

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

MAY 12, 2010

A Regular Meeting of the Municipal Council was held in the Council Chambers of the Municipal Building on Wednesday, May 12, 2010. The meeting was called to order at 7:06 p.m. by Council President Tomaro, followed by the Pledge of Allegiance.

Present were Councilmembers Karabinchak, Mascola, Perilstein and Tomaro.
Councilmember Diehl arrived at 7:54 p.m.
Councilmember Lankey arrives at 7:42 p.m.
Councilmember Dr. Prasad was absent.

Also present were Township Clerk Murphy, Deputy Township Clerk Kenny, Mayor Ricigliano, Township Attorney Kemm, Business Administrator Gonzalez, Finance Director Acker, Township Engineer Medina, Public Works Director Roderman, Health Director Elliot, Deputy Police Chief Vaticano, Deputy Fire Chief Latham and Cameraman Ellis.

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 10, 2009, and posted in the Main Lobby of the Municipal Complex on the same date.

APPROVAL OF MINUTES

On a motion made by Councilmember Mascola, seconded by Councilmember Karabinchak and duly carried, the Minutes of the Worksession Meetings of April 12 and 26, 2010 were accepted as submitted.

COUNCIL PRESIDENT'S REMARKS

Council President Tomaro said this Sunday, May 16th starts with the bike tour, then the Family Day Event, and finally the Menlo Park Celebration for their 85th anniversary.

Council President Tomaro said the Council is starting to arrange budget meetings with the finance committee. He is forming a Committee for The Clara Barton library including himself and Councilmember Perilstein.

Mayor Ricigliano presented a Proclamation for Nurses week. She read the Proclamation.

Lisa Gulla, Health Officer, said she enjoys working with these wonderful women and she thanked Mayor Ricigliano for recognizing them. They are very dedicated individuals.

Mr. Elliot explained the nurse's jobs, noting they always do them graciously.

RESOLUTIONS OF RECOGNITION

The following Resolution of Recognition was read in its entirety:

RESOLUTION R.248-052010

WHEREAS, the Scouting Tradition plays a vital part in educating young boys to the responsibilities of leadership and civic duty; and

WHEREAS, Jonathan Day has demonstrated, through his involvement in the scouting program, exemplary dedication and perseverance culminating in his Eagle Scout project and honors as an Eagle Scout; and

WHEREAS, Jonathan has served in several leadership positions including Patrol Leader, Quartermaster, Assistant Senior Patrol Leader, and his current position of Senior Patrol Leader; and

WHEREAS, Jonathan has participated in numerous Habitat for Humanity trips where he traveled to other regions of the country to work in partnership with needy individuals; and

WHEREAS, Jonathan's Eagle project involved the renovation of the chapel at 1st Presbyterian Church of Metuchen, where he planned and implemented a 300 hour work program which involved coordinating work teams comprised of fellow scouts, utility company inspections, and contractors performing electrical and cement work; and

WHEREAS, the Eagle Scout project taught Jonathan the values of communication, organization, teaching and knowledge of subject, among other leadership ideals, all of which are important for a successful and fulfilling life; and

WHEREAS, Jonathan Day's progression in the scouting rank is testament to his faith, outstanding academic achievement and civic responsibility.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council, Township of Edison, Middlesex County, New Jersey that it is fitting and proper to honor Jonathan Day, and his family, by reason of his accomplishments as an Eagle Scout and high honor he has now achieved.

RESOLUTION R.249-052010

WHEREAS, the Scouting Tradition plays a vital part in educating young boys to the responsibilities of leadership and civic duty; and

WHEREAS, Adam Jacob Grossman has demonstrated, through his involvement in the scouting program, exemplary dedication and perseverance culminating in his Eagle Scout project and honors as an Eagle Scout; and

WHEREAS, Adam's Scouting career began at the age of eight and has served as Den Chief and Quartermaster: and

WHEREAS, Adam's Eagle project involved recruiting and leading other volunteers in creating a productive community learning garden located at Metuchen High School. Adam solicited materials to ensure that the garden would be planted, fertilized and harvested for the benefit of students and the community and also designed and built a permanent fence around the garden: and

WHEREAS, the Eagle Scout project taught Adam the values of communication, organization, teaching and knowledge of subject, among other leadership ideals, all of which are important for a successful and fulfilling life; and

WHEREAS, Adam Grossman's progression in the scouting rank is testament to his faith, outstanding academic achievement and civic responsibility.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council, Township of Edison, Middlesex County, New Jersey that it is fitting and proper to honor Adam Jacob Grossman, and his family, by reason of his accomplishments as an Eagle Scout and high honor he has now achieved.

Council President Tomaro opened the meeting for public comment on Resolutions of Recognition R.248-052010 and R.249-052010.

Hearing no comments, the public hearing was closed on a motion made by Councilmember Perilstein, seconded by Councilmember Mascola and duly carried.

Councilmember Karabinchak said the Resolution was breathtaking, and John has touched many people's lives already. He was impressed with Adam being in Boy Scouts since he was eight years old. He spoke about their leadership and said this is an outstanding achievement.

Councilmember Mascola congratulated both of them and their parents. This was not an easy job. He commended them on their dedication and follow through.

Councilmember Perilstein said she is always so impressed with the number of Eagle Scouts in Edison. This restores faith in the younger generation and ensures that the community, society and country hold onto the ideals that made us so great. She asked them to stay involved.

A motion was made by Councilmember Mascola, seconded by Councilmember Perilstein, to adopt Resolutions of Recognition R.248-052010 and R.249-052010:

AYES - Councilmembers Karabinchak, Mascola, Perilstein, and Council President Tomaro

NAYS - None
Councilmember Diehl, Lankey and Prasad were absent.

This Resolution was presented by Councilmember Tomaro. He congratulated both Eagle Scouts. He explained all the sports that Adam was involved in. He also noted he was a third generation Eagle Scout.

The following Resolution of Recognition was read in its entirety:

RESOLUTION R.246-052010

WHEREAS, the Girl Scout tradition plays an important and valuable role in preparing young women for a life of challenges and responsibility; and

WHEREAS, the North Edison Girl Scouts can be justifiably proud of Natasha Antony, Ada Chen and Stephanie Oliveira, who will be honored with the Girl Scout Gold Award, the girl scouting's highest honor; and

WHEREAS, Natasha Antony earned this high distinction by securing donations to purchase a peace pole and organizing a cultural festival at the Menlo Park Veterans Home; and

WHEREAS, Ada Chen earned this high distinction by being instrumental in bringing music performances to local seniors; and

WHEREAS, Stephanie Oliveira earned this high distinction by leading a program to clean the classrooms and hallways at New Dover United Methodist Church; and

WHEREAS, all young women are actively involved in many community and girl scout activities, and are to be honored with the Girl Scout Gold Award, May 16, 2010.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council, Township of Edison, Middlesex County, New Jersey that it is fitting and proper for this Council to honor and commend Natasha Antony, Ada Chen and Stephanie Oliveira, as they receive the Girl Scout Gold Award, by reason of their outstanding Girl Scout activities and leadership roles in the community.

RESOLUTION R.247-052010

WHEREAS, the Girl Scout tradition plays an important and valuable role in preparing young women for a life of challenges and responsibility; and

WHEREAS, the North Edison Girl Scouts can be justifiably proud of Chelsea Dias, Allie Lopez, Rachael Siegel and Nikita Virani who will be honored with the Girl Scout Gold Award, the girl scouting's highest honor; and

WHEREAS, Chelsea Dias earned this high distinction by devoting significant time and energy into decorating the two children's wards at St. Peter's Hospital; and

WHEREAS, Allie Lopez earned this high distinction by giving cooking lessons to underprivileged children; and

WHEREAS, Rachael Siegel earned this high distinction by conducting workshops geared at educating other young girls about HIV and AIDS and making cozy fleece blankets for AIDS patients; and

WHEREAS, Nikita Virani earned this high distinction by organizing a workshop to teach girls at a camp about outdoor cooking techniques; and

WHEREAS, all young women are actively involved in many community and girl scout activities, and are to be honored with the Girl Scout Gold Award, May 16, 2010.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council, Township of Edison, Middlesex County, New Jersey that it is fitting and proper for this Council to honor and commend Chelsea Dias, Allie Lopez, Rachael Siegel and Nikita Virani as they receive the Girl Scout Gold Award, by reason of their outstanding Girl Scout activities and leadership roles in the community.

Council President Tomaro opened the meeting for public comment on Resolutions of Recognition R.246-052010 and R.247-052010.

Hearing no comments, the public hearing was closed on a motion made by Councilmember Mascola, seconded by Councilmember Prasad and duly carried.

Councilmember Karabinchak congratulated them on their hard work to reach this high honor. They should be proud of their commitment and dedication and what they have given back to the community. The work they are doing is truly humbling.

Councilmember Mascola congratulated all the young ladies on their dedication and hardwork. The Council always sees so many Boy Scouts making Eagle and it is refreshing to see young girls come through with their Gold Awards. He thanked their parents for their hard work.

A motion was made by Councilmember Mascola, seconded by Councilmember Karabinchak, to adopt Resolutions of Recognition R.246-052010 and R.247-052010:

AYES - Councilmembers Karabinchak, Mascola, Perilstein, and Council President Tomaro

NAYS - None
Councilmember Diehl, Lankey, Prasad were absent.

This Resolution was presented by Councilmember Perilstien and Council President Tomaro.

Councilmember Perilstein congratulated them on this most prestigious accomplishment. She urged them to continue to be the best they can be and she felt that scouting encourages them to put forth their best effort.

Council President Tomaro also congratulated the girls. He said that only 4% of Boy Scouts attain Eagle Scout but 5.4% of Girl Scouts attain their Gold Award. He asked them to help increase the boy's numbers maybe by teaching them to cook.

Rachel said Girl Scouting is a good organization and she tries to get younger girls involved.

Nikita noted everyone who worked on her project with her. She said Girl Scouting is important.

Stephanie said her project included a lot of people and she hoped to encourage others to work on projects in the future.

A leader said these are three of the most responsible and committed young ladies she has ever met. They will go on to great things.

UNFINISHED BUSINESS

ORDINANCES FOR FURTHER CONSIDERATION AND PUBLIC HEARING

The following Ordinances, which were introduced by Title on April 28, 2010, passed on first reading, published according to law for further consideration at this meeting, were read by the Township Clerk:

O.1739-2010 AN ORDINANCE AMENDING CHAPTER 33 OF THE CODE OF THE TOWNSHIP OF EDISON REGARDING FLOOD DAMAGE PREVENTION AND PROTECTION TO REFLECT THE NEW FLOOD INSURANCE RATE MAPS AND OTHER REGULATORY CHANGES REQUIRED BY FEMA

(The above Ordinance O.1739-2010 can be found in its entirety in Ordinance Book #25.)

Council President Tomaro declared the Public Hearing opened for O.1739-2010.

Jane Tousman, 14 Butler Road, said she was glad to see this although she felt this could be strengthened.

Hearing no further comments, on a motion made by Councilmember Perilstein, seconded by Councilmember Karabinchak and duly carried, this Public Hearing was closed.

On a motion made by Councilmember Perilstein, seconded by Councilmember Karabinchak, the Ordinance was adopted.

AYES - Councilmembers Karabinchak, Mascola, Perilstein, and Council President Tomaro

NAYS - None

Councilmember Diehl, Lankey and Prasad were absent.

O.1740-2010 AN ORDINANCE REQUIRING THAT NEW PETROLEUM LIQUID STORAGE TANKS BE INSTALLED ABOVE GROUND AND WAIVING PERMIT FEES FOR TWO YEARS

(The above Ordinance O.1740-2010 can be found in its entirety in Ordinance Book #25.)

Council President Tomaro declared the Public Hearing opened for O.1740-2010.

Jane Tousman, 14 Butler Road, was glad to see this Ordinance. She felt there are a lot of problems with heating oil tanks and was glad to see this coming in to protect the residents.

Bob Spiegel, Edison Wetlands, asked how many underground storage tanks there are.

Council President Tomaro said there are a lot that are registered.

Mr. Spiegel spoke about the DEP program.

Council President Tomaro explained the applications that are given out to apply for the program.

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

Council President Tomaro thanked the Administration and Mr. Kemm for drafting the Ordinance. He felt this will help a lot of residents in the community. He explained the program that is offered and the permit fees that will be waived.

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

AYES - Councilmembers Karabinchak, Lankey, Mascola, Perilstein and Council President Tomaro

NAYS - None

Councilmember Diehl and Prasad were absent.

O.1741-2010 AN ORDINANCE REGULATING THE OPERATION OF 24 HOUR SERVICE/GAS STATIONS OPERATING WITHIN THE TOWNSHIP OF EDISON

(The above Ordinance O.1741-2010 can be found in its entirety in Ordinance Book #25.)

Mr. Kemm said this was amended to remove the requirement of two employees.

On a motion made by Councilmember Perilstein, seconded by Councilmember Karabinchak, the Ordinance was amended.

AYES - Councilmembers Karabinchak, Lankey, Mascola, Perilstein, and Council President Tomaro

NAYS - None

Councilmembers Diehl and Dr. Prasad were absent.

On a motion made by Councilmember Perilstein, seconded by Councilmember Mascola, this Ordinance was passed on first reading as amended 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 May 26, 2010.

AYES - Councilmembers Karabinchak, Lankey, Mascola, Perilstein, and Council President Tomaro

NAYS - None

Councilmembers Diehl and Dr. Prasad were absent.

O.1742-2010 AN ORDINANCE CREATING RESIDENTIAL PARKING ZONE #4 FOR PERMIT PARKING (Blossom Street)

(The above Ordinance O.1742-2010 can be found in its entirety in Ordinance Book #25.)

Council President Tomaro declared the Public Hearing opened for O.1742-2010.

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

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

AYES - Councilmembers Karabinchak, Lankey, Mascola, Perilstein and Council President Tomaro

NAYS - None

Councilmember Diehl and Prasad were absent.

PUBLIC COMMENTS AS TO PROPOSED RESOLUTIONS

Council President Tomaro requested a motion to remove the title for the original Resolution R.278-052010, which was going to pertain to a request to change legislation for tax appeals. This Resolution was not received in time for the agenda. Resolution R.278-052010 will be used for a Resolution pertaining to the 85th Anniversary celebration at the Edison Tower.

Councilmember Perilstein made a motion to exchange the Resolutions. This motion was seconded by Councilmember Lankey.

AYES - Councilmembers Diehl, Karabinchak, Lankey, Mascola, Perilstein, Prasad, and Council President Tomaro

NAYS - None

Council President Tomaro opened the meeting to the public for comments on Proposed Resolutions R.250-052010 through R.278-052010.

Bob Spiegel, Edison Wetlands, thanked the Council for adding Resolution R.274-052010. He said this is something Edison Wetlands has been working on for a number of weeks. He felt Edison could be affected by this because of our wildlife and fishing industry. We need to send a strong message. He asked Ms. Murphy to read this Resolution out loud.

Jane Tousman, 14 Butler Road, also championed Resolution R.274-052010. She believed there is legislation for the liability of the disaster but it is very small. She had questions concerning Resolutions R.271-052010 and R.272-052010 and asked for an explanation on Resolution R.271-052010.

Mr. Kemm said the lawsuit is about inverse condemnation when the Township takes action otherwise. This is an undersized lot. He said Resolution R.272-052010 is part of the COAH program. The Township collects fees from builders to buy down rents so it becomes affordable under COAH standards.

Ms. Tousman spoke about tax appeals and said there is an article in the current issue of the League of Municipalities that deals with reassessments.

Esther Nemitz, 162B Fay Street, thought Resolution R.274-052010 was a great Resolution. She felt the news keeps getting worse about the oil spill.

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

Councilmember Perilstein requested that Resolutions R.257-052010 and R.274-052010 be pulled for separate vote.

Councilmember Lankey requested that Resolutions R.250-052010 and R.259-052010 be pulled for separate vote.

Council President Tomaro requested that Resolution R.273-052010 be pulled for separate vote.

The following Resolutions R.251-052010 through R.256-05201, R.258-052010, R.260-052010 through R.272-052010 and R.275-052010 through R.278-052010 were adopted under the Consent Agenda on a motion made by Councilmember Diehl and seconded by Councilmember Karabinchak.

AYES - Councilmembers Diehl, Karabinchak, Lankey, Mascola, Perilstein and Council President Tomaro

NAYS - None

Councilmember Prasad was absent.

RESOLUTION R.251-052010

WHEREAS, quotes were received for the vanity tops for the renovations to the bathrooms located on the 1st floor of the Municipal Complex to bring them up to ADA compliance; and

WHEREAS, after review of said quotes it has been recommended by the Business Administrator that a contract be awarded to The Home Depot, Store 0944 Edison, 1035 Route 1 South, Edison, NJ 08817; and

WHEREAS, the maximum amount for this contract shall not exceed \$5,024.02; and

WHEREAS, funds for this purpose are available for the above contract in Account No. T-14-07-0536-000-200.

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 The Home Depot, in an amount not to exceed \$5,024.02.

RESOLUTION R.252-052010

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE
CONTRACT VENDORS FOR CONTRACTING UNITS
PURSUANT TO N.J.S.A. 40A:11-12a
\$8,118.00**

WHEREAS, the Township of Edison, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of Edison, has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Township of Edison intends to enter into a contract with Ricoh Americas Corporation, 5 Dedrick Place, West Caldwell, NJ 07006, which has been awarded State Contract No. 51465 under T-2075/GSA/FSS REPROGRAPHICS SCHEDULE USE; and

NOW, THEREFORE, BE IT RESOLVED, that the Township of Edison authorizes the Business Administrator to purchase a Ricoh Copier from Ricoh Americas Corporation, from the approved New Jersey State Contract Vendor through this resolution and properly executed contract, which shall be subject to all the conditions applicable to the current State Contracts; and

Be It Further Resolved, that the governing body of the Township of Edison pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

Be It Further Resolved, that the duration of the contracts between the Township of Edison and the Referenced State Contract Vendor shall be for a period of one (1) year.

CERTIFICATION

I hereby certify that funds in the amount not to exceed \$8,118.00 are available in Capital Account No. C-04-07-1565-394-001.

/s/ Mark E. Acker
Chief Financial Officer

RESOLUTION R.253-052010

WHEREAS, Edison Township Department of Recreation is desirous of acquiring discounted tickets for their summer playground programs; and

WHEREAS, New Jersey Recreation and Park Association, offers discounted tickets as well as the ability to return unused tickets; and

WHEREAS, no other company offers this type of discount or return policy; and

WHEREAS, it has been recommended by the Business Administrator that this contract be awarded to New Jersey Recreation and Park Association, 13 April Lane, Somerset, NJ 08873; and

WHEREAS, the maximum amount for this contract shall not exceed \$10,320.00 for summer playground programs for the month of July; and

WHEREAS, funds for this purpose are available for the above contract in Account No. 0-01-28-0370-000-210.

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 New Jersey Recreation and Park Association, in an amount not to exceed \$10,320.00.

CERTIFICATION

I hereby certify that funds in the amount of \$10,320.00 are available for the above contract in Account No. 0-01-28-0370-000-210.

/s/ Mark E. Acker
Chief Financial Officer

RESOLUTION R.254-052010

EXPLANATION: This resolution authorizes Change Order Number #1 for Betzwood Associates for professional services for renovations and upgrades to three (3) elevators located in the Municipal Complex.

WHEREAS, Betzwood Associates, 523 Kimberton Road, Suite 11B, Phoenixville, PA, 19460, was awarded a professional services contract through Resolution R.318-052009 in an amount not to exceed \$11,550.00 on May 28, 2009 (Purchase Order # 09-06678); and

WHEREAS, this professional services contract provided Architectural, Electrical and Construction Administration services in connection with elevator renovations and upgrades to three elevators located in the Municipal Complex; and

WHEREAS, the Elevator Renovations Contract No. 09-09-18 was bid and later rejected by the municipal council on February 11, 2010 because the lowest bid substantially exceeded the cost estimate and the Township's appropriation for the goods and services; and

WHEREAS, the Township of Edison wishes to rebid this project and as such must repeat certain professional services; and

WHEREAS, the Director of Public Works therefore recommends authorization of the required Change Order #1 be made to Betzwood Associates in an amount not to exceed \$1,575.00 for a total contract amount of \$13,125.00.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Change Order #1 be awarded to Betzwood Associates, in an amount not to exceed \$1,575.00 resulting in a total contract amount of \$13,125.00

RESOLUTION R.255-052010

RESOLUTION AUTHORIZING CONTRIBUTION TO THE EDISON TOWNSHIP PARADE COMMITTEE IN THE AMOUNT OF \$6,561.00

WHEREAS, The Township of Edison makes a yearly contribution to the Memorial Day Parade to help fund expenses for the parade such as refreshments, entertainment, etc.; and

WHEREAS, This year's Memorial Day Parade will be held on Sunday, May 30, 2010 in the Stelton Section of the Township; and

WHEREAS, it has been recommended by the Business Administrator that the 2010 contribution be made to the Edison Township Parade Committee, K3 Willard Dunham Dr., Edison, NJ 08837; and

WHEREAS, funds for this purpose are available for the above contract in Account No. 0-01-30-0420-000-200.

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 process payment in the amount not to exceed \$6,561.00 to the Edison Township Parade Committee.

CERTIFICATION

I hereby certify that funds in the amount of \$6,561.00 are available for the above contract in Account No. 0-01-30-0420-000-200.

/s/ Mark E. Acker
Chief Financial Officer

RESOLUTION R.256-052010

WHEREAS, bids were received for Contract No. 10-04-15, PAVEMENT MILLING AND TACK COATING; and

WHEREAS, after review of said bids it has been recommended by the Business Administrator that this contract be awarded to DeFino Contracting, 28 Industrial Drive, Cliffwood Beach, NJ 07735; and

WHEREAS, the maximum amount for this contract shall not exceed \$79,200.00; and

WHEREAS, funds for this purpose are available for the above contract in Account No. 9-01-44-0902-000-200.

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 DeFino Contracting, in an amount not to exceed \$79,200.00.

CERTIFICATION

I hereby certify that funds in the amount of \$79,200.00 are available for the above contract in Account No. 9-01-44-0902-000-200.

/s/ Mark E. Acker
Chief Financial Officer

RESOLUTION R.258-052010

EXPLANATION: This resolution approves the development and submission of the Township of Edison Division of Fire's web-based, on-line application to the 2010 USDHS FEMA Assistance to Firefighter Grant (AFG) program, for grant funding of up to \$500,000.00, to obtain funds to facilitate the acquisition of needed Personal Protective Equipment (PPE), for the protection, improved safety and effective performance of active Edison Division of Fire Firefighters.

WHEREAS, the United States Department of Homeland Security (USDHS) Federal Emergency Management Agency (FEMA) has provided an opportunity to U.S. Municipalities, Territories and Protectorates to apply for grant funding under the Assistance to Firefighters Grants (AFG) program; and

WHEREAS, the 2010 USDHS FEMA AFG program provides grant funds to assist local Fire Fighter Companies to acquire Personal Protective Equipment (PPE) to protect and assist Edison Fire Fighters in local firefighting and related hazardous activities; and

WHEREAS, the Township of Edison Division of Fire wishes to apply for grant funding of up to \$500,000.00, available from the 2010 USDHS FEMA AFG program; and

WHEREAS, the 2009 USDHS FEMA AFG program provides 80% in federal grant funds with 20% requisite, local matching funds to awardees.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby approve and authorize the development and submission of said grant application, according to current USDHS FEMA AFG regulations, at a regularly-scheduled, public meeting on Wednesday, May 12, 2010.

RESOLUTION R.260-052010

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 \$71,606.86.

RESOLUTION R.261-052010

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 \$3,684.25 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.262-052010

WHEREAS, an emergent condition has arisen in that the Township is expected to enter into contracts, commitments, or payments prior to the adoption of the 2010 Budget and adequate provision has not been made in the Temporary Budget, and

WHEREAS, N.J.S.A. 40A: 4-20 provides for the creation of an emergency temporary appropriation, and

WHEREAS, the total emergency temporary appropriation resolutions adopted pursuant to Chapter 96, P.L. 1951 (N.J.S.A. 40A: 4-20), including this resolution, total \$17,799,600.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Edison, in the County of Middlesex, State of New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A: 4-20:

Emergency temporary appropriation(s) be and the same are hereby made in the amount of \$247,667 as follows:

OTHER EXPENSES

Div of Accounts & Controls	21,667.00
Fire Hydrant Services	\$226,000.00

BE IT FURTHER RESOLVED that said emergency temporary appropriation(s) will be provided for in the 2010 Budget.

BE IT FURTHER RESOLVED that one certified true copy of this resolution be filed with the Director, Division of Local Government Services.

RESOLUTION R.263-052010

WHEREAS, there exists on the books of the Water Utility an "Accounts Receivable" line item, relative to water rents, in the amount of \$183,487.80, and

WHEREAS, the Township has not received any payments or other detailed information concerning the composition of the open balance which suggests that the remaining balance is uncollectable, and

WHEREAS, the Township Auditor has strongly suggested that this balance be cancelled to eliminate any potential confusion that this balance could cause for users of the Township's financial statements, and

WHEREAS, this balance has been fully reserved on the books of the Water Utility.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Edison that the "Accounts Receivable" on the books of the Water Utility in the amount of \$183,487.80 be hereby cancelled and the Director of Finance/CFO make the necessary entries to effectuate this cancellation.

RESOLUTION R.264-052010

WHEREAS, the Township Health Department held a rabies clinic on April 25, 2010 and provided for the purchase of dog and cat licenses by Edison Township residents that had not previously licensed their animals for 2010; and

WHEREAS, a number of residents were charged late fees erroneously, either because they were Senior Citizens or because the animal was a new pet; and

WHEREAS, the payments were made by check and the errors were discovered when the funds were turned over to the Licenses and Permits department after the rabies clinic was held; and

WHEREAS, the overpayments need to be refunded to the applicants as the attached spreadsheet indicates in the specific amounts and reasons in the aggregate of \$18.00.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the total sum of \$18.00 be refunded as the attachment indicates.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$18.00 to the applicants as the attachment indicates.

RESOLUTION R.265-052010

WHEREAS, the Township of Edison has been approved to receive grant funding up to \$84,064.00 from the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex 2009 Municipal Alliance Program; and

WHEREAS, the Edison Municipal Alliance is desirous of accepting those 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, in order to receive said grant the Township must match funds, 25% in cash and 75% in kind service; 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 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 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.

RESOLUTION R.266-052010

EXPLANATION: This resolution provides for refund of applicant fee posted for Residential Continued Certificate of Occupancy (C.C.O.).

WHEREAS, On January 22, 2010, Residential Continued Certificate of Occupancy fee check #1018 was posted in the amount of \$150.00 by Cynthia Freund for 28 Matson Road; and

WHEREAS, the application was submitted, the contract to purchase the property was broken and the inspection was never conducted; and

WHEREAS, it is therefore appropriate that fee in the amount of \$150.00 be refunded to the applicant; and

WHEREAS, the Township Engineer recommends the refund of the Residential Continued Certificate of Occupancy Fee in the amount of \$150.00 for the above referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum of \$150.00 posted by Cynthia Freund Residential Continued Certificate of Occupancy for 28 Matson Road be refunded to Cynthia Freund.

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$150.00 from the Refund of Revenue Fund to the applicant.

RESOLUTION R.267-052010

WHEREAS, the Township Engineer advises that a final inspection was done of Atlas, LLC, at 1876 Route 27, located in Block: 1142, Lot: 23.01 & 23.02 and Application #P4970-P3800/01; and

WHEREAS, the Cash Performance and Performance Bond was released on March 11, 2005, Resolution #154-032005; and

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

WHEREAS, Atlas, LLC posted inspection fees in the amount of \$11,197.48, on deposit with the Township of Edison in account #7200024900 for engineering inspection fees; and

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

WHEREAS, the sum expended for engineering inspections totals \$9,788.38; and

WHEREAS, it is in now in order that the sum of \$1,409.10, plus accrued interest, if applicable, 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 \$1,409.10, plus accrued interest, if applicable, be refunded to Atlas, LLC having offices at 68 Sage St., Holmdel, N.J. 07733; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$1,409.10, plus accrued interest, if applicable, in account #7200024900 to the applicant.

RESOLUTION R.268-052010

EXPLANATION: This resolution provides for Senior Resident refund of the construction permit fee, less the DCA fee, and less the 20% municipal plan review fee per the UCC, posted for a residential construction permit.

WHEREAS, on March 8, 2010, a Construction (Building) Permit fee, check #1773, permit # 2010-0550, was posted in the total amount of \$88.00 by Lila McHugh residing at 984 Featherbed Lane, Edison, NJ 08820; and

WHEREAS, the application was submitted for a roof repair to 984 Featherbed Lane by the hired contractor; Knutelski Bros., Inc., who did not make known to the Construction Code Enforcement Division that the bonafide homeowner is a bonafide Edison Senior Resident who is eligible for Senior Citizen waiver of municipal fees on construction permits, per the Edison Municipal Code, chapter 2-128.3; and

WHEREAS, it is therefore appropriate that the municipal permit fee in the amount of \$64.00, derived from the \$88.00 total construction permit fee less the \$8.00 DCA fee, and less the 20% municipal plan review fee, be refunded to the applicant; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit # 2010-0550, in the amount of \$64.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$64.00 on construction permit fees posted by Lila A. McHugh for 984 Featherbed Lane be refunded to the homeowner, Lila A. McHugh;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$64.00 from the Refund of Revenue Fund to the homeowner, Lila A. McHugh.

RESOLUTION R.269-052010

EXPLANATION: This resolution provides for Township Acceptance of the constructed improvements and authorizes FINAL CONTRACT PAYMENT to Crossroad Construction Corporation, under Contract # 09-27-01: Central Avenue Parking Expansion for Recreation, in the total construction contract as-built cost amount of \$152,208.39.

WHEREAS, Crossroad Construction Corporation, 312 Emmet Street, Newark, New Jersey 07114 (phone # 973-824-1371), was awarded a construction contract, Contract No. 09-27-01: Central Avenue Parking Expansion for Recreation, on May 13, 2009, through resolution R.307-052009, in an amount not to exceed \$173,814.28, for Central Avenue Parking Expansion for Recreation, Papaiani Park, Township of Edison, Middlesex County, New Jersey; and

WHEREAS, the construction work under contract was inspected by the Township under the supervision of the Township Engineer; and

WHEREAS, the Township Engineer certifies that the construction work under contract has been completed, and states that a two-year maintenance bond, effective from October 9, 2009, in an amount equivalent to 100% of the final as-built construction costs of \$152,208.39 has been received by the Township of Edison and posted with the Township Clerk; and

WHEREAS, the Township Engineer therefore recommends project acceptance and that final payment, including retainage, be made to Crossroad Construction Corporation, in an amount not to exceed \$3,044.16 for a total contract as-built cost of \$152,208.39, with said final as-built cost being below the bid amount of \$173,814.28;

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Contract No. 09-27-01: Central Avenue Parking Expansion for Recreation, is deemed accepted by the Township of Edison, subject to maintenance bond provisions, and that final payment, including retainage, shall be made to Crossroad Construction Corporation, 312 Emmet Street, Newark, New Jersey 07114, in an amount not to exceed \$3,044.16 for a total contract as-built cost of \$152,208.39, and that the remaining contract funds in the amount of \$21,605.89 shall be unencumbered and restored in the appropriate account designated by the Chief Financial Officer.

RESOLUTION R.270-052010

EXPLANATION: This resolution provides for Township acceptance of the completed contract work and authorizes FINAL CONTRACT PAYMENT to Penn-Bower, Inc. for Contract # 08-29-01: Timberline Sewer Replacement, Inman Avenue & Timberline Drive, Pipebursting and Replacement of Existing Gravity Sanitary Sewer Line.

WHEREAS, Penn-Bower, Inc., 143 West Main Street, High Bridge, NJ 08829, was awarded a construction contract, Contract No. 08-29-01: Timberline Sewer Replacement, on August 13, 2008, through resolution R.394-082008, in an amount not to exceed \$112,000 (purchase order # 09-00632) for replacement of sanitary sewer mains through pipe bursting from Inman Avenue & Timberline Drive; and

WHEREAS, a change order in an amount not to exceed \$32,020.00 (purchase order # 09-04094) was then authorized on January 28, 2009, through Council resolution R.041-012009, for a revised total contract amount not to exceed \$144,020.00; and

WHEREAS, the Township Engineer certifies that the construction work has been completed, and states that a two-year maintenance bond, effective from December 1, 2009, in an amount equivalent to 100% of the final as-built construction costs of \$144,020.00 has been received by the Township of Edison and posted with the Township Clerk; and

WHEREAS, the Township Engineer therefore recommends project acceptance and that final payment, including retainage, be made to Penn-Bower, Inc., in an amount not to exceed \$2,880.40 for a total contract as-built cost of \$144,020.00.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Contract No. 08-29-01: Timberline Sewer Replacement, Inman Avenue & Timberline Drive, is deemed accepted by the Township of Edison, subject to the maintenance bond provisions, and that final payment, including retainage, shall be made to Penn-Bower, Inc., 143 West Main Street, High Bridge, NJ 08829, in an amount not to exceed \$2,880.40 for a total contract as-built cost of \$144,020.00.

RESOLUTION R.271-052010

Explanation: This Resolution authorizes the Township to execute a settlement in the matter of Jaime Gordon v. Edison, an inverse condemnation matter, in the amount of \$165,000.00.

WHEREAS, the Township of Edison and the Zoning Board of Adjustment of the Township of Edison have been involved in litigation regarding the Zoning Board's denial of a variance for the undersized property located at 22 Oliver Avenue, Block 575, Lots 245 & 25; and,

WHEREAS, the basis of the suit against the Township of Edison is one of inverse condemnation as the plaintiffs were unable to obtain the required variance for an undersized lot from the Zoning Board of Adjustment; and,

WHEREAS, the Township of Edison is desirous of entering into a settlement agreement with the plaintiffs, in the matter of Jaime Gordon and 51 Holly Road Associates, LLC v. Township of Edison and the Zoning Board of Adjustment of the Township of Edison bearing Docket No. MID-L- 8734-00; and,

WHEREAS, the plaintiffs retained an expert appraiser in order to determine the market value of the fee simple interest in the subject property and said market value was placed at \$175,000; and

WHEREAS, the Township of Edison retained an expert appraiser in order to determine the market value of the fee simple interest in the subject property and said market value was placed at \$160,000; and,

WHEREAS, in the process of negotiations between the parties it has been mutually agreed that matter would be settled in the amount of \$165,000.00 for all claims by all parties.

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

1. The settlement of this matter in the amount of \$165,000 is hereby authorized and that the Mayor, Township Clerk, Township Attorney, and other necessary Township Officials are hereby authorized to execute and deliver documents and undertake all actions reasonably necessary to effectuate this settlement as authorized by this Resolution.
2. The sum of \$165,000.00 is hereby authorized to be appropriated for the settlement of this matter.
3. A certified copy of this Resolution, once adopted, is to be provided to the Township Attorney for his records.

RESOLUTION R.272-052010

Explanation: This Resolution authorizes the Township to execute a Deed Restriction to provide for three (3) residential low and moderate income rental housing units at 136 Highland Avenue within the Township of Edison in exchange for the release of \$85,000.00 from the Township's Affordable Housing Development Trust Fund to Gerald Softcheck, the owner of the subject property.

WHEREAS, the Township of Edison is desirous to enter into a Council on Affordable Housing "COAH" Deed Restriction agreement with Gerald Softcheck the developer/owner of 136 Highland Avenue for thirty (30) years covering on each of three (3) apartments located on the property; and

WHEREAS, the restriction placed on the property will provide for two (2) low-income affordable housing rental units and one (1) moderate-income affordable housing rental unit towards the satisfaction of the Township's affordable housing requirements; and

WHEREAS, in consideration of the thirty (30) year Deed Restriction placed on each of the three (3) apartments located on the property, the Township of Edison will pay the following amounts: \$30,000 for Unit No. 1 a 2 bedroom low income unit, \$25,000 for Unit No. 2 a 1 bedroom moderate income unit and \$30,000 Unit No. 3 a 1 bedroom low income unit for a total of \$85,000.00 out of the Township's Affordable Housing Development Fee Trust Fund to the owner of the property; and

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

1. The Mayor, Township Clerk, Township Attorney, Frank Piazza of Piazza & Associates, Inc., the Township's Administrative Agent, and other necessary Township Officials are hereby authorized to execute and deliver the Deed Restriction and all other documents and undertake all actions reasonably necessary to effectuate this approval and authorization of the aforementioned Deed Restriction as authorized by this Resolution.
2. Upon receipt of the executed Deed Restriction the sums of \$30,000.00, \$25,000.00 and \$30,000.00 for a total of \$85,000.00 are hereby authorized to be appropriated from the Township's Affordable Housing Development Fee Trust Fund to be paid to "Gerald Softcheck."
3. A certified copy of this Resolution, once adopted, is to be provided to the Frank Piazza of Piazza & Associates, Inc. and Gerald Softcheck for their records.

RESOLUTION R.275-052010

EXPLANATION: This resolution provides revisions to Resolution R.225-042010 and therefore this resolution replaces and voids resolution R.225-042010.

WHEREAS, Resolution R.225-042010 is hereby deleted; and

WHEREAS, The **Neighborhood Housing Rehabilitation Program** (NHRP) grant funds were made available to be administered in conjunction with the Clara Barton Amboy Avenue Neighborhood Preservation Program; and

WHEREAS, part of the funding is for improvements to qualified, owner and/or occupied homes in the Clara Barton Amboy Avenue Neighborhood Preservation Program designated area; and

WHEREAS, as part of said program, quotes for Case Number 1142010 were received; and

WHEREAS, after review of said quotes, it has been recommended by the Business Administrator that this contract be awarded to **JCB Construction, LLC**, 26 Lynn Drive, Toms River, NJ 08753; and

WHEREAS, the maximum amount for this contract shall not exceed **\$16,300.00**; and

WHEREAS, funds for this purpose are available for the above contract in Account Number G-02-09-0195-770-001.

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 JCB Construction, LLC, in an amount not to exceed \$16,300.00.

CFO CERTIFICATION OF FUNDS

I hereby certify that funds in the amount of \$16,300.00 are available for the above contract in Account No. G-02-09-0195-770-001.

/s/ Mark E. Acker
Chief Financial Officer

RESOLUTION R.276-052010

EXPLANATION: This resolution provides revisions to Resolution R.226-042010 and therefore this resolution replaces and voids resolution R.226-042010.

WHEREAS, Resolution R.226-042010 is hereby deleted; and

WHEREAS, The **Neighborhood Housing Rehabilitation Program** (NHRP) grant were made available to be administered in conjunction with the Clara Barton Amboy Avenue Neighborhood Preservation Program; and

WHEREAS, part of the funding is for improvements to qualified, owner and/or occupied homes in the Clara Barton Amboy Avenue Neighborhood Preservation Program designated area; and

WHEREAS, as part of said program, quotes for Case Number 3262010 were received; and

WHEREAS, after review of said quotes, it has been recommended by the Business Administrator that this contract be awarded to **JCB Construction, LLC**, 26 Lynn Drive, Toms River, NJ 08753; and

WHEREAS, the maximum amount for this contract shall not exceed **\$9,025.00**; and

WHEREAS, funds for this purpose are available for the above contract in Account Number G-02-09-0195-770-001.

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 JCB Construction, LLC, in an amount not to exceed \$9,025.00.

RESOLUTION R.277-052010

EXPLANATION: This resolution provides revisions to Resolution R.227-042010 and therefore this resolution replaces and voids resolution R.227-042010.

WHEREAS, Resolution R.227-042010 is hereby deleted; and

WHEREAS, The **Neighborhood Housing Rehabilitation Program** (NHRP) grant funds were made available to be administered in conjunction with the Clara Barton Amboy Avenue Neighborhood Preservation Program; and

WHEREAS, part of the funding is for improvements to qualified, owner and/or occupied homes in the Clara Barton Amboy Avenue Neighborhood Preservation Program designated area; and

WHEREAS, as part of said program, quotes for Case Number 22010 were received; and

WHEREAS, after review of said quotes, it has been recommended by the Business Administrator that this contract be awarded to **A-Plus Construction**, 18 Station Rd., Lincoln Park, NJ 07035; and

WHEREAS, the maximum amount for this contract shall not exceed **\$15,600.00**; and

WHEREAS, funds for this purpose are available for the above contract in Account Number G-02-09-0195-770-001.

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 A-Plus Construction, in an amount not to exceed \$15,600.00.

RESOLUTION R.278-052010

Resolution honoring Thomas Alva Edison and his Menlo Park laboratory site, now part of the Thomas Edison Center at Menlo Park, on the event of the 85th Anniversary Celebration of Menlo Park.

WHEREAS, eighty-five years ago, on May 16, 1925, Thomas Alva Edison and approximately 600 dignitaries gathered to honor the Menlo park laboratory site, where Edison developed many of his most important inventions; and

WHEREAS, on Sunday May 16, 2010 at 2:00 PM, the 85th anniversary of this event, the non profit Edison Memorial Tower Corporation and the Township of Edison will hold an Anniversary Celebration at 37 Christie Street in the Township of Edison to once again pay respect to Menlo Park’s tremendous role in history; and

WHEREAS, this event is free and open to the public;

WHEREAS, Dr. David E. Solane, Thomas Edison’s great-grandson, will be serving as a Keynote Speaker at the event; and

WHEREAS, the Township of Edison is pleased to welcome the Edison family back to the community named in their honor; and

WHEREAS, the public will be invited to explore the museum and grounds of the historic site and enjoy special exhibits, hands-on children’s activities, and historic interpretive information about the laboratory building that once stood on the site;

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that the Township of Edison pay tribute to Thomas Alva Edison for whom our community is named and to his Menlo Park laboratory site, including the Edison Memorial Tower that serves a our community’s symbol.

The following Resolutions will be voted upon separately:

RESOLUTION R.250-052010

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING MAY 6, 2010

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through May 6, 2010

FUND	AMOUNT
Affordable Housing	\$0.00
Capital	\$8,359.16
Cash Performance	\$0.00
CDBG	\$2,158.59
Current	\$10,201,469.73
Developer’s Escrow	\$500.00
Dog (Animal Control)	\$1,559.39
Federal Forfeited	\$0.00
Grant Funds	\$13,426.68
Law Enforcement	\$0.00
Park Improvement	\$0.00
Payroll Deductions	\$340,612.21
Public Assistance	\$0.00
Sanitation Fund	\$54,415.77
Self Insurance	\$0.00
Sewer Utility	\$26,270.37
Tree Planting	\$0.00
Trust	\$75,666.71
TOTAL	\$10,724,438.61

/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.

Councilmember Lankey said he will abstain because of a conflict.

A motion was made by Councilmember Diehl, seconded by Councilmember Karabinchak to adopt this Resolution.

AYES - Councilmembers Diehl, Karabinchak, Lankey, Mascola, Perilstein, and Council President Tomaro

NAYS - None

Councilmember Prasad was absent.

RESOLUTION R.257-052010

Explanation: A Resolution of Support from the Municipal Council of the Township of Edison, authorizing the Sustainable Jersey™ Grant, funded by Wal-Mart, to develop and submit an application to the 2010 Wal-Mart Sustainable Jersey Small Grant Program, for funding not to exceed \$10,000.00, on behalf of the Township's support of the previously-established Community Garden on the grounds of PSET Martin Luther King Elementary School, voluntarily administered by Ms. Louise Lippe.

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Township of Edison strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Township of Edison is a certified participant of the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues and therefore created a public initiative titled: the *Wal-Mart Sustainable Jersey Small Grants Program*; and

WHEREAS, a Community Garden was previously established on the grounds of the PSET Martin Luther King Elementary School; and

WHEREAS, the Community Garden is voluntarily administered by Ms. Louise Lippe, who coordinates its development and maintenance, as well as adult and student volunteers participating at the site; and

WHEREAS, over 1200 pounds of fresh produce from the Community Garden are donated annually to Hands Of Hope For The Community, for distribution to hungry families from its food pantry at St. James Episcopal Church in Edison; and

WHEREAS, the Municipal Council of the Township of Edison has determined that the Township of Edison should apply for the aforementioned Grant on behalf of its support of Ms. Louise Lippe and her volunteer efforts at the Community Garden on the grounds of the PSET Martin Luther King Elementary School.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, State of New Jersey, authorizes the development and submission of an application to the 2010 Sustainable Jersey Small Grant Program funded by Wal-Mart, on behalf of its support of Ms. Louise Lippe's volunteer gardening and administrative efforts at the Community Garden on the grounds of PSET Martin Luther King Elementary School, for an amount not to exceed \$10,000.00, at a regularly-scheduled, public meeting on May 12, 2010.

Sustainable Jersey

The Sustainable Jersey Program is the product of a coalition of public and private organizations and agencies, throughout New Jersey, working together to identify the actions municipalities need to pursue in order to become green and sustainable, develop the guidance resources that will be needed in order to initiate such efforts, as well as to assist them to progress and build upon their successes. The Small Grants Program is one of the first incentives to be provided to municipalities through Sustainable Jersey.

Councilmember Perilstein thanked the Administration for applying for this grant for Ms. Lippe. She felt this is a very important cause.

Council President Tomaro agreed because she does a fabulous job. He hoped this will help to supply the food pantries.

A motion was made by Councilmember Diehl, seconded by Councilmember Karabinchak to adopt this Resolution.

AYES - Councilmembers Diehl, Karabinchak, Lankey, Mascola, Perilstein and Council President Tomaro

NAYS - None
Councilmember Prasad was absent.

RESOLUTION R.259-052010

WHEREAS, THE COLLECTOR OF THE SEWER UTILITY

advises that the following Taxpayer and/or their agents overpaid their sewer user fee due to improperly coded sprinkler, irrigation and fire meters after the conversion of the sewer data base in 2008.

<u>Payable to:</u>	<u>Amount</u>
Federal Business Centers	\$101,370.59
(Itemization of all accounts affected are attached)	

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison that the Municipal Comptroller be, and he is hereby authorized to issue checks as indicated above.

Councilmember Lankey asked about the \$14,000.

Mr. Acker said the water company is not sure who these accounts belong too but they all agreed they are not Federal Business Centers. He is working with the water company and the Tax Office to identify them.

Councilmember Karabinchak said the meters are in place somewhere. Someone is reading them and getting documentation. He asked to set a time frame to find this out.

Mr. Acker said he will report at the next meeting.

Councilmember Karabinchak said the water company does provide additional meters to homeowners.

A motion was made by Councilmember Lankey, seconded by Councilmember Mascola to adopt this Resolution.

AYES - Councilmembers Diehl, Karabinchak, Lankey, Mascola, Perilstein and Council President Tomaro

NAYS - None
Councilmember Prasad was absent.

RESOLUTION R.273-052010

Explanation: This Resolution awards a Professional Services Agreement to John L. Kraft, Esq., and Lomurro, Davidson, Eastman & Munoz, P.A., to represent the Township of Edison as Bond Counsel.

WHEREAS, the Township is in need of legal services relating to the issuance of bonds, notes and related financing issues; and

WHEREAS, John L. Kraft, Esq. has extensive experience and an excellent reputation in the area of municipal and public entity finance and serving as bond counsel; and

WHEREAS, for these reasons the Mayor recommends, with the approval of the Director of Law, the appointment of John L. Kraft, Esq., and the firm of Lomurro, Davidson, Eastman & Munoz, P.A., for the position of Township Bond Counsel; and

WHEREAS, for these reasons the Township Council recommends John L. Kraft, Esq. for the position of Township Bond Counsel; and

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

WHEREAS, prior to the execution of a Agreement, John L. Kraft, Esq., will have completed and submitted a Business Entity Disclosure Certification which certifies that no individual with a 10% interest or larger in Lomurro, Davidson, Eastman & Munoz, P.A., has made any reportable contributions to a political or candidate committee of the Township Council of the Township of Edison in the previous year, and that the Agreement will prohibit an individual with a 10% interest or larger in Lomurro, Davidson,

Eastman & Munoz, P.A., from making any reportable contributions through the term of the Agreement, pursuant to N.J.S.A. 19:44A-20.4, et seq; and

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

WHEREAS, compensation for professional services shall be at the rates in the attached Agreement incorporated herein by reference, any professional services not included in the costs of a bond or note issue as provided for in the attached Agreement are not to exceed \$50,000.00 without prior approval; and

WHEREAS, the Township Council has determined that it is in the best interest of the Township of Edison to enter into the attached Agreement for professional services with John L. Kraft, Esq. and Lomurro, Davidson, Eastman & Munoz, P.A., to represent the Township as Township Bond Counsel; and

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

1. The Mayor, Township Clerk, Township Attorney, and other necessary Township Officials are hereby authorized to execute and deliver the attached Agreement for professional services with John L. Kraft, Esq. and Lomurro, Davidson, Eastman & Munoz, P.A., to represent the Township as Township Bond Counsel and all other documents and undertake all actions reasonably necessary to effectuate this Resolution.
2. The Agreement is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Agreements Law, more specifically N.J.S.A. 40A:11-5, because the services in question are of a specialized, technical and professional nature.
3. A certificate showing the availability of funds for the Agreement authorized hereby has been provided by the Chief Finance Officer and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable ordinances.
4. No payments in excess of the “not-to-exceed” Agreement amount will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
5. Any modification to the Agreement shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the Agreement.
6. The Township of Edison may, upon ten (10) days written notice, and without cause, terminate the Agreement.
7. The Agreement shall, for all purposes, be deemed a New Jersey Agreement and any provisions of the Agreement shall be governed and interpreted according to the Laws of the State of New Jersey.

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

Mr. Kemm said the Town needs to obtain a disclosure form from the contractor before we can award a contract.

A motion was made by Councilmember Diehl, seconded by Councilmember Karabinchak to table this Resolution.

AYES - Councilmembers Diehl, Karabinchak, Lankey, Mascola, Perilstein, and Council President Tomaro

NAYS - None
Councilmember Prasad was absent.

RESOLUTION R.274-052010

WHEREAS, the Township of Edison believes that the magnitude of the BP Deepwater Horizon Oil Leak in the Gulf of Mexico may be the worst environmental disaster in American history, with over 4 million gallons of oil estimated to have leaked into the gulf over the last three weeks, and no end in sight;

WHEREAS, the economic and environmental damage done to the Gulf Coast region is devastating;

WHEREAS, the federal government has the authority and regulatory enforcement powers to utilize its full resources to undertake the emergency response actions on environmental remediations and cleanups;

WHEREAS, the responsible party, BP, has thus far proven unable to effectively contain the oil spill with over 210,000 gallons of oil each day continuing to spill into the gulf;

WHEREAS, the responsible party is now utilizing potentially hazardous chemicals such as Corexit as dispersants attempting to break up the oil and disperse it;

WHEREAS, with its location along the longest river solely in New Jersey, the Raritan River, the Township of Edison appreciates the importance of an environmentally healthy riverfront to a community both in its ecological and its economic significance;

WHEREAS, as the Township of Edison has seen in local cleanups managed by the federal government in cooperation with the grassroots nonprofit Edison Wetlands Association, the federal government is singularly qualified in some cases to successfully manage the remediation of a costly, complex project;

WHEREAS, the Edison Wetlands Association, a nationally recognized leader in environmental quality and remediation, strongly recommends that the federal government take full control and bring all necessary resources to the cleanup of the Gulf of Mexico oil spill;

NOW, THEREFORE, BE IT RESOLVED THAT:

The Township of Edison strongly urges the federal government, including every branch of the United States military, to devote all possible resources, equipment, and trained personnel to addressing this dire emergency. Due to the dynamic urgency of this situation, it is critical that our federal elected Senators Frank Lautenberg and Robert Menendez, and Congressmen Frank Pallone and Rush Holt, formally propose that the federal government and military immediately take over the containment and cleanup from BP. The Township of Edison also offers our full support of the technical recommendations made by the Edison Wetlands Association and their environmental engineer in their report regarding the Gulf of Mexico oil spill. The Township of Edison also strongly urges the federal government to ensure that the spill is safely contained and cleaned up without causing additional ecological damage through the introduction of toxic dispersants and untested chemicals.

Councilmember Perilstein stated that when incidents like this happen that are devastating, it is a time to reflect on what we are doing and how to do it better. She felt this is an issue of compliance and recognition. We need to look at alternative energy sources.

Councilmember Diehl supported Councilmember Perilstein's comments and Mr. Spiegel's comments. He said there was a real movement for off shore drilling off the coast of New Jersey until a few weeks ago. He spoke about an oil spill when he was a child and that he could not go into the ocean.

Council President Tomaro agreed with what everyone has spoken about. He discussed the horrible satellite pictures of the area and said we must find other ways of supplying our energy needs.

The Township Clerk read Resolution R.274-052010 in full.

Council President Tomaro asked for the Resolution to be forwarded to the surrounding municipalities, the 19th Congressional district and the Freeholders.

A motion was made by Councilmember Perilstein, seconded by Councilmember Diehl to adopt this Resolution.

AYES - Councilmembers Diehl, Karabinchak, Lankey, Mascola, Perilstein and Council President Tomaro

NAYS - None

Councilmember Prasad was absent.

COMMUNICATIONS

- a. Electronic Mail Message from Robert Spiegel regarding Raritan Walkway Tail Project – receive
- b. Electronic Mail Message from Jessica Sheng & Kevin Liu regarding the full day kindergarten program – receive
- c. Electronic Mail Message from Pam Smith regarding the school budget – receive
- d. Electronic Mail Message from Yuqing Feng regarding full day Kindergarten – receive
- e. Electronic Mail Message from Wenyan Wang regarding full day Kindergarten – receive
- f. Electronic Mail Message from Emmalyn Loeffler regarding full day Kindergarten – receive
- g. Electronic Mail Message from Robert and Lauren Palladino regarding the Edison Board of Education budget – receive
- h. Electronic Mail Message from Ralph Bucci regarding the school budget – receive
- i. Electronic Mail Message from Gopi and Sheila Sapra regarding the Edison education budget – receive
- j. Electronic Mail Message from Eleanor Wang regarding the school budget – receive
- k. Electronic Mail Message from Chris Weeks regarding the school budget – receive
- l. Electronic Mail Message from Manuel Coelho regarding Edison's future – receive
- m. Electronic Mail Message from Mark Grieco regarding Edison school budget – receive

- n. Electronic Mail Message from Ron Weeks regarding the school budget – receive
- o. Electronic Mail Message from Robert Spiegel regarding the oil spill in the gulf - receive

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

ORAL PETITIONS AND REMARKS

Council President Tomaro opened the meeting for public comment.

Bob Spiegel, Edison Wetlands, thanked the Council for adopting Resolution R.274-052010. He also asked for the amount of Resolution R.257-052010. He said the Edison Wetlands might also contribute towards this type of grant.

Councilmember Perilstein said Ms. Lippe may expand the garden now.

Mr. Spiegel felt it would be a great idea if the Township could purchase an inexpensive digital still camera to take photos when awards are given out and post them on the Edison Township website.

Walt Shneer, Park Way, spoke about pollution. He said he used to go swimming under the Outerbridge Crossing and he felt oil fields should be voted on by the people.

Jim Kelly, Route 27, spoke about the corner of Boulevard of the Eagles and Colton Road. He said there is a pothole that needs to be filled. Also, the area needs to be trimmed by the Boulevard of the Eagles and the Church.

Bill Brunner, Loring Avenue, asked about the \$14,000 mentioned in Resolution R.259-052010.

Councilmember Lankey said the \$14,000 is from meters that did not belong to Federal Business Centers. He said the remainder were overpayments.

Council President Tomaro said this is water that does not go into the sewer system.

Mr. Brunner asked about the meeting with the Board of Education.

Council President Tomaro said the meeting is scheduled for May 19th. He said there has to be public input at every meeting.

Esther Nemitz, 162B Fay Street, reminded everyone that there will be a community meeting tomorrow night about the Clara Barton Library at the Clara Barton First Aid Squad. She hoped the public will attend.

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

Having no further business to discuss, on a motion made by Councilmember Mascola, seconded by Councilmember Diehl, the meeting was adjourned at 8:28 p.m.

Charles Tomaro
Council President

Reina A. Murphy, RMC
Municipal Clerk