

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

JANUARY 12, 2011

A Regular Meeting of the Municipal Council was held in the Council Chambers of the Municipal Building on Wednesday, January 12, 2011. The meeting was called to order at 7:02 p.m. by Council President Diehl, followed by the Pledge of Allegiance.

Present were Councilmembers Diehl, Lankey, Mascola and Prasad.
Councilmembers Karabinchak and Perilstein were absent.

Also present were Township Clerk Murphy, Deputy Township Clerk Kenny, Township Attorney Kemm, Business Administrator Gonzalez, Assistant Business Administrator Laird, Acting Finance Director Pollex, Management Specialist Stephens, Township Engineer Medina, Public Works Director Roderman, Health Director Elliot, Recreation Director Halliwell, Deputy Police Chief Vaticano and Cameraman Ellis.

The Township Clerk advised that adequate notice of this meeting, as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger, and the Sentinel on January 6, 2011, and posted in the Main Lobby of the Municipal Complex on the same date.

APPROVAL OF MINUTES

On a motion made by Councilmember Lankey, seconded by Councilmember Mascola and duly carried, the Minutes of the Combined Meeting of November 22, 2010, Closed Session Meeting of December 6, 2010 and Regular Meeting of December 8, 2010 were accepted as submitted.

COUNCIL PRESIDENT'S REMARKS

Council President Diehl said one Councilmember resigned, because he became a Freeholder and two additional Councilmembers are absent this evening. For this reason, and because questions came up on Monday, several of the items on the consent agenda will be tabled this evening. These Resolutions are R.006-012011, R.008-012011, R.012-012011, R.014-012011 and R.015-012011.

Councilmember Lankey made a motion to table the above Resolutions. This motion was seconded by Councilmember Mascola.

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

NAYS - None
Councilmember Karabinchak and Perilstein were absent.

With reference to Resolution R.023-012011, Council President Diehl said there is a typographical error. The amount should be \$12,400.

PUBLIC COMMENTS AS TO PROPOSED RESOLUTIONS

Council President Diehl opened the meeting to the public for comments on Proposed Resolutions R.005-012011 through R.031-012011.

Esther Nemitz, 162B Fay Street, said the Council has a number of Resolutions dealing with appointments and reappointments to the Zoning Board. For those who are reappointed, she thought they were excellent choices and she was also glad to see new people coming on.

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

Councilmember Lankey requested that Resolution R.005-012011 be pulled for separate vote.

The following Resolutions R.007-012011, R.009-012011 through R.011-012011, R.013-022011, and R.016-022011 through R.031-012011 were adopted under the Consent Agenda on a motion made by Councilmember Prasad and seconded by Councilmember Lankey.

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

NAYS - None
Councilmember Karabinchak and Perilstein were absent.

RESOLUTION R.007-012011

RESOLUTION AUTHORIZING AN EXTENSION OF THE CONTRACT WITH AUTOMATIC DATA PROCESSING (ADP) FOR A PERIOD NOT TO EXCEED SIX MONTHS COMMENCING ON JANUARY 1, 2011

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

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

WHEREAS, Resolution R.286-052010 authorized an eight month extension while the new contract was being bid; and

WHEREAS, the Township is in the process of awarding the new bid and needs to extend this contract until such a time as the new applications are installed and live;

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

WHEREAS, funds in the amount of \$30,450.00 have been certified to be available in the Payroll – Other Contractual Items Account, Number 1-01-20-0130-003-029 contingent upon Council adoption of the 2011 temporary and/or final budget.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with Automatic Data Processing, Inc., in an amount not to exceed \$30,450.00.

RESOLUTION R.009-012011

RESOLUTION ADOPTING THE MIDDLESEX COUNTY ALL HAZARDS MITIGATION PLAN

WHEREAS, by Resolution dated September 20, 2007 (#07-1797), the County of Middlesex was authorized to accept the FY 2007 Pre-Disaster Mitigation Program Grant from the Federal Emergency Management Agency (FEMA) for the development of a county-wide all hazards mitigation plan; and

WHEREAS, said Plan was prepared and submitted to FEMA for approval; and

WHEREAS, the State Office of Emergency Management has advised that said Plan has been approved by FEMA; and

WHEREAS, FEMA requires that the County and each municipality within the County formally adopt said Plan; and

WHEREAS, the adoption of said Plan is in the best interest of the residents of the Township of Edison.

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

1. The Township of Edison hereby adopts the attached Middlesex County Multi-jurisdictional All Hazards Mitigation Plan.

2. The Municipal Clerk is hereby directed to forward certified copies of this Resolution to the Federal Emergency Management Agency, the State Office of Emergency Management, and the Mayors of each municipality within Middlesex County.

RESOLUTION R.010-012011

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 \$479,925.40.

RESOLUTION R.011-012011

WHEREAS, on various properties located within the Township of Edison, overpayments of real estate taxes have been made due to erroneous or duplicate payments; and

WHEREAS, applications have been made to the Tax Collector for refunds of said overpayments, totaling \$57,166.44 and

WHEREAS, the attached listing is a detail of the requested refund.

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.013-012011

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 \$2440.23 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.016-012011

WHEREAS, the Township Engineer advises that an inspection has been made of Omnipoint Communications, Application #Z32-06/07 located in Block: 694, Lot: 33-C, and said inspection indicates all improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

WHEREAS, the Township Engineer, recommends the release of the Performance Bond #070007176 of Liberty Mutual Insurance Company in the amount of \$70,038.00 with the Township of Edison, principal being Omnipoint Communications Inc., and acceptance of the subject improvements; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Bond Check #01406452 in the amount of \$7,782.00, on deposit in account #7760013355 with the Township of Edison, principal being T-Mobile USA, Inc. having offices at Attn: Paul R. Riccioli, 4 Sylvan Way, Parsippany, N.J. 07054 and acceptance of the subject improvements; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the aforementioned improvements are hereby complete and satisfactory and the Township Clerk be and is hereby authorized to return the aforesaid Performance Bond #070007176 in the amount of \$70,038.00 to the applicant; and

BE IT FURTHER RESOLVED that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance Bond in the amount of \$7,782.00 plus accrued interest, if applicable, on deposit in account #7760013355 to the applicant.

RESOLUTION R.017-012011

WHEREAS, the Township Engineer advises that a final inspection was done of Omnipoint Communications located at 44 Grandview Ave in Block: 694, Lot: 33-C, Application #Z32-06/07; and

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

WHEREAS, on October 20, 2008, T-Mobile USA, posted a check #01407036 in the amount of \$3,242.50 on deposit with the Township of Edison in account #7760295980 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 \$3,219.53; and

WHEREAS, it is in now in order that the sum of \$22.97, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to T-Mobile USA Inc.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$22.97, plus accrued interest, if applicable, be refunded to T-Mobile USA Inc. having offices at Attn: Paul R. Riccioli, 4 Sylvan Way, Parsippany, N.J. 07054; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$22.97, plus accrued interest, if applicable, in account #7760295980 to the applicant.

RESOLUTION R.018-012011

WHEREAS, Devang Patel. posted a Tree Maintenance Bond check#136318909 in the amount of \$810.00, principal being Devang Patel to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #07-16 located at 1 Betty Ann Drive, Block: 410-B and Lot: 6-B; and

WHEREAS, a Tree Maintenance Bond was posted on March 13, 2007 in the amount of \$810.00, on deposit in account #7760237686; 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 of \$810.00, 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 \$810.00, plus accrued interest, if applicable, hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$810.00, plus accrued interest, if applicable, on deposit in Account #7760237686 to Devang Patel having offices at 1 Betty Ann Drive, Edison, N.J. 08820.

RESOLUTION R.019-012011

WHEREAS, the Township Engineer advises that a final inspection was done of CVS Pharmacy located at 8 Eden Avenue in Block: 176, Lots: 1-A thru 6-A, Application #P6-98/99; and

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

WHEREAS, on January 16, 999, Gordon Retail Development, LLC, posted inspection fees in the amount of \$10,956.63 on deposit with the Township of Edison in account #7200024713 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 \$9,690.52; and

WHEREAS, it is in now in order that the sum of \$1,266.11, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Gordon Retail Development, LLC; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$1,266.11, plus accrued interest, if applicable, be refunded to Gordon Retail Development, LLC having offices at 50 State Street, 6th Floor, Albany, New York 12207; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$1,266.11, plus accrued interest, if applicable, in account #7200024713 to the applicant.

RESOLUTION R.020-012011

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

WHEREAS, on May 14, 2010, a Construction (Building) Permit fee, check #1090, permit # 2010-1021, was posted in the total amount of \$156.00 by Bhupendra and Manjula Patel residing at 35 Rainford Road, Edison, NJ 08820; and

WHEREAS, the application was submitted to replace an existing Furnace and Water Heater at 35 Rainford Road by the hired contractor; Air Management Heating & Air Conditioning, who did not make known to the Construction Code Enforcement Division that the bonafide homeowner is a bonafide Edison Senior Resident who is eligible for Senior Citizen waiver of municipal fees on construction permits, per the Edison Municipal Code, chapter 2-128.3; and

WHEREAS, it is therefore appropriate that the municipal permit fee in the amount of \$119.20, derived from the \$156.00 total construction permit fee less the \$7.00 DCA fee, and less the 20% municipal plan review fee, be refunded to the applicant; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit # 2010-1021, in the amount of \$119.20 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$119.20 on construction permit fees posted by Bhupendra and Manjula Patel for 35 Rainford Road be refunded to the homeowners, Bhupendra and Manjula Patel;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$119.20 from the Refund of Revenue Fund to the homeowners, Bhupendra and Manjula Patel.

RESOLUTION R.021-012011

RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT TO A-PLUS CONSTRUCTION FOR HOME IMPROVEMENTS AS PART OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, The Community Development Block Grant (CDBG) funds are used to facilitate various projects throughout the community as outlined in the Program Year 2009 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, quotes were solicited by the Township of Edison for Case Number 0510; and

WHEREAS, A- PLUS CONSTRUCTION, 18 Station Road, Lincoln Park, NJ 07035, submitted the lowest quote in the amount of \$12,950.00; and

WHEREAS, funds in the amount of \$12,950.00 have been certified to be available in the CDBG Housing Rehabilitation Account Number T-14-09-0510-000-001.

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

1. All quotes have been reviewed, and the quote in the amount of \$12,950.00 by A-PLUS CONSTRUCTION, 18 Station Road, Lincoln Park, NJ 07035 for home improvements is determined to be the lowest quote.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount of \$12,950.00 and any other necessary documents, with A-PLUS CONSTRUCTION as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$12,950.00 are available for the above contract in Account No. T-14-09-0510-000-001.

/s/ Lawrence Pollex
Acting Chief Financial Officer

RESOLUTION R.022-012011

RESOLUTION AUTHORIZING CHANGE ORDER # 1 TO THE CONTRACT WITH LEW CORPORATION

WHEREAS, Resolution R.409-072010 dated July 14, 2010 authorized a contract with LEW CORPORATION, 1090 BRISTOL ROAD, MOUNTAINSIDE, NJ 07092 for Case #0906 to provide improvements to qualified single family, owner occupied dwelling to the Township of Edison, in the amount of \$16,885.00; and

WHEREAS, during the performance of said contract the exterior siding was removed which exposed crumbling sheathing and no exterior home insulation; and

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

WHEREAS, the amount of this change order is \$5,250.00. The total amount of this change order is more than 20% of the original contract.

WHEREAS, funds have been certified to be available in FY 09 CDBG Housing Rehabilitation Account, No. T-14-09-0510-000-001.

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

1. Change Order #1 to the contract with LEW CORPORATION, 1090 BRISTOL ROAD, MOUNTAINSIDE, NJ 07092 is hereby authorized.
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.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$5,250.00 are available for the above contract in Account No. T-14-09-0510-000-001.

/s/ Lawrence Pollex
Acting Chief Financial Officer

RESOLUTION R.023-012011

RESOLUTION ACCEPTING QUOTE AND AWARDED CONTRACT TO CONCEPT PRINTING INCORPORATED FOR THE 2011 RECYCLING CALENDAR FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, quotes were solicited by the Township of Edison for the 2011 Recycling Calendar for the Department of Public Works; and

WHEREAS, CONCEPT PRINTING INCORPORATED, 160 Woodbine Street, Bergenfield, NJ 07621, submitted the lowest quote in the amount of \$12,400.00; and

WHEREAS, funds in the amount of \$6,200.00 have been certified to be available in the Operating Supplies-Special Account, No. 1-09-55-0800-001-211 and funds in the amount of \$6,200.00 have been certified to be in the Solid Waste Recycling-Books & Publications Account, No. 1-01-26-0305-000-033 contingent upon Council adoption of the 2011 temporary and/or final budget.

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

1. All quotes have been reviewed, and the quote as submitted by CONCEPT PRINTING INCORPORATED, 160 Woodbine Street, Bergenfield, NJ 07621 for the 2011 Recycling Calendar, is determined to be the lowest quote.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount of \$12,400.00, and any other necessary documents, with CONCEPT PRINTING INCORPORATED.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$6,200.00 are available for the above contract in Account No. 1-09-55-0800-001-211 and funds in the amount of \$6,200.00 are available in Account No. 1-01-26-0305-000-033 contingent upon Council adoption of the 2011 temporary and/or final budget.

/s/ Lawrence Pollex
Acting Chief Financial Officer

RESOLUTION R.024-012011

RESOLUTION ACCEPTING QUOTE AND AWARDED CONTRACT TO THE HOME DEPOT FOR ADA UPGRADES TO SECOND FLOOR PUBLIC BATHROOMS

WHEREAS, quotes were solicited by the Township of Edison for the ADA upgrades to the second floor public bathrooms; and

WHEREAS, THE HOME DEPOT, 1035 Route One South, Edison, NJ 08837, submitted the lowest quote in the amount of \$14,536.34; and

WHEREAS, funds in the amount of \$14,536.34 have been certified to be available in the FY 2010 CDBG Public Facilities Account, No. T-14-10-0520-000-004.

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

1. All quotes have been reviewed, and the quote as submitted by THE HOME DEPOT, 1035 Route One South, Edison, NJ 08837 for ADA upgrades to second floor public bathrooms, is determined to be the lowest quote.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount of \$14,536.34, and any other necessary documents, with THE HOME DEPOT.

CERTIFICATION OF AVAILABILITY OF FUDNS

I hereby certify that funds in the amount of \$14,536.34 are available for the above contract in Account No. T-14-10-0520-000-004.

/s/ Lawrence Pollex
Acting Chief Financial Officer

RESOLUTION R.025-012011

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, 2010; 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, 2010, 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 January 12, 2011.

<u>LICENSE NUMBER</u>	<u>LICENSEE AND LOCATION</u>	<u>ADDRESS</u>
1205-33-001-007	Ruby Tuesday, Inc. t/a Ruby Tuesday Pocket License	7420 Hill Road Suite A Mobile, AL 36695

RESOLUTION R.026-012011

WHEREAS, it is the duty of the Municipal Council to appoint members to the Zoning Board of Adjustment; and

WHEREAS, the Municipal Council wishes to re-appoint Rosemary Feterik as a member of the Zoning Board of Adjustment;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Ms. Rosemary Feterik, 232 Wellington Place, Edison, New Jersey 08820 be and she is hereby re-appointed as a member of the Zoning Board of Adjustment, said term to expire December 31, 2014.

RESOLUTION R.027-012011

WHEREAS, it is the duty of the Municipal Council to appoint members to the Zoning Board of Adjustment; and

WHEREAS, the Municipal Council wishes to re-appoint Randolph Holmes, III as a member of the Zoning Board of Adjustment;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Mr. Randolph Holmes, III, 118 Coppertree Court, Edison, New Jersey 08820 be and he is hereby re-appointed as a member of the Zoning Board of Adjustment, said term to expire December 31, 2014.

RESOLUTION R.028-012011

WHEREAS, it is the duty of the Municipal Council to appoint members to the Zoning Board of Adjustment; and

WHEREAS, the Municipal Council wishes to re-appoint Mary Petti as a member of the Zoning Board of Adjustment;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Ms. Mary Petti, 1831 Woodland Avenue, Edison, New Jersey 08820 be and she is hereby re-appointed as a member of the Zoning Board of Adjustment, said term to expire December 31, 2014.

RESOLUTION R.029-012011

WHEREAS, it is the duty of the Municipal Council to appoint members to the Zoning Board of Adjustment; and

WHEREAS, the Municipal Council wishes to appoint Alvaro Gomez as a member of the Zoning Board of Adjustment;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Mr. Alvaro Gomez, 70 Pierson Avenue, Edison, New Jersey 08837 be and he is hereby appointed as a member of the Zoning Board of Adjustment, said term to expire December 31, 2014.

RESOLUTION R.030-012011

WHEREAS, it is the duty of the Municipal Council to appoint members to the Zoning Board of Adjustment; and

WHEREAS, the Municipal Council wishes to appoint Leonard Drew Sendelsky as a First Alternate member of the Zoning Board of Adjustment;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Mr. Leonard Drew Sendelsky, 66 Richard Road, Edison, New Jersey 08817 be and he is hereby appointed as a First Alternate member of the Zoning Board of Adjustment, said term to expire December 31, 2012.

RESOLUTION R.031-012011

WHEREAS, it is the duty of the Municipal Council to appoint members to the Zoning Board of Adjustment; and

WHEREAS, the Municipal Council wishes to appoint Ralph Errico as a Second Alternate member of the Zoning Board of Adjustment;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Mr. Ralph Errico, 29 Plafsky Drive, Edison, New Jersey 08817 be and he is hereby appointed as a Second Alternate member of the Zoning Board of Adjustment, said term to expire December 31, 2012.

The following Resolutions will be voted upon separately:

RESOLUTION R.005-012011

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING DECEMBER 30, 2010

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through December 30, 2010

FUND	AMOUNT
Current	\$13,380,652.84
Dog (Animal Control)	46,033.67
Sewer Utility	3,787,823.70
Capital	174.00
CDBG	15,964.31
Trust	1,151,514.23
Grant Funds	49,555.67
Sanitation Fund	113,265.46
Payroll Deductions	611,209.126
Park Improvements	0.00
Developers Escrow	19,196.92
Cash Performance	0.00
Federal Forfeited	0.00
Tax Sale	0.00
Law Enforcement	0.00
Affordable Housing	0.00
Tree Planting	90.00
Water Operation	0.00
TOTAL	\$19,175,480.06

/s/ Lawrence Pollex
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.

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

AYES - Councilmembers Mascola, Prasad, and Council President Diehl

NAYS - None

Councilmember Lankey abstained from voting.

Councilmember Karabinchak, Perilstein were absent.

RESOLUTION R.006-012011

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO ADP, INC., THE 'HR ANYTIME' HUMAN RESOURCES AND PAYROLL INFORMATION SYSTEM

WHEREAS, Resolution R.388-72010 authorized the use of competitive contracting for a Human Resource and Payroll Information Database System; and

WHEREAS, bids were received by the Township of Edison on November 10, 2010 for Contract No. 10-08-04R, Human Resources and Payroll Information Database; and

WHEREAS, ADP AUTOMATIC DATA PROCESSING, INC., 2 Huntington Quadrangle, Melville, NY 11747, submitted the lowest legally responsible, responsive bid through the competitive contracting process for a two (2) year contract in the total amount of \$414,898.68 which amount includes \$48,500.00 for non-recurring installation fees, and \$15,266.612 for recurring monthly fees; and

WHEREAS, funds in the amount of \$103,724.65 have been certified to be available for the first six months of the contract for both the installation costs and the monthly fees in the Payroll – Other Contractual Items Account, Number 1-01-20-0130-003-029 contingent upon Council adoption of the CY2011 temporary and/or final budget. Funds for the remaining eighteen (18) months of the contract shall be certified by the Chief Financial Officer upon adoption of the CY2012 and CY2013 temporary and/or final budgets.

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

1. All bids have been reviewed, and the bid submitted by ADP, Inc., 2 Huntington Quadrangle, Melville, NY 11747 for the 'HR Anytime' Human Resources and Payroll Information System, is determined to be the lowest legally responsible, responsive bid through the competitive contracting process.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$414,898.68, and any other necessary documents, with ADP, Inc. as described herein.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and/or bonds of the unsuccessful bidders.

The above Resolution was tabled earlier in the meeting.

RESOLUTION R.008-012011

RESOLUTION AUTHORIZING THE USE OF COMPETITIVE CONTRACTING FOR EMS SERVICES

WHEREAS, the Local Public Contracts Law at N.J.S.A. 40A:11-4.1 *et seq.*, provides for the utilization of a process called competitive contracting in lieu of public bidding for procurement of specific goods and/or services; and

WHEREAS, said process allows for competition, the award being based on a methodology which includes an evaluation, ranking, and weighing of criteria as well as cost; and

WHEREAS, the Township wishes to initiate competitive contracting for vending machine services for vending machines located in public buildings in the Township of Edison as permitted under 40A:11-4.1(f) Emergency Medical Services; and

WHEREAS, N.J.S.A. 40A:11-4-3(a) requires that in order to initiate competitive contracting, the governing body shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in N.J.S.A. 40A:11-4.1 is desired to be contracted.

NOW, THEREFORE IT IS RESOLVED, by the Municipal Council of the Township of Edison that the appropriate township officials are hereby authorized to initiate competitive contracting for the aforesaid project in conformance with N.J.S.A. 40A:11-4.1 *et seq.*

The above Resolution was tabled earlier in the meeting.

RESOLUTION R.012-012011

WHEREAS, the Local Budget Law, specifically N.J.S.A. 40A:4-19, requires that the governing body of a municipality shall by Resolution adopted within the first 30 days of the beginning of the fiscal year ,make appropriations if any contract, commitments or payments are to be made between the beginning of the fiscal year and the adoption of the budget; and

WHEREAS, the date of the Resolution is within the first 30 days of the beginning of the fiscal year.

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

TEMPORARY BUDGET APPROPRIATIONS	CY 2011
CURRENT FUND	
Office of the Mayor	
Salaries and Wages	14,000
Other Expenses	2,000
Municipal Council	
Salaries and Wages	12,000
Other Expenses	500
Ethics Commission	3,000
Office of the Township Clerk	
Salaries and Wages	59,500
Other Expenses	20,000
Office of the Business Administrator	
Salaries and Wages	115,000
Other Expenses	8,000
Communications	
Salaries and Wages	35,000
Other Expenses	2,000
Division of Central Purchases	
Salaries and Wages	45,000
Postage	
Other Expenses	60,000
Centralized Stores	
Other Expenses	20,000
Miscellaneous	
Other Expenses	500
Division of Personnel	
Salaries and Wages	70,000
Other Expenses	120,000
Department of Law	
Salaries and Wages	14,000
Other Expenses	100,000
Department of Finance	
Salaries and Wages	40,000
Other Expenses	1,000
Division of Accounts and Controls	
Salaries and Wages	20,000
Other Expenses	12,000
Data Processing	
Other Expenses	50,000
Division of Custody and Disbursements	
Salaries & Wages	45,000
Other Expenses	500
Division of Tax Collection	
Salaries and Wages	60,000
Other Expenses	10,000
Division of Tax Assessment	
Salaries and Wages	60,000
Other Expenses	20,000
Legal Tax Appeals	
Other Expenses	100,000
Department of Recreation and Parks	
Salaries and Wages	500,000
Other Expenses	200,000

Telephone	
Other Expenses	40,000
Heat, Light and Power	
Other Expenses	230,000
Division of Parks	
Salaries and Wages	250,000
Other Expenses	25,000
Department of Health	
Division of Health	
Salaries and Wages	400,000
Other Expenses	40,000
Division of Human Resources	
Salaries and Wages	11,000
Other Expenses	450
Division of Senior Citizen Services	
Salaries and Wages	90,000
Other Expenses	10,000
Community Shuttle	
Salaries and Wages	55,000
Other Expenses	11,500
Bridges Youth Program	30,000
Division of Police	
Salaries and Wages	7,000,000
Other Expenses	100,000
Emergency Dispatch	
Salaries and Wages	450,000
Other Expenses	140,000
Police Vehicle Maintenance	
Salaries and Wages	55,000
Other Expenses	65,000
Uniform Fire Safety Act	
Salaries and Wages	100,000
Other Expenses	4,000
Division of Fire	
Salaries and Wages	5,000,000
Other Expenses	100,000
Fire Hydrant Services	
Other Expenses	350,000
Aid to Volunteer Fire Companies	
Other Expenses	
Department of Public Works	
Municipal Garage	
Salaries and Wages	225,000
Other Expenses	25,000
Vehicle Impound Area	
Salaries and Wages	23,000
Other Expenses	1,500
Fuels and Lubricants for Municipal Equipment	
Other Expenses	240,000
Street Lighting	
Other Expenses	300,000
Division of Streets	
Salaries and Wages	525,000
Other Expenses	150,000
Division of Public Buildings	
Salaries and Wages	400,000
Other Expenses	80,000
Division of Sanitation	
Salaries and Wages	350,000
Other Expenses	35,000
Public Defender	
Salary and Wages	7,500
Other Expenses	500
Department of Planning and Engineering	
Division of Planning and Zoning	
Salaries and Wages	105,000
Other Expenses	500
Community Development	
Salaries and Wages	1,500
Planning Board	
Other Expenses	9,000
Zoning Board	
Salaries and Wages	4,000
Other Expenses	9,000

Rent Control Board	
Salaries and Wages	2,000
Other Expenses	2,000
Environmental Commission	
Other Expenses	100
Division of Engineering	
Salaries and Wages	150,000
Other Expenses	30,000
Group Insurance	
Other Expenses	4,500,000
Other Insurance and Surety Bonds	
Other Expenses	400,000
First Aid Organizations	
Other Expenses	105,000
Office of Emergency Management	
Other Expenses	5,000
Condominium Services	
Other Expenses	
Employees' Unemployment Insurance	
Other Expenses	50,000
Celebration of Public Events	
Other Expenses	10,000
Municipal Court	
Salaries and Wages	165,000
Other Expenses	25,000
Uniform Construction Code	
Salaries and Wages	205,000
Other Expenses	200,000
Social Security	
Other Expenses	600,000
Library	
Other Expenses	1,600,000
Division of Fire EMT Services	
Salaries and Wages	190,000
Other Expenses	80,000
EECBG	250,000
Municipal Alliance	26,270
Clean Communities	34,467
Payment of Bond Principal	
Interest on Bonds	
Green Trust Loan Program	
MCIA Capital Lease Payments	
NJEIT Loan	
TOTAL CURRENT FUND	\$27,497,287
SEWER OPERATING UTILITY FUND	
Salaries and Wages	475,000
Other Expenses	750,000
Middlesex County Utility Authority Charges	2,150,000
Social Security	40,000
TOTAL SEWER OPERATING UTILITY FUND	3,265,000
SANITATION FUND	
Salaries and Wages	850,000
Other Expenses	850,000
Social Security	70,000
Disposal Fees	500,000
TOTAL SANITATION FUND	2,270,000

The above Resolution was tabled earlier in the meeting.

RESOLUTION R.014-012011

WHEREAS, by Resolution R.033-012010 adopted on January 13, 2010 the Township of Edison awarded a contract in an amount not to exceed \$75,000 to Louis Rainone, Esq., and DeCotis, FitzPatrick & Cole, LLP, to represent the Township of Edison as Labor Counsel; and

WHEREAS, by Resolution R.625-102010 adopted on October 27, 2010 the Township of Edison amended Resolution R.033-012010 and increased the authorized contract to Louis Rainone, Esq., and DeCotis, FitzPatrick & Cole, LLP, to represent the Township of Edison as Labor Counsel in an amount not to exceed \$120,000; and

WHEREAS, due to the nature and volume of work the Contract needs to be increased to approve additional expenditures of \$100,000.00 for a total authorized expenditure of \$220,000.00; and

WHEREAS, all other terms and conditions of the original Resolution shall remain in full force and effect.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, County of Middlesex, and State of New Jersey, that the authorized amount of this Contract is hereby increased by \$100,000.00 for a total authorized expenditure of \$220,000.00.

CERTIFICATION

I hereby certify that funds in the amount of \$100,000.00 are available in Account No. 0-01-20-0155-001-027 subject to and contingent upon appropriation of sufficient funds in the budget line item.

/s/ Lawrence Pollex
Acting Chief Financial Officer

The above Resolution was tabled earlier in the meeting.

RESOLUTION R.015-012011

Explanation: This Resolution increases the permissible expenditures for the Professional Services Contract awarded to Karl Kemm, Esq., and Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township of Edison as Township Attorney.

WHEREAS, by Resolution R.032-012010 adopted on January 13, 2010 the Township of Edison awarded a contract to Karl Kemm, Esq., and Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township of Edison as Township Attorney; and

WHEREAS, by Resolution R.719-112010 adopted on November 22, 2010 the Township of Edison amended Resolution R.032-012010 and increased the authorized contract to Karl Kemm, Esq., and Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township of Edison as Township Attorney in an amount not to exceed \$100,000; and

WHEREAS, due to the nature and volume of work the Contract needs to be increased to approve additional expenditures of \$120,000.00 for a total authorized expenditure of \$220,000.00; and;

WHEREAS, all other terms and conditions of the original Resolution shall remain in full force and effect.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Edison, County of Middlesex, and State of New Jersey, that the authorized amount of this Contract is hereby increased by \$120,000.00 for a total authorized expenditure of \$220,000.00.

CERTIFICATION

I hereby certify that funds in the amount of \$120,000.00 are available in Account No. 0-01-20-0155-001-027.

/s/ Lawrence Pollex
Acting Chief Financial Officer

The above Resolution was tabled earlier in the meeting.

COMMUNICATIONS

- a. Electronic Mail Message from ToniAnn Ambrosio regarding contaminated soil at Woodbridge Avenue and Gurley Road – receive and refer to Administration

Councilmember Mascola said in response to the email, the resident came up with more questions. He asked for this to be forwarded to Administration for answers.

Mr. Medina said this was provided to the Township Clerk’s office by memorandum.

On a motion made by Councilmember Lankey, seconded by Councilmember Dr. Prasad and duly carried, the above Communication was received.

Council President Diehl said the tabling of several Resolutions was due to questions that came up on Monday night and he wanted the full Council to deal with this.

ORAL PETITIONS AND REMARKS

Council President Diehl opened the meeting for public comment.

Walt Shneer, Park Way, said he was present on Monday and remarked about snow removal during the last storm. He said this time Public Works did a good job.

Council President Diehl said he only received one call and it was not a complaint. It dealt with Meridian Road and the road was fine.

Bruce Diamond, 74 Calvert Avenue West, said Public Works did a great job on the snow removal. It is a lot easier to clean eight inches than twenty inches. He said he has started a petition to rescind the gag order which Council President Diehl has already signed. He felt this was insane. He said he does not understand the intricacies of the Faulkner Act but felt as representatives of the Township the Council, they should be able to talk to the employees.

Council President Diehl asked if his phone number and address were registered with the Clerk's Office.

Mr. Diamond was concerned with the Business Administrator sneering at the Council and the Mayor cutting off dialogue. He felt when the Mayor was a Councilmember she seemed to care what was going on in the Township and tried to make it a better place than it was ten years ago. He said it is more embarrassing now than when Jun Choi was Mayor.

Burton Gimelstob, 6 Churchill Road, said Mr. Kemm was supposed to research the legality of Mr. Gonzalez getting more money for his major medical than other employees.

Mr. Kemm said he began looking into this but has not completed his research. He said there are other urgent matters in the Township to deal with.

Mr. Gimelstob asked for this at the next meeting. He understood that the Resolution dealing with the payroll system was pulled. He felt that the Council cared about the taxpayer's money and asked them to consider this matter because our economy is in dire straits. He felt we cannot afford this program.

Council President Diehl said there were several questions on this. The expense is an issue and there are other elements to this that they do not understand.

Mr. Gimelstob said if the Administration is going to look at keeping track of employees they should start at the top with the Mayors office. He said Mr. Gonzalez came in at 10:00 a.m. and left at 3:00 p.m. He asked that Mr. Gonzalez tell the Council how much he makes, his use of Township vehicles, payment for transportation, how much he receives for major medical, and any other monies received. He asked Council President Diehl if he knows how much Mr. Gonzalez makes.

Council President Diehl said he received an email regarding this, but he does not know the answers to all of Mr. Gimelstob's questions.

Joe Petrucelli, 62 Revere Boulevard, congratulated Council President Diehl on his presidency. He was glad to see that the Temporary Budget was tabled. He asked about line items being increased and if the 26.25% included the splits. He spoke about Sheet 12 of the budget document and was concerned with the raise in the line item.

Mr. Pollex said this has no effect on the budget or tax levy because this is a temporary budget.

Council President Diehl asked the speakers not to interrupt each other.

Mr. Petrucelli said last year they dealt with the budget to make up what was being exceeded the last four months. He felt they are moving line items around in the 26.25%. He felt there must be savings in the budget to move to other line items.

Mr. Pollex said the only line item that matters is in the permanent budget that is adopted. The temporary budget is only done in order for the municipality to operate.

Mr. Petrucelli asked why there is an increase of 26.25% on some line items and Mr. Pollex said it would make no sense to leave it at this for certain accounts.

Mr. Petrucelli asked if a cap calculation was done.

Mr. Pollex said they do not do a cap calculation for a temporary budget.

Mr. Petrucelli asked if it would be a good practice to do a cap calculation.

Esther Nemitz, 162B Fay Street, said on Monday she addressed the Council concerning the Ordinance for installing cameras in gas stations. She felt the reason that this was watered down was due to the expense of the cameras but said that the insurance rates would go down if the stations had security. She was more

concerned with protecting the people of the Township and said this was not adequate if the minimum requirements were not put in.

Charles Tomaro, 4 Waverly Drive, said he watched the end of the meeting last week and he heard Council President Diehl say that Mr. Tomaro called Mr. Roderman. He stated that he emailed Mr. Roderman and did not telephone him.

Council President Diehl said he had interpreted that he did call him. He felt the Council is frustrated with communication. A petition is out now and this is a serious issue. He does not understand the sense of the gag order and the silence that the Council receives. No one has been able to give an answer on why this is being done. He is not going to live with this well until he obtains an answer that makes sense. He said this is counterproductive to what the Council is trying to do.

Burton Gimelstob, 6 Churchill Road, asked if Mr. Gonzalez is still licensed to practice law in New Jersey.

Mr. Gonzalez said he had no desire to answer any of Mr. Gimelstob's questions.

Mr. Gimelstob said that Mr. Gonzalez wrote the chilling effect gag order. He asked if Mr. Kemm reviewed this but did not write it.

Mr. Kemm said that was correct.

Mr. Gimelstob asked if Mr. Gonzalez is practicing law. He said in Trenton he tried to gag the public and felt there is a history of this. He said if Mr. Gonzalez is practicing law without a license he has a problem with this. He asked if the Business Administrator can get involved with setting up bids.

Mr. Stephens asked for a point of order because he did not feel this was a rebuttal.

Mr. Kemm said anyone can prepare bids. They do not have to be a lawyer.

Council President Diehl said the Mayor was upset with the fact that the Council overrode her veto and that is why she decided to do this. He felt this is an emotional response and did not think the Mayor should respond emotionally to this.

Joe Petrucelli, 62 Revere Boulevard, spoke about Mr. Pollex being on the transition team. He asked Mr. Pollex if he had the budget numbers in an excel spread sheet so he can compare them. He said the current document does not have splits and asked if he could get a common document to work with.

Mr. Pollex asked if this was a rebuttal and said he is not sure what Mr. Petrucelli is asking for.

Mr. Petrucelli asked if the document can be done in excel format.

Mr. Pollex said he works for the Mayor and Council and he asked Councilmember Lankey if he wanted this as he is the Finance Committee Chair.

Council President Diehl commented that Mr. Pollex said he works for the Mayor and Council.

Mr. Petrucelli asked Councilmember Lankey to request last year's adopted budget and calculate the 26.25% without putting in separate line items.

Mr. Pollex explained the contributions do not include certain items.

Councilmember Lankey said the request made was by line item in the approved budget and asked to see 26.25% by line item and to include the splits.

Mr. Pollex said splits are in the sewer and sanitary budgets and these are separate budgets.

Councilmember Lankey asked if he can do this and include it in the total.

Mr. Pollex felt this was juggling numbers to be reassembled for no purpose.

Councilmember Lankey said if it can be done in an excel spread sheet, they can forecast the numbers.

Councilmember Lankey said the temporary budget affects the final budget because time passed and the temporary budget takes the Town further into the year. He does not want to get so far into the year that the ability to effectuate change is almost gone.

Mr. Pollex said he thought that was what he provided.

Councilmember Lankey said he provided what he interpreted was asked for and felt this is a communication issue.

Council President Diehl said Mr. Pollex said he can do this but not quickly.

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

Council President Diehl said tonight many items were tabled but one of the Resolutions not pulled was R.031-01201, appointing Ralph Errico to the Zoning Board. He recognized him and congratulated him and thanked him for his service.

Having no further business to discuss, on a motion made by Councilmember Lankey, seconded by Councilmember Mascola, the meeting was adjourned at 7:48 p.m.

Robert Diehl
Council President

Reina A. Murphy, RMC
Municipal Clerk