

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

MAY 26, 2010

A Regular Meeting of the Municipal Council was held in the Council Chambers of the Municipal Building on Wednesday, May 26, 2010. The meeting was called to order at 7:01 p.m. by Council President Tomaro, followed by the Pledge of Allegiance.

Present were Councilmembers Karabinchak, Perilstein, Prasad and Tomaro.

Councilmember Diehl entered at 7:19 p.m.

Councilmember Lankey entered at 7:19 p.m.

Councilmember Mascola entered at 7:04 p.m.

Also present were Township Clerk Murphy, Deputy Township Clerk Kenny, Township Attorney Kemm, Business Administrator Gonzalez, Assistant to the Mayor Stephens, Finance Director Acker, Township Engineer Medina, Public Works Director Roderman, Health Director Elliot, Recreation Director Halliwell, 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 Prasad, seconded by Councilmember Karabinchak and duly carried, the Minutes of the Special Meeting of May 3, 2010, Closed Session Meetings of April 12 and May 10, 2010, and Regular Meetings of April 14 and 28, 2010 were accepted as submitted.

COUNCIL PRESIDENT'S REMARKS

Council President Tomaro said last Wednesday, the Council held a budget hearing for the defeated school board budget. Many Councilmembers spoke during that hearing about the budget process. The Council only has thirty days to look at the budget and come up with a reasonable cut. He supported what his colleagues did. They said no programs or teachers will be cut if they follow the Council's recommendations. He said this happened before and the Council winds up taking the blame for it. He said there has never been a voter turnout this high in our community for the school board budget. There will be a public hearing on the Municipal budget tonight, but it will not be adopted. The budget is going up four points as it stands today. This is the money that the Governor took away from our municipality. The Finance Committee will start meeting with the Department heads and come back with a recommendation.

Council President Tomaro spoke about landscapers adopting an area in the Township and maintaining it. He felt there are a lot of areas in the Township that are currently maintained by the Town that the landscapers could adopt. He already has five landscapers that are willing to adopt the areas. This will save the Public Works Department from going out to cut the grass. He felt Township Officials are elected to come up with ideas.

RESOLUTIONS OF RECOGNITION

The following Resolution of Recognition was read in its entirety:

RESOLUTION R.281-052010

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

WHEREAS, Ryan Kerekgyarto and Joseph Bartonek have demonstrated, through their involvement in the scouting program, exemplary dedication and perseverance culminating in their each attaining the Rank of Eagle Scout; and

WHEREAS, Ryan Kerekgyarto worked on, and brought to fruition, a special Eagle Scout project by the revitalization and beautification of Sisters of Mercy convent by removing unsightly bushes and replacing them with beautiful flower beds and power washing the walls of the convent, causing the once dull building to sparkle, thereby enhancing the grounds and the community; and

WHEREAS, Joseph Bartonek worked on, and brought to fruition, a special Eagle Scout project by designing and creating a paved walkway through the meditation area at St. Matthew the Apostle Church, creating a peaceful, contemplative space for individuals to pray and meditate in a natural and spiritual environment; and

WHEREAS, Ryan and Joseph's progression in the scouting rank is testament to their faith, academic achievements and civic responsibility, qualities that are important for a successful and fulfilling life.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council, Township of Edison, Middlesex County, New Jersey that it is fitting and proper to honor Ryan Kerekgyarto and Joseph Bartonek, and their families, by reason of their accomplishments as Eagle Scouts and the high honor they have now achieved.

Council President Tomaro opened the meeting for public comment on Resolution of Recognition R.281-052010.

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

Councilmember Karabinchak said they should be very proud of themselves and have a bright future ahead of them. He asked them to thank their parents and all who helped them through their journey.

Councilmember Mascola urged the Eagle Scouts to keep up the good work. He admired their dedication in starting their projects and seeing them through completion. He wished them good luck in the future.

Councilmember Perilstein said Edison must have the most Eagle Scouts in New Jersey. She thanked them for their commitment and years of service. She congratulated their parents who have supported them along the way and urged them to continue their commitment to civic duty.

Councilmember Dr. Prasad said the boys have done great for themselves. He congratulated and thanked them.

A motion was made by Councilmember Mascola, seconded by Councilmember Perilstein, to adopt Resolution of Recognition R.281-052010:

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

NAYS - None

Councilmember Diehl and Lankey were absent.

This Resolution was presented by Councilmember Tomaro. He congratulated Joseph and Ryan and their parents. He said they are members of the oldest Troop in Edison and he discussed each boy's project.

Joseph thanked the Council for this award and congratulated Ryan

Ryan thanked everyone for their support and congratulated Joe.

Council President Tomaro said this weekend is Memorial Day weekend. He said Sunday is the parade and he explained the route. He asked Mr. Ellis to come forward and be recognized as a hero of World War II.

The Council retired to Closed Session at 7:19 p.m., on a motion made by Councilmember Perilstein, seconded by Councilmember Karabinchak and duly carried. The Township Clerk read the following Resolution into the record:

CLOSED SESSION RESOLUTION

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

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

- 1) Contract negotiations

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

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

The Council returned from Closed Session at 8:09 p.m., on a motion made by Councilmember Diehl, seconded by Councilmember Lankey and duly carried.

2010 CALENDAR YEAR BUDGET

Council President Tomaro said the Council needs to adopt Resolution R.282-052010 in order for the budget to be read by title only.

RESOLUTION R.282-052010

WHEREAS, N.J.S. 40A:4-8 provides that the Budget be read by title only at the time of public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved Budget, as advertised, has been posted in the Municipal Building, the local public library, and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these conditions have been met;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Edison, in the County of Middlesex, State of New Jersey, that the Budget shall be read by title only.

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

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

NAYS - None
Councilmember Prasad was absent.

Council President Tomaro opened the meeting for public comments.

Jane Tousman, 14 Butler Road, said the public has not had an opportunity to hear from the Department heads with their wish list. There is also no recommendation from the Finance Committee. She asked when the tax liens will be published for the properties that owe money.

Council President Tomaro said because the Town switched the budget cycle, Edison could not do an accelerated tax sale. This will be done in November of 2010.

Mr. Acker said the Town has the option to combine both the transitional year and the calendar year.

Ms. Tousman asked about the money that was left over from the transitional year budget. She spoke about the Fire and Police budget.

Mr. Gonzalez said the transitional year budget was only for six months.

Ms. Tousman asked if the Town is down in personnel in the Fire Department. She discussed the uncollected taxes and said the numbers vary.

Burton Gimelstob, 6 Churchill Road, spoke about hiring a special consultant for the budget in 2006. He wanted to go beyond this because of the retirements in Police and Fire.

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

2010 SOLID WASTE COLLECTION DISTRICT BUDGET

Council President Tomaro opened the meeting for public comments.

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

UNFINISHED BUSINESS

ORDINANCES FOR FURTHER CONSIDERATION AND PUBLIC HEARING

The following Ordinance, which was introduced by Title on April 28, 2010, passed on first reading, published according to law for further consideration at the meeting of May 12, 2010 at which time it was amended, was read by the Township Clerk:

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.)

Council President Tomaro declared the Public Hearing opened for O.1741-2010.

Esther Nemitz, 162B Fay Street, said she already registered her discontent on Monday regarding this Ordinance. She did not think this Ordinance is serving the members of the public. She became interested in this because of problems on Amboy Avenue with 24 hour and non 24 hour service stations.

Council President Tomaro said he will look into this.

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

Council President Tomaro asked if any gas station owners responded to the letter that was sent out.

The Township Clerk said “no”.

Councilmember Mascola asked to see how this works over time before it is amended.

Councilmember Dr. Prasad said he had similar thoughts.

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

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

NAYS - None

NEW BUSINESS

PROPOSED ORDINANCES (PUBLIC HEARING SET DOWN FOR WEDNESDAY, JUNE 9, 2010)

The following Ordinances were introduced by title:

O.1743-2010 AN ORDINANCE PERMITTING THE SALE OF TOWNSHIP OWNED PROPERTY KNOWN AS BLOCK 911, LOT 1D, 914 ELLIS PARKWAY

On a motion made by Councilmember Karabinchak, seconded by Councilmember Diehl, this Ordinance was passed on first reading and ordered published according to law for further consideration and Public Hearing at the next Regular Meeting of the Township Council to be held on June 9, 2010.

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

NAYS - None

O.1744-2010 AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH EDISON WETLANDS ASSOCIATION, INC. FOR USE OF PORTIONS OF CERTAIN DPW YARDS FOR CLOTHING AND TEXTILE RECYCLING BINS

Councilmember Perilstein thanked the Administration for a collaborative effort with The Edison Wetlands. She said it is nice to have a partnership with them.

Councilmember Diehl asked if it is possible for the Council to receive updates on the amount of money that is generated.

Mr. Kemm said he would have to ask Edison Wetlands.

Councilmember Diehl asked this to be included in the Ordinance.

On a motion made by Councilmember Lankey, seconded by Councilmember Diehl, this Ordinance was passed on first reading and ordered published according to law for further consideration and Public Hearing at the next Regular Meeting of the Township Council to be held on June 9, 2010.

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

NAYS - None

O.1745-2010 AN ORDINANCE ESTABLISHING A 25 MPH SPEED LIMIT ON WOODBRIDGE AVENUE IN THE BENJAMIN FRANKLIN SCHOOL ZONE DURING CERTAIN HOURS

Council President Tomaro asked if the Town was going to set the parameters before or after adoption.

Mr. Medina said he will meet with the Chief Bryan and give this prior to adoption.

On a motion made by Councilmember Karabinchak, seconded by Councilmember Mascola, this Ordinance was passed on first reading and ordered published according to law for further consideration and Public Hearing at the next Regular Meeting of the Township Council to be held on June 9, 2010.

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

NAYS - None

PUBLIC COMMENTS AS TO PROPOSED RESOLUTIONS

A motion was made by Councilmember Perilstein, seconded by Councilmember Karabinchak to remove Resolution R.273-052010 from the table.

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.273-052010, R.279-052010 and R.283-052010 through R.303-052010.

Esther Nemitz, 162B Fay Street, spoke on Resolution R.279-052010. She said a lot of work has been done on the attached budget work plan since the last Worksession. She appreciated the effort made by Bill Stephens and John Medina giving a fair hearing on changes that need to be made to the work plan. She said the NPP met last Thursday. They will use the excess funds they have to repair the Clara Barton Library. They are committed to the neighborhood and she supported this as it now stands. She spoke about Sharon Grey and felt people will be sad that she will not be there if her salary is cut.

Council President Tomaro thanked Ms. Nemitz for her involvement.

Jane Tousman, 14 Butler Road, agreed with Ms. Nemitz. She felt Resolution R.291-052010 contains some good ideas and felt this would help communities all over the State of New Jersey. She said the signage that states no left turn onto Oak Tree Road coming from the bank is missing.

Mr. Medina said he will notify the bank to reinstall them.

Fred Wolke, 10 Peake Road, thanked Council President Tomaro and the Council for allowing Resolution R.279-052010 to be passed. He looked forward to seeing Clara Barton approved. Regarding Resolution R.291-052010, he felt the Township should go further and the League of Municipalities should become involved with this.

Council President Tomaro asked to have this sent to all twenty five municipalities in Middlesex County and all legislative districts in Middlesex County.

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

Councilmember Karabinchak requested that Resolutions R.286-052010, R.290-052010 and R.291-052010 be pulled for separate vote.

Councilmember Lankey requested that Resolution R.283-052010 be pulled for separate vote.

Council President Tomaro requested that Resolution R.279-052010 be pulled for separate vote.

The following Resolutions R.273-052010, R.284-052010, R.285-052010, R.287-052010 through R.289-052010, and R.292-052010 through R.303-052010 were adopted under the Consent Agenda on a motion made by Councilmember Diehl and seconded by Councilmember Mascola.

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

NAYS - None

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.

RESOLUTION R.284-052010

RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF NEW BRUNSWICK FOR PARTICIPATION IN AN APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE FOR AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

WHEREAS, the Edison Police Department wishes to apply for an Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY2010 grant from the U.S. Department of Justice to purchase equipment needed to enhance crime prevention and control by providing services for the community; and

WHEREAS, the FY2010 Edward Byrne Memorial JAG Program requires that one agency from Middlesex County serve as the lead agency for the purpose of applying and distributing grant funds; and

WHEREAS, the City of New Brunswick by way of the New Brunswick Police Department has agreed to serve as the lead agency; and

WHEREAS, Edison Township has been allocated \$37,897 from the total of \$186,520 which will be provided to the seven (7) participating Middlesex County municipalities.

NOW, THEREFORE, IT IS RESOLVED, by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the Mayor, or the Mayor's designee, is hereby authorized to execute a Memorandum of Understanding with the City of New Brunswick, and any and all documents pertaining to the participation by the Township of Edison in an application to the U.S. Department of Justice for an Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY2010 grant as described herein.

RESOLUTION R.285-052010

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO KUSTOM SIGNALS, INC. FOR THE FURNISHING OF PATROL CAR VIDEO SYSTEMS

WHEREAS, in conformance with N.J.S.A 40A:11-4.1 et sec, Resolution R.124-032010 dated March 10, 2010 authorized the use of competitive contracting for Police Car Video Systems; and

WHEREAS, one bid was received on **April 10, 2010** pursuant to the provisions of N.J.S.A. 40A:11-4.1 et sec by the Township of Edison for **DIGITAL PATROL CAR VIDEO SYSTEMS FOR THE POLICE DEPARTMENT DESIGNED TO PROVIDE AN AUDIO AND VIDEO RECORDING OF TRAFFIC STOPS, PURSUITS, D.U.I. TESTS, ETC.**; and

WHEREAS, **KUSTOM SIGNALS, INC., 9325 PFLUMM ROAD, LENEXA, KS 66215-3347** submitted the only bid in the amount of **\$4,807.00 per unit and \$600 for two wireless access points**; and

WHEREAS, funds in the amount of **\$164,038.00 FOR THE PURCHASE OF 34 MOBILE VIDEO RECORDERS AND 2 WIRELESS ACCESS POINTS** have been certified to be available in the **BYRE GRANT RECOVERY ACT, ACCOUNT NO. G-02-10-0240-801-001 AND THE SAVE CORRIDORS PROGRAM, ACCOUNT NO. G-02-09-0240-743-000.**

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

1. The bid has been reviewed, and the bid in the amount of **\$4,807.00 per unit and \$600 for two wireless access points** by **KUSTOM SIGNALS, INC., 9325 PFLUMM ROAD, LENEXA, KS 66215-3347** for **DIGITAL PATROL CAR VIDEO SYSTEMS FOR THE POLICE DEPARTMENT DESIGNED TO PROVIDE AN AUDIO AND VIDEO RECORDING OF TRAFFIC STOPS, PURSUITS, D.U.I. TESTS, ETC.** is determined to be a legally responsible bid.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount of **\$164,038.00** and any other necessary documents, with **KUSTOM SIGNALS, INC., 9325 PFLUMM ROAD, LENEXA, KS 66215-3347.**
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and or bonds of the unsuccessful bidders.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$163,108.00 are available for the above contract in Account Number G-02-10-0240-801-001 and funds in the amount of \$930.00 are available in Account Number G-02-09-0240-743-000.

/s/ Mark E. Acker
Chief Financial Officer
5/20/10

RESOLUTION R.287-052010

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 \$51,242.10.

RESOLUTION R.288-052010

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 \$7,057.78 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.289-052010

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 \$19,245,495.

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 appropriatio(s) be and the same are hereby made in the amount of \$1,445,895 as follows:

CURRENT FUND
OTHER EXPENSES

Div of Tax Assessment	39,191.00
Planning Board	\$5,000.00
EMT Services	\$45,000.00
Group Insurance	1,000,000.00
Div Public Buildings - Telephone	35,000.00
Social Security	300,000.00
Municipal Alliance - Summer Outreach Program	20,000.00
Municipal Alliance - Youth Services Commission	1,704.00

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.292-052010

WHEREAS, the Township Engineer advises that a final inspection was done of Metro PCS New York, LLC located at 150 Whitman Ave, in Block: 197, Lot: 3-B-1 and Application #Z03/08/09; and

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

WHEREAS, on March 31, 2009, Metro PCS New York, LLC posted a check #3511 in the amount of \$150.92, on deposit with the Township of Edison in account #7760296005, 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 \$128.44; and

WHEREAS, it is in now in order that the sum of \$22.48, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Metro PCS New York, LLC; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$22.48, plus accrued interest, if applicable, be refunded to Metro PCS New York, LLC having offices at 5 Skyline Drive, Hawthorne, N.Y. 10532 ; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$22.48, plus accrued interest, if applicable in account #7760296005 to the applicant.

RESOLUTION R.293-052010

WHEREAS, the Township Engineer advises that an inspection has been made of Metro PCS New York, LLC located at 150 Whitman Avenue, in Block: 197, Lot: 3-B-1, and Application #Z03/08/09 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 11, 2010 a Maintenance Bond Check #2363108 in the amount of \$452.76 was posted by Metro PCS New York, LLC; and

WHEREAS, the Township Engineer recommends the release of the Performance Surety Bond #022026234 of Liberty Mutual Insurance Company in the amount of \$3,259.81 with the Township of Edison, principal being Metro PCS New York, LLC, and acceptance of the subject improvements; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Bond, Check #3512 in the amount of \$362.21, plus accrued interest, if applicable, on deposit in account #7760013375 with the Township of Edison, principal being Metro PCS New York, LLC having offices at 5 Skyline Drive, Hawthorne, N.Y. 10532 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 \$3,259.81 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 \$362.21, plus accrued interest, if applicable, on deposit in account #7760013375 to the applicant.

RESOLUTION R.294-052010

WHEREAS, the Township Engineer advises that a final inspection was done of Metro PCS New York, LLC located at 80 Talmadge Rd., in Block: 123, Lot: 13 and Application #Z60-07/08; and

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

WHEREAS, on May 8, 2009, Landair, LLC posted a check #1289 in the amount of \$166.42, on deposit with the Township of Edison in account #7760296010, 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 \$161.02; and

WHEREAS, it is in now in order that the sum of \$5.40, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Landair, LLC; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$5.40, plus accrued interest, if applicable, be refunded to Landair, LLC having offices at 101 Round Top Dr., Bernardsville, N.J. 07924; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$5.40, plus accrued interest, if applicable in account #7760296010 to the applicant.

RESOLUTION R.295-052010

WHEREAS, the Township Engineer advises that an inspection has been made of Metro PCS New York, LLC located at 80 Talmadge Road, in Block: 123, Lot: 13, and Application #Z60-07/08 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 April 6, 2010 a Maintenance Bond Check #2363307 in the amount of \$499.26 was posted by Metro PCS New York, LLC; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Bond, Check #1288 in the amount of \$399.41, plus accrued interest, if applicable, on deposit in **account #7760013379** with the Township of Edison, principal being Landair, LLC, having offices at 101 Round Top Dr., Bernardsville, N.J. 07924 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 Cash Performance Bond in the amount of \$399.41, plus accrued interest, if applicable, 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 \$399.41, plus accrued interest, if applicable, on deposit in **account #7760013379** to the applicant.

RESOLUTION R.296-052010

WHEREAS, the Township Engineer advises that an inspection has been made of Metro PCS New York, LLC located at 80 Talmadge Road, in Block: 123, Lot: 13, and Application #Z60-07/08 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 April 6, 2010 a Maintenance Bond Check #2363307 in the amount of \$499.26 was posted by Metro PCS New York, LLC; and

WHEREAS, the Township Engineer, recommends the release of the Performance Bond, Check #1726995 in the amount of \$3,594.66, plus accrued interest, if applicable, on deposit in **account #7760013378** with the Township of Edison, principal being Metro PCS New York, LLC, having offices at 5 Skyline Drive, Hawthorne, New York 10532 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 \$3,594.66, plus accrued interest, if applicable, 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 Performance Bond in the amount of \$3,594.66, plus accrued interest, if applicable, on deposit in **account #7760013378** to the applicant.

RESOLUTION R.297-052010

WHEREAS, a Tree Maintenance Bond check #1808 was posted in the amount of \$990.00, principal being Kent Development & Construction Corp Inc. to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #06-47, Applicant is Fadwa Elsamna, located at 22 Frances Road, Block: 1020 and Lot: 14; and

WHEREAS, a Tree Maintenance Bond was posted on July 27, 2007 in the amount of \$990.00, on deposit in account #7760237731; and

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

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount of \$900.00 be refunded to the applicant, **leaving a balance of \$90.00 for the missing trees to be transferred to the proper account; and**

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

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$900.00, plus accrued interest, if applicable, on deposit in Account #7760237731 to Kent Development & Construction Corp Inc. having offices at 22 Frances Road, Edison, N.J. 08820.

RESOLUTION R.298-052010

EXPLANATION: This resolution provides for refund of the construction permit fee paid twice in error, less the 20% municipal plan review fee per the UCC, posted for a residential construction permit.

WHEREAS, on December 23, 2009, a Construction (Plumbing) Permit fee, check #169, permit # 2009-3792, was posted in the total amount of \$36.00 by Gopal P. Vyas residing at 233 Old Post Road, Edison, NJ 08817; and

WHEREAS, the application was submitted for alterations being performed to finish their existing un-finished basement and add a bathroom in the basement to 233 Old Post Rd by the hired general contractor supervising all work being performed, Gerald Strauss; with at a later date the new contractor hired, Bobby Lee Construction, LLC had re-applied for this same permit # 2010-0562 resulting in the fees for the permit were paid for twice; and

WHEREAS, it is therefore appropriate that the municipal permit fee in the amount of \$28.80, derived from the \$36.00 total construction permit fee 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 # 2009-3792, in the amount of \$28.80 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$28.80 on construction permit fees posted by Gopal P. Vyas for 233 Old Post Road be refunded to the homeowner, Gopal P. Vyas;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$28.80 from the Refund of Revenue Fund to the homeowner, Gopal P. Vyas.

RESOLUTION R.299-052010

WHEREAS, the Township Engineer advises that an inspection has been made of JSM/ Commerce Bank, Application #P13-98/99 located at New Dover Road & Oak Tree Road in Block: 545-R, Lot: 39.02, 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, the Certificate of Occupancy date is November 12, 2004, since the project has extended beyond the 2-year maintenance bond period from project completion there will be no maintenance bond required; and

WHEREAS, the Township Engineer, recommends the release of the Irrevocable Standby Letter of Credit #1136551594 of Commerce Bank in the amount of \$327,741.12 that represents the Performance Bond with the Township of Edison, principal being Commerce Bank, and acceptance of the subject improvements; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Bond, Check #3049 in the amount of \$36,415.68, plus accrued interest, if applicable, on deposit in account #7200025353 with the Township of Edison, principal being Commerce Bank, having offices at 1701 E. Route 70, Cherry Hill, N.J. 08003, 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 Irrevocable Letter of Credit that represents the Performance Bond in the amount of \$327,741.12, 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 \$36,415.68, plus accrued interest, if applicable, on deposit in account #7200025353 to the applicant.

RESOLUTION R.300-052010

WHEREAS, the Township Engineer advises that a final inspection was done of JSM/ Commerce Bank, located at New Dover Road & Oak Tree Road in Block: 545-R, Lot: 39.02 and Application #P13-98/99; and

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

WHEREAS, Commerce Bank posted inspection fees in the amount of \$23,087.90, on deposit with the Township of Edison in account #7200024865, 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 \$23,057.85; and

WHEREAS, it is in now in order that the sum of \$30.05, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Commerce Bank; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$30.05, plus accrued interest, if applicable, be refunded to Commerce Bank having offices at 1701 E. Route 70, Cherry Hill, N.J. 08003 ; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$30.05, plus accrued interest, if applicable in account #7200024865 to the applicant.

RESOLUTION R.301-052010

WHEREAS, the Township Engineer advises that an inspection has been made of Jabbar Singh(Fuel One), Application #P05-04/05 located at 701 Route 1 South in Block: 182, Lot: 7-S-2 & 3-A, 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, the Certificate of Occupancy date is March 23, 2006, since the project has extended beyond the 2-year maintenance bond period from project completion there will be no maintenance bond required; and

WHEREAS, the Township Engineer, recommends the release of the Site Improvement Performance Bond No. 253305 of American Contractors Indemnity Company in the amount of \$160,521.48 with the Township of Edison, principal being JAS Association, LLC, and acceptance of the subject improvements; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Bond, Check #424985282 in the amount of \$17,835.72, plus accrued interest, if applicable, on deposit in account #7760013261 with the Township of Edison, principal being Jabbar Singh (JAS Associates LLC), having offices at 59 Carmien St., Apt #2D, New York, New York 10014, 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 Site Improvement Performance Bond in the amount of \$160,521.48, 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 \$17,835.72, plus accrued interest, if applicable, on deposit in account #7760013261 to the applicant.

RESOLUTION R.302-052010

WHEREAS, the Township Engineer advises that a final inspection was done of Fuel One (Jabbar Singh, JAS Associates), located at 701 Rt 1 South in Block: 182, Lot: 7-S-2 & 3-A and Application #P5-04/05; and

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

WHEREAS, Jabbar Singh (JAS Associates LLC) posted inspection fees in the amount of \$7,431.55, on deposit with the Township of Edison in account #7200025101, 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 \$7,078.54; and

WHEREAS, it is in now in order that the sum of \$353.01, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Jabbar Singh (JAS Associates LLC); and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$353.01, plus accrued interest, if applicable, be refunded to Jabbar Singh (JAS Associates LLC) having offices at 59 Carmien St., Apt. #2D, New York, New York 10014 ; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$353.01, plus accrued interest, if applicable in account #7200025101 to the applicant.

RESOLUTION R.303-052010

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 person to serve on said Committee:

Patricia A. Brunton-Guarino, J2 Willard Dunham Drive, Edison, NJ 08817

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

The following Resolutions will be voted upon separately:

RESOLUTION R.279-052010

EXPLANATION: This resolution provides a revision dated May 24, 2010 to the Edison Neighborhood Preservation Program Work Plan previously approved through resolution R.347-062009 on June 10, 2009, and amended through resolution R.676-112009 on November 23, 2009. This resolution provides a final revision dated May 24, 2010 to the Proposed Amended Budget Work Plan.

**NEIGHBORHOOD PRESERVATION PROGRAM (NPP)
FINAL AMENDED BUDGET WORK PLAN (Revised May 24, 2010)**

WHEREAS, the Township of Edison by resolution authorized the Mayor to enter into an agreement with the New Jersey Department of Community Affairs (NJCA) to obtain a Neighborhood Preservation Grant; and

WHEREAS, as a condition of the grant, the Department of Community Affairs required the Neighborhood Preservation Program Planning Committee to develop a strategic work plan that will delineate the activities of the program and will describe the manner in which the grant funds are to be expended, within the award period of October 1, 2007 through June 30, 2010; and

WHEREAS, the Neighborhood Preservation Program working within the Township of Edison guidelines developed a Final Work Plan and Budget to reflect an additional \$25,000 for planning and implementation on the program and to increase the total budget from \$125,000 to \$150,000 for all program years combined; and

WHEREAS, the final NPP work plan has been further revised and amended through the date of May 24, 2010, and such final approval of said Final Amended Budget Work Plan will permit the Township of Edison to proceed with the required activities to fulfill the stipulations of the Neighborhood Preservation Program Grant; and

WHEREAS, approval of the Township Council of the Final Amended Budget Work Plan is required for the final approval of same by the Department of Community Affairs;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that the described Neighborhood Preservation Program (NPP) Final Amended Budget Work Plan, revised May 24, 2010, utilizing the DCA grant funds received by the Township of Edison in the amount of \$150,000 is hereby approved.

Council President Tomaro thanked the Administration for moving this forward. He also thanked Mr. Medina for reviewing the issues at the Library. He hoped Edison can improve this. He said the Library was packed last Saturday.

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

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

NAYS - None

RESOLUTION R.283-052010

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING MAY 20, 2010

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through May 20, 2010

FUND	AMOUNT
Affordable Housing	\$362.50
Capital	\$2,600.00
Cash Performance	\$0.00
CDBG	\$45,425.64
Current	\$31,890,984.57
Developer's Escrow	\$26,981.20
Dog (Animal Control)	\$3,922.15
Federal Forfeited	\$3,600.00
Grant Funds	\$1,736.65
Tree Fund	\$1,032.95
Park Improvement	\$0.00
Payroll Deductions	\$426,905.49
Public Assistance	\$0.00
Sanitation Fund	\$260,874.68

Self Insurance	\$0.00
Sewer Utility	\$235,781.62
Tree Planting	\$0.00
Trust	\$300,225.14
TOTAL	\$33,200,432.59

/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.

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

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

NAYS - None
Councilmember Lankey said he must abstain.

RESOLUTION R.286-052010

RESOLUTION AUTHORIZING AN EXTENSION OF THE CONTRACT WITH AUTOMATIC DATAPROCESSING (ADP) FOR A PERIOD NOT TO EXCEED EIGHT MONTHS COMMENCING ON MAY 1, 2010

WHEREAS, Automatic Data Processing, Inc., 1125 Virginia Drive, PO BOX 7506, Fort Washington, PA 19034 was awarded Contract No. 08-01-10, PAYROLL AND HUMAN RESOURCE DATA BASE SYSTEM on March 26, 2008 through Resolution R.135-032008 for a two year period effective May 1, 2008; and

WHEREAS, in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-15, the contract included provisions to renew the contract for up to two additional years; and

WHEREAS, the Business Administrator recommends that this contract be renewed on a month to month basis for a period not to exceed eight months with the price as well as all terms and conditions to remain the same; and

WHEREAS, funds in the amount of \$40,600.00 have been certified to be available from Account No. 01-01-20-0130-001-226.

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 Automatic Data Processing, Inc., in an amount not to exceed \$40,600.00.

CERTIFICATION

I hereby certify that funds in the amount of \$40,600.00 are available for the above contract in Account No. 0-01-20-0130-001-226.

/s/ Mark E. Acker
Chief Financial Officer
5/19/10

Councilmember Lankey said this is going month to month and asked if this is because the Town is looking at other people.

Mr. Gonzalez said the Administration is starting to look and ultimately put out requests for proposals. A new system will be in effect for the first of the year.

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

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

NAYS - None

RESOLUTION R.290-052010

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 \$1,250,000.

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 NJ.S.A. 40A: 4-20:

Emergency temporary appropriation(s) be and the same are hereby made in the amount of \$1,250,000 as follows:

SEWER UTILITY FUND

Middlesex County Utility Authority \$1,250,000.00

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.

Councilmember Karabinchak said he will abstain.

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

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

NAYS - None

Councilmember Karabinchak abstained from voting.

RESOLUTION R.291-052010

EXPLANATION: This Resolution expresses the Edison Township Council's desire for the New Jersey Legislature and Governor to revise the real estate property tax assessment and appeal procedures and laws.

RESOLUTION URGING THE NEW JERSEY LEGISLATURE AND GOVERNOR TO REVISE THE REAL ESTATE PROPERTY TAX ASSESSMENT AND APPEAL PROCEDURES AND LAWS

WHEREAS, the flaws and inequities in New Jersey's real estate property tax assessment and appeal procedures and laws have long been recognized; and

WHEREAS, these flaws and inequities create a silent indirect tax increase that the public has to absorb without any representation which situation is exacerbated by the current economic condition; and

WHEREAS, the current real estate property tax assessment and appeal procedures and laws regarding nonresidential properties favors these properties to the detriment of the remainder of those who pay real estate property taxes, specifically homeowners; and

WHEREAS, the assessment and valuation determinations of nonresidential properties are more often than not assessed based upon their income and expenses and not comparable sales as residential properties are, this valuation of nonresidential properties facilitate the reduction of taxes in bad economic times which are not equally available to homeowners and results in homeowners absorbing the costs of these inequities and the loss of the ratable tax; and

WHEREAS, the current real estate property tax assessment and appeal procedures and laws require the municipality at its own expense and cost to assess, collect, defend and refund real estate property taxes even though the municipality does so on behalf of not just itself but the County, School Districts and in certain instances Fire Districts however these entities do not share in these costs; and

WHEREAS, as these entities do not share the burden of these costs and expenses, especially refunds when due on tax appeals, the economic impact of this flawed and inequitable system is solely on municipalities and municipal budgets; and

WHEREAS, the Township Council urges the New Jersey Legislature and Governor to undertake substantial changes to the current real estate property tax assessment and appeal procedures and laws including but not limited to:

1. A certified appraisal must be required as part of nonresidential tax appeal filings and must be provided within 30 days of the filing.

2. Restrict the time between tax appeals (15 years per building/ entity) or use 15 years as an average measurement of value.
3. Allow municipalities the opportunity to lessen the burden to their homeowners by structuring the tax appeal settlement payout over the Freeze Act time period interest free.
4. Tax appeals are based on income or market value. During the tax appeal process the tax structure should be attached to the income or market value of the entity. It takes many years for the tax appeal settlement to catch up to the existing tax after the appeal. As the income or market value goes up from the settlement, the taxes should go up proportionately.
5. Place a cap on tax appeal settlements.
6. Restrict the tax appeal settlement or refund to the State cap of 4%.
7. When the income approach is utilized during a tax appeal, the income must be certified by an independent auditor and verified every year with the municipality, County and State.

NOW, THEREFORE, BE IT RESOLVED, by the Edison Township Council in the County of Middlesex in the State of New Jersey hereby urges the New Jersey Legislature and Governor to revise the real estate property tax assessment and appeal procedures and laws to provide for a more uniform and equitable method of assessing and appealing real estate property taxes; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to our local legislators Senator Barbara Buono, Assemblyman Peter J. Barnes III, Assemblyman Patrick J. Diegnan Jr., the New Jersey Senate, the New Jersey Assembly, the Office of the Governor and the New Jersey State League of Municipalities.

Councilmember Karabinchak said he is glad the Council is moving forward with this. He felt forwarding it to the additional people is a great idea. He felt this is a first step and residents need to lobby the legislature. The numbers are so great it is making budgeting impossible.

Councilmember Dr. Prasad thought this would make the work of the CFO easier because he would know exactly what is being made. He has reservations because when a business is making money, the Township should make more money. If a business is not making money, and we still continue to tax, the value of the property and adjoining properties will go down. He will support this because the sentiments are good.

Councilmember Diehl agreed with the spirit of Councilmember Dr. Prasad's comments, but felt it is a logistical nightmare to deal with this.

Councilmember Dr. Prasad said the mechanism is in place now. When a property goes for reassessment they have to present how much money is made at the location. There is no mechanism to collect more if they are making money.

Councilmember Perilstein thanked Councilmember Karabinchak for putting this forward. She felt it is a step in the right direction and she spoke about the amount of ratables that have been lost over the past few years.

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

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

NAYS - None

COMMUNICATIONS

- a. Letter from the Chairman of the Open Space Advisory Committee regarding the Clara Barton Library – receive
- b. Electronic Mail Message from John Davino regarding parking issues – receive and refer to Administration
- c. Electronic Mail Message from Ralph Bucci regarding defeated school budget cuts - receive

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

ORAL PETITIONS AND REMARKS

Council President Tomaro opened the meeting for public comment.

Jane Tousman, 14 Butler Road, requested that when the Council goes into closed session they are more specific about what they are going in for.

Mr. Kemm said Fire and Police Union contracts were discussed.

Emil Ferlicchi, President of Edison Township Education Association, 2 Ethel Road, said when he appeared before the Council at a special meeting, he was encouraged by a Councilmember's statement about having the State enforce the funding formula for education.

Councilmember Karabinchak said that he and Mr. Kemm are putting something together. He suggested teaming up with the Board of Education.

Mr. Ferlicchi said, when ratables are lost, the tax burden falls on the taxpayers. He felt there is not a fair representation of all taxpayers in the Township such as businesses in Raritan Center. He said education is being killed in Edison because of the school budgets going down.

Council President Tomaro said the top five taxpayers in the community are in Raritan Center.

Councilmember Karabinchak said the Township lost revenue in Raritan Center recently because of a tax appeal. One of the ideas in the Resolution is to stretch out the tax credit and payment over a period of time. He asked for Mr. Ferlicchi's help.

Mr. Ferlicchi spoke about the vote on the Board of Education budget. He said by the actions the Council took, he felt there is little respect for education in the Township. He felt the students will be deprived of services and that the cut was a mob mentality.

Councilmember Dr. Prasad said when he spoke during the vote, he said there are two groups of people that are sacred cows, the students and the taxpayers. Over the past eighteen months, people in Edison have lost jobs, homes and everyone is suffering. Employees have been furloughed without pay. Everyone has to give back. He also said the NJEA should do some soul searching and give back because the taxpayers of Edison deserve a break and he was proud of his vote.

Mr. Ferlicchi felt it is because of the NJEA that New Jersey moved to one of the top five states in the country.

Councilmember Diehl said he understands Mr. Ferlicchi's position and understands where he's coming from. He said this will affect programs. He felt that most of the people who voted "no" on the budget are not millionaires. They are hard working people. He said Mr. Ferlicchi is asking for help. The Governor just vetoed the millionaire's tax. By taxing the millionaire's in New Jersey, it will not affect their quality of life.

Councilmember Karabinchak said this was not an easy decision and no one on the dais took it lightly. They looked at the numbers and consulted an expert. He said the line items did not affect the students, or services. He felt the Board of Education was present to explain where the Council was wrong on the Resolution they adopted and no one said anything. He said he looked at all the different impacts and reviewed the school budgets over the past few years. He said money has been shifted around over the years after cuts were made. He felt everyone has to sacrifice during these bad times and he supports education.

Councilmember Mascola agreed with Councilmember Karabinchak. He said five Councilmembers had to make a tough decision and there were no politics involved. He felt Mr. Ferlicchi's comments were an insult to the Council. The cuts they made were over budgeted items. He said the Board of Education can appeal this decision to the State and the union should take a look at their own effect on the taxpayers.

Council President Tomaro said the Board of Education will cut programs and point fingers. He noted that Metuchen passes their budget and their bonds year after year. He said the Board of Education needs to go door to door and speak about their budget. He said the blame should not be placed on the Council because the voters spoke. He said what will hurt the kids is what the Board of Education does.

Councilmember Perilstein wished she could have found a way to abstain. She supports education and said this was the toughest decision she had to make because she has two children in the system. She understands what the district is facing but decisions can not be made in a vacuum. She said the biggest misnomer is that she does not care about education. She felt there needs to be sacrifice at the end of the day and hoped the Board of Education could of proved the auditor wrong, but they could not.

Councilmember Lankey said he has prepared and reviewed a lot of budgets. He felt good about this budget because there were two viable solutions which is rare when looking at budgets. He suggested if the Board of Education took a freeze it would save \$6.5 million. He said the system is broken and we need to move forward.

Councilmember Diehl appreciated his Council colleague's comments but felt they have to see where this is when the dust settles. He wondered if the Town put the municipal budget out for a vote, if it would pass. He felt the economy is why the Country is where they are right now. He did feel that programs will be affected. He asked if the Council can draft a Resolution of support for the millionaire's tax. He said Edison does not get it's fair share of State funding.

Council President Tomaro agreed with the supporting Resolution, but said the State has to look at what the millionaire's tax goes towards. A lot of it goes to PAAD and not to education.

Councilmember Diehl felt people move into Edison because of the education.

Councilmember Karabinchak said, during the process while reviewing the Board of Education budget, he wrote a letter that went to the Governor and the Commissioner of Education stating his frustration with the system.

Fred Wolke, 10 Peake Road, felt if the Council's decision is going to be called a mob mentality the Teachers Union should be called a greed mentality. He said the Education budget is still higher than it was last year even with the cuts. He spoke about Woodbridge's education budget being reduced by \$3 million. He spoke about the millionaire's tax and said Governor Corzine had the opportunity to reinstitute this last year.

Burton Gimelstob, 6 Churchill Road, asked if the original tax was for \$400,000 or above. He did not think any of the Councilmembers were enemies of education.

Councilmember Diehl took exception to the term "greedy teachers".

Councilmember Dr. Prasad said he did not attack the NJEA today or in the past.

Walt Shneer, Park Way, asked who put up the stop signs on Meadow Road and felt the signs should come down. He was concerned that trucks are coming through his neighborhood off of Meadow Road.

Council President Tomaro asked Deputy Chief Vaticano to put selective enforcement in area.

Deputy Chief Vaticano said they will have the Traffic division look into this.

Mr. Shneer asked if the teachers took a pay freeze.

Council President Tomaro said not to his knowledge. The State cut the school budget by \$9 million and cut \$3 million from the Township.

Mr. Shneer could not understand why the State was in so much trouble.

Councilmember Dr. Prasad left the meeting at 9:53 p.m.

Maryann Hennessey, 20 Carmello Drive, felt Mr. Ferlicchi was off the mark with his comments to the Council. She asked what portion goes to the children versus what goes to the Administration. She said the money is not there anymore and seniors did not even receive a cost of living raise. She did not feel the people voted "no" against the children.

Jay Patel, 49 Library Road, spoke about the school budget. He asked if the Council looked for Federal funding.

Council President Tomaro said this is more of the Board of Education's venue to go after this.

Mr. Patel spoke about the Grove Avenue speed bump.

Council President Tomaro said this is there because of the senior citizen complex.

Mr. Patel suggested painting the bump to make it more visible.

Mr. Medina said this was constructed according to DOT standards.

Mr. Patel asked if they can change making left turns into the Stop and Shop.

Deputy Chief Vaticano said the double yellow line means you can't pass; it does not mean you cannot make a left turn.

Esther Nemitz, 162B Fay Street, appreciated all the conversation this evening. She said she went to the SWAC meeting last evening and was appalled at some of the things she heard. She thought the Council should ask for a copy of the transcript of that meeting. She read an article regarding Rahway's master plan going green. There was a legal notice in the newspaper regarding changes to the Plainfield Country Club and she asked who represents Edison in Trenton regarding this.

Councilmember Mascola asked for a copy of the SWAC meeting transcript.

Emil Ferlicchi said he did not say the Councilmembers were enemies of education. He said the action the Council took showed disrespect for education. Woodbridge's Board of Education budget has passed for the last five years and Edison's has lost. He said the teachers are taking out of their own pockets to educate the children.

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

05/26/2010

Having no further business to discuss, on a motion made by Councilmember Diehl, seconded by Councilmember Perilstein, the meeting was adjourned at 10:13 p.m.

Charles Tomaro
Council President

Reina A. Murphy, RMC
Municipal Clerk