

**AGENDA
MUNICIPAL COUNCIL
REGULAR MEETING
Wednesday, March 24, 2010
7:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on December 10, 2009, and posted in the Main Lobby of the Municipal Complex on the same date.
4. **APPROVAL OF MINUTES:**
 - a. Regular Meeting of February 10, 2010
 - b. Worksession Meeting of February 22, 2010
 - c. Closed Session Meeting of March 8, 2010
5. **COUNCIL PRESIDENT'S REMARKS**
6. **RESOLUTIONS OF RECOGNITION:**

R.148-032010 John Grun
7. **ADMINISTRATIVE AGENDA:
FROM MAYOR ANTONIA RICIGLIANO:**
 - a. Appointment of Thomas Wolf to the Environmental Commission
8. **UNFINISHED BUSINESS:
ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING
AND FINAL ADOPTION:**

The following Ordinances have been published according to law, the affidavits are in the possession of the Township Clerk, and copies are posted in the Council Chambers:

O.1733-2010 AN ORDINANCE AMENDING SECTION 2-2.13 OF THE CODE OF THE TOWNSHIP OF EDISON ENTITLED "ADDRESSING THE COUNCIL"

O.1734-2010 AN ORDINANCE AMENDING SECTION 2-2.11 OF THE CODE OF THE TOWNSHIP OF EDISON ENTITLED "ORDINANCES, RESOLUTIONS AND PETITIONS"
9. **NEW BUSINESS:
PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR
WEDNESDAY, APRIL 14, 2010:**

O.1735-2010 AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE 1 OF TITLE 39 OF THE REVISED STATUTES OF NEW JERSEY APPLICABLE TO THE CENTRE PLACE AT EDISON CONDOMINIUM ASSOCIATION, INC.

O.1736-2010 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
10. **2010 CALENDAR YEAR BUDGET**
 - a. Introduction of the 2010 Calendar Year Budget
11. **PUBLIC COMMENT ON THE RESOLUTIONS**

12. **PROPOSED RESOLUTIONS**

Copies of these Resolutions are available for review only and are posted in the Council Chambers. Anyone desiring a copy may contact the Township Clerk after the meeting.

Consent Agenda

- R.149-032010 Resolution approving disbursements for the period ending March 18, 2010.
- R.150-032010 Resolution consenting to the appointment of Dennis Gonzalez as Business Administrator.
- R.151-032010 Resolution consenting to the appointment of Jay P. Elliot as Director of Health and Human Services.
- R.152-032010 Resolution consenting to the appointment of Lisa A. Gulla as Health Officer.
- R.153-032010 Resolution authorizing award of contract for maintenance and support for the proprietary software 9-1-1 Telephone Network to CenturyLink/EMBARQ, in an amount not to exceed \$43,271.28.
- R.154-032010 Resolution authorizing award of contract for a maintenance contract for the Facilities Management Services for the HVAC System to TBS Controls, LLC, in an amount not to exceed \$25,000.00.
- R.155-032010 Resolution authorizing final acceptance of Contract No. 09-29-01, North Edison Branch Library Sanitary Sewer Repair Project.
- R.156-032010 Resolution authorizing award of Contract No. 09-07-13, HVAC Maintenance and Repairs – Municipal Building to Carrier Corporation, in an amount not to exceed \$42,100.00.
- R.157-032010 Resolution authorizing award of RFP 10-01, Auditor to Hodulik and Morrison, in an amount not to exceed \$105,000.00.
- R.158-032010 Resolution authorizing refund in the amount of \$180,077.45 for redemption of tax sale certificates.
- R.159-032010 Resolution authorizing refund of sewer use overpayments, totaling \$515.36.
- R.160-032010 Resolution authorizing disabled veteran's deduction for George Emmett, 1501 Merrywood Drive.
- R.161-032010 Resolution authorizing refund of developer's escrow fees to EJL Properties, LLC, 7 Olsen Avenue, Application #P34-06/07.
- R.162-032010 Resolution authorizing refund of developer's escrow fees to Mark Investments, Inc., 81 Plainfield Avenue, Application #Z26-06/07 and Z73-06/07.
- R.163-032010 Resolution authorizing refund of developer's escrow fees to Lincoln Associates Limited Partnership, 2 Lincoln Highway, Application #Z61-05/06.
- R.164-032010 Resolution authorizing refund of developer's escrow fees to Credit Suisse (USA), Inc., 75 Carter Drive, Application #P67-07/08.
- R.165-032010 Resolution authorizing refund of developer's escrow fees to Dr. J. Elica Kang-Lee, 1790 Oak Tree Road, Application #Z50-07/08.
- R.166-032010 Resolution authorizing refund of developer's escrow fees to Auto Action Group, Inc., 236 Lafayette Avenue, Application #P45-07/08.
- R.167-032010 Resolution authorizing refund of developer's escrow fees to One Quality, LLC, 2124 Oak Tree Road, Application #Z56-06/07.
- R.168-032010 Resolution authorizing refund of developer's escrow fees to Edison Township Memorial Post 3117 Veterans of Foreign Wars of the United States, Inc., Wallace Street, Application #P10-08/09.
- R.169-032010 Resolution authorizing refund of tax overpayments, totaling \$24,111.25.
- R.170-032010 Resolution authorizing transfer of funds.
- R.171-032010 Resolution authorizing grant application for the County of Middlesex 2010 Municipal Alliance Minigrant Program.

- R.172-032010 Resolution authorizing professional services agreement for certain legal services to DiFrancesco, Bateman, Coley, Yopsin, Kunzman, Davis & Lehrer, in an amount not to exceed \$25,000.00.
- R.173-032010 Resolution authorizing refund of building permit fee to Debnath Bera, 64 Wayne Street.
- R.174-032010 Resolution authorizing engineering inspection fee refund to Atlas, LLC, Campbell Avenue and Route 27, Application #Z05-05/06.
- R.175-032010 Resolution authorizing release of cash and performance bond to Atlas, LLC, Campbell Avenue and Route 27, Application #Z05-05/06.
- R.176-032010 Resolution authorizing award of bid for Contract No. 10-25-01, ADA Curb Ramp Improvements at Schools and Neighborhood Shopping Centers to Jak Construction Company t/a/ Diamond Construction, in an amount not to exceed \$142,654.00.
- R.177-032010 Resolution authorizing engineering inspection fee refund to 940/946 Amboy Avenue, 940 Amboy Avenue, Application #P30-06/07.
- R.178-032010 Resolution authorizing release of cash and performance bond to 940/946 Amboy Avenue, 940 Amboy Avenue, Application #P30-06/07.
- R.179-032010 Resolution authorizing final acceptance of Contract No. 09-19-04, Erection and Installation of Parks and Playground Equipment at Stelton Playground.
- R.180-032010 Resolution authorizing waiver of building permit fees for St. Matthew's Church.
- R.181-032010 Resolution authorizing appointment of Joan Kapitan as a member of the housing Authority, term to expire November 9, 2011.
- R.182-032010 Resolution appointing various members of the Open Space Committee.
- R.183-032010 Resolution appointing various members of the Veteran's Memorial Committee.

13. **COMMUNICATIONS:**

- a. Electronic Mail Message Steve Jackson regarding the State of the Township – receive
- b. Letter from Timothy Eosso thanking the Administration for their assistance – receive
- c. Letter from Freeholder Ronald Rios regarding Workers Memorial Day – receive
- d. Letter from Yvonne Angrisani requesting a traffic light on Inman Avenue and Rahway Road – receive
- e. Letter from the Indo-American Festivals, Inc. expressing condolences on the death of former Police Director Collier – receive
- f. Letter from Richard and Larisa Leist regarding the Edison School Board budget - receive

14. **ORAL PETITIONS AND REMARKS**

15. **ADJOURNMENT**

EXPLANATION: This ordinance amends section 2-2.13 entitled “Addressing the Council” of the Township Code by providing for a six minute time for the public to speak and providing for a rebuttal of three minutes.

EDISON TOWNSHIP

ORDINANCE O.1733-2010

BE IT ORDAINED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that Chapter 2 entitled “Administration” is hereby amended as follows:

SECTION I. Section 2-2.13 (e) entitled “Manner of Addressing the Council” is hereby amended by increasing the time limit for a person to address the council from four (4) minutes to six (6) minutes and permitting a rebuttal of three (3) minutes. The entry shall read as follows:

(e) Manner of Addressing the Council. Upon recognition from the [chair] Council President or presiding officer, a person shall proceed to the floor and give his or her name, and address, in an audible tone of voice for the records. He or she shall limit his or her statement to [four (4)] six (6) minutes. Any person may speak only once [on] during the time of the meeting allotted each of the categories of business described in paragraph a., b. and c. above. Each such statement shall be limited to [four (4)] six (6) minutes. Any person who has already spoken may speak in rebuttal to any comment by another member of the public on the same issue(s) which rebuttal shall be limited to three (3) minutes and shall be limited to one (1) rebuttal per meeting. However, each person may speak and present a rebuttal on each ordinance, when the ordinance is presented for a public hearing, for the duration of time as set forth above.

1. Statements shall be addressed to the Council President and not to any member thereof. A Councilperson shall not direct any question to a speaker addressing the Council except through the Council President or presiding officer.

2. It shall be the duty of the Council President or the presiding officer or his designee [Township Clerk] to monitor the [four (4)] speaking times with an appropriate timer and notify the speaker [Council President or the presiding officer] when the speaker's time has elapsed.

SECTION II. This ordinance shall take effect twenty (20) days after adoption and approval by the Mayor in accordance with N.J.S.A. 40:69A:181(b).

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

EXPLANATION: This ordinance amends section 2-2.11 entitled “Ordinances, Resolutions and Petitions” of the Township Code to provide that each resolution and ordinance be limited to a single object and related changes.

EDISON TOWNSHIP

ORDINANCE O.1734-2010

BE IT ORDAINED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that Chapter 2 entitled “Administration” is hereby amended as follows:

SECTION I. Section 2-2.11 entitled “Ordinances, Resolutions and Petitions” is hereby amended as follows:

2-2.11 Ordinances, Resolutions and Petitions.

a. All ordinances must be presented in writing. Any Councilperson may introduce any resolution or ordinance. All ordinances and resolutions shall be drafted by the Township Attorney upon request of the Council or Mayor. Each ordinance shall be published by the Clerk, considered and adopted by the Council and become effective according to the procedure prescribed by the Charter and general law.

b. Upon the adoption of an ordinance the same shall be properly numbered and recorded at length by the Township Clerk. The assigned number of the ordinance shall appear in the advertisement of the ordinance.

c. Every ordinance [resolution] submitted for consideration by [of] the Township Council shall be presented in writing. Resolutions, to the extent possible should be presented in writing, verbal resolutions, may be reduced to writing as directed by the Council.

d. Prior Submission to Business Administrator and Department Head. Prior to introduction, each proposed ordinance or resolution requiring or permitting administrative action may be submitted to the Business Administrator and the Department Head concerned, each of whom shall submit to the Council an opinion as to the administrative implications of the proposed ordinance or resolution.

e. Title. Each ordinance and resolution shall be limited to a single object which shall be expressed in its title.

[d.] f. All petitions, memorials or other papers addressed to the Township Council shall be presented by the Clerk who shall state in his or her place the general object of the petition, memorial or other paper.

SECTION II. This ordinance shall take effect twenty (20) days after adoption and approval by the Mayor in accordance with N.J.S.A. 40:69A:181(b).

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

EXPLANATION: This Ordinance makes the provisions of Subtitle 1, Title 39, of the New Jersey Statutes applicable to the Centre Place at Edison Condominium Association, Inc.

**TOWNSHIP OF EDISON
ORDINANCE O.1735-2010**

**AN ORDINANCE MAKING THE PROVISIONS OF
SUBTITLE 1 OF TITLE 39 OF THE REVISED STATUTES
OF NEW JERSEY APPLICABLE TO THE CENTRE PLACE
AT EDISON CONDOMINIUM ASSOCIATION, INC. AS
HIGHLIGHTED ON THE ATTACHED EXHIBIT**

WHEREAS, the Township of Edison has received the application of the Centre Place at Edison Condominium Association, Inc., a private condominium community located off of the intersection of Woodbridge Avenue and Stanley Swiderski Drive in Lot 5 of Block 396 as identified on the Edison Township Tax Map ("Centre Place ") requesting that the provisions of Subtitle 1, Title 39 of the Revised Statutes of New Jersey be made applicable to the Centre Place as highlighted on the attached map identified as Exhibit "A-1."

WHEREAS, the Township Council of the Township of Edison deems that enforcement of the traffic regulations on the aforesaid streets will benefit the citizens of the Township of Edison;

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

SECTION I. The Division of Police of the Township of Edison and other law enforcement agencies be and same are hereby empowered to enforce the provisions of Subtitle 1 of Title 39 of the Revised Statutes of New Jersey within the Centre Place as highlighted on Exhibit "A-1" including the access road connection to the Centre Place from the Beechwood at Edison (CVS Pharmacy site) portion of the development.

SECTION II. All signs, posts, bolts, or other necessary materials to implement this Ordinance shall be installed and paid for by the Centre Place. The work shall be installed and paid for by the Centre Place. The work shall be inspected by the Edison Township Division of Police and the Township Engineer to ensure installations meet federal and state specifications, and that all signage conform to the current Manual on Uniform Traffic Control Devices. This Ordinance shall not become effective until the Edison Township Division of Police and the Township Engineer have approved the installation of the foregoing, and the cost of installation incurred by the Township is reimbursed by the Centre Place.

SECTION III. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect.

SECTION IV. The New Jersey State Department of Transportation shall, after the first reading of this Ordinance by the Edison Township Council, review this Ordinance by way

of an on-site inspection and approve same before it is published and placed on an agenda for a public hearing and final passage.

SECTION V. The Township Clerk is hereby directed to submit a certified copy of this Ordinance to the Commissioner of Transportation of the State of New Jersey.

SECTION VI. This Ordinance shall take effect upon the last to occur (i) twenty (20) days after the adoption, publication and approval by the Mayor in accordance with N.J.S.A. 40:69A-181(b), final passage and publication according to law; (ii) approval of this Ordinance by the Commissioner of Transportation of the State of New Jersey; and (iii) approval by the Edison Township Division of Police and the Township Engineer of the installations required by Section II hereinabove.

**CALENDAR YEAR 2010
AUTHORIZATION TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

ORDINANCE O.1736-2010

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

WHEREAS, it has been determined by the Division of Local Government Services that a municipality that received Local Finance Board approval for a Calendar Year reversion may, in the preparation of its first Calendar Year budget, include an additional 1.25 % percentage rate as an exception for a total 4.75 % percentage rate as an exception to its final appropriation in either of the next succeeding years; and,

WHEREAS, the Township Council of the Township of Edison in the County of Middlesex finds it advisable and necessary to increase its CY 2010 budget by up to 4.75% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 4.75 % increase in the budget for said year, amounting to \$4,501,617.78 the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Edison, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Township of Edison shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 4.75 %, amounting to \$4,501,617.18, and that the CY 2010 municipal budget for the Township of Edison be approved and adopted in accordance with this ordinance; and,

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

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

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

RESOLUTION R.149-032010

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF
THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING MARCH 18, 2010

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through March 18, 2010

FUND	AMOUNT
Current	\$12,141,420.65
Dog (Animal Control)	\$767.80
Sewer Utility	\$119,402.24
Capital	\$22,816.56
CDBG	\$16,292.15
Trust	\$169,271.31
Grant Funds	\$7,511.57
Sanitation Fund	\$75,859.66
Payroll Deductions	\$393,069.44
Park Improvement	\$0.00
Developer's Escrow	\$48,394.80
Cash Performance	\$105,906.21
Federal Forfeited	\$0.00
Public Assistance	\$0.00
Law Enforcement	\$0.00
Affordable Housing	\$400.00
Tree Planting	\$945.00
Self Insurance	\$4,388.69
TOTAL	\$13,106,446.08

/s/ Mark E. Acker
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.150-032010

WHEREAS, a recommendation was made by Mayor Antonia Ricigliano to appoint Dennis Gonzalez as Business Administrator; and

WHEREAS, the Municipal Council wishes to consent to this appointment;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that Dennis Gonzalez be appointed as Business Administrator for the Township of Edison, term to expire December 31, 2013.

RESOLUTION R.151-032010

WHEREAS, a recommendation was made by Mayor Antonia Ricigliano to appoint Jay P. Elliot as Director of Health and Human Services; and

WHEREAS, the Municipal Council wishes to confirm this appointment;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that Jay P. Elliot be appointed as Director of Health and Human Services for the Township of Edison.

RESOLUTION R.152-032010

WHEREAS, a recommendation was made by Mayor Antonia Ricigliano to appoint Lisa A. Gulla as Health Officer; and

WHEREAS, the Municipal Council wishes to confirm this appointment;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that Lisa A. Gulla be appointed as of Health Officer for the Township of Edison.

Purpose: This resolution, if approved, will renew the maintenance and support agreement for the proprietary software 9-1-1 Telephone Network used exclusively in the Police Department's 9-1-1 Communications Center. The contract provides all labor and materials, with a 2-hour on-site response time, 24 / 7 / 365.

RESOLUTION R.153-032010

WHEREAS, there exists a need for the renewal of the annual maintenance and support agreement for the PlantCML Sentinel 9-1-1 System installed in the Police Department's 9-1-1 Communications Center; and

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

WHEREAS, CenturyLink / EMBARQ Solutions, 665 Lexington Avenue, Mansfield, OH 44907 has submitted a proposal to provide such services at a cost of Forty-Three Thousand Two-Hundred Seventy-One Dollars and Twenty-Eight Cents (\$43,271.28); and

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

- 1.) The appropriate Township Officials are hereby authorized to execute an agreement with CenturyLink / EMBARQ Solutions for the maintenance and support of the PlantCML Sentinel 9-1-1 System in accordance with their proposal at a cost of \$43,271.28; and
- 2.) This contract is awarded without competitive bidding under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(dd); and

BE IT FURTHER RESOLVED that the Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and in compliance with the Local Public Contracts Law guidelines.

Purpose: This resolution, if approved, will renew the Maintenance Contract for the Facilities Management Services for the HVAC System.

RESOLUTION R.154-032010

WHEREAS, there exists a need for the renewal of the annual maintenance contract for the Facilities Management Services for the HVAC System; and

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

WHEREAS, TBS Controls, LLC, 6 Pearl Court, Suite 6B, Allendale, NJ 07401 has submitted a proposal to provide such services at a cost of \$18,896.00 for annual maintenance; and

WHEREAS, Additional monies may be needed to be appropriated for work not covered under the support and maintenance agreement in an amount not to exceed \$6,104.00; and

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

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

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

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

- 3.) The appropriate Township Officials are hereby authorized to execute an agreement with TBS Controls, LLC for the maintenance of the Facilities Management Services for the HVAC System in accordance with their proposal at a cost of not to exceed \$25,000.00 (\$18,896.00 for maintenance and \$6,104.00 for additional work not covered under the agreement); and
- 4.) This contract is awarded without competitive bidding under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(dd); and

BE IT FURTHER RESOLVED that the Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and in compliance with the Local Public Contracts Law guidelines.

EXPLANATION: This resolution authorizes Final Contract Payment to Suburban Building Company and provides for Township Acceptance of the completed improvements.

RESOLUTION R.155-032010

TOWNSHIP OF EDISON

WHEREAS, the Township of Edison entered into a joint venture with the Edison Township Library for Contract No. 09-29-01, North Edison Branch Library Sanitary Sewer Repair Project; and

WHEREAS, Suburban Building Company, 71 Autumn Drive, Basking Ridge, NJ 07920 was awarded a contract through resolution R.217-422009 in a contract amount not to exceed \$73,820.00 for the North Edison Branch Sanitary Sewer Repair Project; and

WHEREAS, The Township of Edison's portion of the funding was \$45,000.00 with the remaining \$28,820.00 to be funded by the Edison Township Library; and

WHEREAS, The Edison Township Library authorized a change order in the amount of \$1,570.00 increasing the Library's contribution for this project to \$30,390.00 resulting in a revised and final total construction contract amount not to exceed \$75,390.00; and

WHEREAS, the Township Engineer has reviewed the project and certifies the project has been completed, and that a two-year (2-year) maintenance bond, effective from November 11, 2009, in an amount equivalent to 100% of the final as-built construction costs of \$75,390.00 for the project has been received by the Township of Edison, and the Township Engineer recommends project acceptance and that final retainage payment be made to Suburban Building Company in an amount not to exceed \$4,500.00 for a total construction contract as-built cost of \$75,390.00.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the North Edison Branch Sanitary Sewer Repair Project is deemed accepted by the Township of Edison, subject to maintenance bond provisions, and that Final Payment be made to Suburban Building Company, 71 Autumn Drive, Basking Ridge, NJ 07920, in an amount not to exceed \$4,500.00 for a total project as-built cost of \$75,390.00.

RESOLUTION R.156-032010

WHEREAS, bids were received for Contract No. 09-07-13, HVAC MAINTENANCE AND REPAIR – MUNICIPAL BUILDINGS; and

WHEREAS, after review of said bids it has been recommended by the Business Administrator that this contract be awarded to Carrier Corporation, 14-30 Madison Road, Fairfield, NJ 07004; and

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

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

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

NOW, THEREFORE, BE IT 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 Carrier Corporation, in an amount not to exceed \$42,100.00 (\$22,100.00 for maintenance for the first year of the contract and \$20,000 for additional work not covered under the maintenance agreement).

RESOLUTION R.157-032010

**RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPENED CONTRACT
FOR PROFESSIONAL SERVICES FOR AUDITOR
FOR THE FISCAL/CALENDAR YEAR ENDING DECEMBER 31, 2010**

WHEREAS, it is necessary for the Township of Edison to retain auditors for the Fiscal/Calendar Year ending December 31, 2010; and

WHEREAS, request for Proposals were advertised on the Township of Edison website under the "Fair and Open" process; and

WHEREAS four (4) sealed proposals (RFP-10-01) were received on February 10, 2010; and,

WHEREAS, after review of said proposals, it is recommended that the contract for the Fiscal/Calendar Year ending December 31, 2010 be awarded to Hodulik & Morrison, P.A., in an amount not to exceed \$105,000; and

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that a professional service contract be awarded for the Transitional Year to Hodulik & Morrison, P.A., 1102 Raritan Avenue, Highland Park, NJ 08904 in accordance with their proposal at a price not to exceed \$105,000; and

BE IT FURTHER RESOLVED that the Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et. seq. and in compliance with the Local Public Contracts Law guidelines.

RESOLUTION R.158-032010

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 \$180,077.45.

RESOLUTION R.159-032010

Whereas, on various properties located within the Township of Edison, overpayments of sewer user fees 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 \$515.36 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.160-032010

WHEREAS, pursuant to N.J.S.A. 54:4.3-30, the dwelling of a disabled veteran shall be exempt from real property taxes; and

WHEREAS, George Emmett, is a veteran who has been determined to have suffered a 100% service-related disability; and

WHEREAS, the determination of said disability is retroactive to January 24, 2008; and

WHEREAS, real estate taxes on this property known as Block 19 Lot 121-A, 1501 Merrywood Drive, have been billed for 2010; and

WHEREAS, pursuant to N.J.S.A. 54:4-32, the governing body of a municipality may by resolution cancel taxes due on a property which would have been exempt had the claim been made at the time they were due.

NOW, THEREFOR, BE IT RESOLVED by the Township Council of the Township of Edison that property taxes due on Block 19 Lot 121-A, assessed to George Emmett, be cancelled for the full year 2010 and also refunded for the full year 2009; and

BE IT FURTHER RESOLVED that the Chief Financial Officer of the Township of Edison draw a check to the order of George Emmett for taxes he paid for this time period in the amount of \$6,620.28.

RESOLUTION R.161-032010

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow Fees posted by EJL Properties LLC for a project located at 7 Olsen Avenue in Block: 590, Lot: 12 and Application #P34-06/07; and

WHEREAS, the applicant was required to post developers escrow fees, pursuant to Township Ordinance; and

WHEREAS, on May 25, 2007, EJL Properties LLC posted fees on deposit with the Township of Edison in account #7760216740 for Developers Escrow fees; and

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

WHEREAS, it is in now in order that the sum of \$7.68 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to EJL Properties LLC; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$7.68 plus accrued interest, if applicable, be refunded to EJL Properties LLC, 29 Marlin Avenue E, Edison, New Jersey 08820-3242.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$7.68, plus accrued interest, if applicable, in account #7760216740 to the applicant.

RESOLUTION R.162-032010

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow Fees posted by Mark Investments Inc. for a project located at 81 Plainfield Avenue in Block: 256, Lots: 9-33 and Application #Z26-06/07 & Z73-06/07; and

WHEREAS, the applicant was required to post developers escrow fees, pursuant to Township Ordinance; and

WHEREAS, on May 3, 2007, Mark Investments Inc. posted fees on deposit with the Township of Edison in account #7760216733 for Developers Escrow fees; and

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

WHEREAS, it is in now in order that the sum of \$359.21 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Mark Investments Inc.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$359.21 plus accrued interest, if applicable, be refunded to Mark Investments Inc., 54 Jaconnet Street, Suite 203, Newton, Massachusetts, 02461.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$359.21, plus accrued interest, if applicable, in account #7760216733 to the applicant.

RESOLUTION R.163-032010

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow Fees posted by Lincoln Associates Limited Partnership for a project located at 2 Lincoln Highway in Block: 643.EE, Lot 17.T1 and Application #Z61-05/06; and

WHEREAS, the applicant was required to post developers escrow fees, pursuant to Township Ordinance; and

WHEREAS, on December 5, 2005, Lincoln Associates Limited Partnership posted fees on deposit with the Township of Edison in account #7200025117 for Developers Escrow fees; and

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

WHEREAS, it is in now in order that the sum of \$200.00 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Lincoln Associates Limited Partnership; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$200.00 plus accrued interest, if applicable, be refunded to Lincoln Associates Limited Partnership, 517 Route One South, Suite 2100, Iselin, New Jersey 08830.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$200.00, plus accrued interest, if applicable, in account #7200025117 to the applicant.

RESOLUTION R.164-032010

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow Fees posted by Credit Suisse (USA), Inc. for a project located at 75 Carter Drive in Block: 22, Lot: 14.B and Application #P67-07/08; and

WHEREAS, the applicant was required to post developers escrow fees, pursuant to Township Ordinance; and

WHEREAS, on July 27, 2008, Credit Suisse (USA), Inc. posted fees on deposit with the Township of Edison in account #7760295950 for Developers Escrow fees; and

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

WHEREAS, it is in now in order that the sum of \$9,707.95 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Credit Suisse (USA), Inc.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$9,707.95 plus accrued interest, if applicable, be refunded to Credit Suisse (USA), Inc., 11 Madison Avenue, New York, New York 10010.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$9,707.95, plus accrued interest, if applicable, in account #7760295950 to the applicant.

RESOLUTION R.165-032010

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow Fees posted by Dr. J. Elica Kang-Lee for a project located at 1790 Oak Tree Road in Block: 546.K, Lot: 3 and Application #Z50-07/08; and

WHEREAS, the applicant was required to post developers escrow fees, pursuant to Township Ordinance; and

WHEREAS, on April 3, 2008, Dr. J. Elica Kang-Lee posted fees on deposit with the Township of Edison in account #7760216806 for Developers Escrow fees; and

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

WHEREAS, it is in now in order that the sum of \$6,000.00 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Dr. J. Elica Kang-Lee; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$6,000.00 plus accrued interest, if applicable, be refunded to Dr. J. Elica Kang-Lee, 1790 Oak Tree Road, Edison, New Jersey 08820.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$6,000, plus accrued interest, if applicable, in account #7760216806 to the applicant.

RESOLUTION R.166-032010

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow Fees posted by Auto Action Group, Inc. for a project located at 236 Lafayette Avenue in Block: 691.A, Lot: 8.J and Application #P45-07/08; and

WHEREAS, the applicant was required to post developers escrow fees, pursuant to Township Ordinance; and

WHEREAS, on February 26, 2008, Auto Action Group, Inc. posted fees on deposit with the Township of Edison in account #7760216799 for Developers Escrow fees; and

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

WHEREAS, it is in now in order that the sum of \$345.75 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Auto Action Group, Inc.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$345.75 plus accrued interest, if applicable, be refunded to Auto Action Group, Inc., 1200 West Chestnut Street, Union, New Jersey 07083.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$345.75, plus accrued interest, if applicable, in account #7760216799 to the applicant.

RESOLUTION R.167-032010

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow Fees posted by One Quality, LLC for a project located at 2124 Oak Tree Avenue in Block: 425, Lot: 8.N and Application #Z56-06/07; and

WHEREAS, the applicant was required to post developers escrow fees, pursuant to Township Ordinance; and

WHEREAS, on July 31, 2007, One Quality LLC posted fees on deposit with the Township of Edison in account #7760216752 for Developers Escrow fees; and

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

WHEREAS, it is in now in order that the sum of \$285.00 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to One Quality LLC; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$285.00 plus accrued interest, if applicable, be refunded to One Quality LLC, 1 Quality Place, Edison, New Jersey 08820.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$285.00, plus accrued interest, if applicable, in account #7760216752 to the applicant.

RESOLUTION R.168-032010

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow Fees posted by Edison Township Memorial Post 3117 Veterans of Foreign Wars of the United States, Inc. for a project located at Wallace Street in Block: 112, Lot: 5.03 and Application #P10-08/09; and

WHEREAS, the applicant was required to post developers escrow fees, pursuant to Township Ordinance; and

WHEREAS, on January 6, 2009, Edison Township Memorial Post 3117 Veterans of Foreign Wars of the United States, Inc. posted fees on deposit with the Township of Edison in account #7760295986 for Developers Escrow fees; and

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

WHEREAS, it is in now in order that the sum of \$465.75 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Edison Township Memorial Post 3117 Veterans of Foreign Wars of the United States, Inc.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$465.75 plus accrued interest, if applicable, be refunded to Edison Township Memorial Post 3117 Veterans of Foreign Wars of the United States, Inc., 1970 Woodbridge Avenue, Edison, New Jersey 08817.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$465.78, plus accrued interest, if applicable, in account #7760295986 to the applicant.

RESOLUTION R.169-032010

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 \$24,111.25 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.170-032010

**RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDING BETWEEN TY'09
CURRENT APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-59**

WHEREAS, New Jersey Statutes 40A: 4-59 provides for transfers during the first three months of succeeding fiscal year; and

WHEREAS, it has been determined that certain existing TY'09 appropriation reserves are not sufficient to meet the needs for the various departments.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Edison that there be transferred from the following TY'09 appropriation reserves the sums as set forth after each appropriation respectively:

CURRENT FUND

OTHER EXPENSES

Group Insurance	\$36,000.00	
Heat, Light and Power		\$24,000.00
Street Lighting		\$12,000.00
TOTAL OTHER EXPENSES	\$36,000.00	\$36,000.00
TOTAL TRANSFER	\$36,000.00	\$36,000.00

BE IT FURTHER RESOLVED, that the Director of Finance / CFO be and he is hereby authorized to make the necessary transfers between said current appropriations.

TOWNSHIP OF EDISON

COUNTY OF MIDDLESEX

RESOLUTION R.171-032010

WHEREAS, the Township of Edison is eligible to receive grant funding up to \$5,000.00 from the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex 2010 Municipal Alliance Minigrant Program; and

WHEREAS, the Edison Municipal Alliance/Youth Services Commission is desirous of applying for the grant funds available from the County of Middlesex to continue to provide alcoholism, drug abuse and tobacco prevention/education programs and awareness activities to the residents of Edison; and

WHEREAS, these services provide a significant benefit to the residents of the Township by providing primary prevention and early intervention services to those at risk of developing lifelong addictions or struggling to overcome them, and educating our children to help them avoid falling into the traps of alcoholism, smoking, and drug abuse.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, that: the Edison Municipal Alliance/Youth Services Commission in conjunction with the Director of Health and Human Services are authorized to develop and file a grant application with the County of Middlesex ; the County of Middlesex be requested to accept said application on behalf of the Township of Edison; the appropriate fiscal officer will accept the funds in connection with said project from the County of Middlesex and make disbursements in accordance with said application; and the appropriate Township Officials are hereby authorized to file the necessary applications and to enter into agreements and contracts with the County of Middlesex and other agencies and corporations for funding and implementation of this Municipal Alliance Grant program.

Explanation: This Resolution appoints the firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C. to perform certain legal services during calendar year 2010.

EDISON TOWNSHIP

RESOLUTION R.172-032010

WHEREAS, the law firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., (the “Law Firm”), had performed certain legal services for the Township of Edison, (the “Township”), while Jeffrey B. Lehrer, Esq. was Township Attorney; and

WHEREAS, the current Township has requested the Law Firm to complete those legal matters identified on Exhibit A to the attached Agreement for Professional Services.

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) requires that a Resolution authorizing the award of a contract for professional services without competitive bidding must be publicly advertised and an agreement to retain services of an attorney is a professional service as defined in said statute; and

WHEREAS, the term of this contract is one (1) calendar year expiring December 31, 2010; and

WHEREAS, the law firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., has completed and submitted a Business Entity Disclosure Certification which certifies that no owner holding 10% or more shares in the law firm has made any reportable contributions to a political or candidate committee in the Township in the previous one (1) year, and that the contract will prohibit the law firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Edison in the County of Middlesex, State of New Jersey, hereby retains the Law Firm to complete those professional services delineated on Exhibit A to said contract in an amount in the aggregate for all such matters not to exceed \$25,000 without further approval of this Township Council; and

IT IS FURTHER RESOLVED that the Township is hereby authorized to enter into said agreement with said Law Firm; and

IT IS FURTHER RESOLVED that notice of this Resolution shall be published in The Home News Tribune as required by law; and

IT IS FURTHER RESOLVED that the Business Disclosure Entity Certification of the law firm be placed on file with this Resolution.

EXPLANATION: This resolution provides for refund of applicant fee posted for Building Permit Fee.

**TOWNSHIP OF EDISON
RESOLUTION R.173-032010**

WHEREAS, On March 3, 2010, Building Permit Fee check #127 was posted in the amount of \$252.00 by Debnath Bera for 64 Wayne Street; and

WHEREAS, the application was submitted, and the CO Detector did not need to be installed, since there was one already installed in the residence; and

WHEREAS, it is therefore appropriate that a portion of the fee in the amount of \$40.00 be refunded to the applicant; and

WHEREAS, the Township Engineer recommends the partial refund of the Building Permit Fee in the amount of \$40.00 for the above referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum of \$40.00 posted by Debnath Bera for Building Permit Fee for 64 Wayne Street be refunded to Debnath Bera.

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$40.00 from the Refund of Revenue Fund to the applicant.

**TOWNSHIP OF EDISON
RESOLUTION R.174-032010**

WHEREAS, the Township Engineer advises that a final inspection was done of Atlas, LLC, located at Campbell Avenue and Route 27 in Block: 78, Lots: 1, 2, 3A, 5A, 6 & 7 and Block: 79-B, Lots: 1-7 and Application #Z05-05/06; and

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

WHEREAS, on November 16, 2006, Atlas, LLC posted a check #1133 in the amount of \$14,565.11, on deposit with the Township of Edison in account #7760216687, for engineering fees; and

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

WHEREAS, the sum expended for engineering inspections totals \$4,994.33; and

WHEREAS, it is in now in order that the sum of \$9,570.78, which represents the amount due and owing the applicant, be returned to Atlas, LLC; and

NOW, THEREFORE, BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the sum of \$9,570.78, plus accrued interest, if applicable, be refunded to Atlas, LLC having offices at 68 Sage Street, Holmdel, N.J. 07733; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$9,570.78, plus accrued interest, if applicable, in account #7760216687 to the applicant.

**TOWNSHIP OF EDISON
RESOLUTION R.175-032010**

WHEREAS, the Township Engineer advises that an inspection has been made of Atlas, LLC located at Campbell Avenue and Route 27, in Block 78, Lots 1, 2, 3A, 5A, 6 & 7, and Block 79-B, Lots 1-7, and Application #Z05-05/06 and said inspection indicates all improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

WHEREAS, on July 21, 2009 a Maintenance Bond #B1069501 of Selective Insurance Company of America in the amount of \$47,191.00 was posted by Atlas, LLC; and

WHEREAS, the Township Engineer recommends the release of the Subdivision/Site Plan Performance Bond B1029843 of Selective Insurance Company of America in the amount of \$314,606.40 with the Township of Edison, principal being Atlas, LLC, and acceptance of the subject improvements; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Bond, Check #1132 in the amount of \$34,956.27, plus accrued interest, if applicable, on deposit in account #7760013290 with the Township of Edison, principal being Atlas, LLC having offices at 68 Sage Street, Holmdel, N.J. 07733 and acceptance of the subject improvements; and

NOW, THEREFORE BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the aforementioned improvements are hereby complete and satisfactory and the Township Clerk be and is hereby authorized to return the aforesaid Performance Bond in the amount of \$314,606.40 to the applicant; and

BE IT FURTHER RESOLVED that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance Bond in the amount of \$34,956.27, plus accrued interest, if applicable, on deposit in account #7760013290 to the applicant.

EXPLANATION: RESOLUTION OF CONTRACT (# 10-25-01) AWARD FOR ADA CURB RAMP IMPROVEMENTS AT SCHOOLS AND NEIGHBORHOOD SHOPPING CENTERS, TOWNSHIP OF EDISON, MIDDLESEX COUNTY, NJ.

**RESOLUTION R.176-032010
TOWNSHIP OF EDISON**

WHEREAS, the Township of Edison desires to construct public sidewalk (barrier-free) ADA curb ramp improvements within specified school locations and neighborhood shopping centers, funded through the **Community Development Block Grant Recovery Act of 2009 Stimulus Program**, and under Contract No. 10-25-01: ADA Curb Ramp Improvements at Schools and Neighborhood Shopping Centers, Township of Edison, Middlesex County, New Jersey; and

WHEREAS, the Edison Township Engineer has prepared bid documents for Contract No. 10-25-01: ADA Curb Ramp Improvements at Schools and Neighborhood Shopping Centers, Township of Edison, Middlesex County, New Jersey; and

WHEREAS, seven (7) sealed bids for Contract No. 10-25-01: ADA Curb Ramp Improvements at Schools and Neighborhood Shopping Centers, Township of Edison, Middlesex County, New Jersey, were received by and opened on Tuesday, March 2, 2010, at 11:00 am; and

WHEREAS, (Jak Construction Corporation T/A) **Diamond Construction**, 35 Beaverson Boulevard, Brick, NJ 08723 (phone # 732-262-7449), is the low bidder, with a base bid, and total bid, of \$142,654.00; 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, (Jak Construction Corporation T/A) **Diamond Construction**, 35 Beaverson Boulevard, Brick, NJ 08723, at the base bid amount, and total bid amount not to exceed \$142,654.00.

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 (Jak Construction Corporation T/A) **Diamond Construction**, 35 Beaverson Boulevard, Brick, NJ 08723, at a total amount not to exceed \$142,654.00, for Contract No. 10-25-01: ADA Curb Ramp Improvements at Schools and Neighborhood Shopping Centers, Township of Edison, Middlesex County, New Jersey.

**TOWNSHIP OF EDISON
RESOLUTION R.177-032010**

WHEREAS, the Township Engineer advises that a final inspection was done of 940/946 Amboy Avenue located at 940 Amboy Avenue (Foxy Building) in Block: 694-T, Lot:1-A, 22 thru 26 and Application #P30-06/07; and

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

WHEREAS, on September 12, 2008, 940/940 Amboy Avenue LLC posted a check #1186998 in the amount of \$4,575.38, on deposit with the Township of Edison in account #7760295968, for engineering fees; and

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

WHEREAS, the sum expended for engineering inspections totals \$2,174.92; and

WHEREAS, it is in now in order that the sum of \$2,400.46, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to 940/946 Amboy Avenue LLC; and

NOW, THEREFORE, BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the sum of \$2,400.46, plus accrued interest, if applicable, be refunded to 940/946 Amboy Avenue LLC having offices at 940 Amboy Avenue, Edison, N.J. 08837; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$2,400.46, plus accrued interest, if applicable, in account #7760295968 to the applicant.

**TOWNSHIP OF EDISON
RESOLUTION R.178-032010**

WHEREAS, the Township Engineer advises that an inspection has been made of 940/946 Amboy Avenue located at 940 Amboy Avenue (Foxx Building), in Block 694-T, Lots 1-A, 22 thru 26, and Application #P30-06/07 and said inspection indicates all improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

WHEREAS, on March 1, 2010 a Maintenance Bond No. 5036762M of Bond Safeguard Insurance Company in the amount of \$13,726.13 was posted by 940/946 Amboy Avenue LLC; and

WHEREAS, the Township Engineer recommends the release of the Site Improvement Performance Bond No. 5031695 of Bond Safeguard Insurance Company in the amount of \$98,828.10 with the Township of Edison, principal being 940/946 Amboy Avenue LLC, and acceptance of the subject improvements; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Bond, Check #1186999 in the amount of \$10,980.90, plus accrued interest, if applicable, on deposit in account #7760013353 with the Township of Edison, principal being 940/946 Amboy Avenue LLC having offices at 940 Amboy Avenue, Suite 101, Edison, N.J. 08837 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 Performance Bond in the amount of \$98,828.10 to the applicant; and

BE IT FURTHER RESOLVED that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance Bond in the amount of \$10,980.90, plus accrued interest, if applicable, on deposit in account #7760013353 to the applicant.

EXPLANATION: This resolution provides for Township acceptance of completed playground improvements and authorizes Final Contract Payment to Louis Barbato Landscaping, Inc., for Contract # 09-19-04: Erection and Installation of Parks and Playground Equipment at Stelton Playground, Township of Edison, Middlesex County, NJ.

RESOLUTION R.179-032010

TOWNSHIP OF EDISON

WHEREAS, Louis Barbato Landscaping, Inc., 1600 Railroad Avenue, Holbrook, NY 11741, was awarded a construction contract (# 09-19-04) on September 23, 2009 (Resolution R.574-092009) for the erection and the installation of parks and playground equipment at Stelton Playground, in the Township of Edison, in the total bid amount not to exceed \$33,600.00; and

WHEREAS, the Township Engineer has reviewed the project and certifies the project has been completed, and that a two-year (2-year) maintenance bond, effective from November 5, 2009 in an amount equivalent to 100% of the final as-built construction costs of \$33,600.00 has been received by the Township of Edison, and the Township Engineer recommends project acceptance and that final payment, representing retainage held, be made to Louis Barbato Landscaping, Inc., in an amount not to exceed \$3,360.00 for a total construction contract as-built cost of \$33,600.00.

NOW, THEREFORE BE IT RESOLVED, by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Contract # 09-19-04: Erection and Installation of Parks and Playground Equipment at Stelton Playground, Township of Edison, Middlesex County, NJ, is deemed accepted by the Township of Edison, subject to the maintenance bond provisions, and that final payment, representing retainage held, shall be made to Louis Barbato Landscaping, Inc., 1600 Railroad Avenue, Holbrook, NY 11741 in an amount not to exceed \$3,360.00 for a total construction contract as-built cost of \$33,600.00 for the completed contract work.

RESOLUTION R.180-032010

WHEREAS, St. Matthew's Church, Seymour Avenue, Edison, NJ, has requested a waiver of any and all permit and/or application fees concerning the installation of a freestanding sign on the Church property; and

WHEREAS, under the building code, St. Matthew's Church, as a non-profit tax exempt organization, is entitled to a waiver of fees due to the Township of Edison, except the DCA fee; and

WHEREAS, the Municipal Council of the Township of Edison feels that it would be appropriate to waive any applicable fees;

NOW, THEREFORE, BE IT RESOLVED, by the Township of Edison, that it does hereby waive any application fees and/or building fees, except the DCA fee, due to the Township of Edison as a result of the application being submitted by St. Matthew's Church.

RESOLUTION R.181-032010

WHEREAS, the Municipal Council is authorized to make appointments to the Housing Authority; and

WHEREAS, the Council proposed that Joan Kapitan, 184 Echo Avenue, Edison, NJ 08837 be appointed;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Joan Kapitan be and she is hereby appointed, term to expire on November 9, 2011.

RESOLUTION R.182-032010

WHEREAS, it is the desire of the Municipal Council to appoint members to the Open Space Advisory Committee; and

WHEREAS, the Municipal Council has selected the following persons to serve on said Committee:

Walter Stochel, 2118 Oak Tree Road, Edison, NJ 08820
Robert Spiegel, 206 Tyler Road, Edison, NJ 08820
Jane Tousman, 14 Butler Road, Edison, NJ 08820
Robert Takash, 27 Park Way, Edison, NJ 08817
Frank Greco, 12 Maida Road, Edison, NJ 08820
Walter Shneer, 108 Park Way, Edison, NJ 08817
Donna Christison, 19 Clausen Road, Edison, NJ 08817
Hugh Gordon, 6 Dale Drive, Edison, NJ 08820
Bruce Diamond, 74 Calvert Avenue West, Edison, NJ 08820
Esther Nemitz, 162B Fay Street, Edison, NJ 08837

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that the abovementioned persons be and they are hereby appointed as members of the Open Space Advisory Committee for one year terms, said terms to expire December 31, 2010.

RESOLUTION R.183-032010

WHEREAS, it is the desire of the Municipal Council to appoint members to the Veteran's Memorial Committee; and

WHEREAS, the Municipal Council has selected the following persons to serve on said Committee:

Garret R. Witte, PO Box 1174, Edison, NJ 08818-1174 (Member Post 435)
Stephen C. Macko, 36 Sturgis Road, Edison, NJ 08817 (Commander Post 435)
Michael Cherepon, 65 Crosby Avenue, Edison, NJ 08817 (Member of Disabled Americans Veterans Chapter 52)
Roy Muniz, 37 Scott Avenue, Edison, NJ 08837 (Member of Post 324)
Ann Twist, 64 Idlewild Road, Edison, NJ 08817

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that the abovementioned persons be and they are hereby appointed as members of the Veteran's Memorial Committee for one year terms, said terms to expire December 31, 2010.