

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

June 25, 2014

A Regular Meeting of the Municipal Council was held in the Council Chambers of the Municipal Building on Wednesday, June 25, 2014. The meeting was called to order at 7:02 p.m. by Council President Karabinchak, followed by the Pledge of Allegiance.

Present were Councilmembers Gomez, Karabinchak, Lombardi, Mascola, Prasad and Shah. Councilmember Diehl was absent.

Also present were Acting Township Clerk Russomanno, Deputy Township Clerk Kenny, Mayor Lankey, Township Attorney Northgrave, Business Administrator Ruane, Public Works Director Roderman, Health Director Elliot, Township Engineer Medina, Recreation Director Halliwell, Police Captain Merker, and Cameraman Cologna.

The Township Clerk advised that adequate notice of this meeting, as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger, and the Sentinel on December 14, 2013, and posted in the Main Lobby of the Municipal Complex on the same date.

APPROVAL OF VOLUNTEER FIREFIGHTERS

Applications for membership were received by:

Raritan Engine Co. # 1
Alex J. Naiduk

Oak Tree Volunteer Fire Company
Christopher Boyette

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

2014 CALENDAR YEAR MUNICIPAL BUDGET:

Mayor Lankey delivered his presentation on the 2014 Calendar Year Municipal Budget.

Mayor Lankey said he wished to start off by separating fact from fiction and rumors. He said over the last fourteen year due to tax appeals our valuation has dropped which has cost us. He explained the school, county and municipal taxes. He said the increase on the average home which is assessed at \$176,000 will be \$279. He commented that he is not making light of the increase, however, the tax rate has remained flat over the last several years and unfortunately this year we are not able to do that. He said we have not over utilized our debt so it is available to us and if we have to use it we will weigh the pros and cons. He mentioned that tax appeals have hurt us in refunds. It has cost us \$19 million in the last three years. Our surplus has been depleted over the last three years and State Aid has dropped. Healthcare costs are continually escalating and there is not a lot we can do about that. If we are to attract new businesses we must maintain and enhance services, regenerate surplus and maintain our bond rating. Edison's taxes are currently lower than 60% of the county. His hope is that after his four years Edison will be in better shape than when he arrived and with that thought in mind, he feels this is the best budget to achieve that goal.

Council President Karabinchak thanked the Mayor and Administration for their presentation on the budget, and stated this is the first time any Mayor has presented the budget to the Council and residents at a Public Hearing.

Council President Karabinchak opened the meeting to the public for comments on 2014 Calendar Year Municipal Budget.

Richard Rizzo, 17 New York Blvd. said Edison has been controlled by Democrats for the past 32 years and he felt the Township is in such bad shape due to the one party rule.

Mayor Lankey said Edison's drop in property values is nobody's fault it is due to the economy. He also said the tax appeal system in New Jersey is broken and needs to be fixed.

Mr. Rizzo asked if the former Mayor's street was redone with Belgian block curbing.

Council President Karabinchak said "yes".

Mr. Medina said there was a \$4 million project to cover four streets in North Edison which includes many improvements.

Mr. Rizzo asked if the budget is going up due to tax appeals.

Council President Karabinchak explained the tax appeal process.

Mr. Rizzo also felt that legal fees affect our budget and have been swept under the rug and nothing is said about it.

Rabbi Rosenberg, 5 Fairhill Road, said he voted for the Mayor and he believes in the Mayor, however our Police department salaries are the highest anywhere. He felt maybe we could replace office staff with civilians and lower the budget. He felt that people in his congregation are hurting while Police officers retire at a high pension and then can go out and get another job.

Jonas Weiser, 35 Edgemont Road, asked for clarification on page 4 of the budget presentation.

Bernard Toscano, 35 Glencourt Avenue, said that the increase is more than the 2% cap from the State.

Mayor Lankey explained that some items are outside the cap.

Resident, 18 Ryan Road, asked Mayor Lankey to elaborate on the cost cutting measures the Township will utilize in the upcoming year.

Mayor Lankey said we will be looking at all health related costs. He said contracts are up and everything is on the table.

Gloria Dittman, Midland Road, asked if employees contribute to their benefits.

Ms. Ruane said yes, they contribute up to 35%.

Mr. Shah, Inman Avenue, said he moved here in 2001 and his taxes have gone from \$9700 to \$12,000 per year. He has not seen any improvement in services at all and he asked how the money is being spent.

Resident, North 8th Avenue, asked why our Police force is the highest paid in the State when on his street he maybe sees a Police Officer once a week.

Bill Brunner, 215 Loring Avenue, felt that we cannot justify new hires in any department including the Police department. It should only be to replace retirees.

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

2014 CALENDAR YEAR SOLID WASTE BUDGET:

Council President Karabinchak opened the meeting to the public for comments on 2014 Calendar Year Solid Waste Budget.

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

On a motion made by Councilmember Gomez, seconded by Councilmember Lombardi, the 2014 Calendar Year Solid Waste Budget was adopted.

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

ABSENT: Councilmember Diehl

NAYS - None

COUNCIL PRESIDENT'S REMARKS:

Council President Karabinchak announced our July 4th Celebration at Papiainni Park and he invited all to come out and enjoy.

NEW BUSINESS

PROPOSED ORDINANCES (PUBLIC HEARING SET DOWN FOR MONDAY, JULY 23, 2014.)

The following Ordinances were introduced by title:

O.1872-2014

**BOND ORDINANCE FOR VARIOUS CAPTIAL IMPROVEMENTS
IN AND BY THE TOWNSHIP OF EDISON IN THE COUNTY OF**

MIDDLESEX, NEW JERSEY, APPROPRIATING \$11,940,500. THEREFOR AND AUTHORIZING THE ISSUANCE OF \$11,371,899 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

On a motion made by Councilmember Gomez, 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 July 23, 2014

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

ABSENT: Councilmember Diehl

NAYS - None

The following Ordinances were introduced by title:

O.1873-2014 BOND ORDINANCE FOR VARIOUS SEWER IMPROVEMENTS IN AND BY THE TOWNSHIP OF EDISON, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$8,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,600,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

On a motion made by Councilmember Mascola, seconded by Councilmember Shah this Ordinance was passed on first reading and ordered published according to law for further consideration and Public Hearing at the next Regular Meeting of the Township Council to be held on July 23, 2014

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

ABSENT – Councilmember Diehl

NAYS - None

The following Ordinances were introduced by title:

O.1874-2014 ORDINANCE OF THE TOWNSHIP OF EDISON IN THE COUNTY OF MIDDLESEX, NEW JERSEY VACATING A PORTION OF LAMBERT AVENUE PURSUANT TO N.J.S.A. 40:67-19.

On a motion made by Councilmember Shah, 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 July 23, 2014

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

ABSENT – Councilmember Diehl

NAYS - None

The following Ordinances were introduced by title:

O.1875-2014 ORDINANCE CHANGING THE ZONING OF BLOCK 4-A, LOT 23 ON PLAINFIELD AVENUE AND BLOCK 182-A, LOT 9A2 ON ROUTE 1 AS RECOMMENDED IN THE 2013 MASTER PLAN REVIEW.

On a motion made by Councilmember Shah, 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 July 23, 2014

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

ABSENT – Councilmember Diehl

NAYS - None

The following Ordinances were introduced by title:

O.1876-02014 ORDINANCE AMENDING THE CHAPTER VI OF THE TOWNSHIP CODE TO AUTHORIZE THE TOWNSHIP'S ISSUANCE OF NEW PLENARY RETAIL DISTRIBUTION LICENSES UP TO THE LIMIT ALLOWED BY STATE LAW.

On a motion made by Councilmember Lombardi, seconded by Councilmember Shah this Ordinance was passed on first reading and ordered published according to law for further consideration and Public Hearing at the next Regular Meeting of the Township Council to be held on July 23, 2014

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

ABSENT – Councilmember Diehl

NAYS - None

PUBLIC COMMENTS AS TO PROPOSED RESOLUTIONS

Council President Karabinchak opened the meeting to the public for comments on Proposed Resolutions R.206-052014 and R.285-062014 through R.318-062014.

A Resident questioned Resolutions R.313-062014 and R.314-062014. He asked why these prices are higher than the prices he found on the internet from the manufacturer.

Mr. Northgrave explained the bidding process municipalities have to follow based on Public Contracts Law.

Fred Wolke, 10 Peake Road, asked how many vendors bid on Resolution R.313-062014.

Ms. Ruane said this is a State contract.

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

Councilmember Dr. Prasad pulled Resolutions R.313-062014 and R.314-062014 for separate vote.

The following Resolutions R.206-052014, R.285-062014 through R312-062014, R.315-062014 through R.318-062014 were adopted under the Consent Agenda on a motion made by Councilmember Prasad and seconded by Councilmember Lombardi.

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

NAYS - None

Councilmember Diehl was absent.

RESOLUTION R.206-052014

RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR PAYMENT TO LOUIS RAINONE OF DECOTIIS, FITZPATRICK & COLE, LLP FOR PREVIOUSLY HANDLED LEGAL MATTERS FOR THE YEARS 2010 AND 2011

WHEREAS, there are outstanding legal bills for the years 2010 and 2011 due Louis Rainone, Esq., of DeCotiis, FitzPatrick & Cole, LLP, 500 Frank W. Burr Blvd., Teaneck, NJ 07666 who at that time represented the Township of Edison as Labor Counsel and other matters; and

WHEREAS, compensation for these professional services are at a rate of \$140 per hour for all attorneys and \$70 per hour for legal assistants; and

WHEREAS, the outstanding legal bills for the year of 2010 are in the amount of \$4,202.81 and the outstanding legal bills for the year of 2011 are in the amount of \$29,334.59; and

WHEREAS, funds in the amount of \$33,537.40 have been certified to be available in the Deferred Charges – PY Bills Account, Number 3-01-46-0880-000-020; and

WHEREAS, the Township Council accepts Edison Township’s recommendations as described herein.

NOW, THEREFORE IT IS RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that the proper Township officials shall make payment to Louis Rainone, Esq., of DeCotiis, FitzPatrick & Cole, LLP, 500 Frank W. Burr Blvd, Teaneck, NJ 07666 as stated herein.

CERTIFICATION

I hereby certify that funds in the amount of **\$33,537.40** are available for the above in Account No.3-01-46-0880-000-020.

/s/ Agnes Yang
Acting Chief Financial Officer

RESOLUTION R.285-062014

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING June 19, 2014

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through June 19, 2014.

FUND	AMOUNT
Current	\$20,504,479.91
Affordable Housing	0.00
Capital	278,419.90
Cash Performance	6,503.65
CDBG	54,395.86
Developers Escrow	15,156.25
Dog (Animal Control)	836.23
Federal Forfeited	4,183.00
Grant Funds	7,986.37
Law Enforcement	0.00
Open Space	0.00
Payroll Deduction	446,125.87
Sanitation Fund	121,401.90
Sewer Utility	38,932.74
Tax Sale Redemption	372,520.27
Water Operation Fund	0.00
Tree Planting	6,662.36
Trust	71,708.37
TOTAL	\$21,929,312.68

/s/ Agnes Yang
Acting Chief Financial Officer

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

RESOLUTION R.286-062014

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 **\$240,848.15**.

RESOLUTION R.287-062014

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

WHEREAS, applications have been made to the Tax Collector for refund of said overpayments, totaling \$209.43 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.288-062014

WHEREAS, the Local Budget Law, specifically N.J.S.A. 40A:4-20, requires that the governing body of a municipality shall by Resolution make appropriations if any contract, commitments or payments are to be made between the beginning of the Calendar year and the adoption of budget; and

WHEREAS, the Local budget Law and the Optional Municipal Charter Act of 1950 provide for the adoption of municipal budget by March 20 unless said budget calendar is extended according to law; and

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

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

	<u>2014</u>
CURRENT FUND	
PURCHASING	
SALARIES & WAGES	0.00
OTHER EXPENSES-POSTAGE	15,000.00
DISPATCH 911	
SALARIES & WAGES	0.00
OTHER EXPENSES	10,000.00
ETHICS COMMISSION	146.25
BOND ANTICIPATION NOTES INTEREST EXPENSE	30,224.86
GREEN TRUST LOAN PAYMENTS	92,579.55
NJ ENVIROMENTAL INFRASTRUCTURE TRUST EXPENSE	163,811.43
TOTAL CURRENT FUND	<u><u>311,762.09</u></u>

RESOLUTION R.289-062014

RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR VETERINARY CARE SERVICES CONTRACT WITH SAYREBROOK VETERINARY HOSPITAL IN AN AMOUNT NOT TO EXCEED \$75,000.00

WHEREAS, SAYREBROOK VETERINARY HOSPITAL was awarded RFP-13-06-Veterinary Care Services through Resolution R.509-092013 for a one year period effective September 26, 2013 in the amount of \$75,000.00 and that amount has been depleted; and

WHEREAS, the Township recommends that additional funds be allocated for this contract for the remainder of the contract term in the amount not to exceed \$75,000.00; and

WHEREAS, the total amount of this contract, not to exceed \$75,000.00, cannot be encumbered at this time; and

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

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

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison the Mayor, or his designee, is hereby authorized to allocate an additional \$75,000.00 to the contract with SAYREBROOK VETERINARY HOSPITAL as described herein.

RESOLUTION R.290-062014

Explanation: Approval and authorization by the Municipal Council of the Township of Edison of the development and submission of a grant application to the 2013 NJDOT/NJT/FTA Section 5309 Bus-Related Equipment and Facilities Program, funded by Federal Transportation Authority (FTA) FTA SAFETEA-LU. The intent of this program is to improve mobility for seniors and individuals with disabilities by providing financial support, through programs planned, designed and carried out to meet the special transportation needs of these populations.

WHEREAS, the Edison Department of Health and Human Services (EDHHS)/Division of Senior Services (DSS) operates an established and on-going bus-services program for the transportation needs of local Senior and Disabled Citizens; and

WHEREAS, grant support of up to 80% is currently available from 2013 NJDOT/NJT 5309 Bus and Bus-Related Equipment and Facilities Program, as funded by Federal Transportation Authority (FTA) FTA SAFETEA-LU, with a requisite 20% cash match from awardees; and

WHEREAS, EDHHS DSS desires to apply for and obtain an 80%/\$64,000 grant from the 2013 NJDOT/NJT 5309 Bus and Bus-Related Equipment and Facilities Program, with a cash match of 20%/\$16,000 to purchase a new, fuel-efficient, high-mileage, ADA-certified, gasoline powered bus to serve the increasing transportation needs of local Senior and Disabled Citizens; and

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

NOW, THEREFORE, BE IT RESOLVED, the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby authorize the Edison Department of Health and Human Services/Division of Senior Services to develop and submit said grant application to the 2013 NJDOT/NJT Section 5309 Bus-Related Equipment and Facilities Program, funded by Federal Transportation Authority (FTA) FTA SAFETEA-LU, at a regularly-scheduled Work Session on June 23, 2014 and subsequent Public Meeting on June 25, 2014.

RESOLUTION R.291-062014

WHEREAS, the Edison Department of Health and Human Services, established the Edison Senior Citizen Center over thirty years ago; and

WHEREAS, the mission of the Edison Senior Citizen Center is to provide a safe and secure public facility to afford local, senior citizens opportunities for socialization, recreation, nutrition, exercise, health education, disease prevention, screenings, as well as other related Senior activities; and

WHEREAS, the Office Depot Foundation has grant funds available, through its 2014 Building Capacity to Serve Communities Program for eligible programs, projects, activities and related costs of qualified organizations in the communities in which its agencies operate; and

WHEREAS, the Edison Department of Health and Human Services (EDHHS) Division of Senior Services (DSS), intends to apply for grant funding for a maximum of \$3,000 from the Office Depot 2014 Building Capacity to Serve Communities Program, as it will help to support the continuing provision and expansion of services and related events at the Edison Senior Citizen Center for Edison's Senior Citizens; and

WHEREAS, no matching funds are required in order for the Edison Department of Health and Human Services, through Edison Senior Citizen Center, to apply for grant funding from the Office Depot 2014 Building Capacity to Serve Communities Program; and

WHEREAS, in that a 501(c)3 is required by Office Depot Foundation, the application shall be developed and submitted in partnership with the local, not-for-profit organization, Edison Save Our Seniors, with which EDHHS DSS works on a regular basis.

WHEREAS, the Edison Department of Health and Human Services, through the Edison Senior Citizen Center, will utilize all grant funds awarded to it by the Office Depot 2014 Building Capacity to Serve Communities Program, as described in its application for said funds and in compliance with all applicable Municipal, Middlesex County, New Jersey and United States Federal agency requirements, guidelines, regulations and statutes; and

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, with no requirement for matching funds, at a regularly-scheduled, public meeting on the evening of Wednesday, June 25, 2014.

RESOLUTION R.292-062014

WHEREAS, the Edison Department of Health and Human Services (EDHHS), through the Edison Municipal Alliance (EMA), established the noted BRIDGES (Building Relationships In Diversified Groups of Edison Students) program 17+ years ago, which it continues to effectively administer for the documented benefit of local students and their families to encourage positive, healthy behavior as an alternative to deleterious and potentially dangerous conduct and activities; and

WHEREAS, the Lowe's Foundation recently announced funding available through its 2014 Public Education Program for grants ranging from \$5,000 to \$25,000; and

WHEREAS, the Edison Department of Health and Human Services, through the EMA/BRIDGES program, intends to apply to the Lowe's Foundation 2014 Public Education Program for a grant not to exceed the maximum amount of \$25,000; and

WHEREAS, no cash or in-kind match is required of awardees of grants from the Lowe's Foundation 2014 Public Education Program; and

WHEREAS, upon award, the EDHHS EMA/BRIDGES MCCHC TEEN PROGRAM, will secure the financial support required to continue its MCCHC TEEN ARTS PROGRAM through 2014 and into 2015; and

WHEREAS, the Edison Department of Health and Human Services, through the EMA/BRIDGES program, will utilize all resources and grant funds awarded by Lowe's Foundation 2014 Public Education Program in compliance with all applicable Federal, Middlesex County and New Jersey agency requirements, guidelines, regulations and statutes.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, County of Middlesex, State of New Jersey, does hereby approve and authorize the development and submission of said grant application at a regularly-scheduled, public meeting on Wednesday, June 25, 2014.

RESOLUTION R.293-062014

Explanation: A Resolution of Support from the Municipal Council of the Township of Edison, authorizing the development and submission of an application to the Pet Smart Foundation 2014 Spay/Neuter Grant Program for an amount not to exceed \$200,000.00 over a two-year, consecutive period.

WHEREAS, the Edison Department of Health and Human Services (EDHSS) has an established and successful Spay/Neuter/Adoption Program for cats and dogs, operating at the Edison Municipal Animal Shelter (EMAS); and

WHEREAS, the Pet Smart Foundation operates and funds the 2014 Spay/Neuter Grant Program for an amount not to exceed \$200,000 over a two-year, consecutive period, with no cash or in-kind match required of awardees; and

WHEREAS, EDHHS EMAS intends to develop and submit an application to the Pet Smart Foundation 2014 Spay/Neuter Grant Program for an amount not to exceed \$200,000 over a two-year, consecutive period, with no cash or in-kind match required; and

NOW, THEREFORE, BE IT RESOLVED, the Municipal Council of the Township of Edison has determined that EDHHS EMAS should develop and submit an application to the Pet Smart Foundation 2014 Spay/Neuter Grant Program for an amount not to exceed \$200,000 over a two-year, consecutive period, with no cash or in-kind match required, at a regularly-scheduled, public meeting, on June 25, 2014.

RESOLUTION R.294-062014

EXPLANATION: A Resolution authorizing the execution of a release of developer's agreement with respect to a completed development project located at 940-946 Amboy Avenue.

WHEREAS, the Township of Edison ("Edison") entered a developer's agreement ("Agreement") with 940 Amboy Avenue, LLC and 946 Amboy Avenue, LLC (collectively, "Developer") in 2008 with respect to the expansion of the office building located at 940-946 Amboy Avenue in to a mixed-use commercial development; and

WHEREAS, Developer has completed the Project in accordance with the terms of the Agreement, and Developer's lenders require the issuance of a recordable form of release from the Township with respect to conditions of the Agreement; and

WHEREAS, the Township desires to execute and provide to Developer a form of release ("Release," in the form attached hereto as Exhibit A), pursuant to the Township's obligation to provide same under Section 26 of the Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, NEW JERSEY AS FOLLOWS:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Mayor of Edison is hereby authorized to execute the Release substantially in the form as attached hereto as Exhibit A, subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in his discretion in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Release.
3. This Resolution shall take effect immediately.

RESOLUTION R.295-062014

EXPLANATION: A Resolution authorizing the execution of a Developer's Agreement with Old Dominion Freight Line,

WHEREAS, Old Dominion Freight Line, Inc. (the "**Applicant**") is the owner of land commonly known as Block 22, Lots 4-Q-2 and 17 on the tax map of the Township of Edison (the "**Property**") and applied to the Zoning Board of Adjustment (the "**Board**") seeking preliminary and final major site plan approval, use variance and a minor bulk variance to exceed the maximum impervious coverage and to permit the construction of various additions and the approval of a temporary trailer for staff during construction, as more fully detailed in the application to the Board (Zoning Board Application No.: Z-41-2013) (collectively, the "**Project**"); and

WHEREAS, by resolution dated December 17, 2013, the Board granted Applicant preliminary and final site plan, use variance approval and a minor bulk variance with various conditions described therein (the "**Board Approval**"); and

WHEREAS, one condition of the Board Approval is the execution of a Developer's Agreement in the form attached hereto as Exhibit A with the Township of Edison to memorialize the terms and conditions relating the Applicant's construction of the Project (the "**Developer's Agreement**"); and

WHEREAS, the Township Council has reviewed the Board Approval and the Developer's Agreement and has determined that it is in the best interests of the Township of Edison to authorize the execution of the Developer's Agreement.

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

Section 1. The Mayor, or his designee, is hereby authorized to execute the Developer's Agreement in the form attached hereto as Exhibit A, with any amendments, changes or revisions deemed appropriate by the Mayor in consultation with Township staff and professionals.

Section 2. All fees of the Township staff and professionals relating to the Developer's

Agreement and the Project shall be paid by the Applicant.

Section 3. Upon execution, the Developer's Agreement shall be recorded in the Middlesex County Clerk's office and all escrows and bonding requirements shall be posted by the Applicant with the Township in accordance with the terms of the Developers' Agreement

Section 4. This Resolution shall take effect immediately.

RESOLUTION R.296-062014

RESOLUTION AUTHORIZING ADDITIONAL FUNDS TO TRIAD ASSOCIATES, INC. FOR AFFORDABLE HOUSING ADMINISTRATIVE AGENT SERVICES – MARKET TO AFFORDABLE PROGRAM

WHEREAS, TRIAD ASSOCIATES, INC., was awarded RFP 13-10, AFFORDABLE HOUSING ADMINISTRATIVE AGENT SERVICES-MARKET TO AFFORDABLE PROGRAM through Resolution R.627-102013 for a one year period effective November 7, 2013 in the amount of \$25,000.00 and that amount has been depleted; and

WHEREAS, the Township recommends that additional funds be allocated for this contract for the remainder of the contract term in the amount not to exceed \$25,000.00; and

WHEREAS, the total amount of this contract, not to exceed \$25,000.00, cannot be encumbered at this time; and

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

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

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison the Mayor, or his designee, is hereby authorized to allocate an additional \$25,000.00 to the contract with TRIAD ASSOCIATES, INC. as described herein.

RESOLUTION R.297-062014

RESOLUTION AWARDED EMERGENCY CHANGE ORDER NO. 1 TO AROLD CONSTRUCTION COMPANY, INCORPORATED FOR FROST AVENUE EAST CORRUGATED METAL PIPE REHABILITATION – CONTRACT NO. 13-28-01R - IN THE AMOUNT NOT TO EXCEED \$59,425.00 FOR A TOTAL REVISED CONTRACT AMOUNT OF \$297,425.00

WHEREAS, AROLD CONSTRUCTION COMPANY, INCORPORATED, 51 Powder Mill Bridge Road, Kingston, NY 12401 was awarded Contract No. 13-28-01R, FROST AVENUE EAST CORRUGATED METAL PIPE REHABILITATION on May 14, 2014 through resolution R.220-052014 in the amount of \$238,000.00; and

WHEREAS, during the performance of said contract it has been discovered that the existing corrugated metal pipe storm sewer, primarily 60" CMP, located in a storm easement in the yards of Frost Avenue East, has experienced deterioration and requires immediate rehabilitation to restore structural and hydraulic stability and integrity; and

WHEREAS, the Township Engineer recommends authorization of the required Emergency Change Order No. 1 in the amount of \$59,425.00 be made to AROLD CONSTRUCTION COMPANY in an amount not to exceed \$59,425.00 for a total contract amount of \$297,425.00; and

WHEREAS, the changes will not alter the contract in such a manner as to nullify the effect of the competitive determination of the negotiations which was made at the time of the contract award; and

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

WHEREAS, the amount of this change order No. 1 is \$59,425.00. The total amount of this change order is more than 20% of the original contract; and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

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

1. Emergency Change Order No. 1 be awarded to AROLD CONSTRUCTION COMPANY, in an amount not to exceed \$59,425.00 resulting in a total contract amount of \$297,425.00 for 13-28-01R, FROST AVENUE EAST CMP REHABILITATION
2. A brief notice shall be printed once in an official newspaper and filed with the Township Clerk indicating the additional amount to be expended, the original contract price, the nature of the original and additional work, and why it is necessary to expend the additional funds.
3. Notice of this change order shall be filed on an Appendix to the Annual Budget and included as supplemental material in the Annual Audit.

RESOLUTION R.298-062014

WHEREAS, the Township Engineer advises that a final inspection was made of Fox & Foxx development located at 49 Christie Street, a/k/a 101 & 103 Jersey Ave., under Application #P5132, with site located in Block 666, Lots 5, 6, & 7; and

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

WHEREAS, on January 19, 2011 Fox & Foxx, Development, LLC posted inspection fees in the amount of \$602.00 on deposit with the Township of Edison in account #7760296127 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 \$379.57; and

WHEREAS, it is in now in order that the sum of \$222.43, which represents the amount due and owing the applicant, be returned to Fox & Foxx Development, LLC Inc having offices at 940 Amboy Ave;

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$708.10 plus accrued interest, if applicable, be refunded to the applicant; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$222.43, in account #7760296127 to the applicant.

RESOLUTION R.299-062014

EXPLANATION: Resolution Refunding Tree Maintenance Cash Bond to Leonard Cursi for Site Plan Tree Plantings at 98 Sherman Blvd under Tree Permit No. 11-007.

WHEREAS, on October 25, 2011 Leonard Cursi posted Tree Maintenance Bond fees in the amount of \$150.00 on deposit with the Township of Edison in account #7761963524 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Permit #11-007, for property located at 98 Sherman Blvd; and

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

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$150.00, plus accrued interest, if applicable, be refunded to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$150.00 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 \$150.00, on deposit in Account #7761963524 to Leonard Cursi Construction Co Inc., having an address of 3808 Fleet Avenue, South Plainfield, N.J. 07080-4801

RESOLUTION R.300-062014

EXPLANATION: This resolution provides for Senior Resident refund of the construction permit fee, less the DCA fee, posted for a residential construction permit.

WHEREAS, on March 4, 2014, a Construction (Building) Permit fee, Check #17656, permit #20140685, was posted in the total amount of \$152.00 by the contractor, 1 800 Heaters, Inc., having offices at 2 Gourmet Lane, Edison, NJ 08837; and

WHEREAS, the application was submitted for a water heater at 4 Stephenville Parkway by the hired contractor; who did not make known to the Construction Code Enforcement Division that the 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, appropriate documents have been submitted to the Township indicating that the work was done for a bonafide senior resident it is therefore appropriate that the municipal permit fee in the amount of \$150.00, derived from the \$152.00 total construction permit fee less the \$2.00 DCA fee, be refunded to the Homeowner Clare Beirne, residing at 4 Stephenville Parkway, Edison, NJ 08820; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #20140685, in the amount of \$150.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$150.00 on construction permit fees posted by 1 800 Heaters, Inc., for 4 Stephenville Parkway be refunded to the Homeowner;

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 Homeowner, Clare Beirne at 4 Stephenville Parkway, Edison , NJ 08820.

RESOLUTION R.301-062014

EXPLANATION: This resolution provides for Senior Resident refund of the construction permit fee, less the DCA fee, posted for a residential construction permit.

WHEREAS, on December 9, 2013, a Construction (Building) Permit fee, Check #16266, permit #20135201, was posted in the total amount of \$152.00 by the contractor, 1 800 Heaters, Inc., having offices at 2 Gourmet Lane, Edison, NJ 08837; and

WHEREAS, the application was submitted for a water heater at 12 Independence Drive by the hired contractor; who did not make known to the Construction Code Enforcement Division that the 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, appropriate documents have been submitted to the Township indicating that the work was done for a bonafide senior resident it is therefore appropriate that the municipal permit fee in the amount of \$150.00, derived from the \$152.00 total construction permit fee less the \$2.00 DCA fee, be refunded to the Homeowner Marshall Wang, residing at 12 Independence Drive, Edison, NJ 08820; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #20135201, in the amount of \$150.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$150.00 on construction permit fees posted by 1 800 Heaters, Inc., for 12 Independence Drive be refunded to the Homeowner;

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 Homeowner, Marshall Wang at 12 Independence Drive, Edison , NJ 08820.

RESOLUTION R.302-062014

EXPLANATION: This resolution provides for Senior Resident refund of the construction permit fee, less the DCA fee, posted for a residential construction permit.

WHEREAS, on April 9, 2014, a Construction (Building) Permit fee, credit card payment for permit #20141261, was posted in the total amount of \$102.00 by the homeowner; and

WHEREAS, the application was submitted for an electrical panel at 20 Richmond Road by the hired contractor; who did not make known to the Construction Code Enforcement Division that the 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, appropriate documents have been submitted to the Township indicating that the work was done for a bonafide senior resident it is therefore appropriate that the municipal permit fee in the amount of \$100.00, derived from the \$102.00 total construction permit fee less the \$2.00 DCA fee, be refunded to the Homeowner James Ehnnot, residing at 20 Richmond Road, Edison, NJ 08817; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #20141261, in the amount of \$100.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$100.00 on construction permit fees posted by the homeowner, James Ehnnot of 20 Richmond Road be refunded to the homeowner;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$100.00 from the Refund of Revenue Fund to the Homeowner, James Ehnnot at 20 Richmond Road, Edison , NJ 08817.

RESOLUTION R.303-062014

EXPLANATION: This resolution provides for Senior Resident refund of the construction permit fee, less the DCA fee, posted for a residential construction permit.

WHEREAS, on February 28, 2014, a Construction (Building) Permit fee, check #52233, permit #2014-0659, was posted in the total amount of \$91.00 by the contractor, ADT Security Services, having offices at 21 Northfield Avenue, Edison, NJ 08837; and

WHEREAS, the application was submitted for an alarm at 5 Fairhill Road, by the hired contractor; ADT Security Services, who did not make known to the Construction Code Enforcement Division that the homeowner, Rabbi Rosenberg, 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, appropriate documents have been submitted to the Township indicating that the work was done for a bonafide senior resident it is therefore appropriate that the municipal permit fee in the amount of \$90.00, derived from the \$91.00 total construction permit fee less the \$1.00 DCA fee, be refunded to the contractor ADT Security Services; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #2014-0659, in the amount of \$90.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$90.00 on construction permit fees posted by Defender Security Company for 5 Fairhill Road be refunded to the contractor;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$90.00 from the Refund of Revenue Fund to the Contractor, ADT Security Services, 21 Northfield Avenue, Edison, NJ 08837.

RESOLUTUION R 304-062014

EXPLANATION: Bond reduction and refunding a percentage of cash performance to Mocci Ferraro Plaza, LLC, for development at Jane Place & Inman Avenue.

WHEREAS, a Performance Bond #B10012025 of Aegis Security Insurance company was posted on October 30th, 2009 by Mocci Ferraro Plaza, LLC, in the amount of \$462,125.52, to guarantee the installation of improvements for the project known as Mocci Ferraro Plaza, LLC located at Jane Place & Inman Avenue, Block 429, and Lots 5-8, and 15-29, 40 & 41, and designated as Application #P28-05/06; and

WHEREAS, a Cash Performance Bond check #9287 was posted on October 30, 2009 by Mocci Ferraro Plaza, LLC in the amount of \$51,347.28, on deposit in account #7760013395; and

WHEREAS, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that, based upon the improvements completed to date, a 30.32% bond reduction is in order; and

WHEREAS, it is the recommendation of the Township Engineer that the Performance Bond be reduced from \$462,125.52 to \$322,007.40, or reduced by 30.32 % of the original amount; therefore **refunding the amount of \$140,118.12**; and

WHEREAS, it is further the recommendation of the Township Engineer that the Cash Performance Bond be reduced from \$51,347.28 to \$35,778.60, or reduced by 30.32% of the original amount, therefore **refunding the amount of \$15,568.68, plus accrued interest, if applicable**;

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Performance Bond hereinabove mentioned be reduced to \$322,007.40, by virtue of a substitute bond or endorsement to the Performance Bond presently in place, until such time as Final Acceptance is granted.

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to **refund the sum of \$15,568.68, plus accrued interest, if applicable on deposit in Account #7760013395** to Mocchi Ferraro Plaza, LLC c/o Allen Weiss 2105 West County Line Road, Jackson, NJ 08527 with the sum of \$35,778.60 remaining on deposit until such time as Final Acceptance is granted.

RESOLUTION R.305-062014

RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO PURCHASE A GAS BOY GASOLINE DISPENSER FROM PREFERRED PETROLEUM PRODUCTS & SERVICES THROUGH THE MIDDLESEX COUNTY COOPERATIVE PRICING AGREEMENT – STATE COOP. #CK12-MIDDLESEX

WHEREAS, N.J.S.A. 40A:11-11 et seq., authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Middlesex hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, PREFERRED PETROLEUM PRODUCTS & SERVICES, 192 Clifford St., Newark, NJ 07105 has been awarded Proposal No. P-1334-1-GAS AND DIESEL PUMP REPAIR through State Coop #CK12-MIDDLESEX; and

WHEREAS, the maximum amount of the purchase shall not exceed \$10,994.34 for Repair, Supply & Installation of Gasboy Gasoline Dispenser w/Pulsers at the Police Garage; and

WHEREAS, funds in the amount of \$10,994.34 have been certified to be available in the Fuel & Lubricants-Gasoline & Diesel Fuel, Account Number 04-01-31-0460-000-074; and

WHEREAS, the Township Council accepts Edison Township’s recommendations as described herein.

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$10,994.34, and any other necessary documents, with PREFERRED PETROLEUM PRODUCTS & SERVICES as described herein.
2. This contract/purchase order is awarded pursuant to N.J.S.A. 40A:11-11 et seq.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$10,994.34** are available for the above in Account No. **4-01-31-0460-000-074**.

/s/ Agnes Yang
Acting Chief Financial Officer

RESOLUTION R.306-062014

RESOLUTION AWARDING CONTRACT TO “THE E STREET SHUFFLE BAND” FOR PROVIDING ENTERTAINMENT AT THE FALL FAMILY SPECTACULAR, SCHEDULED FOR SEPTEMBER 13, 2014.

WHEREAS, the Edison Department of Recreation will be hosting the Edison Fall Family Spectacular on September 13, 2014 along Amboy Avenue in the Clara Barton section of Edison; and

WHEREAS, the Department of Recreation desires to provide entertainment for said event by the “The E Street Shuffle Band”; and

WHEREAS, the Township Attorney has reviewed and approved the contract between Edison Township and “The E Street Shuffle Band” in the amount of \$2,100.00 attached hereto.

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

1. The Mayor is hereby authorized to execute a contract with The “E Street Shuffle Band”.

- 2. The Township Clerk is directed to forward a copy of the executed contract to Denise Halliwell-De Santis, Director of Recreation for the Department of Recreation’s records.

CERTIFICATION

I hereby certify that funding for said contract will be available in account number 4-01-30-0420-000-020.

/s/ Agnes Yang
Acting Chief Financial Officer

RESOLUTION R.307-062014

RESOLUTION AWARDING CONTRACT TO MAS PRODUCTIONS, FEATURING “THE FINS” BAND FOR PROVIDING ENTERTAINMENT AT THE FALL FAMILY SPECTACULAR, SCHEDULED FOR SEPTEMBER 13, 2014.

WHEREAS, the Edison Department of Recreation will be hosting the Edison Fall Family Spectacular on September 13, 2014 along Amboy Avenue in the Clara Barton section of Edison; and

WHEREAS, the Department of Recreation desires to provide entertainment for said event through Mas Productions, Inc. featuring “The Fins” band; and

WHEREAS, the Township Attorney has reviewed and approved the contract between Edison Township and Mas Productions in the amount of \$2,000.00 attached hereto.

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

- 3. The Mayor is hereby authorized to execute a contract with Mas Productions.
- 4. The Township Clerk is directed to forward a copy of the executed contract to Denise Halliwell-De Santis, Director of Recreation for the Department of Recreation’s records.

CERTIFICATION

I hereby certify that funding for said contract will be available in account number 4-01-30-0420-000-020.

/s/ Agnes Yang
Acting Chief Financial Officer

RESOLUTION R.308-062014

RESOLUTION AUTHORIZING A REIMBURSEMENT TO MONIKA KOSAKOWSKI FOR THE SUMMER PLAYGROUND PROGRAM

WHEREAS, Monika Kosakowski made payment in the amount of \$30.00 for her child, Isabella Kosakowski’s participation in the Summer Playground Program at Paterniti Park; and

WHEREAS, Monika Kosakowski decided not to send her child to the summer Playground Program before it started.

NOW; THEREFORE, IT IS RESOLVED, by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$30.00 to Monika Kosakowski, 25 Outcolt Rd., Edison, NJ 08817, which amount represents the overpayment for the Sumer Playground Program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$30.00 are available in Account #4-01-55-0291-000-000.

/s/ Agnes Yang
Acting Chief Financial Officer

RESOLUTION R.309-062014

RESOLUTION AUTHORIZING A REIMBURSEMENT TO CHRISTINE JONES FOR THE ABC PROGRAM

WHEREAS, Christine Jones made payment in the amount of \$260.00 for her child, Thomas Jones’ participation in the before and afternoon ABC Program at Ben Franklin Elementary School for the month of May; and

WHEREAS, Christine Jones lost her job and removed Thomas Jones from the program before he attended in May.

NOW; THEREFORE, IT IS RESOLVED, by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$260.00 to Christine Jones, 134 Ethel Rd., Edison, NJ 08817, which amount represents the overpayment for the ABC program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$260.00 are available in Account #4-01-55-0291-000-000.

/s/ Agnes Yang
Acting Chief Financial Officer

RESOLUTION R.310-062014

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
RAMA MALLAVARAPU FOR THE TEEN CENTER PROGRAM**

WHEREAS Rama Mallavarapu made payment in the amount of \$10.00 for her child Ajit Mallavarapu participation in the Teen Center Program; and

WHEREAS Ajit Mallavarapu is too young for the Teen Center Program.

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$10.00 to Rama Mallavarapu, 51 Westgate Dr., Edison, NJ 08820, which amount represents the membership fee.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$10.00 are available in Account #4-01-55-0291-000-000.

/s/ Agnes Yang
Acting Chief Financial Officer

RESOLUTION R.311-062014

EXPLANATION: This Resolution authorizes the Township Council to grant permission to Garden State Fireworks to discharge fireworks for an Independence Day Celebration taking place on the grounds of Lake Papaiani, scheduled for July 4, 2014 with no rain date.

WHEREAS, Garden State Fireworks has applied to the Township of Edison for a permit to discharge fireworks on July 4, 2014 with no rain date scheduled, for an Independence Day Celebration taking place on the grounds of Lake Papaiani; and

WHEREAS, Garden State Fireworks has provided proof of insurance to the Township of Edison for the purpose of conducting a fireworks display; and

WHEREAS, under N.J.S.A. 21:3-3, the Chief of Police, the Chief of Fire, and the Fire Official having reviewed the application for the firework display, have determined that the discharge of fireworks does not pose a hazard to anyone's property and/or person(s).

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

1. The Township Council does hereby grant permission for Garden State Fireworks to conduct a fireworks display on the evening of July 4, 2014 With a rain date of July 5, 2014 at approximately 9:00 p.m. on the grounds of Lake Papaiani in accordance with N.J.A.C. 5:70-2.7 (a)(5)(iii).
2. The Fire Official shall not issue the fireworks permit until **1.** A permit fee in the amount of \$331.00 is made payable to the Township of Edison pursuant to N.J.A.C. 5:70-2.9 (c)(3), (WAIVED) **2.** Garden State Fireworks posts a bond in the amount of \$2,500.00 conditioned for the payment of potential damages pursuant to N.J.S.A. 21:3-5 and **3.** Garden State Fireworks post an escrow in the amount of \$500.00 for legal review of fireworks application and expenses associated with drafting a resolution authorizing the Township Council to issue any such fireworks permit **4.** A fire engine is on standby at the shoot site prior, during, and after the show until the post shell inspection has been conducted.
3. The Chief of the Fire Department and or The Fire Official shall have full enforcement and over sight powers to ensure that all aspects of the fireworks display are handled in accordance with the requirement of law.

4. The Township Clerk of Edison Township is directed to forward a copy of this Resolution to Garden State Fireworks, the Fire Prevention Bureau, Division of Fire and Division of Police.

RESOLUTION R.312-062014

EXPLANATION: This Resolution authorizes the Township Council to grant permission to Garden State Fireworks to discharge fireworks for an Independence Day Celebration at the Plainfield Country Club, scheduled for July 3, 2014 with a rain date of July 5, 2014.

WHEREAS, Garden State Fireworks has applied to the Township of Edison for a permit to discharge fireworks on July 3, 2014 with a rain date of July 5, 2014, for an Independence Day Celebration taking place at the Plainfield Country Club; and

WHEREAS, Garden State Fireworks has provided proof of insurance to the Township of Edison for the purpose of conducting a fireworks display; and

WHEREAS, under N.J.S.A. 21:3-3, the Chief of Police, the Chief of Fire, and the Fire Official having reviewed the application for the firework display, have determined that the discharge of fireworks does not pose a hazard to anyone's property and/or person(s).

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

1. The Township Council does hereby grant permission for Garden State Fireworks to conduct a fireworks display on the evening of July 3, 2014 With a rain date of July 5, 2014 at approximately 8:30 p.m. on the grounds of the Plainfield Country Club in accordance with N.J.A.C. 5:70-2.7 (a)(5)(iii).
2. The Fire Official shall not issue the fireworks permit until **1.** A permit fee in the amount of \$331.00 is made payable to the Township of Edison pursuant to N.J.A.C. 5:70-2.9 (c)(3), **2.** Garden State Fireworks posts a bond in the amount of \$2,500.00 conditioned for the payment of potential damages pursuant to N.J.S.A. 21:3-5 and **3.** Garden State Fireworks post an escrow in the amount of \$500.00 for legal review of fireworks application and expenses associated with drafting a resolution authorizing the Township Council to issue any such fireworks permit **4.** A fire engine is on standby at the shoot site prior, during, and after the show until the post shell inspection has been conducted.
3. The Chief of the Fire Department and or The Fire Official shall have full enforcement and over sight powers to ensure that all aspects of the fireworks display are handled in accordance with the requirement of law.
4. The Township clerk of Edison Township is directed to forward a copy of this Resolution to Garden State Fireworks, the Fire Prevention Bureau, Division of Fire and Division of Police.

RESOLUTION R.315-062014

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO KUSTOM SIGNALS, INC. FOR SOFTWARE UPGRADE

WHEREAS, the Edison Police Division is in need of upgrading their software for their in car mobile video recorders; and

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

WHEREAS, KUSTOM SIGNALS, INC., 9652 Loriet Blvd., Lenexa, KS 66219, has submitted a proposal to provide such services, including setup, installation, training and support for a total cost of \$5,500.00; and

WHEREAS, funds in the amount of \$5,500.00 have been certified to be available in the Federal Forfeited Property Account, Number T-13-00-0000-000-008; and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order and any other necessary documents, in the amount of \$5,500.00, with KUSTOM SIGNALS, INC., 9652 Loriet Blvd., Lenexa, KS 66219 as set forth above.
2. This contract is awarded without competitive bidding pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-5(dd).

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$5,500.00** are available for the above in Account No. **T-13-00-0000-000-008**.

/s/ Agnes Yang
Acting Chief Financial Officer

RESOLUTION R.316-062014

WHEREAS, applications have be made for the renewal of Plenary Retail Distribution Licenses, issued by the Municipal Council of the Township of Edison, expiring on June 30, 2014; and

WHEREAS, the proper applications and fees have been received; and

WHEREAS, no legally valid objections have been made as to why these applications should not be approved.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the following Plenary Retail Distribution Licenses expiring on June 30, 2014, for which the required fee \$2,500.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be hereby renewed, effective July 1, 2014.

<u>LICENSE NUMBER</u>	<u>LICENSEE AND LOCATION</u>	<u>ADDRESS</u>
1205-44-067-001	Wine Amphorae E. Brunswick, LLC t/a Joe Canal's Discount Liquor 883 U.S. Highway #1	Edison, NJ 08817

RESOLUTION R.317-062014

WHEREAS, applications have be made for the renewal of Plenary Retail Consumption Licenses, issued by the Municipal Council of the Township of Edison, expiring on June 30, 2014; and

WHEREAS, the proper applications and fees have been received; and

WHEREAS, no legally valid objections have been made as to why these applications should not be approved.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey, that the following Plenary Retail Consumption Licenses expiring on June 30, 2014, for which the required fees of \$2,500.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be the same hereby granted and renewed, effective July 1, 2014.

<u>LICENSE NUMBER</u>	<u>LICENSEE AND LOCATION</u>	<u>ADDRESS</u>
1205-33-013-010	Norstar & Company, Inc. t/a Grand Shanghai 700 Route 1	Edison, NJ 08817 INACTIVE
1205-33-005-006	Sondek, Inc. t/a Richie's 52 Vineyard Road	Edison, NJ 08817

RESOLUTION R.318-062014

WHEREAS, N.J.S.A. 40A:9-133 allows the Governing Body of a Municipality to appoint an Acting Municipal Clerk for a term of one year;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Cheryl Russomanno, 38 New Brooklyn Road, Edison, New Jersey 08817, be and she is hereby appointed to the position of Acting Municipal Clerk of the Township of Edison, Middlesex, New Jersey to serve a term of one year effective July 1, 2014.

The following Resolutions will be voted upon separately:

RESOLUTION R.313-062014

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO MOTOROLA SOLUTIONS, INC. FOR THE PURCHASE OF SIX (6) PORTABLE RADIOS FOR THE DIVISION OF FIRE

WHEREAS, there is a need to purchase six portable radios for the Division of Fire; and

WHEREAS, MOTOROLA SOLUTIONS, INC., P.O. Box 305, Bordentown, NJ 08505 has been awarded State Contract Number A83909 under T-0109/Radio Communication Equipment and Accessories; and

WHEREAS, funds in the amount of \$31,965.00 have been certified to be available in the Fire Fighting Elect., Lighting, Comm. Equip. Account, Number 4-01-25-0265-001-054; and

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract; and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount of \$31,965.00, and any other necessary documents, with MOTOROLA SOLUTIONS, INC., P.O. Box 305, Bordentown, NJ 08505, for the purchase of six portable radios for the Division of Fire as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A 40A:11-12 of the Local Public Contracts Law, and State Contract, No. A83909/T-0109.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$31,965.00** are available for the above in Account No. **4-01-25-0265-001-054**.

/s/ Agnes Yang
Acting Chief Financial Officer

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

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

NAYS - None
Councilmember Diehl was absent.

RESOLUTION R.314-062014

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO CDW GOVERNMENT, LLC FOR THE FURNISHING OF WARRANTIES FOR YEARS FOUR AND FIVE ON FOURTEEN (14) PANASONIC TOUGHBOOKS FOR THE DIVISION OF POLICE

WHEREAS, there is a need to purchase warranties for years four and five for fourteen Panasonic Toughbooks for the Division of Police; and

WHEREAS, CDW GOVERNMENT, LLC, 2 Corporate Dr., Suite 800, Shelton, CT 06484, has been awarded State Contract Number 75583 under M-0483/WSCA Computer Contract; and

WHEREAS, funds in the amount of \$7,371.00 have been certified to be available in the Federal Forfeited Property Account, Number T-13-00-0000-000-008; and

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract; and

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein.

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase in the amount not to exceed \$7,371.00 and any other necessary documents, with CDW GOVERNMENT, LLC, 2 Corporate Dr., Suite 800, Shelton, CT 06484, as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. 75583 under M-0483.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$7,371.00** are available for the above contract in Account No. **T-13-00-0000-000-008**.

/s/ Agnes Yang
Acting Chief Financial Officer

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

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

NAYS - None
Councilmember Diehl was absent.

COMMUNICATIONS

- a. Letter received from Walter Stochel, Chair of Edison Open Space Advisory Committee regarding Open Space Tax.
- b. Letter and petition received from Jeffrey Bender regarding Old Post Road and Route 1.

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

ORAL PETITIONS AND REMARKS

Council President Karabinchak opened the meeting for public comment.

Richard Rizzo, 17 New York Blvd., asked who approves the budget.

Council President Karabinchak said it will be reviewed by the Finance Committee and there will be another public hearing before the final approval.

Mr. Rizzo said there was opposition tonight against the budget which he feels is the will of the people. He asked if the Council will vote against the will of the people.

Council President Karabinchak said he respectfully disagrees.

Mr. Rizzo said he has been a resident for 32 years and there has been a decline in the quality of life in Edison during the Democratic rule. He felt there will be no change in Edison until the independent voters wake up.

Lauren, a member of Food and Water Watch, said antibiotics are used on farm animals causing resistance to antibiotics. She is asking communities to pass a resolution banning the use of antibiotics on farm animals.

Councilmember Shah said she would like more facts on this before moving forward.

Rabbi Rosenberg, 5 Fairhill Road, said he supported the Mayor who he feels is very smart and has business experience. He felt the Mayor needs to fight the unions. He also said we need to look into the schools to see if all students are legal residents of Edison.

Bill Brunner, 215 Loring Avenue, said the Board of Education has a very efficient crew in place to investigate illegal students and they do a fine job of getting these students off the rolls. He felt we can afford the tax increase but we do have the highest paid Police, Fire and teachers in the State. He said just because you throw money at people doesn't mean you get the best. He felt a freeze on the unions is probably the best we can do.

Fred Wolke, 10 Peake Road, said no one likes a 9% tax increase but he thanked the Mayor for his excellent presentation on the budget.

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

Having no further business to discuss, on a motion made by Councilmember Lombardi, seconded by Councilmember Gomez, the meeting was adjourned at 9:36 p.m.

Robert Karabinchak
Council President

Cheryl Russomanno
Acting Municipal Clerk