

**MINUTES OF A REGULAR MEETING
OF THE MUNICIPAL COUNCIL - TOWNSHIP OF EDISON**

March 12, 2014

A Regular Meeting of the Municipal Council was held in the Council Chambers of the Municipal Building on Wednesday, March 12, 2014. The meeting was called to order at 7:02 p.m. by Council President Karabinchak, followed by the Pledge of Allegiance.

Present were Councilmembers Diehl, Karabinchak, Lombardi, Mascola, and Shah.
Councilmember Prasad entered at 7:08 p.m.
Councilmember Gomez was absent.

Also present were Acting Township Clerk Russomanno, Deputy Township Clerk Kenny, Township Attorney Northgrave, Business Administrator Ruane, Finance Director Saponaro, Public Works Director Roderman, Health Director Elliot, Recreation Director Halliwell, Police Chief Bryan, 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.

APPROVAL OF MINUTES:

On a motion made by Councilmember Diehl, seconded by Councilmember Mascola, and duly carried, the Minutes of the Combined Meeting of December 23, 2014 were accepted as submitted.

COUNCIL PRESIDENT'S REMARKS

Council President Karabinchak wished everyone a Happy St. Patrick's Day. He said the Finance Committee will be having meetings and we are also starting to fill the potholes.

UNFINISHED BUSINESS

ORDINANCES FOR FURTHER CONSIDERATION AND PUBLIC HEARING

The following Ordinance, which was introduced by Title on February 26, 2014, passed on first reading, published according to law for further consideration at this meeting, was read by the Township Clerk:

**O.1856-2014 ORDINANCE AMENDS THE EDISON TOWNSHIP CODE TO SET THE
PRESCRIBED FEE PENALTIES FOR FAILURE TO LICENSE DOGS
AND CATS**

Councilmember Diehl felt that it would be a challenge to license cats but after speaking to Mr. Elliot he said this is a proactive measure to ensure that they are vaccinated.

(The above Ordinance O.1856-2014 can be found in its entirety in Ordinance Book #27.)

Council President Karabinchak declared the Public Hearing opened for O. 1856-2014

Hearing no comments, on a motion made by Councilmember Mascola, seconded by Councilmember Diehl, and duly carried, this Public Hearing was closed.

On a motion made by Councilmember Diehl, seconded by Councilmember Mascola, the Ordinance was adopted.

AYES - Councilmembers Diehl, Lombardi, Mascola, Shah, and Council President Karabinchak

NAYS - None

Councilmembers Gomez and Prasad were absent.

**O.1857-2014 ORDINACNE AMENDING THE EDISON TOWNSHIP CODE TO
INCREASE FEES FOR THE RE-OCCUPANCY INSPECTION(S) OF
RENTAL APARTMENT UNITS.**

(The above Ordinance O. 1857-2014 can be found in its entirety in Ordinance Book #27.)

Council President Karabinchak declared the Public Hearing opened for O.1857-2014

Hearing no comments, on a motion made by Councilmember Shah, seconded by Councilmember Diehl, and duly carried, this Public Hearing was closed.

On a motion made by Councilmember Diehl, seconded by Councilmember Shah, the Ordinance was adopted.

AYES - Councilmembers Diehl, Lombardi, Mascola, Shah, and Council President Karabinchak

NAYS - None

Councilmembers Gomez and Prasad were absent.

NEW BUSINESS

PROPOSED ORDINANCES (PUBLIC HEARING SET DOWN FOR WEDNESDAY, MARCH 26, 2014.

The following Ordinances were introduced by title:

O.1858-2014 ORDINANCE AMENDS THE TOWNSHIP CODE TO CLARIFY THAT ON-STREET PARKING MAY BE TEMPORARILY SUSPENDED TOWNSHIP-WIDE IN THE EVENT OF AN EMERGENCY DUE TO SNOW-COVERED STREETS, TO ALLOW TIME FOR SNOWPLOWING.

On a motion made by Councilmember Shah, seconded by Councilmember Lombardi, this Ordinance was passed on first reading and ordered published according to law for further consideration and Public Hearing at the next Regular Meeting of the Township Council to be held on March 26, 2014.

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

NAYS - None

Councilmember Gomez was absent.

O.1859-2014 ORDINANCE AMENDS THE TOWNSHIP CODE TO ESTABLISH A SET FINE SCHEDULE FOR THE FAILURE TO REMOVE SNOW AND ICE FROM SIDEWALKS AND STREETS.

On a motion made by Councilmember Lombardi, seconded by Councilmember Shah, this Ordinance was passed on first reading and ordered published according to law for further consideration and Public Hearing at the next Regular Meeting of the Township Council to be held on March 26, 2014.

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

NAYS - None

Councilmember Gomez was absent.

O.1860-2014 ORDINANCE AMENDS THE TOWNSHIP CODE TO INCREASE THE DOLLAR AMOUNT FOR WHICH THE BUSINESS ADMINISTRATOR MAY CONTRACT FOR GOODS OR SERVICES WITHOUT THE NECESSITY OF OBTAINING MUNICIPAL COUNCIL APPROVAL AND CLARIFIES WHEN COMPETITIVE QUOTES MUST BE OBTAINED.

On a motion made by Councilmember Shah, seconded by Councilmember Diehl, this Ordinance was passed on first reading and ordered published according to law for further consideration and Public Hearing at the next Regular Meeting of the Township Council to be held on March 26, 2014.

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

NAYS - None

Councilmember Gomez was absent.

PUBLIC COMMENTS AS TO PROPOSED RESOLUTIONS

Council President Karabinchak opened the meeting to the public for comments on Proposed Resolutions R.101-032014 through R.124-032014.

Lois Wolke, 10 Peake Road, thanked the Council for Resolution R.124-032014 on behalf of all residents.

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

Council President Karabinchak pulled Resolution R.117-032014 off the consent agenda.

The following Resolutions R101-032014 through R.116-032014 and R.118-032014 through R.124-032014 were adopted under the Consent Agenda on a motion made by Councilmember Diehl and seconded by Councilmember Lombardi.

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

NAYS - None
 Councilmember Gomez was absent.

RESOLUTION R.101-032014

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING March 6, 2014

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through March 6, 2014

FUND	AMOUNT
Current	\$10,753,862.63
Affordable Housing	3,446.25
Capital	3,395.00
Cash Performance	108,010.55
CDBG	71,638.83
Developers Escrow	12,617.70
Dog (Animal Control)	12,362.92
Federal Forfeited	0.00
Grant Funds	45,410.21
Law Enforcement	0.00
Open Space	0.00
Payroll Deduction	57,493.90
Sanitation Fund	155,153.26
Sewer Utility	38,878.26
Tax Sale Redemption	550,175.66
Water Operation Fund	0.00
Tree Planting	0.00
Trust	0.00
TOTAL	\$11,812,455.17

/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 102-032014

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 \$ **114,973.95**.

RESOLUTION R.103-032014

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 \$36,373.66 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.104-032014

WHEREAS, on various properties located within the Township of Edison, overpayments of sewer use fees have been made due to erroneous or duplicate payments; and

WHEREAS, applications have been made to the Tax Collector for refund of said overpayments, totaling \$170.06 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.105-032014

WHEREAS, the Local Budget Law, specifically N.J.S.A. 40A:4-19, requires that the governing body of a municipality shall by Resolution make appropriations if any contract, commitments or payments are to be made prior to the adoption of budget; and

WHEREAS, it is imperative for the operation of Public Works Department to meet snow related expenses due to repeated storms and to meet Township health insurance and other needs; and

WHEREAS, the date of this Resolution is prior to the adoption of the CY 2014 Budget,

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey that the following Temporary Emergency Appropriations be made and that a certified copy of this Resolution be transmitted to the Director of Finance for her record.

TEMPORARY BUDGET APPROPRIATIONS

Current Fund	2014
Employee Group Health Insurance	2,000,000.00
Street & Roads-Materials & Supplies	20,000.00
Street & Roads-Motor Vehicle Parts	10,000.00
Fire Fighting-Maintenance of Other Equipment	10,000.00
Fire Fighting-Office Supplies	7,400.00

RESOLUTION R.106-032014

RESOLUTION AWARDED CONTRACT/PURCHASE ORDER(S) TO VERIZON WIRELESS FOR THE FURNISHING OF CELLULAR PHONE SERVICES AND WIRELESS CARDS

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

WHEREAS, VERIZON WIRELESS, One Verizon Way, Basking Ridge, NJ 07920 has been awarded State Contract Number 82583 under T-216A/Wireless Devices 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 for a twelve month period, not to exceed \$125,000.00, 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 \$125,000.00 and any other necessary documents, with VERIZON WIRELESS, One Verizon Way, Basking Ridge, NJ 07920, 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. 82583 under T-216A.

RESOLUTION R.107-032014

**RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE
FURNISHING OF AUTOMOTIVE PARTS AND ACCESSORIES WITH
LINDEN ASSOCIATED AUTO PARTS INCORPORATED IN AN
AMOUNT NOT TO EXCEED \$20,000.00**

WHEREAS, LINDEN ASSOCIATED AUTO PARTS INCORPORATED, was awarded Contract No. 13-03-10 Automotive Parts and Accessories through Resolution R. 595-102013 for the period November 14, 2013 to November 13, 2014 in the amount of \$17,500.00 and that amount has been depleted; and

WHEREAS, the Township recommends we add additional funds in the amount not to exceed \$20,000.00 to replenish and complete the one year term of the contract with LINDEN ASSOCIATED AUTO PARTS INCORPORATED, with all prices as well as all terms and conditions to remain the same until such as time the contract expires; 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.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison the Mayor, or his designee, is hereby authorized to amend and execute a contract in the amount not to exceed \$20,000.00, and any other necessary documents, with LINDEN ASSOCIATED AUTO PARTS INCORPORATED described herein.

RESOLUTION R.108-032014

**RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$10,000 FROM H-MART
COMPANIES TO SUPPORT EDISON MUNICIPAL ALLIANCE PROGRAMMING IN EDISON
SCHOOLS**

WHEREAS, The Township of Edison has been approved to receive a grant in the amount of \$10,000 from H-Mart Companies; and

WHEREAS, the Edison Municipal Alliance is desirous of accepting those grant funds to provide programming to address racism, prejudice, bullying, respect and tolerance in the Edison Schools :and

WHEREAS, these programs will have a significant benefit to adolescent and juvenile students of Edison; and

WHEREAS, no matching funds are required to accept this grant award;

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, that the appropriate fiscal officer will accept said funds in the amount of \$10,000, and that the Mayor, or her designee is hereby authorized to execute any and all documents with respect to this grant described herein.

RESOLUTION R.109-032014

Explanation: Approval and authorization by the Municipal Council of the Township of Edison of the development and submission of a grant application to the 2013 NJDOT/NJT/FTA Section 5310 Grant Program. The intent of this program is to improve mobility for seniors and individuals with disabilities by providing financial support, through programs planned, designed and carried out to meet the special transportation needs of these populations.

WHEREAS, the Edison Department of Health and Human Services/Division of Senior Services desires to apply for and obtain grants from the 2013 NJDOT/NJT 5310 Grant Program, funded by the Federal Transportation Authority (FTA); and

WHEREAS, the Township of Edison is an active participant in the County of Middlesex Coordinated Human Services Transportation Plan (CHSTP), as required; and

WHEREAS, Operating Assistance of up to 50% is available from this program, with a requisite 50% cash match from awardees; and

WHEREAS, the Edison Department of Health and Human Services/Division of Senior Services intends to apply for \$40,000.00 for this purpose, with a requisite 50% cash match of \$20,000.00, in order to support a part-time bus driver and program administration; and

WHEREAS, Capital Assistance of 80% from FTA is also available from this program, as well as a requisite 20% cash match provided by NJDOT/NJT; and

WHEREAS, the Department of Health and Human Services/Division of Senior Services intends to apply for \$80,000.00 for this purpose, with no cash match required for Capital Assistance from the Township of Edison, in order to purchase a new ADA-certified bus; and

WHEREAS, the Edison Department of Health and Human Services/Division of Senior Services intends to apply for a total grant amount of \$100,000.00 for Capital Assistance and Operating Assistance, with a total cash match requirement of \$20,000.00 for Operating Assistance only under the 2013 NJDOT/NJT/FTA 5310 Grant Program funded by the Federal Transportation Authority (FTA).

NOW, THEREFORE, BE IT RESOLVED, the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby authorize the Edison Department of Health and Human Services/Division of Senior Services to develop and submit said grant application to the 2013 NJDOT/NJT/FTA Section 5310 Grant Program at a regularly-scheduled Work Session on March 10, 2014 and subsequent Public Meeting on March 12, 2014.

RESOLUTION R.110-032014

EXPLANATION: With this resolution, the Township Council approves the receipt of the FY2014 Community Development Block Grant in the estimated amount of \$521,842 and approves the projects and activities funded by this grant.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON APPROVING THE FISCAL YEAR 2014 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE FILING OF THE FISCAL YEAR 2014 CONSOLIDATED ANNUAL ACTION PLAN

WHEREAS, under Title I of the Housing and Community Development Act of 1974, as amended, the Secretary of Housing and Urban Development is authorized to extend financial assistance to communities for the elimination or prevention of slums or urban blight, or activities which benefit low and moderate income families, or other urgent community needs; and

WHEREAS, the U.S. Department of Housing and Urban Development has advised the Township of its willingness to provide a Fiscal Year 2014 Community Development Block Grant in the amount of Five Hundred Twenty One Thousand Eight Hundred Forty Two Dollars (\$521,842);

WHEREAS, the Township can budget a total of Five Hundred Twenty One Thousand Eight Hundred Forty Two Dollars (\$521,842) to fund eligible 2014 activities that are attached and listed on the Amended Proposed Summary of FY14 Annual Action Plan Allocations, that will be carried out during the 2014 Program Year;

WHEREAS, A Public Hearing was held on January 16, 2014 to provide citizen participation in the development of the Consolidated Annual Action Plan for Fiscal Year 2014;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF EDISON THAT:

Section 1. The application for the Consolidated Annual Action Plan for Fiscal Year 2014 Community Development Block Grant Program for the Township of Edison is hereby in all respects approved.

Section 2. It is cognizant of the conditions that are imposed in the undertaking and carrying out of community development activities with federal financial assistance under Title I, including those relating to (a) the relocation of site occupants; (b) the prohibition of discrimination because of race, color, creed, national origin, or handicap and other assurances set forth under certifications.

Section 3. The Mayor of the Township of Edison, on behalf of the Township Council, is authorized to file an application for Five Hundred Twenty One Thousand Eight Hundred Forty Two Dollars (\$521,842), which the U.S. Department of Housing and Urban Development has indicated its willingness to make available to carry out the Community Development Program's activities that are attached as the Proposed Summary of FY14 Annual Action Plan Allocations and listed in the 2014 Fiscal Year Consolidated Annual Action Plan, and act as an authorized representative of the Township of Edison.

Section 4. The Mayor of the Township of Edison, on behalf of the Township Council, is hereby authorized to provide such assurances and/or certifications as are required by the Housing and Community Development Act of 1974, as amended, and also any supplemental or revised data which HUD may request in connection with the review of this application.

Section 5. The Mayor of the Township of Edison, on behalf of the Township Council, is hereby authorized to enter into Agreements with the Sub-Grantees (Subrecipient) listed on the attached Proposed Summary of FY14 Annual Action Plan Allocations so that they may carry out those activities outlined in the FY2014 Consolidated Annual Plan.

Section 6. The CDBG Coordinator shall forward to each Sub-Grantee (Subrecipient) a copy of all applicable United States Housing and Urban Development Regulations concerning conflicts of interest.

RESOLUTION R.111-032014

EXPLANATION: RESOLUTION OF AWARD OF PUBLIC BID NO. 14-25-01 FOR THE 2014 CDBG CURB AND SIDEWALK REPLACEMENT PROGRAM, FOR VARIOUS STREETS, TOWNSHIP OF EDISON, MIDDLESEX COUNTY, NJ.

WHEREAS, the Township of Edison desires to replace certain curb and sidewalk sections and install barrier-free curb ramps in the designated Census Tract 18.04, Census Block 2, in the Township of Edison, said improvements funded through the Community Development Block Grant, and under the 2014 CDBG Curb and Sidewalk Replacement Program, For Various Streets, Township of Edison, Middlesex County, NJ; and

WHEREAS, the Edison Township Engineer has prepared bid documents for the 2014 CDBG Curb and Sidewalk Replacement Program, For Various Streets, Township of Edison, with primary emphasis on Garden Terrace, Gurley Road, and Melville Road; and

WHEREAS, nine (9) sealed bids for Public Bid No. 14-25-01, 2014 CDBG Curb and Sidewalk Replacement Program, For Various Streets, Township of Edison, Middlesex County, NJ, were received by and opened on Wednesday, February 19, 2014, at 11:00 am; and

WHEREAS, A Team Concrete Inc., 104 George Street, South River, NJ 08882 (phone # 732-558-9156), is the low bidder, with a base bid, and total bid, of \$243,158.75; and

WHEREAS, the Edison Township Engineer has reviewed the bids with the CDBG Coordinator and the Township Engineer has recommended award of a contract to the low bidder, A Team Concrete Inc., 104 George Street, South River, NJ 08882, at the base bid amount, and total bid amount not to exceed \$243,158.75;

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that a construction contract be awarded to A Team Concrete Inc., 104 George Street, South River, NJ 08882, at a total amount not to exceed \$243,158.75, for Public Bid No. 14-25-01, 2014 CDBG Curb and Sidewalk Replacement Program, For Various Streets, Township of Edison, Middlesex County, New Jersey.

CFO CERTIFICATION OF FUNDS:

I hereby certify that funding in the total amount of \$243,158.75 for the above public construction contract is available under account number T-14-12-0520-000-001.

/s/ Janice Saponaro,
Chief Financial Officer

RESOLUTION R.112-032014

EXPLANATION: Resolution Refunding Tree Maintenance Bond to Pagoda Homes LLC on Established Site Plan Tree Plantings at 42 Hillsdale Road under Tree Permit No. 11-018.

WHEREAS, on September 28, 2011, Pagoda Homes LLC posted Tree Maintenance Bond fees in the amount of \$75.00 on deposit with the Township of Edison in account #7761963508 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Permit #11-018 for property located at 42 Hillsdale Road; 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 Tree Maintenance Bond refund in the amount \$75.00, 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 \$75.00 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 \$75.00, plus accrued interest, if applicable, on deposit in Account #7761963508 to Pagoda Homes LLC having an address of 37 Manor Blvd., Edison, N.J. 08820.

RESOLUTION R.113-032014

EXPLANATION: This resolution provides for refund of construction permit fee, less the DCA fee, posted for a residential construction permit where inspection services were not performed.

WHEREAS, on November 12, 2013, a Construction (Building) Permit fee, check #006402, permit #2013-4916, was posted in the total amount of \$77.00 by the contractor, A-1 Affordable Construction, Inc., having offices at 139 Ackerman Avenue, Suite 1, Clifton, NJ 07011; and

WHEREAS, the application was submitted in error to the wrong town; and

WHEREAS, appropriate documents have been submitted to the Township indicating the permit was mailed to the wrong town; and

WHEREAS, it is therefore appropriate that the municipal permit fee in the amount of \$75.00, derived from the \$77.00 total construction permit fee less the \$2.00 DCA fee for permit #2013-4916, be refunded to the contractor, A-1 Affordable Construction, Inc.; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #2013-4916, in the amount of \$75.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$75.00 on construction permit fees posted by A-1 Affordable Construction, Inc. be refunded to the contractor;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$75.00 from the Refund of Revenue Fund to the contractor, A-1 Affordable Construction, Inc., 139 Ackerman Avenue, Suite 1, Clifton, NJ 07011.

RESOLUTION R.114-032014

EXPLANATION: Release of Maintenance Bond posted for BPG Hotel XXIII Owner LLC, for site plan improvements at Raritan Center Parkway & Fieldcrest Ave.

WHEREAS, the Township Engineer advises that an inspection has been made of BPG Hotel XXIII Owner LLC, located in Block 390-D, and Lots 14 & 15, under Application # P56-07/08, and said inspection indicates all improvements are complete and in accordance with the Municipal Standards of the Township of Edison; and

WHEREAS, on July 13, 2009 the applicant posted a Maintenance Bond #BSBDS0238 in the amount of \$37,177.11, 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 #BSBDS0238 in the amount of \$37,177.11, principal being BPG Hotel XXIII Owner LLC having offices at 322 A Street, Wilmington, DE 19801 and acceptance of the subject improvements;

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 Maintenance Bond in the amount of \$37,177.11, to the applicant.

RESOLUTION R.115-032014

RESOLUTION AWARDING STATE CONTRACT/PURCHASE ORDER(S) TO LOWES HOME CENTERS LLC FOR THE FURNISHING OF INDUSTRIAL, JANITORIAL AND HARDWARE SUPPLIES FOR THE TOWNSHIP OF EDISON

WHEREAS, there is a need to purchase industrial, janitorial and hardware supplies for the Township of Edison; and

WHEREAS, LOWES HOME CENTERS LLC, 1605 Curtis Bridge Road, Mailcode ABECS, Wilkesboro NC 28697, has been awarded State Contract Number 82951 under M-8001/Walk-In Building Supplies; 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 \$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, 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 \$25,000.00 and any other necessary documents, with LOWES HOME CENTERS LLC, 1605 Curtis Bridge Road, Mailcode ABECS, Wilkesboro, NC 28697 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. 82951/M-8001.

RESOLUTION R.116-032014

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO NEW JERSEY OVERHEAD DOOR FOR OVERHEAD DOOR REPAIRS

WHEREAS, bids were received by the Township of Edison on February 11, 2014 for Public Bid No. 14-08-31, Overhead Door Repairs, for the Department of Public Works; and

WHEREAS, NEW JERSEY OVERHEAD DOOR, 14 Valley Road, Manalapan, NJ 07726, submitted the lowest legally responsible, responsive bid; and

WHEREAS, the total amount of this contract, not to exceed \$35,000.00, 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 NEW JERSEY OVERHEAD DOOR, 14 Valley Road, Manalapan, NJ 07726 for Overhead Door Repairs 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 \$35,000.00, and any other necessary documents, with NEW JERSEY OVERHEAD DOOR, as described herein.

RESOLUTION R.118-032014

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO THC ENTERPRISES, INC. T/A MID-ATLANTIC WASTE SYSTEMS FOR AUTOMATED REFUSE COLLECTION PARTS

WHEREAS, bids were received by the Township of Edison on February 11, 2014 for Public Bid No. 14-08-21, Automated Refuse Collection Parts, for the Department of Public Works; and

WHEREAS, THC ENTERPRISES, INC. T/A MID-ATLANTIC WASTE SYSTEMS, 3011 West Second Street, Chester, PA 19013 submitted the lowest legally responsible, responsive bid; and

WHEREAS, the total amount of this contract, not to exceed \$35,000.00, 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 THC ENTERPRISES, INC. T/A MID-ATLANTIC WASTE SYSTEMS, 3011 West Second Street, Chester, PA 19013 for Automated Refuse Collection Parts 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 \$35,000.00, and any other necessary documents, with THC ENTERPRISES, INC. T/A MID-ATLANTIC WASTE SYSTEMS as described herein.

RESOLUTION R.119-032014

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO CITY FIRE EQUIPMENT CO. FOR FIRE ALARM INSPECTION AND MAINTENANCE SERVICES

WHEREAS, bids were received by the Township of Edison on February 14, 2014 for Public Bid No.14-08-23, Fire Alarm Inspection and Maintenance Services for the Township of Edison; and

WHEREAS, CITY FIRE EQUIPMENT CO., 733 Ridgedale Ave E, East Hanover, NJ 07936, 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 CITY FIRE EQUIPMENT CO., 733 Ridgedale Ave E, East Hanover, NJ 07936 for Fire Alarm Inspection and Maintenance Services for the Township of Edison, 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 CITY FIRE EQUIPMENT CO. as described herein.

RESOLUTION R.120-032014

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 February 11, 2014 for Public Bid No.14-08-25, 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 total amount of this contract, not to exceed \$35,000.00 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 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 \$35,000.00 and any other necessary documents, with XYLEM DEWATERING SOLUTIONS INCORPORATED D/B/A GODWIN PUMPS OF AMERICA as described herein.

RESOLUTION R.121-032014

RESOLUTION REJECTING ALL BIDS FOR ROOF INSTALLATION-EDISON PARKS GARAGE

WHEREAS, the Township of Edison advertised for bids by public notice published in the Home News on November 15, 2013, for Public Bid No. 13-11-06, ROOF INSTALLATION-EDISON PARKS GARAGE with a bid opening date of December 12, 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. 13-11-06, ROOF INSTALLATION-EDISON PARKS GARAGE are hereby rejected pursuant to N.J.S.A 40A:11-13.2d .
2. The Purchasing Agent is hereby authorized to rebid said project at a later date.

RESOLUTION R.122-032014

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
VIPIN DWIVEDI FOR THE TEEN CENTER PROGRAM**

WHEREAS Vipin Dwivedi made payment in the amount of \$10.00 for his child Ishan Dwivedi's participation in the Teen Center Program; and

WHEREAS Ishan Dwivedi is too young for the Teen Center 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 \$10.00 to Vipin Dwivedi, 155 Jeremy Ct., Edison, NJ 08817, which amount represents the registration fee for a third class.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$10.00 are available in Account #3-01-55-0291-000-000.

/s/ Janice Saponaro
Chief Financial Officer

RESOLUTION R.123-032014

WHEREAS, an application has been filed for a Person-to-Person & Place-to-Place Transfer of Plenary Retail Consumption Liquor License #1205-33-007-003, to The DK Family, Inc, t/a The Edison Diner, to be located at 101 Route 1, Edison, NJ, 08817 heretofore issued to Green Derby, Inc, formerly trading as Green Derby, located at 2024 Woodbridge Avenue, Edison, NJ 08817,

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 March 12, 2014, the transfer of the aforesaid Plenary Retail Consumption License to The DK Family, Inc, t/a The Edison Diner, for premises located at 101 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 The DK Family, Inc, effective March 13, 2014."

RESOLUTION R.124-032014

Explanation: This Resolution calls on the New Jersey Legislature to make permanent the two percent (2%) cap on interest arbitration awards.

WHEREAS, on December 21, 2010, Governor Christopher J. Christie signed into law reforms to the compulsory interest arbitration process that took effect on January 1, 2011 (codified by P.L.2010, c.105 §1); and

WHEREAS, the reforms capped arbitration awards on economic factors to no more than two percent (2%), provided for random selection of arbitrators, expedited the determination of awards, required the arbitrator to provide a written report detailing the weight accorded to each of the required considerations and expedited the appeal process; and

WHEREAS, these reforms marked a dramatic change to the arbitration process and have helped municipalities to control the never-ending rise in public safety personnel costs; and

WHEREAS, a key element of the reforms, capping arbitration awards on economic factors to no more than two percent (2%) of the property tax levy, will expire on April 1, 2014; and

WHEREAS, while municipalities are statutorily limited to raise their property tax levy by no more than two percent (2%), with very limited exceptions, failure to extend the two percent (2%) cap on interest arbitration awards will force municipalities throughout the State to further reduce or even eliminate crucial services, personnel, and long-overdue infrastructure improvement projects in order to fund an arbitration award; and

WHEREAS, the two percent (2%) interest arbitration cap has controlled one of the largest municipal expenses, public safety salaries, not only through arbitration awards but through contract negotiations; and

WHEREAS, absent further action by the New Jersey Legislature, any contract that expires on or after April 1, 2014, will be subject to all new procedures and requirements, **EXCEPT** the two percent (2%) awards cap; and

WHEREAS, without those limits, arbitrators will be able to impose awards that do not account for the two percent (2%) limit on the property tax levy, which would immediately threaten funding for all other municipal services; and

WHEREAS, without the two percent (2%) cap on interest arbitration awards, but with the two percent (2%) cap on the property tax levy, local budget makers could be forced to reduce other essential municipal services to fund an arbitration award.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Edison, County of Middlesex strongly urges the New Jersey Legislature to permanently extend the two percent (2%) cap on interest arbitration awards prior to the April 1, 2014 sunset; and

BE IT FURTHER RESOLVED, that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Assembly Speaker Vincent Prieto, the State Legislative representatives of the Township of Edison, Governor Christopher J. Christie, and the New Jersey State League of Municipalities.

The following Resolution was pulled off the agenda:

RESOLUTION R.117-032014

RESOLUTION AWARDING A ONE YEAR RENEWAL CONTRACT TO STILO EXCAVATION INCORPORATED FOR PAVEMENT MILLING AND TACK COATING

WHEREAS, bids were received on March 21, 2013 for Public Bid No.13-04-15- Pavement Milling and Tack Coating for the Department of Public Works; and

WHEREAS, R.201-042013 dated April 10, 2013 authorized the first year contract with STILO EXCAVATION INCORPORATED, 2907 So. Clinton Ave., South Plainfield, NJ 07080 which expires April 21, 2014; and

WHEREAS, the contract allows for a second year renewal with all conditions, requirements and terms of the contract remaining the same; and

WHEREAS, the Township of Edison would like to exercise the option to renew the contract for the period of April 22, 2014 to April 21, 2015; and

WHEREAS, the total amount of this contract, not to exceed \$184,000.00, 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 Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate Township Officials are hereby authorized to execute a contract with STILO EXCAVATION INCORPORATED, 2907 So. Clinton Ave., South Plainfield, NJ 07080 for the contract period of April 22, 2014 to April 21, 2015 in the amount not to exceed \$184,000.00.

A motion was made by Councilmember Diehl, seconded by Councilmember Gomez, to pull this Resolution.

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

NAYS - None

Councilmember Gomez was absent.

ORAL PETITIONS AND REMARKS

Council President Karabinchak opened the meeting for public comment.

Anthony Yannello, 11 Yuro Drive, said four years ago they were promised that Yuro Drive would be paved and as of yet nothing has been done. He asked that they please re-pave Yuro Drive as it is long overdue.

Council President Karabinchak asked Mr. Medina to look into this.

Tom Gockel, 77 Safran Avenue, asked if anyone has been fined for not removing their car from the street during snow-plowing.

Chief Bryan said forty-four summonses have been issued.

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 Lombardi, the meeting was adjourned at 7:19 p.m.

Robert Karabinchak
Council President

Cheryl Russomanno
Acting Municipal Clerk