

**MINUTES OF
MUNICIPAL COUNCIL
WORKSESSION AND REGULAR MEETING**

A Combined Meeting of the Municipal Council of the Township of Edison was held in the Council Chambers of the Municipal Complex. The meeting was called to order at 6:10 p.m. by Council President Diehl, followed by the Pledge of Allegiance.

Present were Councilmembers Diehl, Karabinchak, Lombardi, Mascola, and Shah
Councilmember Gomez entered at 6:10 p.m.
Councilmember Prasad entered at 6:12 p.m.

Also present were Township Clerk Russomanno, Deputy Township Clerk Kenny, Township Attorney Northgrave, Business Administrator Ruane, Township Engineer Kataryniak, Health Director Elliot, Recreation Director Halliwell, Police Chief Bryan, Fire Chief Latham and Cameraman Cologna.

The Township Clerk advised that adequate notice of this meeting, as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on December 11, 2014, and posted in the Main Lobby of the Municipal Complex on the same date.

4. REVIEW OF MINUTES:

a. Accepted as submitted.

5. REPORTS FROM ALL COUNCIL COMMITTEES:

None

6. POINTS OF LIGHT:

None

7. FROM THE BUSINESS ADMINISTRATOR:

a. Councilmember Karabinchak asks if this covers everything.

Ms. Ruane said yes until October 31, 2015.

b. Councilmember Karabinchak asked if we did this before.

Ms. Ruane said this is just for the Municipal Building.

c. through f. No comments were made.

8. FROM THE DEPARTMENT OF FINANCE:

a. through e. No comments were made.

9. FROM THE DEPARTMENT OF HEALTH:

a. No comment was made.

10. FROM THE DEPARTMENT OF LAW:

a. through d. No comments were made.

e. This item was pulled off the agenda.

11. FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:

a. through c. No comments were made.

12. FROM THE PUBLIC WORKS:

a. Councilmember Lombardi asked if we will have this in time for the bad weather.

Ms. Ruane said absolutely.

b. Councilmember Karabinchak asked for a further explanation.

Mr. Kataryniak said this is to fund additional repairs.

13. FROM THE DEPARTMENT OF RECREATION

a. No comment was made.

14. FROM THE CHIEF OF POLICE:

a. No comment was made.

15. **FROM THE TOWNSHIP CLERK:**

- a. No comment was made.

16. **FROM THE COUNCIL MEMBER OF THE PLANNING BOARD:**

Councilmember Shah announced the next meeting will be held on November 16th.

17. **UNFINISHED BUSINESS:
ORDINANCES FOR FURTHER CONSIDERATION AND PUBLIC HEARING:**

O.1916-2015 No comments were made.

18. **COMMUNICIATIONS:**

- a. Received as submitted.
- b. Councilmember Shah added a communication regarding an unauthorized place of worship and said she will forward it to Mr. Northgrave.

Mr. Northgrave said we have to be careful about places of worship as we cannot always impose zoning regulations on them.

19. **DISCUSSION ITEMS:**

Council President Diehl:

- a. He reminded everyone that Wednesday is Veteran's Day and he would like to take this opportunity to thank all the Veterans.
- b. He thanked Ms. Ruane for the ambulance service information he requested.

Councilmember Gomez:

None

Councilmember Karabinchak:

- a. He asked the status of our inter-local sewer agreements and if we have received any new ones.
- b. Mr. Kataryniak said he does have the information on the current agreements and there have been no new formal agreements.

Councilmember Lombardi:

- a. He said two years ago Rahway Road was re-paved and the left hand and right hand turn lanes were not replaced.

Mr. Kataryniak said he will look into this.

Councilmember Mascola:

- a. He asked if all departments are using ADP.
- b. Ms. Ruane said the bulk of employees that are not Police and Fire are punching in. She also said the Administration is not due to the ramifications for OPRA requests.

Councilmember Mascola felt Administration should have been the first to start punching in. He said they should lead by example.

Mr. Northgrave said issues can arise as to how this information will be used. He said he can foresee issues with OPRA. He felt we should roll this in slowly and make sure this is a goal worth achieving.

Councilmember Mascola felt that should have been thought of before we spent close to \$300,000 on the system.

Councilmember Prasad:

None

Councilmember Shah:
None

COUNCIL PRESIDENT’S REMARKS:

Council President Diehl said this is our first meeting since the Election. He said the turn-out was low and felt citizens should use their privilege to vote. He congratulated the winners and said when you run for office you put it all out there and it is not an easy thing to do. He asked anyone with a political sign to please take it down.

APPROVAL OF MINUTES

On a motion made by Councilmember Karabinchak, seconded by Councilmember Gomez, and duly carried, the Minutes of the Combined Meeting of April 21, 2014 were accepted as submitted.

UNFINISHED BUSINESS
ORDINANCES FOR FURTHER CONSIDERATION AND PUBLIC HEARING

The following Ordinances, which were introduced by Title on November 23, 2015, passed on first reading, published according to law for further consideration at this meeting, were read by the Township Clerk:

O.1916-2015 ORDINANCE ADOPTS CERTAIN AMENDMENTS TO THE “REDEVELOPMENT PLAN FOR SALSBURG PROPERTIES:” (BLOCK 1142, LOT 21.B; BLOCK 1143, LOTS 27.01 AND 27.02; AKA 1906 ROUTE 27).

(The above Ordinance O.1916-2015 can be found in its entirety in Ordinance Book # 26 .)

Council President Diehl declared the Public Hearing opened for O. 1916-2015

Esther Nemitz, 162B Fay Street, said the Ordinance talks about exhibits that she does not have. She also asked if we are re-zoning.

Mr. Northgrave said redevelopment is re-zoning. It allows the property owner to use the property for the purpose they wish to use it for.

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

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

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

NAYS - None

NEW BUSINESS
PROPOSED ORDINANCES (PUBLIC HEARING SET DOWN FOR WEDNESDAY, November 23, 2015.

The following Ordinance was introduced by title:

O.1917-2015 ORDINANCE AMENDS THE EDISON TOWNSHIP CODE OF GENERAL ORDINANCES TO IMPLEMENT VARIOUS RESTRICTIONS TO ON-STREET PARKING ON SEVERAL PUBLIC STREETS WITHIN THE HELLER PARK INDUSTRIAL COMPLEX (GENERALLY LOCATED IN AN AROUND THE INTERSECTION OF CORPORATION ROW AND EXECUTIVE AVENUE IN EDISON).

This ordinance was pulled off the agenda at the worksession.

PUBLIC COMMENTS AS TO PROPOSED RESOLUTIONS

Council President Diehl opened the meeting to the public for comments on Proposed Resolutions R.748-112015 through R.775-112015.

Esther Nemitz, 162B Fay Street, on Resolution R.763-112015, regarding the dog park, she thought we were going to join the CIC site and the Mueller site and make one contiguous location.

Mr. Northgrave said we have to determine what is there right now. He said we do not own R.763-112016 so we cannot have dogs running on that property.

Ms. Nemitz asked for an explanation on Resolutions R.764-112015 and R.765-112015.

Ms. Ruane said this is a yearly agreement that we do with the county.

Lois Wolke, 10 Peake Road, on Resolution R.761-112015, she asked the term of the contract.

Ms. Ruane said it is for one year and not to exceed \$25,000. She said it is primarily for Police and Fire.

Fred Wolke, 10 Peake Road, on Resolution R.755-11026, he said he is confused as the Resolution says County budget.

Mr. Northgrave said that is a typo by his office

Mr. Wolke asked if there is any reason this has not been paid for three years.

Ms. Ruane said that is due to the settlement of a lawsuit.

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

The following Resolutions R. 748-112015 through R. 775-112015 were adopted under the Consent Agenda on a motion made by Councilmember Gomez and seconded by Councilmember Karabinchak.

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

NAYS - None

RESOLUTION R.748-112015

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING November 5, 2015

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through November 5, 2015.

FUND	AMOUNT
Current	\$24,514,926.66
Affordable Housing	14,029.70
Capital	15,268.80
Cash Performance	150,834.82
CDBG	5,125.00
Developers Escrow	20,991.40
Dog (Animal Control)	56.40
Federal Forfeited	0.00
Grant Funds	4,467.10
Law Enforcement	0.00
Open Space	0.00
Payroll Deduction	418,910.66
Sanitation Fund	75,761.26
Sewer Utility	119,819.34
Tax Sale Redemption	48,706.24
Tree Fund	0.00
Tree Planting	0.00
Trust	82,639.51
TOTAL	\$25,471,536.89

/s/ Nicholas C. Fargo
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.749-112015

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 **\$200,639.43**.

RESOLUTION R.750-112015

Authorizing Overpayment Refund caused by Successful Tax Court Appeal

WHEREAS, The Office of the Tax Collector has received a successful tax appeal judgment from the Tax Court of New Jersey for the case below:

TAXPAYER	WONG, REN YUAN ET AL
PROPERTY LOCATION	5 STERLING CT.
BLOCK / LOT / QUALIFIER	161.N/64

WHEREAS, in accordance with the Tax Court of New Jersey, the assessed value of the property has been reduced for the tax years below, as follows:

DOCKET NUMBER	TAX YEAR	ASSESSMENT
013971-2014	2014	155,000

WHEREAS, the reduction in assessed value has caused a real estate tax overpayment in the amount of **\$1,502.43** for the years as follows:

TAX YEAR	TAX AMOUNT
2014	1,502.43

WHEREAS, pursuant to N.J.S.A. 54:3-27.2, “in the event a taxpayer is successful in an appeal from an assessment on real property, the respective taxing district shall refund any excess paid within 60 days of final judgment.”

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison, shall and is hereby authorized to draw checks to the property owner or legal representative in the amounts of **\$1,502.43**.

RESOLUTION R.751-112015

FORM OF RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION PER NJSA 40A:4-87

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received a grant in the amount of \$ 15,065.59 from State of New Jersey and wishes to amend its CY 2015 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Edison in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund Budget for the CY 2015 in the amount of \$ 15,065.59 which is now available as revenue under:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public & Private Programs Off-Set with Appropriations:

Body Armor Fund 2015..... \$ 15,065.59

BE IT FURTHER RESOLVED that a like sum of \$15,065.59 be and the same is hereby appropriated under the caption of:

General Appropriations:

Body Armor Fund 2015.....\$ 15,065.59

BE IT FURTHER RESOLVED, that a certified copy of the required certification will be filed in the office of the Director of Local Government Services for certification.

RESOLUTION R.752-112015

**FORM OF RESOLUTION REQUESTING APPROVAL
OF ITEMS OF REVENUE AND APPROPRIATION
PER NJSA 40A:4-87**

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received a grant in the amount of \$ 1,000.00 from Walmart and wishes to amend its CY 2015 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Edison in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund Budget for the CY 2015 in the amount of \$ 1,000.00 which is now available as revenue under:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public & Private Programs Off-Set with Appropriations:

2015 Walmart Grant \$ 1,000.00

BE IT FURTHER RESOLVED that a like sum of \$1,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

2015 Walmart Grant \$ 1,000.00

BE IT FURTHER RESOLVED, that a certified copy of the required certification will be filed in the office of the Director of Local Government Services for certification.

RESOLUTION R.753-112015

**FORM OF RESOLUTION REQUESTING APPROVAL
OF ITEMS OF REVENUE AND APPROPRIATION
PER NJSA 40A:4-87**

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received a grant in the amount of \$ 2,500.00 from Investors Foundation and wishes to amend its CY 2015 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Edison in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund Budget for the CY 2015 in the amount of \$ 2,500.00 which is now available as revenue under:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public & Private Programs Off-Set with Appropriations:

2015 Edison’s Teen Arts Community and Theater program..... **\$ 2,500.00**

BE IT FURTHER RESOLVED that a like sum of \$2,500.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

2015 Edison’s Teen Arts Community and Theater program..... **\$ 2,500.00**

BE IT FURTHER RESOLVED, that a certified copy of the required certification will be filed in the office of the Director of Local Government Services for certification.

EXPLANATION: This Resolution authorizes the settlement of tax appeals filed by SIMA MILGRAUM for the 2014 Tax Year.

RESOLUTION R.754-112015

WHEREAS, Sima Milgraum (“Taxpayer”), the owner of property located at 4 Hedges Road, in the Township of Edison, County of Middlesex, and known as Block 58.A, Lot 5.A on the Township of Edison’s Tax Assessment Maps (“Property”), filed a Tax Appeal for the year 2014 with the Tax Court of New Jersey under Docket Number 014631-14; and

WHEREAS, the Township Council for the Township of Edison met and discussed the aforesaid tax appeals and the recommendations of its Township Assessor and Tax Appeal Attorney; and

WHEREAS, the Township Assessor has made such an examination of the value and proper assessment of the Property and has obtained such appraisals, analysis, and information with respect to the valuation and assessment of the Property as deemed necessary and appropriate and has been consulted by the attorney for the taxing district with respect to this settlement; and

WHEREAS, an acceptable settlement of the aforesaid tax appeal has been negotiated in which the Taxpayer agrees to settle its appeal for an assessment at the fair assessable value of the Property consistent with the assessing practices generally applicable in the taxing district and as required by law; and

WHEREAS, the property was originally assessed as follows:

Land	\$189,300.00
Improvements	\$311,200.00
Total	\$500,500.00

WHEREAS, the proposed settlement provides for an assessment of the 2014 Tax Year as follows:

Land	\$189,300.00
Improvements	\$250,700.00
Total	\$440,000.00

WHEREAS, the Taxpayer acknowledges that the Township has in part agreed to the settlement in question in consideration for a waiver of the Tax Appeal set forth above; and

WHEREAS, the aforesaid settlement has no general application to other properties within the Township of Edison as a result of the aforesaid specific facts situation; and

WHEREAS, pursuant to the settlement, the Taxpayer will waive prejudgment; and

WHEREAS, if the refund as a result of this settlement set forth herein is to be refunded, the refund is to be made payable to “Jacobus & Associates, Attorney Trust Fund” and the Taxpayer and forwarded to “Jennifer R. Jacobus, Esq., Jacobus & Associates, LLC, 301 South Livingston Avenue, Suite 105, Livingston, New Jersey 07039” within sixty (60) days of the date of the entry of judgment; and

WHEREAS, the Township Council will make this settlement with the Taxpayer without prejudice to its dealing with any other Edison Township Taxpayer’s request for tax assessment reduction; and

WHEREAS, pursuant to the settlement approved herein, the Taxpayer is entitled to a refund in the amount of **\$2,980.23** for the 2014 Tax Year Appeal.

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

1. For the 2014 Tax Year, the Township of Edison Tax Assessor is hereby directed to establish the allocation between land and improvement as follows:

Land	\$189,300.00
Improvements	\$250,700.00
Total	\$440,000.00
2. Interest is waived on the refund, provided such refund is provided as specified herein; and
3. The Tax Appeal Attorney for the Township is hereby authorized to execute a Stipulation of Settlement relative to the Property for Tax Appeal filed for the year 2014, Docket Number 014631-2014, by the Taxpayer, owner of the property located at 4 Hedges Road, Block 58.A, Lot 5.A;
4. The Freeze Act will apply to the judgment to be issued by the New Jersey Tax Court; and
5. The Form of Stipulation of Settlement is annexed hereto, having been received by and approved by the Township Council of the Township of Edison.

NOW, THEREFORE BE IT RESOLVED, that upon receipt of the appropriate Tax Court Judgment(s), the proper Township Officials are hereby authorized to process credits against open tax balances and issue checks consistent with the amount credited for the foregoing assessment reduction.

RESOLUTION R.755-112015

RESOLUTION OF THE TOWNSHIP OF EDISON, IN THE COUNTY OF MIDDLESEX, NEW JERSEY AUTHORIZING AN EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-48 AND FURTHER AUTHORIZING THE ISSUANCE OF EMERGENCY NOTES TO FUND SUCH EMERGENCY APPROPRIATION

WHEREAS, an emergency has arisen requiring the appropriation of funds of the Township of Edison, in the County of Middlesex, New Jersey (the "Township"), in the amount of \$1,205,000 to provide for contractually required payments to the Township's EMS personnel; and

WHEREAS, the total amount of emergency appropriations created, including the appropriation to be created by this resolution, is \$1,205,000, and 3% of the total current and utility operating appropriations in the budget for CY 2015 is \$4,327,313.15; and

WHEREAS, the foregoing emergency appropriation, together with prior emergency appropriations, does not exceed 3% of the total operating appropriations (including utility operation appropriations) in the budget for CY 2015.

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

1. Pursuant to N.J.S.A. 40A:4-48, an emergency appropriation is hereby made in the amount of \$1,205,000 to provide for contractually required payments to the Township's EMS personnel. The \$1,205,000 appropriated herein is sufficient to fund the emergency described herein.
2. The emergency appropriation set forth in Section 1 hereof will be provided for in the County's CY 2015 budget, unless provision is previously made for paying, funding or refunding the emergency appropriation by authorization of bonds pursuant to the provisions of the Local Bond Law, N.J.S.A. 40A:2-1 et seq.
3. An emergency note not in excess of \$1,205,000 is hereby authorized to be issued pursuant to N.J.S.A. 40A:4-51. Such emergency note may be renewed from time to time (together, the "Emergency Notes"), provided that any such renewals shall be payable on or before December 31, 2016.
4. The Chief Financial Officer of the Township shall determine all matters in connection with the Emergency Notes, and the Chief Financial Officer's signature upon the Emergency Notes shall be conclusive evidence as to all such determinations. The Emergency Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer is hereby authorized to sell part or all of the Emergency Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to this Township Council at the meeting next succeeding the date when any sale or delivery of the Emergency Notes is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Emergency Notes sold, the price obtained and the name of the purchaser. The Chief Financial Officer is hereby authorized and directed, without further authorization, to enter into and execute one or more purchase contracts (collectively, the "Purchase Contract") on behalf of the Township with the purchaser of the Emergency Notes in form satisfactory to bond counsel to the Township to evidence the award and sale of the Emergency Notes to such purchaser. Upon execution of the Purchase Contract,

the signature of the Chief Financial Officer shall be conclusively presumed to evidence any necessary approvals for the sale of the Emergency Notes.

5. The Emergency Notes shall be executed by the manual or facsimile signatures of the Mayor and Chief Financial Officer under the official seal of the Township (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Township Clerk.

6. The Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of the Emergency Notes and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

7. The Mayor of the Township, the Chief Financial Officer, the Township Clerk and other appropriate representatives of the Township are hereby authorized to take all steps necessary to provide for the issuance of the Emergency Notes, including preparing and executing such agreements and documents on behalf of the Township, to take all steps necessary or desirable to implement this resolution, and to enter into and execute all such agreements and documents as may be necessary and appropriate to further the transactions contemplated hereby.

8. Two certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.

9. This resolution shall take effect immediately.

RESOLUTION R.756-112015

RESOLUTION AUTHORIZING THE ENGAGEMENT OF EMEX L.L.C. TO CONDUCT ONLINE REVERSE AUCTIONS FOR THE PURCHASE OF ELECTRIC AND GAS SUPPLY SERVICES FOR TOWNSHIP BUILDINGS

WHEREAS, the Township of Edison is committed to the pursuit of initiatives that will stabilize and reduce the costs of local government operations and thereby relieve the ever increasing financial burdens that confront Edison and its residents; and

WHEREAS, cost reductions may be achieved through the competitive procurement of electric and gas supply service from third party suppliers utilizing an online reverse auction platform; and

WHEREAS, the State of New Jersey allows local government units, through participation in an E-Procurement Pilot Program in accordance with the provisions of the Local Unit Electronic Technology Pilot Program and Study Act (P. L. 2001, c. 30), to utilize online bidding services to purchase electricity and gas without competitive bidding; and

WHEREAS, EMEX, LLC, 11011 Richmond Avenue, Suite 500, Houston, TX 77042, is approved by the State of New Jersey, Division of Local Government Service as an approved provider of online reverse auctions for the purchase of electric and gas supply services, waiver number EMEX LLC-1; and

WHEREAS, EMEX, LLC, is compensated for all services rendered through the successful vendor; 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 the Township of Edison, County of Middlesex, and State of New Jersey, that:

1. The participation of the Township of Edison in the New Jersey E-Procurement Pilot Program pursuant to the provisions of the Local Unit Electronic Technology Pilot Program and Study Act (P. L. 2001, c. 30) is hereby authorized and approved for the purpose of purchasing electric and gas supply services from third party suppliers utilizing online competitive bidding services and, in particular, an online reverse auction platform.

2. The Mayor, or his designee, is hereby authorized to execute a contract with EMEX, LLC, 11011 Richmond Avenue, Suite 500, Houston, TX 77042, to conduct said competitive reverse auctions utilizing an online platform in accordance with the Local Unit Technology Pilot Program and Study Act.

RESOLUTION R.757-112015

RESOLUTION AWARING CONTRACT/PURCHASE ORDER TO HON COMPANY C/O CANTON OFFICE FURNITURE FOR THE PURCHASE OF OFFICE FURNITURE FOR THE TOWNSHIP OF EDISON

WHEREAS, there is a need to purchase office furniture for various offices within the Township of Edison; and

WHEREAS, HON COMPANY C/O CANTON OFFICE FURNITURE, 200 Oak Street, Muscatine, IA 52761, has been awarded State Contract Number 81641 under G-2004/Furniture: Office, Lounge; and

WHEREAS, the total amount of this contract, not to exceed \$160,000.00, 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, 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.

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$160,000.00 and any other necessary documents, with HON COMPANY C/O CANTON OFFICE FURNITURE, 200 Oak Street, Muscatine, IA 52761 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. 81641 under G-2004.

RESOLUTION R.758-112015

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO VERIZON FOR NEW 9-1-1 SERVICE LINES FOR THE 9-1-1 COMMUNICATIONS CENTER

WHEREAS; Verizon is discontinuing the technology currently used to provide 9-1-1 service lines to our 9-1-1 communications center; and

WHEREAS, since we are replacing our 9-1-1 telephone system in our communications center, we are replacing the 9-1-1 service lines in compliance with Verizon and the State of New Jersey; and

WHEREAS, the Township of Edison is responsible for this initial cost of \$23,000.00 for the installation of the new circuits but the State of New Jersey will assume all monthly charges after installation; and

WHEREAS, funds in the amount of \$13,000.00 have been certified to be available in the Dispatch 911 E-Mail, Internet, Cable Account, No. 5-01-25-0250-000-077 and funds in the amount of \$10,000.00 are available in the Public Buildings Telephone and Internet Account, No. 5-01-31-0440-000-077; 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 that the Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount of \$23,000.00 and any other necessary documents, with VERIZON, 167 W. Washington Ave., Washington, NJ 07882

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$13,000.00** are available for the above in Account No. **5-01-25-0250-000-077** and funds in the amount of **\$10,000.00** are available in Account No. **5-01-31-0440-000-077**.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.759-112015

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO HEWLETT PACKARD COMPANY FOR THE FURNISHING OF COMPUTER EQUIPMENT FOR THE TOWNSHIP OF EDISON

WHEREAS, there is a need to purchase Hewlett Packard servers, storage and related peripherals, etc., for the Township of Edison; and

WHEREAS, HEWLETT PACKARD COMPANY, 3000 Hanover Street, Palo Alto, CA 94304 has been awarded State Contract Number 40116 under M-0483/WSCA Computer Contract; and

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

WHEREAS, the total amount of this contract, not to exceed \$10,000.00 cannot be encumbered at this time; and

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$10,000.00 and any other necessary documents, with HEWLETT PACKARD COMPANY, 3000 Hanover Street, Palo Alto, CA 94304 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. 40116 under M-0483.

RESOLUTION R.760-112015

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO HEWLETT PACKARD COMPANY FOR THE FURNISHING OF COMPUTER EQUIPMENT FOR THE TOWNSHIP OF EDISON

WHEREAS, there is a need to purchase Hewlett Packard desktops, laptops, peripherals, etc., for the Township of Edison; and

WHEREAS, HEWLETT PACKARD COMPANY, 442 Swan Blvd., Deerfield, IL 60015 has been awarded State Contract Number 89974 under M-0483/WSCA Computer Contract; and

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

WHEREAS, the total amount of this contract, not to exceed \$35,000.00 cannot be encumbered at this time; and

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

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

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

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 \$35,000.00 and any other necessary documents, with HEWLETT PACKARD COMPANY, 442 Swan Blvd., Deerfield, IL 60015 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. 89974 under M-0483.

RESOLUTION R.761-112015

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO THE INSTITUTE FOR FORENSIC PSYCHOLOGY FOR PSYCHOLOGICAL EXAMS

WHEREAS, the Township of Edison has a need for the services of a Forensic Psychologist; and

WHEREAS, although such services are professional which, pursuant to N.J.S.A. 40A:11-5, may be awarded without competitive bidding, quotes were solicited by the Township of Edison; and

WHEREAS, THE INSTITUTE FOR FORENSIC PSYCHOLOGY, 5 Fir Court, Oakland, NJ 07436, submitted the lowest quote; and

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

WHEREAS, since the total amount of this purchase is over \$17,500.00, this shall be awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 et. Seq.; and

WHEREAS, The Institute For Forensic Psychology has previously completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Edison in the previous one year, and that the contract will prohibit The Institute For Forensic Psychology from making any reportable contributions through the term of the contract; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time and 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 official responsible for issuing the purchase order shall ensure that funds are available for the purchase through either an encumbrance or certification of availability of funds pursuant to N.J.A.C. 5:30-11.10; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order with THE INSTITUTE FOR FORENSIC PSYCHOLOGY, 5 Fir Court, Oakland, NJ 07436 to provide Professional Services at a price not to exceed \$25,000.00 as described herein.
2. This contract is award without competitive bidding under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a).
3. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and in compliance with the Local Public Contracts Law guidelines.

RESOLUTION R.762-112015

EXPLANATION: A Resolution authorizing the execution of a Shared Services Agreement with the Borough of Metuchen and Middlesex County for the construction of an off-leash dog area at Whitman Avenue Park in Edison.

WHEREAS, the Township of Edison ("Township") has a need for an off-leash dog area for use by residents and the general public ("Project"); and

WHEREAS, the Township is the owner of parkland known as the Whitman Avenue Park, located at 125 Whitman Avenue also commonly referred to as Block 199.A, Lot 31.B1 on the tax maps of the Township; and

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1 et seq.* ("Act"), municipalities and local units within the State of New Jersey are permitted to enter into agreements with other local units to provide or receive any service that each local unit is otherwise empowered to provide or receive within its own jurisdiction; and

WHEREAS, the Township, the Borough of Metuchen ("Borough") and the County of Middlesex ("County" and, together with the Township and Borough, the "Parties") are desirous of entering into an agreement with respect to the development and management of the Project under the parameters of the Act, in the interest of government efficiency and sharing the respective costs; and

WHEREAS, the Parties have negotiated the terms of an interlocal shared services agreement entitled "Shared Services Agreement between the Township of Edison, Borough of Metuchen and Middlesex County for the Construction of an Off-Leash Dog Area at Whitman Avenue Park in in Edison Township" ("Agreement," attached hereto as *Exhibit A*) for the development and operation of the Project and have determined that the terms of said Agreement are fair and equitable and will best serve the interests of each of the respective local units.

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 the Township is hereby authorized to execute the Agreement 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 Agreement.

3. A copy of the Agreement and this Resolution shall be available for public inspection at the offices of the Township Clerk. The Township Clerk shall file a copy of the Agreement with the Division of Local Government Services in the Department of Community Affairs.

4. This Resolution shall take effect immediately.

RESOLUTION R.763-112015

Explanation: This Resolution states the Township’s intent to acquire and redevelop the real property located at 135 Whitman Avenue (Muller Site) in the Township.

WHEREAS, the State of New Jersey Department of Environmental Protection (“NJDEP”), through the Hazardous Discharge Site Remediation Fund (“Fund”), has grant funds available to municipalities for the purpose of funding preliminary assessments, site investigations, remedial investigations, and/or remedial actions to determine the existence or extent of hazardous substance discharge conditions on properties; and

WHEREAS, the municipal council (“Municipal Council”) of the Township of Edison (“Township”) adopted R.424-072015 on July 22, 2015 and R.479-082015 on August 19, 2015 to authorize Excel Environmental Resources, Inc. (“Consultant”) to prepare and submit an application to NJDEP for a grant from the Fund to investigate the real property located at 135 Whitman Avenue in the Township (“Property”); and

WHEREAS, R.479-082015 identified the parcel(s) constituting the Property as Block 199.A, Lots 29, 30, and 31.A1; and

WHEREAS, the Municipal Council intends to acquire the Property for redevelopment or recreational/conservation purposes.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length herein.
2. The Municipal Council hereby states its intent to acquire the Property through voluntary conveyance or other means provided by law, declares that it is committed to the redevelopment of the Property and finds that a realistic opportunity exists for redevelopment of the Property within a three year period after the completion of the remediation of the site.
3. This Resolution shall take effect immediately.

RESOLUTION R.764-112015

EXPLANATION: A Resolution authorizing the execution of an Interlocal Services Agreement with the Middlesex County Improvement Authority for the provision of yard waste and recycling services.

WHEREAS, the Township of Edison (“Township”) has a need for yard waste recycling and marketing services (“Services”); and

WHEREAS, the Middlesex County Improvement Authority (“Authority”) has contracted with a private operator through public bidding process for the provision of such yard waste recycling and marketing services, and the Township desires to permit the Authority to assume responsibility for such Services within the Township;

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1 et seq.* (“Act”), municipalities with the State of New Jersey are permitted to enter into agreements with other local units to provide or receive any service that each local unit is otherwise empowered to provide or receive within its own jurisdiction; and

WHEREAS, both the Township and Authority are desirous of entering into an agreement with respect to the provision of such Services under the parameters of the Act; and

WHEREAS, the Township and the Authority have negotiated the terms of an interlocal services agreement entitled “Agreement for the Provision of Yard Waste Recycling and Marketing Services” (“Agreement,” attached hereto as Exhibit A) for the provision of the Services and have determined that the provision of such Services under the Agreement are fair and equitable and will best serve the interests of each of the respective local units.

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 Agreement 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 Agreement.
3. A copy of the Agreement and the Resolution shall be available for public inspection at the offices of the Township Clerk. The Township Clerk shall file a copy of the Agreement with the Division of Local Government Services in the Department of Community Affairs.
4. This Resolution shall take effect immediately.

RESOLUTION R.765-112015

RESOLUTION AUTHORIZING THE EXECUTION OF ORDER ON CONSENT WITH GENERATED MATERIALS LLC

WHEREAS, the Township of Edison is the fee owner of land on Meadow Road identified on the Township's tax maps as Block 376, Lot 2-B-2 (the "Property"); and

WHEREAS, Generated Materials LLC operates a Class B Recycling Center for vegetative type wastes on its adjoining parcel of land; and

WHEREAS, Generated Materials' operation of its Class B Recycling Center has resulted in several violations of applicable local and state fire safety code requirements including, without limitation, maintaining piles of vegetative materials ("Mulch Piles") in excess of the twenty-five foot (25') height limitation and failure to maintain adequate fire safety cuts and access ways through and around the Mulch Piles; and

WHEREAS, the height of the Mulch Piles and failure to maintain adequate fire safety cuts and access ways through and around the Mulch Piles led to the Township Fire Safety Officer to issue a series of Notices of Violation to Generated Materials culminating in the issuance of a Punitive Closure Order; and

WHEREAS, Generated Materials appealed the issuance of the Punitive Closure Order; and

WHEREAS, the Township commenced an action by Verified Complaint in the Superior Court of New Jersey, Chancery Division, Middlesex County against Generated Materials for injunctive relief and damages to cure the violations of state and local fire safety codes, for trespass on the Township's lot 2-B-2, for maintaining a public nuisance, and for attorney's fees and other relief pursuant to the New Jersey Environmental Rights Act (together, the "Township Action"); and

WHEREAS, Generated Materials filed papers in opposition to the Township Action; and

WHEREAS, the Township and Generated Materials met and negotiated the terms and conditions by which Generated Materials would be allowed to come into compliance with law; and

WHEREAS, the Township and Generated Materials appeared before the Honorable Frank J. Ciuffani, Presiding Judge, Superior Court of New Jersey, Chancery Division, Middlesex County on July 29, 2015 and read the terms and conditions of the settlement onto the record and which, subject to Township approval, are to be memorialized in the submission of an Order on Consent (the "Order on Consent"); and

WHEREAS, subsequent to the July 29, 2015 settlement conference before Judge Ciuffani, the Township and Generated Materials tried to reach agreement on additional terms but which negotiations were ultimately unsuccessful; and

WHEREAS, the Township now wishes to file the Order on Consent with the Court memorializing the key terms and conditions of the settlement which are substantially as set forth in the form of Order on Consent attached hereto as Exhibit A; and

WHEREAS, finding that the terms and conditions in the proposed form of Order on Consent are in the best interest of the Township,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF EDISON IN THE COUNTY OF MIDDLESEX, as follows:

1. The settlement of the Township Action, as substantially set forth in the form of Order on Consent attached hereto as Exhibit A, be and hereby is approved.

2. The Township Attorney is hereby authorized and directed to execute the Order on Consent and file it with the Superior Court.
3. This resolution shall take effect immediately.

RESOLUTION R.766-112015

WHEREAS, Variety, The Children’s Charity of New York had grant funds available to eligible organizations throughout NY, NJ and CT, for children’s programs focusing upon Art Therapy, Arts Education and Arts for Social Change; and

WHEREAS, the Edison Department of Health and Human Services (EDHHS) has sustained a creative and effective Teen Arts Program (TAP) through the Edison Municipal Alliance/BRIDGES (EMA/BRIDGES) over the past five years, primarily supported by public and private grants and donations; and

WHEREAS, EDHHS EMA/BRIDGES intends to develop and submit a viable application to Variety, The Children’s Charity of New York, to apply for and obtain up to \$10,000.00 of grant support for the 2016 EDHHS EMA/BRIDGES TAP SHAKESPEARE METAMORPHOSIS Program; and

WHEREAS, no matching funds are required of EDHHS EMA/BRIDGES to submit a request for grant funding to the Variety, The Children’s Charity of New York, nor to accept an award from the same; and

WHEREAS, EDHHS EMA/BRIDGES TAP shall utilize all grant funds awarded to it by Variety, The Children’s Charity of New York as described in its application for said funds and in compliance with all applicable Municipal, Middlesex County, New Jersey and United States federal requirements, guidelines, regulations and statutes.

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 at a regularly-scheduled, combined Work Session and Public Meeting on the evening of Monday, November 9, 2015.

RESOLUTION R.767-112015

Explanation: A Resolution authorizing the grant of certain funds from the Township’s Affordable Housing Emergency Generator Program.

WHEREAS, by Resolution dated February 25, 2015 the Township Council approved, authorized and established an Emergency Generator Program for the purchase and installation of emergency generators pursuant to N.J.A.C. 5:97-8.8(a) by certain qualified applicants and committed \$500,000 from the Township’s Affordable Housing Trust Fund for this purpose; and

WHEREAS, the Township Council also approved and adopted a Manual at that time for the Emergency Generator Program in accordance with COAH’s directives, which set forth the application process for applicants to comply with in order to participate in the Program and receive a grant for such work under the Program; and

WHEREAS, an application to participate in the Program was submitted by Delta Community Supports Inc. and was reviewed and deemed complete and in compliance with the Program requirements; and

WHEREAS, the Township Council desires to award a grant to Delta Community Supports Inc. in the amount of \$9,400.00 for the purchase and installation of an emergency generator under the Township’s Emergency Generator Program and to authorize the execution of an Agreement between the Township and Delta Community Supports Inc. with respect to such grant.

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

1. The Township Council hereby approves and authorizes a grant in the amount of \$9,400.00 from the Township’s Affordable Housing Trust Fund, account #T-13-00-0000-000-006 with respect to the Township’s Emergency Generator Program, to Delta Community Supports Inc. for the purchase and installation of an emergency generator, and authorizes the execution of an Agreement with Delta Community Supports Inc. with respect to such grant.
2. An original copy of the resolution shall be forwarded to the Municipal Housing Liaison.

RESOLUTION R.768-112015

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 IN THE AMOUNT OF \$5,200.00 FOR NEW VENTURE CONSTRUCTION FOR CASE NUMBER 0115, FOR A TOTAL REVISED CONTRACT AMOUNT OF \$12,600.00

WHEREAS, The Community Development Block Grant (CDBG) funds are used to facilitate various projects throughout the community as outlined in the Program Year 2014 Consolidated Annual Action Plan; and

WHEREAS, part of the funding is for improvements to qualified single family, owner occupied dwellings located in Edison; and

WHEREAS, NEW VENTURE CONSTRUCTION, 716 Old Post Rd., Edison, NJ 08817, was awarded a contract/Purchase Order through resolution R.634-092015 on September 21, 2015 in the amount of \$7,400.00; and

WHEREAS, during the course of the work, additional plumbing, interior and exterior repairs (drywall/window/siding) were needed as additional water damage was found; and

WHEREAS, funds in the amount of \$5,200.00 have been certified to be available in the CDBG Housing Rehabilitation and Administration Account Number T-14-13-0510-000-001; 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 Change Order No. 1 be awarded to NEW VENTURE CONSTRUCTION, 716 Old Post Rd., Edison, NJ 08817 in an amount not to exceed \$5,200.00 resulting in a total contract amount of \$12,600.00.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$5,200.00** are available for the above contract in Account No. **T-14-13-0510-000-001**.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.769-112015

EXPLANATION: Resolution Refunding Cash Performance & Performance Bond to J.P. Singh & Inderpal Mann, 13 Yardley Drive Application #Z53-2011 Formerly 10-04/05, Account #7760013389 And Performance Bond #21820

WHEREAS, the Township Engineer advises that an inspection has been made of 1914 Oak Tree Road Application #Z53-2011, Formerly P10-04/05 Block: 545-T Lot: 28 & 29, and said inspection indicates all site improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Check posted on July 22, 2009 in the amount of **\$3,618.24**, plus accrued interest, if applicable on deposit in account #7760013389 with the Township of Edison, principal being J. P. Singh & Inderpal Mann, having offices at 13 Yardley Street, Edison, NJ 08820 and acceptance of the subject improvements; 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 in the amount of **\$3,618.24** plus accrued interest, if applicable, on deposit in account #7760013389 to the applicant.

WHEREAS, the Township Engineer recommends release of performance bond **No21820** posted on October 22, 2012 of the Selective Insurance Company in the amount of \$32,564.16.

RESOLUTION R.770-112015

RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO PURCHASE SNOW PLOW PARTS AND ACCESSORIES FOR THE 2015/16 WINTER SEASON FROM CLIFFSIDE BODY CORP. THROUGH THE MIDDLESEX COUNTY COOPERATIVE PRICING AGREEMENT-B-15-034

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, CLIFFSIDE BODY CORP., 130 Broad Ave., Fairview, NJ 07022 has been awarded Bid No. B-15-034, Furnishing and Delivering of Snow Plow Parts; and

WHEREAS, the total amount of this contract, not to exceed \$21,610.12, cannot be encumbered at this time; and

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$21,610.12 and any other necessary documents, with CLIFFSIDE BODY CORP., 130 Broad Ave., Fairview, NJ 07022 for Snow Plow Parts and Accessories as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11 et seq. of the Local Public Contracts Law, Bid No. B-15-034 through Middlesex County Cooperative Pricing Agreement.

RESOLUTION R.771-112015

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT/PURCHASE ORDER TO A & K EQUIPMENT COMPANY FOR THE PURCHASE OF SNOW PLOW PARTS AND ACCESSORIES FOR THE 2015-16 WINTER SEASON

WHEREAS, quotes were solicited by The Township of Edison for Snow Plow Parts and Accessories for the 2015/16 winter season; and

WHEREAS, A & K EQUIPMENT COMPANY, 221 Wescott Drive, Rahway, NJ 07065, has submitted the lowest quote in an amount not to exceed \$21,742.51; and

WHEREAS, since the total amount of this purchase is over \$17,500.00, this shall be awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 et. Seq.; and

WHEREAS, A & K EQUIPMENT COMPANY, has previously completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Edison in the previous one year, and that the contract will prohibit A & K EQUIPMENT COMPANY from making any reportable contributions through the term of the contract; and

WHEREAS, the total amount of this contract/purchase order, not to exceed \$21,742.51, 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)).

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 in the amount no to exceed \$21,742.51 and any other necessary documents with A & K EQUIPMENT COMPANY, 221 Wescott Drive, Rahway, NJ 07065 for snow plow parts and accessories for the 2015-16 winter season as described herein.
2. This contract is awarded pursuant to N.J.S.A. 19:44A-20.5 et. seq.
3. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and in compliance with the Local Public Contracts Law guidelines.

RESOLUTION R.772-112015

RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE FURNISHING OF EMERGENCY SANITARY COLLECTION SYSTEM REPAIRS WITH MONTANA CONSTRUCTION CORPORATION IN AN AMOUNT NOT TO EXCEED \$70,000.00

WHEREAS, MONTANA CONSTRUCTION CORPORATION, 80 Contant Avenue, Lodi, NJ 07644 was awarded Contract No. 15-09-09 Emergency Sanitary Collection System Repairs, through Resolution R.032-012015

for the period February 7, 2015 to February 6, 2016, in the amount of \$250,000.00 and that amount has been depleted; and

WHEREAS, the Purchasing Agent is in the process of rebidding this contract but needs additional funds until the paperwork is complete and the new contract will be in effect; and

WHEREAS, the Township recommends we add additional funds in the amount not to exceed \$70,000.00 to replenish and complete the one year term of the contract with MONTANA CONSTRUCTION CORPORATION, with all prices as well as all terms and conditions to remain the same until such as time the contract expires or we award a new contract; and

WHEREAS, the total amount of this contract, not to exceed \$70,000.00, cannot be encumbered at this time; and

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

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

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

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison the Mayor, or his designee, is hereby authorized to amend and execute the contract in the amount not to exceed \$70,000.00, and any other necessary documents, with MONTANA CONSTRUCTION CORPORATION described herein.

RESOLUTION R.773-112015

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
ARCHANA MAKTAL FOR THE ABC PROGRAM**

WHEREAS Archana Maktal made payment in the amount of \$110.00 for her child Swarup Shashikumar’s participation in the ABC Program at James Madison Primary Elementary School for the month of November, 2015; and

WHEREAS Swarup Shashikumar was removed from the program before he started the month of November 2015.

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 \$110.00 to Archana Maktal, 16 Janina Ave., Edison, NJ 08820, which represents the amount for the ABC program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$110.00 are available in Account #5-01-55-0291-000-000.

RESOLUTION R.774-112015

Explanation: The Body Armor Replacement Fund is funded through a \$1 surcharge to each fine, penalty or forfeiture imposed and collected by a judge under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes. Moneys collected and deposited in the Fund are used in making grants to local and state law enforcement agencies for the purchase of body vests. The Edison Police Department has been awarded \$15,065.59 for FY 2015.

**RESOLUTION APPROVING ACCEPTANCE OF 2015 NJ STATE BODY ARMOR REPLACEMENT
GRANT FUNDING IN THE AMOUNT OF \$15,065.59**

WHEREAS, the New Jersey Division of Criminal Justice, State Body Armor Replacement Fund initiative is designed to provide valuable lifesaving equipment to local law enforcement officers; and

WHEREAS, this grant funding enables local law enforcement agencies to cover up to fifty (50) percent of the cost of each vest purchased or replaced for sworn officers of the Edison Police Department; and

WHEREAS, this vest replacement grant program demonstrates the Edison Police Department’s commitment to helping ensure that law enforcement officers have protective equipment they can rely on to keep our community safe;

THEREFORE, BE IT RESOLVED that the Township of Edison wishes to accept from the New Jersey Division of Criminal Justice, State Body Armor Replacement Fund grant funding program for FY 2015, the amount of \$15,065.59

BE IT FURTHER RESOLVED that the Business Administrator or designee is hereby authorized to sign the aforesaid grant approval for and on behalf of the Township of Edison.

RESOLUTION R.775-112015

WHEREAS, Hands of Hope at St. James Episcopal Church, Edison, NJ, has requested a waiver of any and all permit and/or application fees concerning the replacement of the Furnace.

WHEREAS, under the building code, Hands of Hope as a non-profit tax exempt organization, is entitled to a waiver of fees due to the Township of Edison, except the DCA fee; and

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

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

COMMUNICATIONS

- a. Copy of Letter received from Walter Stochel

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

ORAL PETITIONS AND REMARKS

Council President Diehl opened the meeting for public comment.

Bruce Diamond, Calvert Avenue, asked if the paving on Calvert Avenue has been inspected.

Mr. Kataryniak said it has been started but not completed.

Mr. Diamond asked why we aren't offering energy savings to the residents.

Ms. Ruane said there has been no clear direction from the Council. She said the market is favorable right now. We can start slow and discuss Township wide at a later date.

Mr. Diamond asked if the purpose of the Health Center is to provide services to needy people. He also asked if there will be a bus to transport them there.

Mr. Northgrave said he has not received any information back from the Jewish Renaissance Foundation to present to the Council at this time.

Ms. Penceal said she received a letter dated November 6th regarding her property. The letter states there cannot be a sub-division of the property. She said she has been asking for a sub-division since 2001.

Mr. Northgrave said the property does not appear to be appropriate for that neighborhood so the Township will not be offering the property in order for her to build two homes.

Ms. Penceal said there are homes in the neighborhood on smaller lots.

Mr. Northgrave said it is not appropriate to cram two homes on that property.

Walt Shneer, Park Way, commented that Generated Materials on Meadow Road seems to be able to do anything they want.

Mr. Northgrave said the mulch pile must be taken down to fifty feet in 2016 and down to twenty-five feet in 2017. He said they cannot do whatever they want.

Mr. Shneer asked what happened to the recycling center on Meadow Road. He said it has vanished and there is no sign.

Ms. Ruane said it was down for a period of time but as of last Monday it is fully operational again.

Mr. Shneer said the corner of Proctor and Park Way is turning into a dump. He asked who the DPW director is.

Ms. Ruane said she is not aware of this site and she will send someone out tomorrow to check it.

Mr. Shneer said he talks about this location every two weeks.

Lois Wolke, 10 Peake Road, said the Jewish Renaissance Center has been looking at the Toth Center for two to three years. She said she knows for a fact that they have never looked at another location. She feels the Council is doing a disservice by discussing this further as this is the wrong place to have this.

Leonard Sendelsky, Richard Road, Chairman of the Edison Tower Committee, thanked all involved in the Tower Celebration. He said the Tower is now restored and this was a great day for Edison.

Charles Tomaro, Waverly Drive East, expressed his gratitude for making the Tower Celebration a possibility. He said in 2006 Nancy Szerbe came on board and cut through all the red tape and now we have 18,000 visitors a year.

Council President Diehl said kudos go to the perseverance of the volunteers involved with the Tower for the past sixteen years.

Esther Nemitz, 162B Fay Street, thanked the residents for coming to the Farmers Market. She said there are not a lot of vendors yet but the Markey is open.

Jeffrey Bender, said he is here to request a covered pedestrian bridge going over Route 1 at Route 1 and Old Post Road. He feels we are not doing enough for pedestrian safety. He said he has written to the Mayor and Council and has not received a response.

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

The Council retired to Closed Session at 7:43 p.m., on a motion made by Councilmember Gomez, seconded by Councilmember Lombardi 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) Potential Litigation

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 8:25 p.m., on a motion made by Councilmember Karabinchak, seconded by Councilmember Gomez and duly carried.

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

Robert Diehl
Council President

Cheryl Russomanno, RMC
Municipal Clerk