCAPES, 1385 E. 36th St., Cleveland, OH 44114 for Materials is determined to be the lowest legally responsible bid for Item I-3-Calcium Chloride Pellets - as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$2,040.00 and any other necessary documents, with JOHN DEERE LANDSCAPES.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and or bonds of the unsuccessful bidders.

RESOLUTION R.040-012014

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO INTERNATIONAL SALT CO. FOR THE FURNISHING OF MATERIALS

WHEREAS, bids were received by the Township of Edison on November 7, 2013 for Public Bid No. 13-03-08-Materials; and

WHEREAS, INTERNATIONAL SALT CO., 655 Northern Blvd., Clarks Summit, PA 18411, submitted the lowest legally responsible bid for Item I-4 - Ice Melter - as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$2,876.00, 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 by INTERNATIONAL SALT CO., 655 Northern Blvd., Clarks Summit, PA 18411 for Materials is determined to be the lowest legally responsible bid for Item I-4 - Ice Melter as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$2,876.00 and any other necessary documents, with INTERNATIONAL SALT CO.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and or bonds of the unsuccessful bidders.

RESOLUTION R.041-012014

RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT/PURCHASE ORDER TO EDWARDS TIRES FOR THE PURCHASE OF FOUR (4) TITAN TIRES FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, quotes were solicited by The Township of Edison for the purchase of four (4) Titan Tires for the Department of Public Works; and

WHEREAS, EDWARDS TIRE, P.O. Box 704, Farmingdale, NJ 07727, submitted the lowest quote in the amount of \$5,400.00 (\$1,350.00 each); and

WHEREAS, the maximum amount of the purchase shall not exceed \$5,400.00; and

WHEREAS, funds in the amount of \$5,400.00 have been certified to be available in the Streets & Roads Motor Vehicle Repairs Account, Number 4-01-26-0290-000-034; 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. All quotes have been reviewed, and the quote as submitted by EDWARDS TIRE, P.O. Box 704, Farmingdale, NJ 07727 for the purchase of four (4) Titan Tires for the Department of Public Works is determined to be the lowest quote.
2. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order and any other necessary documents with EDWARDS TIRE in the amount of \$5,400.00 for the purchase of four (4) Titan Tires for the Department of Public Works.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$5,400.00** are available for the above in Account No. **4-01-26-0290-000-034**.

/s/ Janice A. Saponaro
Chief Financial Officer

RESOLUTION R.042-012014

RESOLUTION REJECTING ALL BIDS FOR HVAC CONTROL SYSTEM UPGRADE AND MAINTENANCE/HVAC MAINTENANCE AND REPAIR

WHEREAS, the Township of Edison advertised for bids by public notice published in the Home News on November 6, 2013, for Public Bid No. 13-08-24, HVAC CONTROL SYSTEM UPGRADE AND MAINTENANCE/HVAC MAINTENANCE AND REPAIR with a bid opening date of December 3, 2013; and

WHEREAS, Section 40A:11-13.2d of the Local Public Contracts Law allows for the rejection of bids when the contracting agent wants to substantially revise the specifications for the goods or services.

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

1. The bids for Public Bid No. 13-08-24, HVAC CONTROL SYSTEM UPGRADE AND MAINTENANCE/HVAC MAINTENANCE AND REPAIR are hereby rejected pursuant to N.J.S.A 40A:11-13.2d.
2. The Purchasing Agent is hereby authorized to rebid said project.

RESOLUTION R.043-012014

RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE EMERGENCY PUMP STATION REPAIRS CONTRACT WITH NORTHEAST POWER FLUID COMPANY IN AN AMOUNT NOT TO EXCEED \$50,000.00

WHEREAS, NORTHEAST FLUID POWER COMPANY II was awarded Contract No. 13-01-05, Emergency Pump Station Repairs through Resolution R. 089-022013 in the amount of \$45,000.00 and that amount has been depleted; and

WHEREAS, the new Emergency Pump Station Repairs contract is in the process of being rebid and the Township recommends we extend this in the amount not to exceed \$50,000.00 with NORTHEAST FLUID POWER COMPANY II with the price as well as all terms and conditions to remain the same until such as time as the new contract is awarded; 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 the Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$50,000.00, and any other necessary documents, with NORTHEAST FLUID POWER COMPANY II as described herein.

RESOLUTION R.044-012014

WHEREAS, the United States Department of Homeland Security (USDHS) Federal Emergency Management Agency (FEMA) has recently provided an opportunity to U.S. Municipalities, Territories and Protectorates to apply for grant funding under the Fire Prevention and Safety Program (FPS); and

WHEREAS, the 2013 USDHS FEMA FPS Program provides grant funds to assist in the acquisition of equipment and/or services to support local Fire Prevention and Safety inspection, enforcement and public education activities; and

WHEREAS, the Township of Edison Fire Prevention Bureau intends to apply for grant funding of up to \$35,000.00, available from the FY 2013 USDHS FEMA FPS Program; and

WHEREAS, FY 2013 USDHS FEMA FPS Program will provide 80% reimbursable grant funds with 20% cash match required of the awarded entity, for approved, eligible request items; and

WHEREAS, such funding as to be obtained from the FY 2013 USDHS FEMA FPS Program will be used to develop and implement a year-long program to educate and inform the residents, businesses, organizations and institutions of the Township of Edison in currently available methods and technologies of fire safety and prevention, including but not limited to the purchase of necessary equipment and supplies to support those public safety awareness efforts.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that it does hereby approve and authorize the development and submission of said grant application in a timely and compliant manner, at a regularly-scheduled Public Meeting on Wednesday, January 23, 2014.

USDHS FEMA Fire Prevention and Safety Grant Program Description

The Fire Prevention and Safety Grants (FPS) are part of the Assistance to Firefighters Grants (AFG) and are under the purview of the Grant Programs Directorate in the Federal Emergency Management Agency. FPS grants support projects that enhance the safety of the public and firefighters from fire and fire-related hazards. The primary goal is to target high-risk populations and mitigate high incidences of death and injury. Examples of the types of projects supported by FPS include fire prevention and public safety education campaigns, juvenile fire-setter interventions, media campaigns, and arson prevention and awareness programs.

RESOLUTION R.045-012014

RESOLUTION AUTHORIZING PAYMENT TO THE NEW JERSEY STATE LEAGUE OF MUNICIPALITIES FOR 2014 MEMBERSHIP DUES

WHEREAS, the Township of Edison is a member of the New Jersey State League of Municipalities and benefits from said membership;

WHEREAS, membership benefits include updates and alerts on pending legislation, publications, positions on legislations affecting municipalities, training, seminars, advisory services, grant services, and other services to benefit Edison Township; and

WHEREAS, funds in the amount of \$5,800.00 have been certified to be available in the Municipal Clerk-Professional Association Dues Account, Number 4-01-20-0120-001-044 subject to and contingent upon Council adoption of the 2014 temporary and/or final budget.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Mayor, or her designee, is hereby authorized to execute a contract and any other necessary documents, in the amount of \$5,800.00, with NJ STATE LEAGUE OF MUNICIPALITIES, 222 West State Street, Trenton, NJ 08608 as set forth above.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$5,800.00** are available for the above contract in Account No. **4-01-20-0120-001-044** subject to and contingent upon Council adoption of the 2014 temporary and/or permanent final budget.

/s/ Janice Saponaro
Chief Financial Officer

RESOLUTION R.046-012014

WHEREAS, an application has been filed for a Person-to-Person & Place-to-Place Transfer of Plenary Retail Consumption Liquor License #1205-33-062-001, to QSL of Edison, LLC, to be located at 561 Route 1, Edison, NJ, heretofore issued to Wick Wholesalers, Inc, formerly a pocket license.

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business.

NOW, THEREFORE BE IT RESOLVED that the Edison Township Governing Body does hereby approve, effective January 23, 2014, the transfer of the aforesaid Plenary Retail Consumption License to QSL of Edison, LLC., t/a Quaker Steak & Lube, for premises located at 561 Route 1, Edison, NJ 08817 and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to QSL of Edison, LLC, effective January 24, 2014."

RESOLUTION R.047-012014

AUTHORIZING THE TRANSFER OF FUNDS IN THE CALENDAR YEAR 2013 SEWER FUND BUDGET APPROPRIATIONS PURSUANT TO N.J.S.A 40A:4-59

WHEREAS, N.J.S.A. 40A:4-59 authorizing the transfer of funds during the last two months of a fiscal year and during the first three months of the subsequent fiscal year; and

WHEREAS, certain calendar year 2013 appropriations as budgeted are insufficient to meet the needs for which those appropriations were originally established while certain other appropriations appear to have surplus balances not currently needed to pay claims for which they were budgeted; and

WHEREAS, the following details explain the accounts to which funds need to be transferred and the accounts from which funds will be transferred from insure that adequate appropriation balances exist where needed to pay approval claims against the Township;

<u>FROM:</u>		<u>TO:</u>	
PAYROLL	SW	DISPOSAL FEE	OE
3-01-3-07-55-0501-000-011	\$225,000.00	3-07-55-0501-000-078	\$250,000.00
TOTAL	\$225,000.00	TOTAL	\$250,000.00

NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF EDISON IN THE COUNTY OF MIDDLESEX, NEW JERSEY, THAT the proper Township Officials are hereby authorized to transfer funds as indicated on the annexed spread sheet from those designated appropriations having apparent surplus balance to those designated appropriations having apparent insufficient balance to insure that adequate appropriation balance exist where needed.

RESOLUTION R.048-012014

EXPLANATION: A Resolution authorizing the settlement in the matter of: Anthony Russomanno v. Dennis Gonzalez and the Township of Edison.

WHEREAS, the Township of Edison and former Business Administrator Dennis Gonzalez are the subject of a lawsuit captioned: Anthony Russomanno v. Dennis Gonzalez and the Township of Edison, bearing Docket No.: MID-L-2391-11; and

WHEREAS, the parties have reached a settlement of this matter without any admission of liability of any party, to wit: the Central Jersey Joint Insurance Fund (“CJJIF”) will pay attorney fees as agreed to with Plaintiff’s counsel and the Township will pay an amount not to exceed \$120,000 in back pay and will re-employ Plaintiff in the Township (the “Settlement”).

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Edison, Middlesex County, State of New Jersey, that the Settlement in this matter is hereby approved, and the attorney representing the Township and necessary Township staff are hereby authorized to execute a settlement agreement with Plaintiff reflecting the Settlement and the intent of this Resolution.

The following Resolutions will be voted upon separately:

RESOLUTION R.024-012014

WHEREAS, William W. Northgrave, Esq. has an excellent reputation in the area of municipal government, has practiced law for many years, has knowledge of the Township of Edison (“Township”) and has extensive legal staff and resources and a multi-disciplinary practice necessary to handle any matter in the municipal arena and any other unanticipated legal issue which may arise from time to time; and

WHEREAS, for these reasons the Mayor and the Township Council recommend William W. Northgrave, Esq., for the position of Township Attorney; and

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

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

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

WHEREAS, compensation for the professional services included under the Township Attorney Retainer shall be the sum of \$25,000.00, payable in 12 monthly installments at the first Council Meeting of each month, and shall include:

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

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

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

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

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

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

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

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

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

shall be at a rate of \$175 per hour for all attorneys and \$135 per hours for legal assistants; and

WHEREAS, the Township Council feels that it is in the best interest of the Township of Edison to enter into the attached Contract for Professional Services with William W. Northgrave, Esq. to represent the Township as Township Attorney; and

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Contract for Professional Services with William W. Northgrave, Esq. to represent the Township as Township Attorney.
2. The Contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law, more specifically N.J.S.A. 40A:11-5.
3. A certificate showing the availability of funds for the Contract authorized hereby has been provided by the Chief Financial Officer and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable accounts and is contingent upon the adoption of a temporary and/or permanent budget for the 2013 calendar year.
4. No payments in excess of the "not-to-exceed" Contract amount will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
5. Any modification to the Contract shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.
6. The Mayor of Edison may, upon ten (10) days written notice, and without cause, terminate the Contract, consistent with State law.
7. The Contract shall, for all purposes, be deemed a New Jersey Contract and any provisions of the Contract shall be governed and interpreted according to the Laws of the State of New Jersey.

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

CERTIFICATION

I hereby certify that, contingent upon the adoption of a temporary and/or permanent budget for the 2014 calendar year, funds in the amount of \$275,000.00 are available in Account No. 4-01-20-0155-001-020 currently available as per 26.25% \$180,165.27.

/s/ Janice Saponaro
Chief Financial Officer

A motion was made by Councilmember Lombardi, seconded by Councilmember Gomez to Amend R.024-012014.

A motion was made by Councilmember Gomez, seconded by Councilmember Lombardi, to adopt this Resolution.

AYES - Councilmembers Diehl, Gomez, Lombardi, Mascola, Prasad, Council President Karabinchak

NAYS - None
Councilmember Shah was absent.

COMMUNICATIONS

- a. Letter received from Jeffrey Bender regarding Election signs.

On a motion made by Councilmember Prasad, seconded by Councilmember Mascola and duly carried, the above Communications were received.

ORAL PETITIONS AND REMARKS

Council President Karabinchak opened the meeting for public comment.

Bill Sweeney, 215 Suttons Lane, congratulated Mayor Lankey and the Councilmembers on their election victory. He also felt that the appointment of Melissa Perilstein is an excellent choice. He asked if he can get a copy of the paving list and if Belgian block is being used for curbing on West Hegel Avenue.

Mr. Roderman said the paving list for 2014 is compiled but it depends on the funding available before it is confirmed.

Mr. Medina said this is not on the list.

Mr. Sweeney said he believes that fancy curbing in the amount of \$660,000 for the West Hegel area is on the list and he asked the Council to investigate.

Esther Nemitz, 162B Fay Street, asked Council President Karabinchak to repeat his announcement regarding the Visco property.

Council President Karabinchak said he was informed by Freeholder Tomaro that the County has purchased all the Visco property and the house of worship will not be built.

Ms. Nemitz commented that this is very good news and she thanked the Freeholders.

Hearing no further comments from the public Councilmember Diehl made a motion to close the public hearing, which was seconded by Councilmember Mascola and duly carried.

Having no further business to discuss, on a motion made by Councilmember Diehl, seconded by Councilmember Gomez, the meeting was adjourned at 7:01 p.m.

Robert Karabinchak
Council President

Cheryl Russomanno
Acting Municipal Clerk