

**AGENDA
MUNICIPAL COUNCIL
WORKSESSION MEETING
February 25, 2019
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 December 1, 2018 and posted in the Main Lobby of the Municipal Complex on the same date.
4. **ORAL PETITIONS AND REMARKS**
5. **REVIEW OF MINUTES:**
 - a. Combined Meeting of February 13, 2019
6. **REPORTS FROM ALL COUNCIL COMMITTEES:**
7. **POINTS OF LIGHT**
8. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Resolution authorizing the Township to enter into a five (5) year Labor Agreement with OPEIU Local 32(Crossing Guards)pursuant to the attached Memorandum of Understanding.
 - b. Resolution approving and authorizing the execution of the Memorandum of Agreement between Beautiful Edison and the Township of Edison to authorize the acceptance of a donation of an additional \$37,500.00 to help support the Township's revitalization and preservation of Swales Park.
9. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through February 21, 2019
 - b. Resolution authorizing refund in the amount of \$404,223.20 for redemption of tax sale certificates.
 - c. Resolution authorizing refund for Tax Overpayments, totaling \$3,859.17
 - d. Temporary Budget Appropriations
 - e. Resolution authorizing the Township to cancel and issue refunds for Sanitation Tax Payments to certain property owners.
 - f. Resolution authorizing assignment of Municipal Tax Lien
 - g. Resolution authorizing Cancellation and Refund of Tax due to Successful Tax court Appeal for Partial Exemption.
10. **FROM THE DEPARTMENT OF LAW:**

- a. Resolution authorizing the Mayor to execute a Developer's Agreement with Shore to Shore Edison, LLC with respect to Block 161.N, Lots 42.T1, 42.T2, 42.M, 65 and 42.V (located at intersection of Route 1 and Stony Road) on the tax maps of the Township.
 - b. Resolution authorizing the Mayor to execute a hold harmless agreement with PACT One, LLC, regarding grant of access to Township owned property for staging of certain construction equipment at 99-111 Truman Drive.
 - c. Resolution authorizing the Mayor to execute a Memorandum of Agreement with Beautiful Edison regarding Thomas Swales Park revitalization, as part of the Township's multi-site public park revitalization project.
 - d. Ordinance amending Chapter 14 of the Township Code with regard to certain soil testing in conjunction with residential construction where no underground oil tank or associated contamination is reported.
 - e. Resolution providing Municipal Council consent to the Mayor's appointment of Deepak Belani to the Technical Review Committee.
 - f. Resolution appointing Deputy Tax Assessor.
 - g. Resolution retaining PS&S for architectural/engineering services for the Township Community Center.
 - h. Resolution establishes a Committee of the Whole of the Township Council.
 - i. Resolution regarding HMFA Funding for Pennrose Properties, LLC involving Camp Kilmer B, and revising and supplementing Township Resolution R.095-022019.
 - j. Resolution authorizing the appointment of Ellen M. Fisher, ESQ as Prosecutor for the Township Municipal Court.
11. **FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**
- a. Resolutions refunding Senior Residential construction permit fee.
 - b. Resolution provides for Township Acceptance of the constructed improvements under Public Bid No. 18-07-03-Senior Center Roof Replacement; Authorizes a Corrective Change Order No. 1 for Final As-Built Quantities; and Authorizes FINAL CONTRACT PAYMENT for release of retainage and close-out of the construction project.
 - c. Resolution provides for the refund of the unused portion of Developers Escrow Fees.
 - d. Resolutions provides for Cash and Performance Bond refunds.
12. **FROM THE DEPARTMENT OF PUBLIC WORKS:**
- a. Award of Contract for Public Bid No. 19-06-06 Emergency Traffic Signal Repairs (not to exceed \$190,000.00)
13. **FROM THE DEPARTMENT OF RECREATION:**
- a. Resolution authorizing a reimbursement for the ABC program.
14. **FROM THE CHIEF OF FIRE:**
- a. Approval of Volunteer Fire Fighter

- b. Resolution accepting Quote an Awarding Contract/Purchase Order for the upgrade of the SCBA compressor and fill station to accept 5500 PSI Cylinders as well as additional repairs if necessary. (not to exceed \$21,910.00)
- c. Awarding of Contract for Public Bid No. 19-01-10 Self Contained Breathing apparatus (SCBA) and Related Components and Services. (not to exceed \$1,113,111.00)

15. **FROM THE TOWNSHIP CLERK:**

- a. Resolution authorizing a fee waiver for Our Lady of Peace Church.

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

17. **UNFINISHED BUSINESS:**

ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING, AND FINAL ADOPTION:

O.2039-2019 AN ORDINANCE VACATING HARLEY ROAD IN THE TOWNSHIP PURSUANT TO N.J.S.A. 40:67-7, et seq.

18. **DISCUSSION ITEMS:**

Council President Gomez

- a. None

Councilmember Coyle

- a. None

Councilmember Diehl

- a. None

Councilmember Joshi

- a. None

Councilmember Lombardi

- a. None

Councilmember Patil

- a. None

Councilmember Sendelsky

- a. None

20. **ADJOURNMENT**

RESOLUTION

WHEREAS, the Township of Edison and OPEIU Local 32 (Crossing Guards) are parties to a collective negotiations agreement covering the period July 1, 2015 through June 30, 2018, which has expired; and

WHEREAS, the Township and OPEIU Local 32 (Crossing Guards) have engaged in good faith collective negotiations in an effort to reach an agreement or otherwise resolve terms and conditions for a new labor agreement; and

WHEREAS, the Township and OPEIU Local 32 (Crossing Guards) have reached an understanding on terms and conditions for a new agreement subject to ratification by the Township and approval by the Governing Body; and

WHEREAS, the terms and conditions for a new agreement have been ratified by the membership of OPEIU Local 32 (Crossing Guards).

NOW THEREFORE BE IT RESOLVED that the Council hereby accepts and ratifies the attached Memorandum of Understanding relative to OPEIU Local 32 (Crossing Guards) for the period July 1, 2018 through June 30, 2022.

TOWNSHIP OF EDISON
MUNICIPAL RESOLUTION

WHEREAS, Edison's public parks are a valuable green/sustainable asset, as they afford opportunities for recreation, exercise and socialization in open spaces to its children and general population; and

WHEREAS, as a result of typical wear and tear from twenty years of continuous use by the public-at-large, the following fourteen (14) of Edison's twenty-four (24) public parks are in need of various degrees of repair, replacement and renovation in order to achieve compliance with the current New Jersey Playground Safety Subcode: Beatrice Parkway Park, Blossom Park, Edison Woods Park, Gateway Park, Old Post Park, Polansky Park, Stephen J. Capestro Park, Bernard J. Dwyer Park, Dudash Park, Idlewild Park, North Edison Park, Schenkmeier Park Shamrock Park and Swales Park; and

WHEREAS, the Township of Edison had previously secured a \$350,000.00 grant from the Middlesex County Open Space, Recreation and Farmland and Historic Preservation Trust Fund Municipal Recreation Program for this estimated \$700,000.00 green/sustainable project on a \$1 to \$1 cash match reimbursable basis; and

WHEREAS, the local, private, not-for-profit organization Beautiful Edison has offered to donate an additional \$37,500.00 to help support the Township's revitalization and preservation of Swales Park specifically; and

WHEREAS, an officially authorized and fully executed Memorandum of Agreement between Beautiful Edison and the Township of Edison is required to memorialize, approve and accept the donation of an additional \$37,500.00 to help support the Township's revitalization and preservation of Swales Park specifically; and

WHEREAS, it is anticipated that as a result of the completion of work at the above-cited fourteen (14) Edison public parks, their safety and continuing use shall increase, including but not limited to Swales Park; and

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby approve and authorize the execution of the Memorandum of Agreement between Beautiful Edison and the Township of Edison to authorize the acceptance of a donation of an additional \$37,500.00 to help support the Township's revitalization and preservation of Swales Park at a regularly-scheduled Work Session of the Edison Municipal Council on the evening of Monday, February 25, 2019 and subsequent Public Meeting on the evening of Wednesday, February 27, 2019.

RESOLUTION R.

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING FEBRUARY 21, 2019

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through February 21, 2019.

FUND	AMOUNT
Current	\$86,365,748.16
Affordable Housing	1,486.90
Capital	16,772.20
Cash Performance	0.00
CDBG	900.00
Developers Escrow	6,385.00
Dog (Animal Control)	12,833.30
Federal Forfeited	99,244.64
Grant Funds	1,963.33
Law Enforcement	0.00
Open Space	0.00
Park Improvements	0.00
Payroll Deduction	535,299.01
Sanitation Fund	99,512.93
Self Insurance	0.00
Sewer Utility	86,687.61
Tax Sale Redemption	651,708.17
Tree Fund	0.00
Tree Planting	0.00
Trust	110,535.26
Edison Landfill Closure Trust	0.00
TOTAL	\$87,989,076.51

/s/ Nicholas C. Fargo
Chief Financial Officer

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

RESOLUTION

Authorizing refund for redemption of tax sale certificates

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that 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 Tax Collector further reports that the said tax sale certificates have been redeemed thereof, and further advises that 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 aforementioned recitals are incorporated herein as though fully set forth at length.

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison, that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing, totaling **\$404,223.20**.

RESOLUTION

Authorizing refund for tax overpayments

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that 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 the said overpayments, and the Tax Collector advises that the requesters are entitled to refunds as provided the attached listing; and

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the aforementioned recitals are incorporated herein as though fully set forth at length.

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing totaling **\$3,859.17**.

TEMPORARY BUDGET APPROPRIATIONS

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

WHEREAS, the Local budget Law and the Optional Municipal Charter Act of 1950 provide for the adoption of municipal budget by April 30, 2019 unless said budget calendar is extended according to law; and

WHEREAS, the date of this Resolution is prior to the adoption of the 2019 Calendar Year Budget,

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

<u>CURRENT FUND</u>	<u>AMOUNT</u>
PFRS	10,246,996.00
Police-Other Expenses	50,000.00
FIRE FIGHTING- Other Expenses	39,112.00
STREET & ROADS-Other Expenses	44,000.00
PARK & TREES-Other Expenses	18,000.00
BUILDING & GROUNDS-Other Expenses	20,000.00
EMPLOYEE SALARY & WAGES Waivers	<u>172,631.03</u>
TOTAL CURRENT FUND	<u><u>10,590,739.03</u></u>

RESOLUTION _____

EXPLANATION: This Resolution authorizes the Township to cancel and issue refunds for Sanitation Tax payments to certain property owners.

WHEREAS, the Tax Collector of the Township of Edison (the “**Township**”), Lina Vallejo, advises that properties located within the Township’s Sanitation District are billed for a Sanitation Tax, as part of their regular tax bill, and that such Sanitation Tax is calculated with the appropriate Sanitation Rate of the particular year applied to the full value of the land and improvement of the property, and

WHEREAS, the Tax Collector has received confirmed information that on various properties located within the Township’s Sanitation District, the Sanitation service was not provided by the appropriated Township’s department for various legal reasons that were not the responsibility of the owners of the properties, and

WHEREAS, the owners of the properties on the list attached hereto as Exhibit A were required to use and pay charges of a private company to provide the Sanitation service, during the time that the Township was not legally able to provide the service, and applications have been made to the Tax Collector for refunds of the Sanitation Tax that was billed to the property owners, and

WHEREAS, the Tax Collector reports that the calculation of the Sanitation Tax billed is provided in attached listing; and then further advises that the principal amount shall be cancelled from the Tax Account, before the refunds are issued;

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

1. The Sanitation Tax portion of the taxes for the listed years should be canceled from the listed tax accounts, and that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing totaling \$50,833.63.
2. The Township Tax Collector is hereby authorized to issue refunds to the affected property owners, and in the specific amounts, as provided in the list attached hereto as Exhibit A.
3. This Resolution shall take effect immediately.

RESOLUTION

RESOLUTION AUTHORIZING ASSIGNMENT OF MUNICIPAL TAX LIEN

WHEREAS, *N.J.S.A. 54:5-113* authorizes assignment by a municipality of tax sale certificates for the full amount of the certificate, including all subsequent municipal taxes and other municipal charges; and,

WHEREAS, KKM Holdings, LLC, has presented an offer to purchase, by assignment, Certificate of Sale #09-00140, which was issued to the Township of Edison at a tax sale held on June 30, 2009, on Block 206, Lot 1.A, known as 27 Joel Avenue, and assessed to Bhatt, Mira & PMM Edison Family, LP, in the amount of \$104,047.34, being the full amount of the certificate, including all subsequent municipal taxes and other municipal charges.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Edison, hereby authorizes the Mayor and the Municipal Clerk, to execute all necessary assignment documents to effect assignment of the above-referenced Certificate of Sale, all as aforementioned in the prior Recitals, which are incorporate herein by reference as if set forth at length.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Tax Collector.

RESOLUTION

**Authorizing Cancellation and Refund of Tax due to
Successful Tax Court Appeal for Partial Exemption**

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

TAXPAYER	COMMUNITY OPTIONS ENTERPRISES INC
PROPERTY LOCATION	256 UNITED STATES RT 1
BLOCK / LOT / QUALIFIER	313 / 9.A1

WHEREAS, in accordance with the Tax Court of New Jersey, the assessed value of the property should be partially exempted under NJSA 54-4-3.6 and therefore being reduced for the tax years below, as follows:

DOCKET NUMBER	TAX YEAR	OLD ASSESS	NEW ASSESS	ASSESS CHANGE
008978-2016	2016	378,700	98,500	(280,200)

WHEREAS, the reduction in assessed value has caused a real estate tax overpayment in the amount of **\$14,783.35** for the years as follows:

TAX YEAR	TAX AMOUNT
2016	\$14,783.35

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

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the aforementioned recitals are incorporated herein as though fully set forth at length.

BE IT FURTHER RESOLVED, by the Township Council of the Township of Edison that property taxes billed and assessed as specified above be cancelled for the indicated tax years and amounts, and also refunded for the municipal property taxes already paid from the effective date; and

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the appropriate official of the Township of Edison, shall and is hereby authorized to draw checks to the property owner or legal representative in the amounts of **\$14,783.35**.

RESOLUTION

EXPLANATION: This Resolution authorizes the Mayor to execute the attached Developer's Agreement with Shore to Shore Edison, LLC with respect to Block 161.N, Lots 42.T1, 42.T2, 42.M, 65 and 42.V on the Edison Township Tax Map, and more commonly known as the property located at the intersection of Route 1 and Stony Road.

WHEREAS, Block 161.N, Lots 42.T1, 42.T2, 42.M, 65 and 42.V, and more commonly known as the property located at the intersection of Route 1 and Stony Road, as shown on the Township of Edison tax maps (the "**Property**") was the subject of an application before the Planning Board of the Township of Edison (hereinafter the "**Board**") made by Shore to Shore Edison, LLC ("**Developer**") for preliminary and final major site plan approval, conditional use approval and bulk "c" variances to construct a 4,736 square foot Wawa retail convenience store with the sale of fuel, together with associated site improvements that relate to parking, landscaping and access at the Property (the "**Project**"); and

WHEREAS, the Board granted final site plan approval for the Project by adoption of a resolution on August 13, 2018 (the "**Resolution**"); and

WHEREAS, the Township of Edison (the "**Township**") and Developer desire to enter this Developer's Agreement to establish the terms pursuant to which the Developer shall undertake construction on the Project, and related matters; and

WHEREAS, the Code of the Township of Edison requires the developer to enter into a Developer's Agreement with the Township in connection with the Project; and

WHEREAS, the Developer's Agreement attached hereto between the Township and Developer (the "**Agreement**") has been prepared by the Township Attorney and has been reviewed and approved by the Township Engineer and by the attorney for the Developer.

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

1. The Mayor is hereby authorized to execute the Agreement substantially in the form as attached hereto as Exhibit A, subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in his discretion in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Agreement.
2. The Township Clerk is hereby authorized to forward the original and certified copies of the Agreement to the Township Attorney for recording with the Clerk of the County of Middlesex.
3. This Resolution shall take effect immediately.

RESOLUTION

EXPLANATION: This Resolution authorizes the Mayor to execute the attached Hold Harmless Agreement with PACT One, LLC regarding a grant of access to Township-owned property for the staging of certain construction equipment.

WHEREAS, the Township of Edison (the “**Township**”) owns certain real property located at 99-111 Truman Drive, Edison, New Jersey (“**Property**”, also known as Block 3.E, Lots 3.02, 3.011, 3.013 and 3.015 on the tax maps of the Township); and

WHEREAS, PACT One, LLC (“**PACT**”) seeks access to the Property for the staging of construction equipment and materials for the Middlesex Water Company Western Transmission Main Project (the “**Project**”); and

WHEREAS, the Township has agreed to allow PACT to access the Property so that PACT may utilize same for staging purposes over the course of the construction of the Project, and the Parties have agreed to set forth the terms and conditions of such access in a Hold Harmless Agreement (the “**Agreement**”); and

WHEREAS, subject to and conditioned upon the PACT’s compliance with the terms of the Agreement, the Township is willing to grant PACT a limited license so as to access the Property and stage equipment; and

WHEREAS, the Agreement attached hereto between the Township and PACT has been prepared by the Township Attorney and has been reviewed and approved by the principal of PACT.

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

1. The Mayor is hereby authorized to execute the Agreement substantially in the form as attached hereto as Exhibit A, subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in his discretion in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Agreement.
2. The Township Clerk is hereby authorized to forward the original and certified copies of the Agreement to the Township Attorney for recording with the Clerk of the County of Middlesex.
3. This Resolution shall take effect immediately.

ORDINANCE _____

EXPLANATION: An Ordinance amending the Township Code Chapter 14, “Building and Construction,” section 14-2, “Site Improvement Permit,” to exempt residential construction from soil testing requirements where no underground oil tank or related contamination is reported.

WHEREAS, the Township of Edison (the “**Township**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Township Code of General Ordinances (the “**Code**”) provides rules, regulations and standards with respect to the modification of any site within the Township, pursuant to Chapter 14 of the Code; and

WHEREAS, the Township desires to amend Chapter 14-2 of the Code, entitled “Site Improvement Permit,” to exempt residential construction from soil testing requirements where no underground oil tank or related contamination is reported; and

WHEREAS, subsection 14-2.8 of the Code permits the Township Engineer to conduct certain inspections to ensure compliance with construction standards; and

WHEREAS, the Municipal Council of the Township (“**Municipal Council**”) has determined to amend Subchapter 14-2.8 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

14-2 SITE IMPROVEMENT PERMIT.

...

14-2.8 Inspection and Tests.

All site improvements and/or modifications shall be inspected during the time of their occurrence by the Township Engineer or a duly authorized representative. A set of approved plans relative to the work being done must be made available on site for inspection by any authorized Township official. No underground installation shall be covered or backfilled until inspected and approved. No provision of this section shall require soil testing for any residential construction where no underground oil tank or associated contamination is reported. If backfilling or covering occurs prior to inspection, said installation must either be uncovered or excavated for inspection or inspected by some alternative means acceptable to the Township Engineer.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Municipal Council hereby amends Chapter 14-2 of the Code, entitled “Site Improvement Permit” to read as follows:

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

14-2 SITE IMPROVEMENT PERMIT.

...

14-2.8 Inspection and Tests.

All site improvements and/or modifications shall be inspected during the time of their occurrence by the Township Engineer or a duly authorized representative. A set of approved plans relative to the work being done

must be made available on site for inspection by any authorized Township official. No underground installation shall be covered or backfilled until inspected and approved. No provision of this section shall require soil testing for any residential construction where no underground oil tank or associated contamination is reported. If backfilling or covering occurs prior to inspection, said installation must either be uncovered or excavated for inspection or inspected by some alternative means acceptable to the Township Engineer.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 14 of the Code shall remain unchanged and have full force and legal effect.

4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

RESOLUTION _____

EXPLANATION: This Resolution authorizes the Mayor to execute the attached Memorandum of Agreement with Beautiful Edison with regard to Thomas Swales Park Revitalization, part of the Township of Edison Multi-Site Public Park Revitalization Project.

WHEREAS, the Thomas Swales Park (the “**Property**”) has been identified by the Township of Edison (the “**Township**”) as a location in need of revitalization, as part of the Township Multi-Site Public Park Revitalization Project (the “**Project**”); and

WHEREAS, Beautiful Edison, a nonprofit corporation organized under the laws of the State of New Jersey, has offered to provide funds to the Township in support of the revitalization of the Property; and

WHEREAS, the Township and Beautiful Edison desire to enter into a Memorandum of Agreement (the “**Agreement**”) to establish the terms pursuant to which the Beautiful Edison shall provide the funds and the Township shall undertake revitalization efforts at the Property; and

WHEREAS, the Agreement attached hereto between the Township and Beautiful Edison has been prepared by the Township Attorney and has been reviewed and approved by the Township Resource Development Officer and Beautiful Edison.

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

1. The Mayor is hereby authorized to execute the Agreement substantially in the form as attached hereto as Exhibit A, subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in his discretion in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Agreement.
2. The Township Clerk is hereby authorized to forward the original and certified copies of the Agreement to the Township Attorney for recording with the Clerk of the County of Middlesex.
3. This Resolution shall take effect immediately.

RESOLUTION_____

EXPLANATION: This Resolution is for the Municipal Council to provide its consent to the Mayor's appointment to the Township of Edison Technical Review Committee.

WHEREAS, the Township of Edison ("**Township**") has established a Technical Review Committee to review all applications for development presented to the Planning Board or Zoning Board of Adjustment pertaining to site plans and subdivisions, which may include conditional use applications (the "**Committee**"); and

WHEREAS, the Committee shall be comprised of eight (8) members, to be appointed pursuant to the Code of the Township of Edison ("**Township Code**") at Section 39-12.5(a); and

WHEREAS, the Municipal Council shall provide its advice and consent to the appointment made by the Mayor to the Committee; and

WHEREAS, the Mayor desires to appoint Deepak Belani to the Committee; and

WHEREAS, the Municipal Council desires to provide its consent for this Township resident to serve on the Committee.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby provides its consent to the Mayor's appointments of Deepak Belani to the Committee, pursuant to the requirements set forth in Township Code Section 39-12.5(a).
3. This Resolution shall take effect immediately.

RESOLUTION

EXPLANATION: A Resolution appointing Elina Veyberman Deputy Tax Assessor for the Township of Edison.

WHEREAS, the Township of Edison (the “**Township**”) is a public body corporate and politic of the State of New Jersey, and seeks to hire a Deputy Tax Assessor; and

WHEREAS, the Deputy Tax Assessor must hold a valid Tax Assessor’s certification in accordance with *N.J.S.A. 40A:9-146*; and

WHEREAS, the Municipal Council of the Township (“**Municipal Council**”) has reviewed the qualifications of Elina Veyberman (“**Ms. Veyberman**”) to serve as Deputy Tax Assessor, including her education, training, experience and various licenses and certifications, and found her both highly experienced and suitable to fill the available position; and

WHEREAS, the Mayor desires to appoint Ms. Veyberman as Deputy Tax Assessor, for the reasons set forth herein, effective February 20, 2019; and

WHEREAS, the Municipal Council seeks to provide its advice and consent to the aforesaid appointment, in accordance with *N.J.S.A. 40:69A-43(b)*; and

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby provides its advice and consent to the Mayor’s appointment of Ms. Veyberman to serve as Township Deputy Tax Assessor.
3. A copy of this Resolution shall be available for public inspection at the offices of the Township Clerk.
4. This Resolution shall take effect immediately.

RESOLUTION _____

EXPLANATION: A Resolution retaining PS&S Integrated Services for the purpose of providing professional architectural and engineering services for the Edison Township Community Center.

WHEREAS, the Township of Edison (“**Township**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, (the “**LPCL**”) authorizes the award of contracts for “Professional Services” without competitive bids; and

WHEREAS, the Township received a proposal for professional architectural and engineering services related to the planning and developing of the Township Community Center project and determined that PS&S Integrated Services, 67A Mountain Boulevard Ext., Warren, New Jersey 07059 (“**PS&S**”) shall provide the proposed services in accordance with the terms set forth in said proposal, dated February 6, 2019, and attached hereto as Exhibit A (the “**Proposal**”); and

WHEREAS, funds for the proposed services are available in Account C-04-18-2028-112-000, and shall be in an amount not to exceed One Hundred Twenty Five Thousand Five Hundred Dollars (\$125,500.00), in furtherance of Phase I of the Proposal (the “**Proposal Services**”).

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Township desires to retain PS&S for Services for the Proposal Services, related to the planning and development of the Township Community Center.

Section 3. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with PS&S in accordance with the terms set forth in the Proposal.

Section 4. Funds for the Proposal Services are available in Account C-04-18-2028-112-000, and the Proposal Services shall be in an amount not to exceed One Hundred Twenty Five Thousand Five Hundred Dollars (\$125,500.00).

Section 4. Notice of this Resolution shall be published in the designated official newspaper as required by law within ten (10) days of passage.

Section 5. A certified copy of this resolution, together with a copy of the contract between the parties, shall be made available by the Township Clerk.

Section 6. This Resolution shall take effect immediately.

EXPLANATION: This Resolution establishes a Committee of the Whole of the Township Council.

EDISON TOWNSHIP

RESOLUTION _____

WHEREAS, the Township of Edison's (the "**Township**") Mayor-Council form of government was established under and is governed by the Faulkner Act, *N.J.S.A. 40:69A-31 et seq.*; and

WHEREAS, *N.J.S.A. 40:69A-36* permits the Township Council to conduct a legislative inquiry as a committee of the whole to investigate specific issues in the administration of the Township; and

WHEREAS, the Council seeks to conduct an inquiry as to certain local election issues, and as such wishes to exercise all of the powers appearing to the Council pursuant to *N.J.S.A. 40:69A-36*, *N.J.S.A. 40:69A-37* and *N.J.S.A. 40:48-25*, as necessary and appropriate.

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

1. A Committee of the Whole is hereby established, to consist of all of the members of the Township Council with the Council President acting as its Chairman.
2. The matters under study are issues related to recent elections within the Township.
3. This Resolution shall take effect immediately.

EXPLANATION: A Resolution Regarding HMFA Funding for Pennrose Properties, LLC involving Camp Kilmer B, and revising and supplementing Township Resolution R.095-022019.

EDISON TOWNSHIP

RESOLUTION PURSUANT TO NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY'S FUNDING REQUIREMENTS

WHEREAS, Pennrose Properties LLC, Inc. (hereinafter referred to as the "Sponsor") proposes to construct, through a single purpose entity formed or to be formed by the Sponsor, an eighty-six (86) unit affordable housing project (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing Authority and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the "HMFA Requirements") on a site described as Block 3.E Lot 3.013 on the Official Assessment map of the Township of Edison, Middlesex County; and

WHEREAS, the Township obtained a Judgment of Compliance and Repose on January 18, 2017 which included the Project as part of the Township's approved Housing Element and Fair Share Plan; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor, or a single purpose entity formed or to be formed by the Sponsor, and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, pursuant to the HMFA Requirements, the Township Council of the Township of Edison hereby determines that there is a need for a project of this nature in the Township; and

WHEREAS, Township Resolution R.095-022019 is hereby revised and supplemented by the instant Resolution, so as to accurately identify the number affordable housing units to be included in the Project.

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

1. The Township Council hereby finds and determines that the Project proposed by the Sponsor meets or will meet an existing housing need in the Township.
2. The Project remains subject to all State and Township approved processes.
3. The Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the application of the Sponsor or its single purpose entity for Agency funding to finance the Project.

4. Township Resolution R.095-022019 is hereby revised and supplemented by the instant Resolution, so as to accurately identify the number affordable housing units to be included in the Project.

5. This Resolution shall take effect immediately.

RESOLUTION _____

EXPLANATION: A Resolution authorizing the appointment of Ellen M. Fisher, Esq. as a Prosecutor for the Edison Township Municipal Court.

WHEREAS, there exists a need for a prosecutor in the Township of Edison (the “**Township**”) for the Edison Township Municipal Court (the “**Municipal Court**”); and

WHEREAS, there is a desire to appoint Ellen M. Fisher, Esq. as a prosecutor at an annual rate of pay of Twenty Six Thousand Dollars (\$26,000.00), in accordance with *N.J.S.A. 2B:25-4*, for a term of one (1) year, effective of even date; and

WHEREAS, Ms. Fisher has a proven record of professionalism while appearing in the Municipal Court on numerous occasions and meets the necessary qualifications as set forth in law; and

WHEREAS, these appointments are being made as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5 et seq.*; and

WHEREAS, the Township Purchasing Agent has determined and certified in writing that the value of the contract could exceed \$17,500; and

WHEREAS, Ms. Fisher has completed and submitted a Business Entity Disclosure Certification which certifies that she has not made any reportable contributions to a political or candidate committee in the Township in the previous year, and that the contract will prohibit Ms. Fisher, from making any reportable contributions through the term of the contracts; and

WHEREAS, the Municipal Council of the Township (the “**Municipal Council**”) accepts the recommendation of such appointment as described herein and desires to approve the entering of a professional services contract with Ms. Fisher.

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

1. Ellen M. Fisher, Esq., is hereby appointed as Prosecutor for the Township for a term of one (1) year, effective of even date at an annual rate of pay of Twenty Six Thousand Dollars (\$26,000.00).
2. The Mayor, or his designee, is hereby authorized to execute a contract and any other necessary documents with Ms. Fisher as described herein. Payments under the contract shall not exceed the amount of Twenty Six Thousand Dollars (\$26,000.00) without further authorization of the Municipal Council.
3. The contract is awarded as a “Professional Service” in accordance with *N.J.S.A. 40A:11-5(1)(a)(i)* of the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, because it is for services to be performed by person(s) authorized by law to practice a recognized profession.
4. The contract is awarded as a non-fair and open contract pursuant to *N.J.S.A. 19:44A-20.5 et seq.*
5. The Business Disclosure Entity Certifications for Ms. Fisher, and the Township Purchasing Agent’s Determination of Value, shall be placed on file with this Resolution.
6. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to *N.J.S.A. 40A:11-5* and in compliance with Local Public Contracts Law guidelines. This Resolution and the contract shall remain on file and available for public inspection in the office of the Township Clerk.

7. This Resolution shall take effect immediately.

RESOLUTION

EXPLANATION: This resolution provides refund of the construction permit fee, less the DCA fee, posted for a residential construction permit. The fee was calculated incorrectly.

WHEREAS, on September 24, 2018 , a Construction Permit fee, check #3112, permit #2018-3757, was posted in the total amount of \$2163.00 by the contractor, Premier Fire System, having offices at 2 Ilene Ct. Hillsborough, NJ 08844 ; and

WHEREAS, the application was submitted for a installation of fire sprinklers at 14 Edgemount Rd. Edison, NJ 08817, by the hired contractor; Premier Fire System

WHEREAS, appropriate documents have been submitted to the Township indicating that the fee was misread therefore appropriate that the municipal permit fee in the amount of \$1,000.00 be refunded to the contractor Premier Fire System ; and

WHEREAS, the Township Construction Official recommends the refund of the municipal permit fee, on Construction Permit #2018-3757, in the amount of \$1,000.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$1,000.00 on construction permit fees posted by Premier Fire System for 14 Edgemount Rd. be refunded to the contractor;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$1,000.00 from the Refund of Revenue Fund to the Contractor, Premier Fire System, having offices at 2 Ilene Ct. Hillsborough, NJ 08844.

RESOLUTION

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

WHEREAS, on October 29, 2018 a Construction Permit fee, check #9246, permit #2018-4197, was posted in the total amount of \$863.00 by the contractor, A.S.A.P Carpentry Inc., having offices at 14 Volkmar Place, Metuchen, NJ 08840; and

WHEREAS, the application was submitted for a bathroom/ laundry room addition at 104 Winthrop Rd., by the hired contractor; A.S.A.P Carpentry Inc., who did not make known to the Construction Code Enforcement Division that the homeowner, Jim Growney, is a bonafide Edison Senior Resident who is eligible for Senior Citizen waiver of municipal fees on construction permits, per the Edison Municipal Code, chapter 2-128.3; and

WHEREAS, appropriate documents have been submitted to the Township indicating that the work was done for a bonafide senior resident it is therefore appropriate that the municipal permit fee in the amount of \$824.00, derived from the \$863.00 total construction permit fee less the \$39.00 DCA fee, be refunded to the contractor A.S.A.P Carpentry Inc; and

WHEREAS, the Township Construction Official recommends the refund of the municipal permit fee, on Construction Permit #2018-4197, in the amount of \$824.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$824.00 on construction permit fees posted by A.S.A.P Carpentry Inc for 104 Winthrop Rd. be refunded to the contractor;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$824.00 from the Refund of Revenue Fund to the Contractor, A.S.A.P Carpentry Inc., having offices at 14 Volkmar Place, Metuchen, NJ 08840.

RESOLUTION

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

WHEREAS, on October 10, 2018 a Construction Permit fee, check #5153, permit #2018-3971, was posted in the total amount of \$330.00 by the contractor, Old York Heating & Cooling, having offices at 3 Dunbar Court, Flemington, NJ- 08822; and

WHEREAS, the application was submitted for a furnace and A/C unit at 182 Linda Lane, by the hired contractor; Old York Heating & Cooling, who did not make known to the Construction Code Enforcement Division that the homeowner, Renata Ramirez, is a bonafide Edison Senior Resident who is eligible for Senior Citizen waiver of municipal fees on construction permits, per the Edison Municipal Code, chapter 2-128.3; and

WHEREAS, appropriate documents have been submitted to the Township indicating that the work was done for a bonafide senior resident it is therefore appropriate that the municipal permit fee in the amount of \$320.00, derived from the \$330.00 total construction permit fee less the \$10.00 DCA fee, be refunded to the contractor Old York Heating & Cooling; and

WHEREAS, the Township Construction Official recommends the refund of the municipal permit fee, on Construction Permit #2018-3971, in the amount of \$320.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$320.00 on construction permit fees posted by Old York Heating & Cooling for 182 Linda Lane be refunded to the contractor;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$320.00 from the Refund of Revenue Fund to the Contractor, Old York Heating & Cooling, having offices at 3 Dunbar Court, Flemington, NJ- 08822.

RESOLUTION

EXPLANATION: This resolution provides refund of the construction permit fee, less the DCA fee, posted for a residential construction permit. The work was never performed.

WHEREAS, on August 1, 2018, a Construction Permit fee, check #2015474, permit #2018-2992, was posted in the total amount of \$421.00 by the contractor, SunRun, having offices at 26 Worlds Fair Dr., Somerset, NJ 08873; and

WHEREAS, the application was submitted for a Solar Installation at 20 Deerwood Ave. Edison, NJ 08873, by the hired contractor; SunRun

WHEREAS, appropriate documents have been submitted to the Township indicating that the contract was cancelled therefore appropriate that the municipal permit fee in the amount of \$320.00, derived from the \$421.00 total construction permit fee less the \$21.00 DCA fee, and less the 20% plan review fee of \$80.00 be refunded to the contractor SunRun.; and

WHEREAS, the Township Construction Official recommends the refund of the municipal permit fee, on Construction Permit #2018-2992, in the amount of \$320.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$320.00 on construction permit fees posted by SunRun for 20 Deerwood Ave. be refunded to the contractor;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$320.00 from the Refund of Revenue Fund to the Contractor, SunRun, 26 Worlds Fair Dr., Somerset, NJ 08873.

RESOLUTION

EXPLANATION: This resolution provides refund of the construction permit fee, less the DCA fee, posted for a residential construction permit. The work was never performed.

WHEREAS, on November 27,2018 , a Construction Permit fee, check #6043, permit #2018-4506, was posted in the total amount of \$377.00 by the contractor, SunRun, having offices at 26 Worlds Fair Dr., Somerset, NJ 08873 ; and

WHEREAS, the application was submitted for a Solar Installation at 104 Wisteria St.. Edison, NJ 08817, by the hired contractor; SunRun

WHEREAS, appropriate documents have been submitted to the Township indicating that the contract was cancelled therefore appropriate that the municipal permit fee in the amount of \$280.00, derived from the \$377.00 total construction permit fee less the \$27.00 DCA fee, and less the 20% plan review fee of \$70.00 be refunded to the contractor SunRun.; and

WHEREAS, the Township Construction Official recommends the refund of the municipal permit fee, on Construction Permit #2018-4506, in the amount of \$280.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$280.00 on construction permit fees posted by SunRun for 104 Wisteria St. be refunded to the contractor;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$320.00 from the Refund of Revenue Fund to the Contractor, SunRun, 26 Worlds Fair Dr., Somerset, NJ 08873.

RESOLUTION

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

WHEREAS, on September 4, 2018 a Construction Permit fee, check #5465, permit #2018-3498, was posted in the total amount of \$330.00 by the contractor, Quality Air Specialists located at 104 Snyder Road South Plainfield, NJ 07080; and

WHEREAS, the application was submitted for a furnace/ac & coil replacement at 17 Karen Pl., by the hired contractor; Quality Air Specialists, who did not make known to the Construction Code Enforcement Division that the homeowner, Miles Berman, is a bonafide Edison Senior Resident who is eligible for Senior Citizen waiver of municipal fees on construction permits, per the Edison Municipal Code, chapter 2-128.3; and

WHEREAS, appropriate documents have been submitted to the Township indicating that the work was done for a bonafide senior resident it is therefore appropriate that the municipal permit fee in the amount of \$320.00, derived from the \$330.00 total construction permit fee less the \$10.00 DCA fee, be refunded to the contractor Quality Air Specialists; and

WHEREAS, the Township Construction Official recommends the refund of the municipal permit fee, on Construction Permit #2018-3498, in the amount of \$320.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$320.00 on construction permit fees posted by Quality Air Specialists for 17 Karen Pl. be refunded to the contractor;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$320.00 from the Refund of Revenue Fund to the Contractor, Quality Air Specialists, having offices at 104 Snyder Road South Plainfield, NJ 07080.

RESOLUTION R.

EXPLANATION: This resolution provides for Township Acceptance of the constructed improvements under Public Bid No. 18-07-03-Senior Center Roof Replacement; Authorizes a Corrective Change Order No. 1 for Final As-Built Quantities; and Authorizes FINAL CONTRACT PAYMENT for release of retainage and close-out of the construction project.

WHEREAS, the Township of Edison advertised for a construction contract for the Senior Center Roof Replacement, Township of Edison, Middlesex County, New Jersey under Public Bid No. 18-07-03; and

WHEREAS, , WHITE ROCK CORP., 17 Gramercy Rd., Old Bridge, NJ 08857 submitted the lowest legally responsible, responsive bid and was awarded a construction contract through resolution R.385-072018 in a contract amount not to exceed \$72,800.00 for the project; and

WHEREAS, upon tabulation and review of as-built construction quantities and necessary field changes during construction, it has been determined by the Township Engineer that there is a net increase of \$893.44 in the final construction costs resulting in a revised and final total construction contract amount of \$73,693.44, as detailed in the attached Change Order No. 1; and

WHEREAS, the Township Engineer has reviewed the project and certifies the construction work has been completed, and therefore recommends project acceptance, release of the performance bond following receipt of a two-year maintenance bond; and that final payment, including retainage, be made to WHITE ROCK CORP., in an amount of \$1,473.86 for a total construction contract as-built cost of \$73,693.44.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that the project under Public Bid No. 18-07-03-Senior Center Roof Replacement, is deemed accepted by the Township of Edison, and that the performance bond shall be released upon receipt of a fully executed Maintenance Bond, and that final payment, including retainage, shall be made to WHITE ROCK CORP., in an amount of \$1,473.86 for a total construction contract as-built cost of \$73,693.44.

RESOLUTION

Explanation: This resolution provides for the refund of the unused portion of Developers Escrow Fees posted by Federal Business for the Planning Board application No Z53-2014

WHEREAS, The Township Planning Board Secretary advises that the Developer Escrow Fees posted by Glendale Properties for a project located at 742 Old Post Road , Edison, N.J. 08817 in Block 266.A, Lot 19.04 and Application # Z53-2014; and

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

WHEREAS; on July 3,2014 Glendale Properties posted fees on deposit with the Township of Edison in the account # 7763328703 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 now in order that the sum \$ 8,578.25 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Glendale Properties ; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$8,578.25 plus accrued interest, if applicable be refunded to Glendale Properties, 742 Old Post Road, Edison N.J 08817

BE IF FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund the sum of \$8,578.25, plus accrued interest, if applicable, in account #7763328703 to the applicant.

RESOLUTION

EXPLANATION: Resolution Refunding Cash Performance and Performance Bond to Edison Plaza OP LLC. c/o Millbrook Properties. Application # P3-2013 in Account # 7762495401 and Performance Surety Bond #09138472.

WHEREAS, the Township Engineer advises that an inspection has been made of Edison OP c/o Millbrook Properties Application #P3-2013, 751 U. S. Route One Block:266.AA Lot:43.21 and said inspection indicates all site improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

WHEREAS, the Township Engineer, recommends the release of the Cash Performance posted on in the amount of **\$40,080.24**, plus accrued interest, if applicable on deposit in account #**7762495401** with the Township of Edison, principal being Edison OP LLC. c/o Millbrook Properties., having offices at, 42 Bayview Avenue, Manhasset, NY,11030 and acceptance of the subject improvements; and

WHEREAS, the Township Engineer, recommends the release of the posted Performance Surety Bond **NO.09138472** dated May 2, 2014 by the Deposit and Fidelity Company Inc. in the amount of **\$360,722.16**.

BE IT FURTHER RESOLVED that the Director of Finance and the Township Clerk be and is hereby authorized to return the aforesaid Cash Performance in the amount of **\$40,080.24** plus accrued interest, if applicable, on deposit in account # **7762495401** to the applicant, Edison OP LLC., 42 Bayview ,Manhasset , NY,11030 . And also the Performance Surety Bond **NO.09138472** returned to the Fidelity and Deposit Company, 25 Anthony Street, Seekonk, MA02771

RESOLUTION

WHEREAS, the Township Engineer advises that an inspection has been made of 2170 Lincoln Highway located in Block #1120 Lot #63, 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 Division of Engineering Services recommends the release of the Performance Bond #800017860 of Atlantic Insurance Company in the amount of \$2,560,519.08, principal being Seagis Edison 2170, LLC. having offices at 100 Front Street, Conshohocken, PA. 19428 and acceptance of the subject improvements; and

WHEREAS, the Division of Engineering Services recommends the release of the Cash Performance Bond, Check #002862 in the amount of \$284,502.12, posted by Seagis Edison 2170, LLC. having offices at 100 Front Street, Suite 350, Conshohocken, PA .19428; and

WHEREAS, a Cash Performance Bond in the amount of \$284,502.12 is on deposit with the Township of Edison; 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 is hereby authorized to release the aforesaid Performance Bond; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to return the Cash Performance Bond in the amount of \$284,502.12 plus interest on deposit in account #7763342688 to the applicant.

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO JEN ELECTRIC, INC. FOR
EMERGENCY TRAFFIC SIGNAL REPAIRS**

WHEREAS, bids were received by the Township of Edison on February 6, 2019 for Public Bid No. 19-06-06-Emergency Traffic Signal Repairs; and

WHEREAS, JEN ELECTRIC, INC., 631 Morris Ave., Springfield, NJ 07081, submitted the sole, legally responsible, responsive bid; and

WHEREAS, the initial contract shall be for one (1) year from execution of the contract with options to renew for two (2) one (1) year renewals at the sole discretion of the Township at the same prices, conditions, requirements and terms of the contract, subject to and contingent upon appropriation of sufficient funds each renewal year; and

WHEREAS, the total amount of the first year and any succeeding renewal year shall not exceed \$190,000.00, and cannot be encumbered at this time; and

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

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

WHEREAS, the Township Council accepts Edison Township's recommendations as described herein and as submitted on the summary spreadsheet.

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 JEN ELECTRIC, INC., 631 Morris Ave., Springfield, NJ 07081 for Emergency Traffic Signal Repairs for the Township of Edison is determined to be the sole legally responsible, responsive bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$190,000.00 for the first year and any succeeding renewal year, subject to and contingent upon appropriation of sufficient funds each renewal year and any other necessary documents, with JEN ELECTRIC, INC. as described herein.

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
SREEKANTH PENTELE FOR THE ABC PROGRAM**

WHEREAS Sreekanth Pentela made payment in the amount of \$320.00 for his child Tanvi Pentela's participation in the ABC Program at Benjamin Franklin Elementary School for the month of March, 2019; and

WHEREAS the family moved out of Edison; and

WHEREAS payment was already made for the month of March, 2019.

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$320.00 to Sreekanth Pentela, 21 Edward Stec Blvd., Edison, NJ, 08837 which represents the amount for the ABC Program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$320.00 are available in Account #9-01-55-0291-000-000.

Q: pentela abc reso
2/19/19 dwt

**RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT/PURCHASE
ORDER TO AIR AND GAS TECHNOLOGIES FOR THE UPGRADE OF THE SCBA COMPRESSOR AND FILL
STATION TO ACCEPT 5500 PSI CYLINDERS AT FIRE STATION 2 AS WELL AS ADDITIONAL REPAIRS IF
NECESSARY FOR THE DIVISION OF FIRE**

WHEREAS, quotes were solicited by the Township of Edison for the SCBA compressor and fill station upgrade to accept 5500 PSI Cylinders at Fire Station 2; and

WHEREAS, AIR AND GAS TECHNOLOGIES, INC., 42 Industrial Drive, Cliffwood Beach, NJ 07735 was the sole quote received for this upgrade in the amount of \$16,910.00 as they are the factory authorized repair facility; and

WHEREAS, additional funds to this upgrade in the amount not to exceed \$5,000.00 are needed for any repairs needed for the next twelve months making this a total not to exceed amount of \$21,910.00; and

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

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

WHEREAS, this shall be awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 et. Seq.; and

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, prior to award, AIR AND GAS TECHNOLOGIES, INC., will have completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Edison in the previous one year, and that the contract will prohibit AIR AND GAS TECHNOLOGIES, INC., from making any reportable contributions through the term of the contract; and

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

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

1. The sole quote in the amount of \$16,910.00 by AIR AND GAS TECHNOLOGIES, INC., 42 Industrial Drive, Cliffwood Beach, NJ 07735, for SCBA compressor and fill station upgrade as well as an additional \$5,000.00 for repairs, is determined to be in the best interest of the Township.
2. The Mayor, or his designee, is hereby authorized to execute a contract/Purchase Order in the amount not to exceed \$21,910.00 and any other necessary documents, with AIR AND GAS TECHNOLOGIES, INC.
3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO WITMER PUBLIC SAFETY GROUP, INC. FOR SELF CONTAINED BREATHING APPARATUS (SCBA) AND RELATED COMPONENTS AND SERVICES

WHEREAS, bids were received by the Township of Edison on January 4, 2019 for Public Bid No. 19-01-10-Self Contained Breathing Apparatus (SCBA) and Related Components and Services; and

WHEREAS, WITMER PUBLIC SAFETY GROUP, INC., 104 Independence Way, Coatesville, PA 19320, submitted the sole, legally responsible, responsive bid; and

WHEREAS, the total amount of this contract shall not exceed \$1,113,111.00 as shown on the bid summary sheet for amounts and quantities to be awarded; and

WHEREAS, funds in the amount of \$460,183.20 have been certified to be available in the Acq. Self Contained Breathing Apparatus & Fire Pumpers Capital Account, Number C-04-16-1948-100-000; funds in the amount of \$627,202.00 have been certified to be available in the Acquisition of Fire Pumpers Capital Account, Number C-04-17-1988-101-000 and funds in the amount of \$25,725.80 have been certified to be available in the Fire Acquisition of Various Equipment Capital Account, Number C-04-18-2028-101-000; and

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

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

1. All bids have been reviewed, and the bid submitted by WITMER PUBLIC SAFETY GROUP, INC., 104 Independence Way, Coatesville, PA 19320, for Self Contained Breathing Apparatus (SCBA) and Related Components and Services is determined to be the sole legally responsible, responsive bid.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$1,113,111.00, and any other necessary documents with WITMER PUBLIC SAFETY GROUP, INC., as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$460,183.20** are available for the above contract in Account No. **C-04-16-1948-100-000**, funds in the amount of **\$627,202.00** are available in Account No. **C-04-17-1988-101-000** and funds in the amount of **\$25,725.80** are available in Account No. **C-04-18-2028-101-000**.

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION

WHEREAS, Our Lady of Peace Church has requested a waiver of any and all permit and/or application fees for installation of a Sub-Floor Pressure Release System.

WHEREAS, under the building code, Our Lady of Peace Church, as a non –profit tax exempt organization is entitled to a waiver of fees due to the Township of Edison, except the DCA fee; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township of Edison, that it does hereby waive any application fees for the Sub-Floor Pressure Release System except the DCA fee, due to the Township of Edison as a result of the application being submitted by Our Lady of Peace Church.

ORDINANCE O.2039-2019

EXPLANATION: An Ordinance vacating Harley Road in the Township pursuant to N.J.S.A. 40:67-1, et seq.

WHEREAS, the Township of Edison (the “**Township**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, pursuant to *N.J.S.A. 40:67-1, et seq.*, the Municipal Council of the Township (the “**Municipal Council**”) may, by ordinance, vacate, release and extinguish the public’s rights in any portion of a public street, highway, lane or alley, and any portion of a property dedicated as a public street, where the public interest will be better served by releasing those lands or any part thereof from such dedication; and

WHEREAS, Harley Road is a public right of way in the Township extending from Montview Road, and is more fully described in the metes and bounds property descriptions attached hereto as **Exhibit A**; and

WHEREAS, the Township has determined that vacation of Harley Road would be in the best interests of the community, provided that all rights and privileges possessed by public utilities, as defined in *N.J.S.A. 48:2-13*, and by any cable television company, as defined in the Cable Television Act, *N.J.S.A. 48:5A-1, et seq.*, to maintain, repair and replace their existing facilities in, adjacent to, over or under the street to be vacated, are expressly reserved and excepted from the vacation.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. In accordance with the provisions of *N.J.S.A. 40:67-1, et seq.*, the Municipal Council hereby vacates Harley Road and releases such property from the dedication of the land for a public street and extinguishes the public right arising from such dedication; provided however, that all rights and privileges possessed by public utilities, as defined in *N.J.S.A. 48:2-13*, and by any cable television company, as defined in the Cable Television Act, *N.J.S.A. 48:5A-1, et seq.*, to maintain, repair and replace their existing facilities in, adjacent to, over or under the street to be vacated, are expressly reserved and excepted from the vacation.

3. The introduction of this Ordinance shall be advertised pursuant to *N.J.S.A. 40:49-2*; provided, however, that notice as to introduction and public hearing shall be made, pursuant to *N.J.S.A. 40:49-6*, at least ten (10) days prior to the public hearing and adoption hereof.

4. Notice of the introduction of this Ordinance and the time and place when and where this Ordinance will be further considered for public hearing and final passage, including a copy of this Ordinance, shall be mailed to every person whose lands may be affected by this Ordinance, so far as same may be ascertained, directed to the last known post-office address, in accordance with the provisions of *N.J.S.A. 40:49-6*.

5. Within 60 days after adoption of this Ordinance, the Township Clerk shall cause this Ordinance, certified under the seal of the Township, to be filed in the office wherein conveyances of lands are recorded in the County of Middlesex.

6. This Ordinance shall take effect as provided by law.