

**AGENDA
MUNICIPAL COUNCIL
WORKSESSION MEETING
Monday, January 24, 2011
6:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. 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.
4. **ORAL PETITIONS AND REMARKS**
5. **APPROVAL OF MINUTES:**
 - a. Reorganization meeting of January 5, 2011
 - b. Closed Session Meeting of January 10, 2011
6. **REPORTS FROM ALL COUNCIL COMMITTEES:**
7. **POINTS OF LIGHT**
8. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through January 20, 2011
 - b. Resolution authorizing refund in the amount of \$271,011.62 for redemption of tax sale certificates.
 - c. Resolution authorizing refund of tax overpayments, totaling \$45,754.77.
 - d. Resolution authorizing contributions to the Volunteer First Aid Squads for 2010
 - e. Resolutions authorizing release of street opening escrow fees
 - f. Resolutions authorizing developer escrow fee refunds
 - g. 2011 Temporary Budget
 - h. Transfer of Funds
9. **FROM THE DEPARTMENT OF HEALTH:**
 - a. Resolution authorizing grant application for H1N1 Emergency Preparedness Training and Educational Materials
10. **FROM THE DEPARTMENT OF LAW:**
 - a. Resolution awarding Professional Services contract for Labor Counsel
 - b. Resolution awarding Professional Services contract for Township Attorney
11. **FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**
 - a. Engineering Inspection Fee Refund for Wick Shopping Plaza, Building F, application #P43-99/00
 - b. Engineering Inspection Fee Refund for Dr. M. Ghaly, 2141 Oak Tree Road, Application #P54-99/00
 - c. Release of cash and performance bond for Dr. M. Ghaly, 2141 Oak Tree Road, Application #P54-99/00
 - d. Engineering Inspection Fee Refund for Dr. Tony Hom, Application #P32-04/05.
 - e. Bond Reduction for N.D.K. Realty, Rite Aid and Bank, Route 1 North and Plainfield Avenue, Application #P-08-06/07.
 - f. Bond Reduction for Fourth MPPL Realty Co., Ethel Road Estates, Ethel Road and New Brooklyn Road, Application #P5093
 - g. Resolutions authorizing tree maintenance bond refund
 - h. Resolutions authorizing construction permit fees refunds.
 - i. Release of cash and performance bond for Gordon Retail Dev. (CVS Pharmacy), 8 Eden Avenue, Application #P98/99.

- j. Release of cash and performance bond for New York SMSA Limited Partnership, d/b/a Verizon Wireless, Ashbrook Drive, Application #Z15-08/09
 - k. Engineering Inspection Fee Refund for New York SMSA Limited Partnership, d/b/a Verizon Wireless, Ashbrook Drive, Application #Z15-08/09
 - l. Bond Reduction for Kommit Associates at New Durham LLC, New Durham Road, Application #P5103
12. **FROM THE DIRECTOR OF PUBLIC WORKS:**
- a. Cooperative Pricing Agreement for the purchase of treated rock salt
 - b. Resolution authorizing additional funding for Contract No. 08-12-06, Fuel-Gasoline, Diesel and No. 3 Fuel Oil
13. **FROM THE TOWNSHIP CLERK:**
- a. Resolution renewing liquor license for Wick Wholesalers, Inc.
14. **FROM THE COUNCIL MEMBER OF THE PLANNING BOARD:**
15. **COMMUNICATIONS:**
- a. Electronic Mail Messages from various individuals regarding the Visco tract – receive
 - b. Electronic Mail Message from Robert Spiegel regarding pending Assembly Bills - receive
16. **DISCUSSION ITEMS:**
- Council President Diehl**
None
- Councilmember Karabinchak**
- a. Resolution regarding voluntary residential housing
 - b. Tax Appeals
 - c. Resolution regarding Educational Funding
 - d. Oak Tree and Woodland Intersection
- Councilmember Lankey**
None
- Councilmember Mascola**
- a. Resolution of Recognition – Knights of Columbus
- Councilmember Perilstein**
None
- Councilmember Prasad**
None
17. **CLOSED SESSION:**
None
18. **ADJOURNMENT**

RESOLUTION

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 \$271,011.62.

RESOLUTION

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 \$45,754.77 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.

AUTHORIZING CONTRIBUTION OF FUNDS TO VOLUNTEER FIRST AID SQUADS OF THE TOWNSHIP OF EDISON FROM THE 2010 CALENDAR YEAR BUDGET IN AN AMOUNT NOT TO EXCEED \$35,000 PER SQUAD FOR A TOTAL EXPENDITURE OF \$105,000.

WHEREAS, the Township of Edison budget \$105,000 in the calendar year 2010 budget and desires to distribute said funds among the volunteer first aid squads of the Township in the amount of \$35,000 to each of the three volunteer first aid squads serving the Township; and

WHEREAS, N.J.S.A. 40:5-2 authorizes municipalities to make such contributions; and

WHEREAS, upon receipt of these funds the subject volunteer first aid squads are responsible to comply with all federal, state and local statutes, ordinances and regulations as they would be with any other funds they receive

NOW, THEREFORE, IT IS RESOLVED by the Council of the Township of Edison in the County of Middlesex, New Jersey that the proper Township officials are hereby authorized to make the donations indicated below:

- Edison First Aid Squad No. 1 (\$35,000)
- Edison First Aid Squad No. 2 (\$35,000)
- Clara Barton First Aid Squad (\$35,000)

TOTAL \$105,000

RESOLUTION TO RELEASE STREET OPENING ESCROW

WHEREAS, the Township Department of Public Works advises the following have deposited Escrow Funds for Street Opening Permits; and

WHEREAS, notification has been received stating that all work has been inspected and restored as per the requirements of the Road Opening Permit; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Finance Department is hereby authorized to release Street Opening Escrow Funds, under reference number STO0000004, to the following:

Permit Number:	9895
Opening Location:	46 Lyle Place
Block/Lot:	448/47
Applicant's Name & Address:	AAA All Service Inc 1606 Route 27 Edison, NJ 08817
Initial Deposit Date:	11/10/10
Deposit Amount:	\$576
Paid by and refunded to:	Same as applicant

BE IT FURTHER RESOLVED that the Township Council of the Township of Edison forwards a certified true copy of this resolution to the Director of Finance.

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RESOLUTION

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow posted by Eric Pogozeleski for a project located at 173 Vineyard Rd in Block: 198.H, Lot: 19.B as Application # Z5002; and

WHEREAS, the applicant was required to post developers escrow fees, pursuant to Township Ordinance; and

WHEREAS, on July 11, 2002, Eric Pogozeleski posted fees on deposit with the Township of Edison in account #: 7200024802 for Developers Escrow fees; and

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

WHEREAS, it is in now in order that the sum of \$845.00 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Eric Pogozeleski; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$845.00 plus accrued interest, if applicable, be refunded to Eric Pogozeleski 174 Vineyard Road Edison, NJ 08817.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized refund said sum of \$845.00, plus accrued interest, if applicable, in account #: 7200024802 to the applicant.

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BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized refund said sum of \$845.00, plus accrued interest, if applicable, in account #: 7200024802 to the applicant.

RESOLUTION			
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.			
		CY 2010	
CURRENT FUND			APPROPRIA
Office of the Mayor			
	Salaries and Wages	14,000	\$ 39,9
	Other Expenses	2,000	\$ 3,4
Municipal Council			
	Salaries and Wages	12,000	\$ 34,6
	Other Expenses	500	\$ 1,6
Ethics Commission		3,000	\$ 10,0
Office of the Township Clerk			
	Salaries and Wages	59,500	\$ 188,4
	Other Expenses	20,000	\$ 72,7
Office of the Business Administrator			
	Salaries and Wages	115,000	\$ 394,9
	Other Expenses	8,000	\$ 25,1
Communications			
	Salaries and Wages	35,000	\$ 136,3
	Other Expenses	2,000	\$ 7,1
Division of Central Purchases			
	Salaries and Wages	45,000	\$ 172,2
Postage			
	Other Expenses	60,000	\$ 107,6
Centralized Stores			
	Other Expenses	20,000	\$ 60,6
Miscellaneous			
	Other Expenses	500	\$ 1,1
Division of Personnel			
	Salaries and Wages	70,000	\$ 147,8
	Other Expenses	120,000	\$ 86,1
Department of Law			
	Salaries and Wages	14,000	\$ 51,9
	Other Expenses	100,000	\$ 263,6
Department of Finance			
	Salaries and Wages	40,000	\$ 139,9
	Other Expenses	1,000	\$ 4,7
Division of Accounts and Controls			
	Salaries and Wages	20,000	\$ 67,4
	Other Expenses	12,000	\$ 46,6
Data Processing			
	Other Expenses	50,000	\$ 51,5
Division of Custody and Disbursements			

	Salaries & Wages	45,000	\$ 165,82
	Other Expenses	500	\$ 1,92
Division of Tax Collection			
	Salaries and Wages	60,000	\$ 213,79
	Other Expenses	10,000	\$ 71,11
Division of Tax Assessment			
	Salaries and Wages	60,000	\$ 223,55
	Other Expenses	20,000	\$ 69,19
Legal Tax Appeals			
	Other Expenses	100,000	\$ 250,00
Department of Recreation and Parks			
	Salaries and Wages	500,000	\$ 1,749,00
	Other Expenses	200,000	\$ 608,52
Telephone			
	Other Expenses	40,000	\$ 159,77
Heat, Light and Power			
	Other Expenses	230,000	\$ 882,60
Division of Parks			
	Salaries and Wages	250,000	\$ 920,00
	Other Expenses	25,000	\$ 88,70
Department of Health			
Division of Health			
	Salaries and Wages	400,000	\$ 1,470,00
	Other Expenses	40,000	\$ 110,50
Division of Human Resources			
	Salaries and Wages	11,000	\$ 41,50
	Other Expenses	450	\$ 50
Division of Senior Citizen Services			
	Salaries and Wages	90,000	\$ 321,00
	Other Expenses	10,000	\$ 37,00
Community Shuttle			
	Salaries and Wages	55,000	\$ 202,00
	Other Expenses	11,500	\$ 43,00
Bridges Youth Program		30,000	\$ 77,00
Division of Police			
	Salaries and Wages	7,000,000	\$ 24,965,00
	Other Expenses	100,000	\$ 323,70
Emergency Dispatch			
	Salaries and Wages	450,000	\$ 1,607,00
	Other Expenses	140,000	\$ 475,90
Police Vehicle Maintenance			
	Salaries and Wages	55,000	\$ 203,00
	Other Expenses	65,000	\$ 217,60
Uniform Fire Safety Act			
	Salaries and Wages	100,000	\$ 366,00
	Other Expenses	4,000	\$ 14,80
Division of Fire			
	Salaries and Wages	5,000,000	\$ 16,854,20
	Other Expenses	100,000	\$ 308,80
Fire Hydrant Services			
	Other Expenses	350,000	\$ 1,345,80
Aid to Volunteer Fire Companies			
	Other Expenses		
Department of Public Works			
Municipal Garage			

	Salaries and Wages	225,000	\$ 790,8
	Other Expenses	25,000	\$ 68,7
Vehicle Impound Area			
	Salaries and Wages	23,000	\$ 86,0
Other Expenses		1,500	\$ 4,9
Fuels and Lubricants for Municipal Equipment			
	Other Expenses	240,000	\$ 735,3
Street Lighting			
	Other Expenses	300,000	\$ 1,147,7
Division of Streets			
	Salaries and Wages	525,000	\$ 1,652,0
	Other Expenses	150,000	\$ 330,5
Division of Public Buildings			
	Salaries and Wages	400,000	\$ 1,228,6
	Other Expenses	80,000	\$ 187,8
Division of Sanitation			
	Salaries and Wages	350,000	\$ 1,189,0
	Other Expenses	35,000	\$ 96,8
Public Defender			
	Salary and Wages	7,500	\$ 29,0
	Other Expenses	500	\$ 2,0
Department of Planning and Engineering			
Division of Planning and Zoning			
	Salaries and Wages	105,000	\$ 394,0
	Other Expenses	500	\$ 1,5
Community Development			
	Salaries and Wages	1,500	\$ 5,0
Planning Board			
	Other Expenses	9,000	\$ 33,9
Zoning Board			
	Salaries and Wages	4,000	\$
	Other Expenses	9,000	\$ 33,4
Rent Control Board			
	Salaries and Wages	2,000	\$ 7,5
	Other Expenses	2,000	\$ 7,5
Environmental Commission			
	Other Expenses	100	\$ 3
Division of Engineering			
	Salaries and Wages	150,000	\$ 545,8
	Other Expenses	30,000	\$ 102,6
Group Insurance			
	Other Expenses	4,500,000	\$ 16,410,2
Other Insurance and Surety Bonds			
	Other Expenses	400,000	\$ 1,461,0
First Aid Organizations			
	Other Expenses	105,000	\$ 105,0
Office of Emergency Management			
	Other Expenses	5,000	\$ 18,9
Condominium Services			
	Other Expenses		
Employees' Unemployment Insurance			
	Other Expenses	50,000	\$ 180,0
Celebration of Public Events			
	Other Expenses	10,000	\$ 64,9
Municipal Court			
	Salaries and Wages	165,000	\$ 617,0
	Other Expenses	25,000	\$ 81,7
Uniform Construction Code			

	Salaries and Wages	205,000	\$ 780,30
	Other Expenses	200,000	\$ 1,025,00
Social Security			
	Other Expenses	600,000	\$ 2,083,2
Library			
	Other Expenses	1,600,000	\$ 5,635,1
Division of Fire EMT Services			
	Salaries and Wages	190,000	\$ 703,00
	Other Expenses	80,000	\$ 270,00
EECBG		5,000	\$ 250,00
Municipal Alliance		26,270	\$ 105,00
Clean Communities		34,467	\$ 118,2
Payment of Bond Principal			
Interest on Bonds			
Green Trust Loan Program			
MCIA Capital Lease Payments			
NJEIT Loan			
	TOTAL CURRENT FUND	27,252,287	\$ 95,095,4
SEWER OPERATING UTILITY FUND			
	Salaries and Wages	475,000	\$ 1,800,00
	Other Expenses	750,000	\$ 3,400,00
	Middlesex County Utility Authority Charges	1,900,000	\$ 7,097,00
	Social Security	40,000	\$ 120,00
	TOTAL SEWER OPERATING FUND	3,165,000	\$ 12,417,00
SANITATION FUND			
	Salaries and Wages	850,000	\$ 2,692,2
	Other Expenses	850,000	\$ 4,193,1
	Social Security	70,000	\$ 210,00
	Disposal Fees	500,000	\$ 1,600,00
	TOTAL SANITATION FUND	2,270,000	\$ 8,695,4

**AUTHORIZING THE TRANSFER OF FUNDS BETWEEN CURRENT FUND
APPROPRIATIONS**

WHEREAS, N.J.S.A. 40A:4-58 and N.J.S.A. 40A:4-59 provide for transfers of funds during the last two months of the current fiscal year and the first three months of the succeeding fiscal year; and

WHEREAS, it has been determined that certain existing appropriations are insufficient to meet the needs for which they have been established; and

WHEREAS, it has been determined that certain other existing appropriations are sufficient to meet the needs for which they were established and it appears that surplus balances exist in these appropriations.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, in the County of Middlesex, New Jersey that there be transferred funds from those appropriations having surplus balances to those appropriations having insufficient balances to meet the requirements of the demands for payment made upon them, as indicated on the annexed spread sheets.

IT IS FURTHER RESOLVED THAT the proper Township Officials are hereby authorized to make the necessary transfers between said appropriations as authorized in the foregoing Resolution and the annexed spreadsheets (two spreadsheets annexed hereto).

RESOLUTION AUTHORIZING AN APPLICATION TO THE NEW JERSEY HEALTH OFFICERS ASSOCIATION FOR A GRANT FOR H1N1 EMERGENCY PREPAREDNESS TRAINING AND EDUCATIONAL MATERIALS

WHEREAS, the Township of Edison is eligible to receive grant funding up to \$10,000.00 from the New Jersey Health Officers Association through the local public health emergency preparedness funding; and

WHEREAS, the Edison Department of Health and Human Services is desirous of applying for the grant funds available from the New Jersey Health Officers Association address needs addressed in the H1N1 after action reports submitted by local public health departments to continue to provide public health emergency preparedness and awareness activities to the staff and residents of Edison; and

WHEREAS, these services provide a significant benefit to the residents of the Township by providing public health emergency preparedness training, exercises and educational materials to the staff and residents of the Township of Edison.

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

1. The appropriate officials of the Township of Edison are hereby authorized to submit a grant application to the New Jersey Health Officers Association for a grant for H1N1 public health emergency preparedness training, exercises and educational materials.

2. The Mayor is hereby authorized to execute any and all documents pertaining to the submission of subject grant application.

Explanation: This Resolution awards a Professional Services Contract to Karl P. Kemm, Esq., and Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township of Edison as Township Attorney.

RESOLUTION

WHEREAS, Karl P. Kemm, Esq., previously handled various legal matters on behalf of the Township of Edison, has an excellent reputation in the area of municipal government, has practiced law for many years, has knowledge of the Township of Edison ("Township") and has extensive legal staff and resources and a multi-disciplinary practice necessary to handle any matter in the municipal arena and any other unanticipated legal issue which may arise from time to time; and

WHEREAS, for these reasons the Mayor and the Township Council recommend Karl P. Kemm, Esq., for the position of Township Attorney; and

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

WHEREAS, prior to the execution of a contract, Karl P. Kemm, Esq., will have completed and submitted a Business Entity Disclosure Certification which certifies that no individual with a 10% interest or larger in Hoagland, Longo, Moran, Dunst & Doukas, LLP, has made any reportable contributions to a political or candidate committee in the Township Council of the Township of Edison in the previous year, and that the contract will prohibit an individual with a 10% interest or larger in Hoagland, Longo, Moran, Dunst & Doukas, LLP, from making any reportable contributions through the term of the contract, pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

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

WHEREAS, compensation for the professional services included under the Township Attorney Retainer shall be the sum of \$33,000.00, payable in 12 monthly installments at the first Council Meeting of each month, and shall include:

Advise the Council. Advise the Council or its committees or any Township Officer, when thereto requested, upon all legal questions arising in the conduct of the Township's business;

Prepare Ordinances. Prepare and revise all ordinances of the Code when so requested by the Council or any committee thereof;

Prepare Resolutions. Prepare or draft and revise all resolutions when so requested by the Council or any committee or member thereof;

Render Opinions. Render his or her opinion on any legal matter or question submitted to him or her by the Council or any of its committees or by any Township officer, in writing or orally;

Attend Council Meetings. Attend Council meetings, including special meetings and conference meetings, for the purpose of giving the Council any legal advice requested by its members;

Bid Openings. Attend and advise the Council or any designated officer of the Township in the opening and awarding of public bids; and

WHEREAS, compensation for the professional services outside of the scope of the above Township Attorney Retainer including but not limited to:

Advise the Mayor and Administration or any Township Officer, when thereto requested, upon all legal questions arising in the conduct of the Township's business; and

Represent the Township in all legal matters and litigation matters and before all boards and government agencies.

shall be at a rate of \$140 per hour for all attorneys and \$70 per hours for legal assistants, in an amount not to exceed two hundred fifty thousand and 00/100 (\$250,000.00) dollars (inclusive of expenses); and

WHEREAS, the Township Council feels that it is in the best interest of the Township of Edison to enter into the attached Contract for Professional Services with Karl P. Kemm, Esq. and Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township as Township Attorney; and

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Contract for Professional Services with Karl P. Kemm, Esq. and Hoagland, Longo, Moran, Dunst & Doukas, LLP, to represent the Township as Township Attorney.
2. The Contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law, more specifically N.J.S.A. 40A:11-5, because the services in question are of a specialized, technical and professional nature.
3. A certificate showing the availability of funds for the Contract authorized hereby has been provided by the Chief Financial Officer and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable accounts and is contingent upon the adoption of a temporary and/or permanent budget for the 2011 calendar year.
4. No payments in excess of the "not-to-exceed" Contract amount will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
5. Any modification to the Contract shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.
6. The Mayor of Edison may, upon ten (10) days written notice, and without cause, terminate the Contract.
7. The Contract shall, for all purposes, be deemed a New Jersey Contract and any provisions of the Contract shall be governed and interpreted according to the Laws of the State of New Jersey.

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

Explanation: This Resolution awards a Professional Services Contract to Louis Rainone, Esq., and DeCotiis, FitzPatrick & Cole, LLP, to represent the Township as labor counsel.

RESOLUTION

WHEREAS, Louis Rainone, Esq., previously handled legal matters on behalf of the Township of Edison; and

WHEREAS, the Mayor recommends, with the approval of the Director of Law, that Louis Rainone, Esq., for the position of Labor Counsel; and

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

WHEREAS, prior to the execution of a contract, Louis Rainone, Esq., will have completed and submitted a Business Entity Disclosure Certification which certifies that no individual with a 10% interest or larger in DeCotiis, FitzPatrick & Cole, LLP, has made any reportable contributions to a political or candidate committee in the Township Council of the Township of Edison in the previous year, and that the contract will prohibit an individual with a 10% interest or larger in DeCotiis, FitzPatrick & Cole, LLP, from making any reportable contributions through the term of the contract, pursuant to N.J.S.A. 19:44A-20.4, *et seq.*; and

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

WHEREAS, compensation for the professional services shall be at a rate of \$140 per hour for all attorneys and \$70 per hours for legal assistants, in an amount not to exceed One Hundred Fifty Thousand (\$150,000.00) dollars (inclusive of expenses); and

WHEREAS, the Township Council feels that it is in the best interest of the Township of Edison to enter into the attached Contract for Professional Services with Louis Rainone, Esq. and DeCotiis, FitzPatrick & Cole, LLP, to represent the Township as special counsel for the limited outstanding tax appeals herein identified.

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Contract for Professional Services with Louis Rainone, Esq. and DeCotiis, FitzPatrick & Cole, LLP, to represent the Township as Labor Counsel.
2. The Contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law, more specifically N.J.S.A. 40A:11-5, because the services in question are of a specialized, technical and professional nature.
3. A certificate showing the availability of funds for the Contract authorized hereby has been provided by the Chief Financial Officer and is made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable accounts and is contingent upon the adoption of a temporary and/or permanent budget for the 2011 calendar year.
4. No payments in excess of the "not-to-exceed" Contract amount will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
5. Any modification to the Contract shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.
6. The Township of Edison may, upon ten (10) days written notice, and without cause, terminate the Contract.

7. The Contract shall, for all purposes, be deemed a New Jersey Contract and any provisions of the Contract shall be governed and interpreted according to the Laws of the State of New Jersey.

8. The contractor shall report directly to the Edison Township Attorney, who will be the chief contact with the Township of Edison.

9. The contractor shall notify the Edison Township Attorney when 80% of the "not-to-exceed" amount is attained.

10. All work relating to the demotions of policemen and fireman in the letters of January 8, 2010 from Mayor Ricigliano will be billed separately.

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

RESOLUTION

WHEREAS, the Township Engineer advises that a final inspection was done of Wick Shopping Plaza, Building F located in Block: 161-K, Lot: 11, Application #P43-99/0; and

WHEREAS, the Cash Performance Bond and the Performance Bond were released on April 15, 2005, Resolution #R.252-052005; and

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

WHEREAS, on April 9, 2002, Wick Shopping Plaza Assoc. posted a check #9294 in the amount of \$1,048.00 on deposit with the Township of Edison in account #7200024679 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 \$1,003.78; and

WHEREAS, it is in now in order that the sum of \$44.22, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Wick Shopping Plaza Assoc.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$44.22, plus accrued interest, if applicable, be refunded to Wick Shopping Plaza Assoc having offices at 100 Woodbridge Center Drive, Suite 301, P.O. Box 29, Woodbridge, N.J. 07095; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$44.22, plus accrued interest, if applicable, in account #7200024679 to the applicant.

RESOLUTION

WHEREAS, the Township Engineer advises that a final inspection was done of Dr. Ghaly located at 2141 Oak Tree Road in Block: 556-A, Lot: 2A & 3, Application #P54-99/0; and

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

WHEREAS, on February 1, 2002, Dr. M. Ghaly, posted a check #658312566 in the amount of \$3,607.70 on deposit with the Township of Edison in account #7200024665 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 \$3,311.13; and

WHEREAS, it is in now in order that the sum of \$296.57, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Dr. M. Ghaly.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$296.57, plus accrued interest, if applicable, be refunded to Dr. M. Ghaly having offices at 17 Anthony Avenue, Edison, N.J. 08820; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$296.57, plus accrued interest, if applicable, in account #7200024665 to the applicant.

RESOLUTION

WHEREAS, the Township Engineer advises that an inspection has been made of Dr. Ghaly , Application #P54-99/0 located in Block:556-A, Lot: 2A & 3, and said inspection indicates all improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

WHEREAS, the Certificate of Occupancy was issued on September 22, 2005, since this project has extended beyond the 2-year maintenance bond period there will be no maintenance guarantee required; and

WHEREAS, the Township Engineer, recommends the release of the Letter of Credit #5S1310864 of Fleet National Bank in the amount of \$77,926.32 with the Township of Edison, principal being Dr. M. Ghaly and acceptance of the subject improvements; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Bond Check #658312567 in the amount of \$8,658.48, on deposit in account #7200025306 with the Township of Edison, principal being Dr. M. Ghaly having offices at 17 Anthony Ave., Edison, N.J. 08820 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 Letter of Credit in the amount of \$77,926.32 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 \$8,658.48 plus accrued interest, if applicable, on deposit in account #7200025306 to the applicant.

RESOLUTION

WHEREAS, the Township Engineer advises that a final inspection was done of Dr. Tony Hom, located in Block: 160-U, Lot: 38, Application #P32-04/05; and

WHEREAS, the Cash Performance Bond and the Performance Bond were released on February 1, 2007, Resolution #R.305-062007; and

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

WHEREAS, on January 23, 2007, Meekin LLC posted inspection fees in the amount of \$3,710.99 on deposit with the Township of Edison in account #7200025069 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 \$3,710.99; and

WHEREAS, **it is in now in order that account #7200025069 is now a zero balance; and**

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON **that account #7200025069 is now a zero balance, therefore no money shall be returned to Meekin LLC and the account can now be closed out; and**

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to close out account #7200025069.

RESOLUTION

WHEREAS, Salomone Brothers, Inc. posted a Performance Bond #B1061145 posted on February 6, 2009 of Selective Insurance Company of America, in the amount of \$580,313.00, to guarantee the installation of improvements for the project known as NDK Realty LLC-Rite Aid & Bank located in Block: 239 and Lots: 1-K-2-C3-D, 2-E & 3-F and designated Application #P08-06/07; and

WHEREAS, a Cash Performance Bond check #16274 was posted on December 30, 2008 by Raceway Petroleum, Inc., in the amount of \$64,479.12, on deposit in account #7760013365; and

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

WHEREAS, it is the recommendation of the Township Engineer that the Performance Bond be reduced by 70% from \$580,313.00 to \$174,093.90, or 30% of the original amount; therefore refunding the amount of \$406,219.10.

WHEREAS, it is further the recommendation of the Township Engineer that the Cash Performance Bond check #16274, be reduced by 70%, from \$64,479.12 to \$19,343.73, or 30% of the original amount, therefore refunding the amount of \$45,135.39, plus accrued interest, if applicable; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Performance Bond hereinabove mentioned be reduced to \$174,093.90, by virtue of a substitute bond or endorsement to the Performance Bond presently in place, until such time as Final Acceptance is granted.

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$45,135.39, plus accrued interest, if applicable on deposit in Account #7760013365 to Raceway Petroleum, Inc. having offices at 1411 Stelton Road, Piscataway, N.J. 08854 with the sum of \$19,343.73 remaining on deposit until such time as Final Acceptance is granted.

RESOLUTION

WHEREAS, Fourth MPPL Realty Co posted a Performance Bond #B1052690 posted on May 13, 2008 of Selective Insurance Company of America, in the amount of \$206,985.24, to guarantee the installation of improvements for the project known as Fourth MPPL Realty Co. (Ethel Road Estates) located in Block: 20 and Lots: 4C &4H and designated Application #5093; and

WHEREAS, a Cash Performance Bond check #4809 was posted on May 15, 2008 by Fourth MPPL Realty Co. in the amount of \$22,998.36, on deposit in account #7760013339; and

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

WHEREAS, it is the recommendation of the Township Engineer that the Performance Bond be reduced by 70% from \$206,985.24 to \$62,095.57, or 30% of the original amount; therefore refunding the amount of \$144,889.67.

WHEREAS, it is further the recommendation of the Township Engineer that the Cash Performance Bond check #4809, be reduced by 70%, from \$22,998.36 to \$6,899.50, or 30% of the original amount, therefore refunding the amount of \$16,098.86, plus accrued interest, if applicable; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Performance Bond hereinabove mentioned be reduced to \$62,095.57, by virtue of a substitute bond or endorsement to the Performance Bond presently in place, until such time as Final Acceptance is granted.

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$16,098.86, plus accrued interest, if applicable on deposit in Account #7760013339 to Fourth MPPL Realty Co. having offices at 16 East Blancke St., Linden, N.J. 07036-5697 with the sum of \$6,899.50 remaining on deposit until such time as Final Acceptance is granted.

RESOLUTION

WHEREAS, on October 29, 2007 Horan Construction Corp. posted a Tree Maintenance Bond check #5601 in the amount of \$5,760.00, to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #07-138 for Ferrari Maserati located at 808 Rt. 1 North, Block:265-BB and Lot:115; and

WHEREAS, a Tree Maintenance Bond was posted on October 29, 2007 in the amount of \$5,760.00, on deposit in account #7760275033; and

WHEREAS, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that most of the trees have remained alive for the required two year maintenance period, **except for four (4) trees that were cut down; and**

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond **refund in the amount of \$5,580.00** be refunded to the applicant, **leaving a balance of \$180.00 for the four (4) dead trees, to be transferred to the proper account; and**

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$5,580.00, 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 \$5,580.00, plus accrued interest, if applicable, on deposit in Account #7760275033 to Horan Construction Corp. having offices at 211 Elm Street, Mineola, New York 11501.

RESOLUTION

WHEREAS, Ashok Paul. posted a Tree Maintenance Bond check#214 in the amount of \$90.00, principal being Ashok Paul to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #07-97 located at 42 Homestead Road, Block: 1023 and Lot: 3; and

WHEREAS, a Tree Maintenance Bond was posted on July 3, 2007 in the amount of \$90.00, on deposit in account #7760237724; 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 \$90.00, 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 \$90.00, 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 \$90.00, plus accrued interest, if applicable, on deposit in Account #7760237724 to Ashok Paul having offices at 42 Homestead Road, Edison, N.J. 08820.

EXPLANATION: This resolution provides for refund of the inspection portion of the construction permit fee, less the Administrative fees, and less the 20% municipal plan review fee per the UCC, posted for a residential construction permit where inspection services were not performed.

TOWNSHIP OF EDISON
RESOLUTION

WHEREAS, on May 15, 2006, a Construction (Building) Permit fee, check #1197, permit # 2006-1580, was posted in the total amount of \$1,845.00 by the homeowner; Beata and Krzysztof Zwonar; and

WHEREAS, the application was submitted to construct a new single family dwelling at 55 Manning Street which was resubmitted and fully paid for again October 21, 2010 with fully revised plans; and

WHEREAS, it is therefore appropriate that the municipal permit inspection fee in the amount of \$1,335.00, derived from the \$1,845.00 total construction permit fee less the \$126.00 DCA fee, less the \$50.00 CO fee, and less 20% plan review fee of \$334.00, to be refunded to the applicant; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit inspection fee, on Construction Permit #2006-1580, in the amount of \$1,335.00.00 for the referenced application where inspection services were not performed;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$1,335.00 on the inspection portion of permit fees be refunded to the property owner, Beata and Krzysztof Zwonar residing at 716 Old Post Rd, Edison;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$1,335.00 from the Refund of Revenue Fund to the homeowner Beata and Krzysztof Zwonar; Township of Edison Resident.

EXPLANATION: This resolution provides for refund of the inspection portion of the construction permit fee, less the Administrative fees, and less the 20% municipal plan review fee per the UCC, posted for a residential construction permit where inspection services were not performed.

TOWNSHIP OF EDISON
RESOLUTION

WHEREAS, on December 15, 2010, a Construction (Building) Permit fee, check #1676, permit # 2010-3935, was posted in the total amount of \$124.00 by the contractor; Island Window & Home Center; and

WHEREAS, the application was submitted to perform roof repairs at 10 Southfield Road for the homeowner Mary Costa; and

WHEREAS, the project was cancelled and the work not performed; and

WHEREAS, it is therefore appropriate that the municipal permit inspection fee in the amount of \$89.60, derived from the \$124.00 total construction permit fee less the \$12.00 DCA fee, and less 20% plan review fee of \$22.40, to be refunded to the applicant; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit inspection fee, on Construction Permit #2010-3935, in the amount of \$89.60 for the referenced application where inspection services were not performed;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$89.60 on the inspection portion of permit fees be refunded to the contractor, Island Window & Home Center using the mailing address of PO Box 62, Fords, NJ 08863;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$89.60 from the Refund of Revenue Fund to the contractor, Island Window & Home Center.

RESOLUTION

WHEREAS, the Township Engineer advises that an inspection has been made of CVS Pharmacy Application #P6-98/99 located in Block: 176, Lot: 1-A thru 6-A, and said inspection indicates all improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

WHEREAS, the Certificate of Occupancy is dated March 10, 2000, since this project has extended beyond the 2-year maintenance bond period there will be no maintenance guarantee required; and

WHEREAS, the Township Engineer, recommends the release of the Performance Bond # NEIFSU 0258183 of International Fidelity Insurance Company in the amount of \$193,463.37 with the Township of Edison, principal being Gordon Retail Development, LLC, and acceptance of the subject improvements; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Bond Check #5000173038 in the amount of \$21,495.93 plus accrued interest, if applicable, on deposit in account #7200025271 with the Township of Edison, principal being Gordon Retail Development, LLC. having offices at 50 State Street, 6th Floor, Albany, New York 12207 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 #NEIFSU 0258183 in the amount of \$193,463.37 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 \$21,495.93 plus accrued interest, if applicable, on deposit in account #7200025271 to the applicant.

RESOLUTION

WHEREAS, the Township Engineer advises that an inspection has been made of New York SMSA, Application #Z15-08/09 located in Block: 412, Lot: 13-P, 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 #CMS247598 of RLI Insurance Company in the amount of \$11,935.15 with the Township of Edison, principal being New York SMSALimited Partnership d/b/a Verizon Wireless and acceptance of the subject improvements; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance Bond Check #3185 in the amount of \$1,326.13, on deposit in account #7760013396 with the Township of Edison, principal being Hierung, Dupignac, Stanzione & Dunn, P.C. having offices at 64 Washington St-CN 2015, Toms River, N.J. 08754-2015 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 #CMS247598 in the amount of \$11,935.15 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 \$1,326.13 plus accrued interest, if applicable, on deposit in account #7760013396 to the applicant.

RESOLUTION

WHEREAS, the Township Engineer advises that a final inspection was done of New York SMSA d/b/a Verizon Wireless located at Ashbrook Drive in Block: 412, Lot: 13-P, Application #Z15-08/09; and

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

WHEREAS, on November 12, 2009, Hiering, Dupignac, Stanzione & Dunn, P.C., posted a check #3184 in the amount of \$552.56 on deposit with the Township of Edison in account #7760296041 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 \$538.11; and

WHEREAS, it is in now in order that the sum of \$14.45, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Hierig, Dupignac, Stanzione & Dunn, P.C.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$14.45, plus accrued interest, if applicable, be refunded to Hiering, Dupignac, Stanzione & Dunn, P.C. having offices at 64 Washington Street-CN 2015, Toms River, N.J. 08754-2015; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$14.45, plus accrued interest, if applicable, in account 7760296041 to the applicant

RESOLUTION

WHEREAS, Seven Oaks at New Durham Road posted a Performance Bond #NJC44044 posted on November 10, 2009 of Merchants Bonding Company, in the amount of \$596,242.89, to guarantee the installation of improvements for the project known as Kommit Associates at New Durham, LLC (Seven Oaks at New Durham Road) located in Block: 20-J and Lots: 26.01, 27.01, 28.01 & 38 and designated Application #P5103; and

WHEREAS, a Cash Performance Bond check #1836774 was posted on November 18, 2009 by 1035 New Durham LLC in the amount of \$66,249.21, on deposit in account #7760013397; and

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

WHEREAS, it is the recommendation of the Township Engineer that the Performance Bond be reduced by 70% from \$596,242.89 to \$178,872.86, or 30% of the original amount; therefore refunding the amount of \$417,370.03.

WHEREAS, it is further the recommendation of the Township Engineer that the Cash Performance Bond check #1836774, be reduced by 70%, from \$66,249.21 to \$19,874.76, or 30% of the original amount, therefore refunding the amount of \$46,374.45, plus accrued interest, if applicable; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Performance Bond hereinabove mentioned be reduced to \$178,872.86, by virtue of a substitute bond or endorsement to the Performance Bond presently in place, until such time as Final Acceptance is granted.

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$46,374.45, plus accrued interest, if applicable on deposit in Account #7760013397 to 1035 New Durham, LLC. having offices at 60 Walnut Avenue, Suite 400, Clark, N.J. 07066 with the sum of \$19,874.76 remaining on deposit until such time as Final Acceptance is granted.

RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO ENTER INTO A COOPERATIVE PRICING AGREEMENT FOR THE PURCHASE OF TREATED ROCK SALT FROM ATLANTIC SALT INCORPORATED

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, Resolution R.729-112010 dated November 22, 2010 authorized a contract for rock salt in the amount of \$111,400.00 with International Salt Company who was the Middlesex County Cooperative Pricing System rock salt vendor; and

WHEREAS, Middlesex County has since rebid the rock salt contract (No. PO-10-560) and the new bid has been awarded to ATLANTIC SALT INCORPORATED, 134 Middle Street, Suite 210, Lowell, MA 01852; and

WHEREAS, the Township of Edison, Department of Public Works intends to enter into a contract with ATLANTIC SALT INCORPORATED for the balance of the contract in the amount of \$95,000.00; and

WHEREAS, funds in the amount of \$95,000.00 have been certified to be available in the Streets and Roads, Materials and Supplies Account, Number 1-01-26-0290-000-030 and the balance of \$95,000.00 is available contingent upon Council adoption of the 2011 temporary and/or permanent final budget.

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

1. The Mayor, or her designee, is hereby authorized to execute a contract and any other necessary documents, in the amount of \$95,000.00, with ATLANTIC SALT INCORPORATED, 134 Middle Street, Suite 210, Lowell, MA 01852, the approved Middlesex County Contract vendor through this resolution and properly executed contract, which shall be subject to all the conditions applicable to the current County Contracts as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-11 et seq.

RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE FUEL-GASOLINE, DIESEL AND NO. 2 FUEL OIL CONTRACT WITH ALLIED OIL LLC, IN AN AMOUNT NOT TO EXCEED \$250,000.00

WHEREAS, ALLIED OIL LLC, 25 Old Camplain Road, Hillsborough, NJ 08844 was awarded Contract No. 08-12-06, FUEL-GASOLINE, DIESEL AND NO. 2 FUEL OIL on February 11, 2009 through Resolution R.060-022009 for a two year period effective April 14, 2009 in the amount of \$1,200,000.00 and that amount has been depleted; and

WHEREAS, the Purchasing Agent is in the process of rebidding this contract; and

WHEREAS, in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-15, a contract may be extended when a contracting unit has commenced rebidding prior to the time the contract expires; and

WHEREAS, the Business Administrator recommends that this contract in the amount not to exceed \$250,000.00 be renewed on a month to month basis expiring April 14, 2011 with the price as well as all terms and conditions to remain the same; and

WHEREAS, funds in the amount of \$250,000.00 have been certified to be available in the Fuel and Lubricants-Gasoline and Diesel Fuel Account, Number 1-01-31-0460-000-074, 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 the Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$250,000.00, and any other necessary documents, with ALLIED OIL LLC, as described herein.

RESOLUTION

WHEREAS, the Township of Edison has previously issued a Plenary Retail Consumption License to Wick Wholesalers, Inc.; and

WHEREAS, this License became inactive and was held as what is commonly referred to as a "pocket license" as it is not situated at a specific premises; and

WHEREAS, by law if a pocket license is not activated and/or sold for a period of time the License can only be renewed by receiving a Special Ruling from the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the Licensee has received a Special Ruling from the New Jersey Division of Alcoholic Beverage Control pursuant to N.J.S.A. 33:12.18 to permit the issuance of a new License for the license term 2008-2009 and pursuant to N.J.S.A. 33:12.39 to permit the issuance of a new License for the 2009-2010 and 2010-2011 license terms; and

WHEREAS, the Licensee has also made the proper applications to the Township of Edison and submitted the appropriate fees for these renewals; 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, acting as the local Alcohol Beverage Control Board, that the following Plenary Retail Consumption License:

<u>LICENSE NUMBER</u>	<u>LICENSEE AND LOCATION</u>	<u>ADDRESS</u>
1205-33-062-001	Wick Wholesalers, Inc. PO Box 29 Woodbridge, NJ 07095	n/a Pocket License

is granted Licenses for the following license terms:

<u>TERM</u>	<u>COVERING</u>
2008-2009	July 1, 2008 through June 30, 2009
2009-2010	July 1, 2009 through June 30, 2010
2010-2011	July 1, 2010 through June 30, 2011

all of which are effective immediately.

