AGENDA
MUNICIPAL COUNCIL
COMBINED MEETING
Wednesday, February 14, 2018
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 9, 2017 and posted in the Main Lobby of the Municipal Complex on the same date.

4. REVIEW OF MINUTES:
   a. Combined Meeting of November 20, 2017
   b. Worksession of January 8, 2018

5. REPORTS FROM ALL COUNCIL COMMITTEES:

6. POINTS OF LIGHT

7. FROM THE BUSINESS ADMINISTRATOR:
   a. Award of Contract for Public Bid No. 17-03-11 Edison Library Roof Replacement ($156,750.00) (Resolution R.068-022018)
   b. Resolution Authorizing The Award Of A Non-Fair And Open Contract To Sun Life Assurance Company Of Canada For Administration Services For Short Term Disability Plan (Resolution R.069-022018)
   c. Resolution Authorizing An Extraordinary Unspecifiable Services Contract For Public Information Services To Jaffe Communications Inc. (not to exceed $44,400.00) (Resolution R.070-022018)
   d. Award of Contract for Public Bid No. 16-10-25 Collision Repairs ($190,000) (Resolution R.071-022018 and R.078-022018)
   e. Resolution awarding Contract/Purchase Order for renewal of Software Maintenance for the Edmunds System ($48,495.00) (Resolution R.072-022018)

8. FROM THE DEPARTMENT OF FINANCE:
   a. Report of Disbursements through February 8, 2018 (Resolution R.064-022018)
   b. Resolution authorizing refund in the amount of $479,490.75 for redemption of tax sale certificates (Resolution R.065-022018)
   c. Resolution authorizing refund for overpayments, totaling $7,811.09 (Resolution R.066-022018)
   d. Temporary Emergency Appropriations (Resolution R.067-022018)

9. FROM THE DEPARTMENT OF LAW:
a. This Resolution authorizes the Mayor to execute the attached Developer’s Agreement with Amerco Real Estate Company with respect to Block 300A, Lots 16A, 17A, 18A, 19-25, 26B and 27B and Block 301, Lots 15-22 (more commonly known as 110 Route 1), as shown on the Township of Edison tax maps. (Resolution R.073-022018)

b. This Resolution authorizes the Mayor to execute the attached Second Amendment to the Developer’s Agreement with 399 Thornall Street LLC, 479 Thornall Street LLC and 499 Thornall Street LLC with respect to Block 676, Lots 2.B4, 2.03, and 2.04 (more commonly referred to as 399, 479 and 499 Thornall Street), as shown on the Township of Edison tax maps. (Resolution R.074-022018)

c. This Resolution authorizes the Mayor to execute the attached Developer’s Agreement with 343 Thornall SPE, LLC with respect to Block 676, Lots 2.A3 & 6 (more commonly known as 333 and 343 Thornall Street), as shown on the Township of Edison tax maps. (Resolution R.075-022018)

d. A Resolution adopting green high performance business requirements for all new or renovated public buildings, owned and controlled by the Township to achieve higher levels of certification and promote energy efficiency and sustainable design. (Resolution R.076-022018)

e. This Resolution awards a Professional Services Contract to Coventus Labor Consulting, LLC, to provide a comprehensive review of the Township’s Human Resource/Labor Relations management functions and processes. (R.077-022018)

10. FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:

a. Resolutions provides for a refund of construction fee permits (Resolution R.079-022018 through R.085-022018)

b. Resolutions authorizing the return of Tree Maintenance Bonds (Resolutions R.086-022018 through R.091-022018)

c. Resolutions authorizing the return of unused portions of Engineering Fees (Resolution R.092-022018 and R.093-022018)

d. Resolutions refunding of Cash Performance and Performance Bonds (Resolution R.094-022018 through R.097-022018)

e. Resolutions providing the refund of unused portions of Developers Escrow fees (Resolution R.099-022018 and R.100-022018)

f. This resolution authorizes contract Change Order # 1 in an amount of +$15,490.00 for Contract #17-25-02: CDBG Sidewalk Improvements - Various Locations, for a revised construction contract ceiling of $440,116.25 (Resolution R.101-022018)

11. FROM THE DEPARTMENT OF PUBLIC WORKS:

a. Resolution Accepting Bid and Awarding Contract To W.E. Timmerman Co. Inc. for the purchase of one (1) Broom Street Sweeper With A Two Year Extended Warranty ($218,950.00) (Resolution R.107-022018)

b. Resolution authorizing the Township Of Edison to purchase Automotive and Light Duty Truck Parts from Genuine Parts Company through the Somerset
County Cooperative Pricing System (not to exceed $30,000.) (Resolution R.108-022018)

c. Resolution Authorizing A Contract/Purchase Order With McNeilus Trucks For Repairs To G-28 For The Department Of Public Works ($26,722.68) (Resolution R.109-022018)

d. Resolution Authorizing The Township Of Edison To Enter Into An Agreement With Capozzi Overhead Doors, Inc. Through The Middlesex County Cooperative Pricing Agreement B-17-469-The Servicing And Repairing Of Overhead Garage Doors (not to exceed $25,000.00) (Resolution R.110-022018)

e. This resolution enables the Township of Edison to develop and submit a viable application to the Middlesex County Department of Planning Division of Solid Waste Management 2018 Recycling Enhancement Grant Program for up to $15,000.00 in awarded grant funds to help support the development of a Municipal Recycling Center. (Resolution R.111-022018)

f. Award of Contract for Public Bid No. 17-03-10 Automotive Parts and Accessories (7 vendors - $207,000.00) (Resolution R.112-022018 through R.118-022018)

12. FROM THE CHIEF OF FIRE:

da. Resolution Awarding Contract/Purchase Order To Esi Equipment Inc. For The Purchase Of Air Lifting Bags For The Division Of Fire ($7,678.30) (Resolution R.102-022018)

db. Resolution Accepting Quote And Awarding Contract/Purchase Order To Witmer Public Safety Group For Electric Auto Reel For The Division Of Fire ($7,598.76) (Resolution R.098-022018)

dc. Award of Contracts for Public Bid No. 17-01-29 Uniforms and Equipment – Division of Fire/Fire Prevention (3 Vendors $255,000) (Resolution R.103-022018 through R.105-022018)

dd. Resolution Accepting Quote And Awarding Contract/Purchase Order To Community Safety Consultants For Emt Training Core Classes For The Division Of Fire ($5,940.00) (Resolution R.106-022018)

13. FROM THE CHIEF OF POLICE:

da. Resolution authorizing the submission of Grant Application for the Highway Safety Fund 2017 Project. (Resolution R.119-022018)

db. Resolution Awarding Contract/Purchase Order(S) To East Coast Emergency Lighting To Repair/Replace And Upgrade Equipment In Current Fleet For Police And Fire Divisions (not to exceed $85,000.00) (Resolution R.120-022018)

dc. Resolution Authorizing The Township Of Edison To Repair / Replace / Install Sally Port Security From Johnston Communications Through The Union County Cooperative Pricing System ($24,126.37) (Resolution R.121-022018)

14. FROM THE TOWNSHIP CLERK:

da. Resolution granting a waiver for permit fee to Italian American Club. (Resolution R.122-022018).
15. FROM THE COUNCIL MEMBER TO THE PLANNING BOARD:

16. UNFINISHED BUSINESS:
ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING, AND
FINAL ADOPTION:

O.1997-2018 AN ORDINANCE AMENDING THE TOWNSHIP CODE
CHAPTER 11-35 “CLOTHING DONATION BINS”
SETTING FORTH REQUIREMENTS FOR PLACEMENT
AND MAINTENANCE OF CLOTHING DONATION BINS.

O.1998-2018 AN ORDINANCE AMENDING THE PROMOTIONAL
PROCESSS IN THE FIRE DIVISION.

O.1999-2018 AN ORDINANCE AMENDING THE TOWNSHIP CODE TO
REVISE AND UPDATE THE STREET EXCAVATION
ORDINANCE.

17. DISCUSSION ITEMS:

Council President Patil
a. None

Councilmember Coyle
a. None

Councilmember Diehl
a. None

Councilmember Gomez
a. None

Councilmember Joshi
a. None

Councilmember Lombardi
a. None

Councilmember Sendelsky
a. None

18. APPROVAL OF MINUTES:
a. Combined Meeting of November 20, 2017
b. Worksession of January 8, 2018

19. COUNCIL PRESIDENT'S REMARKS

20. UNFINISHED BUSINESS:
ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING, AND FINAL ADOPTION:

O.1997-2018 AN ORDINANCE AMENDING THE TOWNSHIP CODE
CHAPTER 11-35 “CLOTHING DONATION BINS”
SETTING FORTH REQUIREMENTS FOR PLACEMENT
AND MAINTENANCE OF CLOTHING DONATION BINS.

O.1998-2018 AN ORDINANCE AMENDING THE PROMOTIONAL
PROCESSS IN THE FIRE DIVISION.

O.1999-2018 AN ORDINANCE AMENDING THE TOWNSHIP CODE TO
REVISE AND UPDATE THE STREET EXCAVATION
ORDINANCE.

21. PUBLIC COMMENT ON THE RESOLUTIONS

22. PROPOSED RESOLUTIONS
Copies of these Resolutions are available for review only and are posted in the Council
Chambers. Anyone desiring a copy may contact the Township Clerk after the meeting.

Consent Agenda

R.064-022018 Resolution approving disbursements for the period ending February 8,
2018.
R.065-022018 Resolution authorizing refund in the amount of $479,490.75 for
redemption of tax sale certificates.
R.066-022018 Resolution authorizing refund of tax overpayments, totaling $7,811.09.
R.067-022018 Temporary Emergency Appropriations
R.068-022018 Award of Contract for Public Bid No. 17-03-11 Edison Library Roof
Replacement to Safeway Contracting Inc in the amount of $156,750.00.
R.069-022018 Resolution Authorizing The Award Of A Non-Fair And Open Contract To
Sun Life Assurance Company Of Canada For Administration Services For
Short Term Disability Plan in an amount to exceed $25,000.00.
R.070-022018 Resolution Authorizing An Extraordinary Unspecifiable Services Contract
For Public Information Services To Jaffe Communications Inc. in an
amount not to exceed $44,400.00.
R.071-022018 Award of Contracts for Public Bid No. 16-10-25 Collision Repairs to Freehold Ford, Inc. in the amount not to exceed $110,000.00.

R.072-022018 Resolution awarding Contract/Purchase Order for renewal of Software Maintenance for the Edmunds System for 2018 in the amount of $48,495.00.

R.073-022018 This Resolution authorizes the Mayor to execute the attached Developer’s Agreement with Amerco Real Estate Company with respect to Block 300A, Lots 16A, 17A, 18A, 19-25, 26B and 27B and Block 301, Lots 15-22 (more commonly known as 110 Route 1), as shown on the Township of Edison tax maps.

R.074-022018 This Resolution authorizes the Mayor to execute the attached Second Amendment to the Developer’s Agreement with 399 Thornall Street LLC, 479 Thornall Street LLC and 499 Thornall Street LLC with respect to Block 676, Lots 2.B4, 2.03, and 2.04 (more commonly referred to as 399, 479 and 499 Thornall Street), as shown on the Township of Edison tax maps.

R.075-022018 This Resolution authorizes the Mayor to execute the attached Developer’s Agreement with 343 Thornall SPE, LLC with respect to Block 676, Lots 2.A3 & 6 (more commonly known as 333 and 343 Thornall Street), as shown on the Township of Edison tax maps.

R.076-022018 Resolution adopting green high performance business requirements for all new or renovated public buildings, owned and controlled by the Township to achieve higher levels of certification and promote energy efficiency and sustainable design.

R.077-022018 This Resolution awards a Professional Services Contract to Coventus Labor Consulting, LLC, to provide a comprehensive review of the Township’s Human Resource/Labor Relations management functions and processes in an amount not to exceed $75,000.00.

R.078-022018 Award of Contract for Public Bid No. 16-10-25 Collision Repairs to Central Jersey Collision d/b/a Elizabeth Truck Center in an amount not to exceed $80,000.00.

R.079-022018 Resolution provides for a refund of construction fee permit #2017-5165 for 32 Chandler Road in the amount of $193.00.

R.080-022018 Resolution provides for a refund of construction fee permit #2017-1331 for 6 Annette Drive in the amount of $281.00.

R.081-022018 Resolution provides for a refund of construction fee permit #2017-4720 for 337 Suttons Lane in the amount of $180.00.

R.082-022018 Resolution provides for a refund of construction fee permit # 2016-3782 for 306 Woodhaven Drive in the amount of $155.00.

R.083-022018 Resolution provides for a refund of construction fee permit #2017-2741 for 35 Runyon Avenue in the amount of $271.00.

R.084-022018 Resolution provides for a refund of construction fee permit # 2017-3864 for 50 Preston St. in the amount of $340.00.
R.085-022018 Resolution provides for a refund of construction fee permit #2018-0146 for 68 Wintergreen Avenue, East in the amount of $150.00.

R.086-022018 Resolution authorizing the return of Tree Maintenance Bond to Pagoda Homes LLC for 634 Denver Blvd, Blk. 498, Lot 26.A in the amount of $375.00.

R.087-022018 Resolution authorizing the return of Tree Maintenance Bond to Pagoda Homes, LLC for 65 Tingley Lane, Blk. 425, Lot 2.D3 in the amount of $150.00.

R.088-022018 Resolution authorizing the return of Tree Maintenance Bond to Pagoda Homes, LLC for 965 Ellis Parkway, Blk. 839, Lot 6 in the amount of $75.00.

R.089-022018 Resolution authorizing the return of Tree Maintenance Bond to Narendra Patel for 46 Utica Road, Blk. 1006, Lot 21 in the amount of $600.00.

R.090-022018 Resolutions authorizing the return of Tree Maintenance Bond to Pagoda Homes, LLC for 29 Farmhaven Avenue, Blk. 995, Lot 8 in the amount of $1,425.00.

R.091-022018 Resolutions authorizing the return of Tree Maintenance Bond to Pagoda Homes, LLC for 66 Tingley Lane, Blk. 502, Lot 2.F1 in the amount of $975.00.

R.092-022018 Resolution authorizing the return of unused portions of Engineering Fee to YMCA for Application Z-33-06/07, Blk. 643-Z, Lot 16 located at 1775 Oak Tree Road in the amount of $2,075.27.

R.093-022018 Resolution authorizing the return of unused portions of Engineering Fee to Venugopal Madhav for Application P-5152, Blk. 56.N, Lot 6N6 located at 780 New Durham Road in the amount of $703.85.

R.094-022018 Resolution refunding of Cash Performance on Site Improvements under Application P1-2013, Blk. 390, Lot: 49A, 2900 Woodbridge Avenue in the amount of $200,557.06.


R.096-022018 Resolution refunding of Cash Performance for application Z33-06/07, Blk. 643.Z, Lot 16, 1775 Oak Tree Road, Metuchen Edison YMCA in the amount of $17,693.08.

R.097-022018 Resolution refunding of Cash Performance for application #P5152- 780 New Durham Road in the amount of $5,270.42 to Venugopal Madhav.

R.098-022018 Resolution Accepting Quote And Awarding Contract/Purchase Order To Witmer Public Safety Group For Electric Auto Reel For The Division Of Fire in the amount of $7,598.76.

R.099-022018 Resolution providing the refund of unused portions of Developers Escrow fees for Application Z77-2015, Blk. 676, Lot 2B.3, 399 Thornall Street, in the amount of $1,423.52.

R.100-022018 Resolution providing the refund of unused portions of Developers Escrow fees for application P1-2013, Blk. 390, Lot A, 2900 Woodbridge Avenue in the amount of $6,480.00.

R.101-022018 This resolution authorizes contract Change Order # 1 in an amount of +$15,490.00 for Contract #17-25-02: CDBG Sidewalk Improvements -
Various Locations, for a revised construction contract ceiling of $440,116.25.

R.102-022018 Resolution Awarding Contract/Purchase Order To Esi Equipment Inc. For The Purchase Of Air Lifting Bags For The Division Of Fire in the amount of $7,678.30.

R.103-022018 Award of Contract for Public Bid No. 17-01-29 Uniforms and Equipment – Division of Fire/Fire Prevention to Continental Fire & Safety, Inc. in the amount not to exceed $175,000.00.

R.104-022018 Award of Contract for Public Bid No. 17-01-29 Uniforms and Equipment – Division of Fire/Fire Prevention to Fit Rite Uniform Co., Inc. in the amount not to exceed $60,000.00.

R.105-022018 Award of Contract for Public Bid No. 17-01-29 Uniforms and Equipment – Division of Fire/Fire Prevention to Witmer Public Safety Group, Inc. in the amount not to exceed $20,000.00.

R.106-022018 Resolution accepting Quote and Awarding Contract/Purchase Order To Community Safety Consultants for EMT Training Core Classes For The Division Of Fire in the amount of $5,940.00.

R.107-022018 Resolution Accepting Bid And Awarding Contract To W.E. Timmerman Co. Inc. For The Purchase Of One (1) Broom Street Sweeper With A Two Year Extended Warranty in the amount of $218,950.00.

R.108-022018 Resolution Authorizing The Township Of Edison To Purchase Automotive And Light Duty Truck Parts From Genuine Parts Company Through The Somerset County Cooperative Pricing System not to exceed $30,000.

R.109-022018 Resolution Authorizing A Contract/Purchase Order With McNeilus Trucks For Repairs To G-28 For The Department Of Public Works in the amount of $26,722.68.

R.110-022018 Resolution Authorizing The Township Of Edison To Enter Into An Agreement With Capozzi Overhead Doors, Inc. Through The Middlesex County Cooperative Pricing Agreement-B-17-469-The Servicing And Repairing Of Overhead Garage Doors not to exceed $25,000.00.

R.111-022018 This resolution enables the Township of Edison to develop and submit a viable application to the Middlesex County Department of Planning Division of Solid Waste Management 2018 Recycling Enhancement Grant Program for up to $15,000.00 in awarded grant funds to help support the development of a Municipal Recycling Center.

R.112-022018 Award of Contract for Public Bid No. 17-03-10 Automotive Parts and Accessories to Campbell Freightliner, LLC in the amount not to exceed $20,000.00.

R.113-022018 Award of Contract for Public Bid No. 17-03-10 Automotive Parts and Accessories Chapman Ford Sales in an amount not to exceed $45,000.00.

R.114-022018 Award of Contract for Public Bid No. 17-03-10 Automotive Parts and Accessories to Freehold Ford in an amount not to exceed $10,000.00.

R.115-022018 Award of Contract for Public Bid No. 17-03-10 Automotive Parts and Accessories to Genuine Parts Company in an amount not to exceed $50,000.00.
R.116-022018 Award of Contract for Public Bid No. 17-03-10 Automotive Parts and Accessories to National Pars Supply Co. in an amount not to exceed $60,000.00.

R.117-022018 Award of Contract for Public Bid No. 17-03-10 Automotive Parts and Accessories to Parts Authority, LLC in an amount not to exceed $17,000.00.

R.118-022018 Award of Contract for Public Bid No. 17-03-10 Automotive Parts and Accessories to The Radiator Store in an amount not to exceed $5,000.00.

R.119-022018 Resolution authorizing the submission of Grant Application for the Highway Safety Fund 2017 Project.

R.120-022018 Resolution Awarding Contract/Purchase Order(S) To East Coast Emergency Lighting To Repair/Replace And Upgrade Equipment In Current Fleet For Police And Fire Divisions in an amount not to exceed $85,000.00.

R.121-022018 Resolution Authorizing The Township Of Edison To Repair / Replace / Install Sally Port Security From Johnston Communications Through The Union County Cooperative Pricing System in the amount of $24,126.37.

R.122-022018 Resolution granting a waiver of a portion of permit fee to Italian American Club for upgrading and replacing the Fire Suppression System at 1997 Woodbridge Avenue, Edison.

23. **ORAL PETITIONS AND REMARKS**

24. **ADJOURNMENT**
EXPLANATION: An Ordinance amending the Township Code Chapter 11-35 “Clothing Donation Bins” setting forth requirements for placement and maintenance of Clothing Donation Bins.

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

WHEREAS, the Township desired to amend the Township Code of General Ordinances (the “Code”) to include certain requirements concerning the placement and maintenance of clothing donation bins within the jurisdiction and control of the Township; and

WHEREAS, the Township adopted Chapter 11-35 “Clothing Donation Bins” on August 24, 2017; and

WHEREAS, the Township now desires to amend Chapter 11-35 “Clothing Donation Bins,” to read as follows (additions are underlined and deletions are in [brackets]):

11-35 CLOTHING DONATION BINS.

11-35.1 Regulations.

Notwithstanding any other provision to the contrary, no person shall place, use or employ a donation clothing bin, for solicitation purposes, unless all [of the following requirements are met:] requirements of this Chapter are met.

Textile recycling bins currently located on Township property including Edison parkland, libraries, community centers, schools and public works properties are exempt from this ordinance provided the owner of the bin has received permission from the Township Zoning Department. No textile recycling bin will be allowed on Township land without prior authorization. Any person or charity not given previous approved authorization or that does not adhere to the other provisions of this zoning permit in this ordinance will be subject to the regulations in this ordinance. The township will provide a color-coded zoning permit specific for those with prior approvals. Textile recycling bins located on state or federal owned property are exempt from this ordinance but are still required to provide tonnage reports yearly.

a. The donation clothing bin [is] must be owned by a non-profit, I.R.C. 501 (c) (3) charitable organization registered with the Attorney General of the State of New Jersey pursuant to P.L. 1994, c.16; and

1. The textile donation bin is defined as any receptacle or container made of metal, steel, or other material designed or intended for the collection and temporary storage of donated clothing or other materials.
2. A textile recycling bin must be similar in size or smaller than a refrigerator box, or any container smaller than 45 x 45 by 80 inches.

b. The registered charitable organization or the person has obtained a zoning permit valid for a period of one (1) year, from the Zoning Department in accordance with the following:

1. In applying for such a zoning permit, the registered charitable organization or person shall include:

   (a) The location where the bin would be situated, as precisely as possible;

   (b) The manner in which the charitable organization or person anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;

   (c) The name and telephone number of the bona fide office of the applicant and of any entity which may share or profit from any clothing or other donations collected via the bin;

   (d) The schedule of pickups removing the articles from the bins, which can be no less often than once per week, and the name and telephone number of the person to be notified if the bin is overflowing prior to the scheduled date of pickup;

   (e) Written consent from the property owner, or the owner's authorized representative, to place the bin on his/her property.

   (f) The owners of textile clothing bins in the Township of Edison, NJ must provide annual tonnage reports, with information sufficient to support these reports, to the Township of Edison. Collectors must provide annual tonnage reports as required by the New Jersey Statewide Mandatory Source Separation and Recycling Act (N.J.S.A. 13:1E-99.16), which mandates the governing body of each municipality to submit an annual Recycling Tonnage Report summarizing the amount of material recycled during the previous year.

   (g) All charities must provide liability insurance, insurance for all vehicles and a valid driver’s license for any driver servicing the textile recycling bins. Valid policies must be presented for any drivers for the charity providing pickup services. Additionally, background checks for any charities, their employees, or drivers must be done within one year of the permit being issued.

   (h) All non-profit charitable organizations must provide at no cost tax-deductible receipts for any person or family that has donated to the charity and requests it. The receipt should include all necessary tax identification numbers and the name and address of the charity in accordance with Internal Revenue Code (IRC) regulations.
(i) No garbage or waste of any kind is allowed to be left outside of textile recycling bins. The charitable organization or owner, once notified, must address overflowing bins and rectify problem. Charity must address dumping any waste within 10 feet of their bins within 72 hours of notification by the Township, after which they will be subject to dumping or littering fines. Before a complaint can be filed, there must be a good faith attempt to reach the charity or their agent and give them 72 hours to correct the problem.

2. The Zoning Department shall not grant an application for a zoning permit to place, use, or employ a donation clothing bin if it determines that the placement of the bin is either in the front yard setback or could constitute a safety hazard. Such hazards shall include, but are not limited to, the placement of a donation clothing bin in handicapped parking spaces, in any area that interferes with pedestrian or vehicular traffic, or any place which stores large amounts of, or sells, fuel or other flammable liquids or gases. or on top of or within 25 feet to large amounts of fuel or other flammable liquids or gases.

3. [The fee for such application for the zoning permit shall be twenty-five ($25.00) dollars.] The fee for such application for the zoning permit shall be twenty-five ($25.00) dollars. Charitable organizations as defined by I.R.C. 501(c) (3) non-profit organization can receive a waiver of the fee provided they provide proof of their federal tax exempt status.

4. An expiring zoning permit for a donation clothing bin may be renewed by a charitable organization or person upon payment of the twenty-five ($25.00) dollar renewal fee or approval of fee waiver and by application that shall include the following information:

   (a) The location where the bin is situated, as precisely as possible, and, if applicant intends to move it, the new location where the bin would be situated after the renewal is granted;

   (b) The manner in which the person has used, sold or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person anticipates it may make in these processes during the period covered by the renewal;

   (c) The name, and telephone number of the bona fide office of the applicant and any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal;

   (d) The schedule of pickups removing the articles from the bins, which can be no less often than once per week, and the name and telephone number of the person to be notified if the bin is overflowing prior to the date of pickup; and

   (e) Written consent from the property owner or the owner's authorized representative, to place the bin on his/her property;
5. The following information shall be clearly and conspicuously affixed to the exterior of the donation clothing bin by means of paint, vinyl sticker or protective, water-resistant sleeve:

(a) The name and address of the registered charitable organization or person that owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin;

(b) The telephone number of the organization's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin. The telephone number of an answering machine or service unrelated to the charitable organization does not satisfy this requirement; and

(c) The charitable organization's registration number, permit number and its date of expiration.

(d) In cases when any entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities which may share or profit from such donations; and

(e) A statement, indicating the manner in which the charitable organization or person anticipates any clothing or other donations collected via the bin would be used, sold or dispensed, and the method by which the proceeds of collected donations would be allocated or spent.

c. The Division of Planning and Zoning shall receive and investigate, within forty-five (45) days, any complaints from the public about the bin.

1. Whenever it appears to the Township that an organization or a person has engaged in or is engaging in any act or practice in violation of this section, the organization or person who placed the bin shall be issued a warning, stating that if the violation is not rectified or an appeal taken within fifteen (15) days, then the bin, any clothing or other donations collected via the bin will be sold at public auction. In addition to any other means used to notify the person who placed the bin, a warning shall be affixed to the exterior of the bin itself.

2. In the event that the person who placed the bin does not rectify the violation or request a hearing within fifteen (15) days of the posting of the warning, the Township may seize the bin, remove it or have it removed, at the expense of the person who placed the bin, and sell it at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the Township.
3. In addition to any other penalties or remedies under this section, any person who violates any provision which results in the seizure of the donation clothing bin shall be subject to a penalty of up to one hundred ($100.00) dollars for each violation.

d. Clothing bins shall be permitted on all Board of Education properties. Said clothing bins must comply with all other provisions delineated in Section 11-35 of the Revised General Ordinances.

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 11 “General Licensing and Business Regulations” of the Code to read as follows:

11-35 CLOTHING DONATION BINS.

11-35.1 Regulations.

Notwithstanding any other provision to the contrary, no person shall place, use or employ a donation clothing bin, for solicitation purposes, unless all [of the following requirements are met:] requirements of this Chapter are met.

Textile recycling bins currently located on Township property including Edison parkland, libraries, community centers, schools and public works properties are exempt from this ordinance provided the owner of the bin has received permission from the Township Zoning Department. No textile recycling bin will be allowed on Township land without prior authorization. Any person or charity not given previous approved authorization or that does not adhere to the other provisions of this zoning permit in this ordinance will be subject to the regulations in this ordinance. The township will provide a color-coded zoning permit specific for those with prior approvals. Textile recycling bins located on state or federal owned property are exempt from this ordinance but are still required to provide tonnage reports yearly.

b. The donation clothing bin [is] must be owned by a non-profit, I.R.C. 501 (c) (3) charitable organization registered with the Attorney General of the State of New Jersey pursuant to P.L. 1994, c.16; and

3. The textile donation bin is defined as any receptacle or container made of metal, steel, or other material designed or intended for the collection and temporary storage of donated clothing or other materials.

4. A textile recycling bin must be similar in size or smaller than a refrigerator box, or any container smaller than 45 x 45 by 80 inches.
b. The registered charitable organization or the person has obtained a zoning permit valid for a period of one (1) year, from the Zoning Department in accordance with the following:

1. In applying for such a zoning permit, the registered charitable organization or person shall include:

   (a) The location where the bin would be situated, as precisely as possible;

   (b) The manner in which the charitable organization or person anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;

   (c) The name and telephone number of the bona fide office of the applicant and of any entity which may share or profit from any clothing or other donations collected via the bin;

   (d) The schedule of pickups removing the articles from the bins, which can be no less often than once per week, and the name and telephone number of the person to be notified if the bin is overflowing prior to the scheduled date of pickup;

   (e) Written consent from the property owner, or the owner's authorized representative, to place the bin on his/her property.

   (f) The owners of textile clothing bins in the Township of Edison, NJ must provide annual tonnage reports, with information sufficient to support these reports, to the Township of Edison. Collectors must provide annual tonnage reports as required by the New Jersey Statewide Mandatory Source Separation and Recycling Act. (N.J.S.A. 13:1E-99.16), which mandates the governing body of each municipality to submit an annual Recycling Tonnage Report summarizing the amount of material recycled during the previous year.

   (g) All charities must provide liability insurance, insurance for all vehicles and a valid driver’s license for any driver servicing the textile recycling bins. Valid policies must be presented for any drivers for the charity providing pickup services. Additionally, background checks for any charities, their employees, or drivers must be done within one year of the permit being issued.

   (h) All non-profit charitable organizations must provide at no cost tax-deductible receipts for any person or family that has donated to the charity and requests it. The receipt should include all necessary tax identification numbers and the name and address of the charity in accordance with Internal Revenue Code (IRC) regulations.

   (i) No garbage or waste of any kind is allowed to be left outside of textile recycling bins. The charitable organization or owner, once notified, must address overflowing bins and rectify problem. Charity must address dumping any waste within 10 feet of their bins.
within 72 hours of notification by the Township, after which they will be subject to dumping or littering fines. Before a complaint can be filed, a good faith attempt to reach the charity or their agent and give them 72 hours to correct the problem.

2. The Zoning Department shall not grant an application for a zoning permit to place, use, or employ a donation clothing bin if it determines that the placement of the bin is either in the front yard setback or could constitute a safety hazard. Such hazards shall include, but are not limited to, the placement of a donation clothing bin in handicapped parking spaces, in any area that interferes with pedestrian or vehicular traffic, [or any place which stores large amounts of, or sells, fuel or other flammable liquids or gases.] or on top of or within 25 feet to large amounts of fuel or other flammable liquids or gases.

3. [The fee for such application for the zoning permit shall be twenty-five ($25.00) dollars.] The fee for such application for the zoning permit shall be twenty-five ($25.00) dollars. Charitable organizations as defined by I.R.C. 501(c) (3) non-profit organization can receive a waiver of the fee provided they prove their federal tax exempt status.

4. An expiring zoning permit for a donation clothing bin may be renewed by a charitable organization or person upon payment of the twenty-five ($25.00) dollar renewal fee or approval of fee waiver and by application that shall include the following information:

(a) The location where the bin is situated, as precisely as possible, and, if applicant intends to move it, the new location where the bin would be situated after the renewal is granted;

(b) The manner in which the person has used, sold or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person anticipates it may make in these processes during the period covered by the renewal;

(c) The name, and telephone number of the bona fide office of the applicant and any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal;

(d) The schedule of pickups removing the articles from the bins, which can be no less often than once per week, and the name and telephone number of the person to be notified if the bin is overflowing prior to the date of pickup; and

(e) Written consent from the property owner or the owner's authorized representative, to place the bin on his/her property;

5. The following information shall be clearly and conspicuously affixed to the exterior of the donation clothing bin by means of paint, vinyl sticker or protective water-resistant sleeve:
(a)  The name and address of the registered charitable organization or person that owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin;

(b)  The telephone number of the organization's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin. The telephone number of an answering machine or service unrelated to the charitable organization does not satisfy this requirement; and

(c)  The charitable organization's registration number, permit number and its date of expiration.

(d)  In cases when any entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities which may share or profit from such donations; and

(e)  A statement, indicating the manner in which the charitable organization or person anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

   c.  The Division of Planning and Zoning shall receive and investigate, within forty-five (45) days, any complaints from the public about the bin.

      1.  Whenever it appears to the Township that an organization or a person has engaged in or is engaging in any act or practice in violation of this section, the organization or person who placed the bin shall be issued a warning, stating that if the violation is not rectified or an appeal taken within fifteen (15) days, then the bin, any clothing or other donations collected via the bin will be sold at public auction. In addition to any other means used to notify the person who placed the bin, a warning shall be affixed to the exterior of the bin itself.

      2.  In the event that the person who placed the bin does not rectify the violation or request a hearing within fifteen (15) days of the posting of the warning, the Township may seize the bin, remove it or have it removed, at the expense of the person who placed the bin, and sell it at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the Township.

      3.  In addition to any other penalties or remedies under this section, any person who violates any provision which results in the seizure of the donation clothing bin shall be subject to a penalty of up to one hundred ($100.00) dollars for each violation.
d. Clothing bins shall be permitted on all Board of Education properties. Said clothing bins must comply with all other provisions delineated in Section 11-35 of the Revised General Ordinances.

3. If a court of competent jurisdiction shall declare any section, paragraph, subsection, clause or provision of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof, and the remaining provisions shall be construed to give effect to the intent thereof.

4. All ordinances or parts of ordinances of the Township of Edison heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

5. This Ordinance shall take effect after final passage and publication as provided by law.
EXPLANATION: An Ordinance amending the promotional process in the Fire Division.

EDISON TOWNSHIP

ORDINANCE O.1998-2018

WHEREAS, the Township Council wishes to amend the promotional process in the Fire Division.

BE IT ORDAINED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that Chapter II titled Administration, Article III entitled Departments, Section 33 entitled Division of Fire of the Township Code is hereby amended as follows:

SECTION I. Section 2-33.6 of the Township Code is hereby deleted in its entirety.

SECTION II. The following new Code Sections are hereby adopted:

2-33 DIVISION OF FIRE.

2-33.6 Firefighters; Promotion Procedures.

A. Criteria for Promotion to Captain shall be made pursuant to the following examination criteria, which shall consist of one hundred (100) total points:

1. Qualifications. A candidate must have completed a minimum of ten (10) years of active service as a full-time Division fire fighter on the date of the written examination with certifications or licenses from an accredited agency in:
   (a) Instructor Level 1 – as issued by DCA
   (b) Drill Ground Instructor – as issued by DCA
   (c) Incident Management Systems - Level 1 Certification issued by DCA
   (d) Incident Safety Officer – as issued by DCA
   Note: Equivalent educational certificates in the above areas must be approved by the Chief of the Division of Fire.

2. Written examination.
   (a) Written examination will be prepared, administered and graded by an appropriate outside testing service. The scoring for these examinations will be from zero to one hundred (100). Only those candidates who achieve a score of seventy-five (75%) percent or higher will be allowed to move to the next phase.
   (b) Study guides will be made available prior to the examination.
   (c) The written test shall constitute sixty (60%) percent of the fire fighter’s score.
   (d) The testing agency shall place the names and grades of the passing candidates into a sealed envelope and placed with the Township
Administrator. At the end of the process, the Township Administrator shall submit the sealed envelope to the Chief of Fire.

3. **Oral Test.** The oral test shall constitute thirty (30%) percent of the fire fighter’s score and shall be conducted by the Oral board. The board shall include the Director of Public Safety or their designee, Chief of Fire, Deputy Chief and two Senior Battalion Chiefs; one selected by the Director of Public Safety and one selected by the Chief of Fire. The Director of Public Safety may assign one additional designee in the event one (1) of the aforementioned positions is vacant. Candidates shall be interviewed as to their knowledge of Edison Division of Fire Standard Operating Procedures, Incident Command System, equipment and practices, knowledge of Division of Fire stations, response areas, fire ground operations and safety, building construction, Uniform Fire Code and Emergency Scene Strategy and Tactics. The board shall not discuss their evaluations with other board members. The Chief of Fire and Director of Public Safety or their designee shall remove the highest and lowest scores of each candidate and average the remaining scores.

4. **Veterans.** Anyone who 1) is a veteran as defined in N.J.S.A. 11A:5-1(b); 2) who has a minimum of two (2) years’ service; and 3) has been honorably discharged, shall receive 1 point for said service.

5. **College Credit.** Anyone who possess an Associates’ degree or higher in the Fire Sciences Field, shall receive 0.5 points.

6. **Seniority.** Points will be given for fully completed years of service on the Edison Fire Department as of the announced closing date for eligibility to take the written test as follows:

<table>
<thead>
<tr>
<th>Years</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-12</td>
<td>0.5</td>
</tr>
<tr>
<td>13-14</td>
<td>1.0</td>
</tr>
<tr>
<td>14-15</td>
<td>1.5</td>
</tr>
<tr>
<td>16-17</td>
<td>2.0</td>
</tr>
<tr>
<td>18-19</td>
<td>2.5</td>
</tr>
<tr>
<td>20+</td>
<td>3.0</td>
</tr>
</tbody>
</table>

7. **Disciplinary History.**
   a. If a candidate has no disciplinary history in the five (5) years prior to the date of the written exam, said candidate shall receive five and one-half (5.5) points.
   b. If a candidate has two (2) written reprimands or three (3) suspension days or less, in the five (5) years prior to the date of the written exam, said candidate shall receive two and one-half (2.5) points. If a candidate has a combination of two (2) written reprimands and one (1) or more suspension days, the candidate will receive zero (0) points.
   c. If a candidate has one (1) discipline of four (4) suspension days or more; more than three (3) written reprimands; or a demotion in rank in the five (5) years prior to the date of the written exam, said candidate shall receive zero (0) points.

8. **Compiling the Ranking List of Candidates.**
   a. The Chief of Fire shall obtain from the Township Administrator the sealed envelope which contains the results of the written test.
b. The Chief of Fire and the Director of Public Safety or their designee shall compute the scores and issue the list of rankings.
c. The Chief of Fire shall maintain the scores and all evaluation sheets until the next promotional test is conducted.

9. **Appointment to Position.**
   a. Vacancies shall be filled utilizing the "Rule of Three." Should the scoring result in a tie in any position but the first rank, the list shall be expanded to include all those candidates eligible in those positions. If there is a tie in the number one (1) position, all of those candidates will be included on the list; however, if there is also a tie in a lower rank necessary to establish the "Rule of Three," all said candidates will be included to establish the "Rule of Three."
   b. A review committee designated by the Mayor, which shall include at least the Chief of Fire, shall review the list compromising the candidates contained in the "Rule of Three" and issue recommendations to the Mayor.
   c. The Mayor shall appoint the candidate pursuant to the "Rule of Three."

10. **Duration of List of Candidates.**
    a. Upon the completion of the ranking of candidates, the list will be certified by the Township Clerk.
    b. The list will be in force for two (2) years from the date it is certified, and a new list shall be established within ninety (90) days of the expiration of any list. The list shall not be extended.

11. **Miscellaneous.**
    a. Violation of any Edison Fire Department rules and regulations, departmental policy and procedure or violation of any State or Federal statute occurring after the list is certified may result in the candidate being removed from the promotional list or having his or her position lowered on the list. If a candidate is lowered on the list, the procedure utilized shall be consistent with paragraph 7 of this subsection.
    b. The removal of a candidate, pursuant to paragraph 11a of this subsection will be at the ultimate discretion of the Mayor.

B. **Criteria for Promotion to Battalion Chief** shall be made pursuant to the following examination criteria, which shall consist of one hundred (100) total points:

1. **Qualifications.** A candidate must have completed a minimum of two (2) years of active service as a full-time Division Fire Captain on the date of the written examination with certifications or licenses from an accredited agency in:
   (a) Incident Management Systems – Level 2 Certification issued by DCA
   (b) Level 2 Fire Instructor – as issued by DCA
   (c) Certified NJ Uniform Fire Code Inspector – as issued by DCA

   Note: Equivalent educational certificates in the above areas must be approved by the Chief of the Division of Fire.

2. **Written examination.**
   (a) Written examination will be prepared, administered and graded by an appropriate outside testing service. The scoring for these examinations will be from zero to one hundred (100). Only those candidates who achieve a
score of seventy-five (75%) percent or higher will be allowed to move to the next phase.

(b) Study guides will be made available prior to the examination.

(c) The written test shall constitute forty-five (45%) percent of the fire fighter’s score.

(d) The testing agency shall place the names and grades of the passing candidates into a sealed envelope and placed with the Township Administrator. At the end of the process, the Township Administrator shall submit the sealed envelope to the Chief of Fire.

3. Oral Test. The oral test shall constitute forty-five (45%) percent of the fire fighter’s score and shall be conducted by the Oral board. The board shall include the Director of Public Safety or their designee, Chief of Fire, Deputy Chief and two Senior Battalion Chiefs; one selected by the Director of Public Safety and one selected by the Chief of Fire. The Director of Public Safety may assign one additional designee in the event one (1) of the aforementioned positions is vacant. Candidates shall be interviewed as to their knowledge of Edison Division of Fire Standard Operating Procedures, Incident Command System, equipment and practices, knowledge of Division of Fire stations, response areas, fire ground operations and safety, building construction, Uniform Fire Code and Emergency Scene Strategy and Tactics. The board shall not discuss their evaluations with other board members. The Chief of Fire and Director of Public Safety or their designee shall remove the highest and lowest scores of each candidate and average the remaining scores.

4. The final score shall consist of the written examination score forty-five (45%) percent and the oral examination score forty-five (45%) percent. Candidates will receive one-half (0.5) point for each full year of time in grade as a permanent Captain in the Edison Fire Department to a maximum of five (5) points.

5. Disciplinary History.
   a. If a candidate has no disciplinary history in the five (5) years prior to the date of the written exam, said candidate shall receive five (5) points.
   b. If a candidate has two (2) written reprimands or three (3) suspension days or less in the five (5) years prior to the date of the written exam, said candidate shall receive two and one-half (2.5) points. If a candidate has a combination of two (2) written reprimands and one (1) or more suspension days, the candidate will receive zero (0) points.
   c. If a candidate has one (1) discipline of four (4) suspension days or more; more than three (3) written reprimands; or a demotion in rank in the five (5) years prior to the date of the written exam, said candidate shall receive zero (0) points.

6. Compiling the Ranking List of Candidates.
   a. The Chief of Fire shall obtain from the Township Administrator the sealed envelope which contains the results of the written test.
   b. The Chief of Fire and the Director of Public Safety or their designee shall compute the scores and issue the list of rankings.
   c. The Chief of Fire shall maintain the scores and all evaluation sheets until the next promotional test is conducted.

7. Appointment to Position.
a. Vacancies shall be filled utilizing the "Rule of Three." Should the scoring result in a tie in any position but the first rank, the list shall be expanded to include all those candidates eligible in those positions. If there is a tie in the number one (1) position, all of those candidates will be included on the list; however, if there is also a tie in a lower rank necessary to establish the "Rule of Three," all said candidates will be included to establish the "Rule of Three."

b. A review committee designated by the Mayor, which shall include at least the Chief of Fire, shall review the list compromising the candidates contained in the "Rule of Three" and issue recommendations to the Mayor.

c. The Mayor shall appoint the candidate pursuant to the "Rule of Three."

8. Duration of List of Candidates.
   a. Upon the completion of the ranking of candidates, the list will be certified by the Township Clerk.
   b. The list will be in force for two (2) years from the date it is certified, and a new list shall be established within ninety (90) days of the expiration of any list. The list shall not be extended.

   a. Violation of any Edison Fire Department rules and regulations, departmental policy and procedure or violation of any State or Federal statute occurring after the list is certified may result in the candidate being removed from the promotional list or having his or her position lowered on the list. If a candidate is lowered on the list, the procedure utilized shall be consistent with paragraph 5 of this subsection.
   b. The removal of a candidate, pursuant to paragraph 9a of this subsection will be at the ultimate discretion of the Mayor.

C. Criteria for Promotion to Deputy Chief of Fire
   1. Any individual, fire fighter or candidate to be promoted to the position of Deputy Chief of Fire shall have served in the position of Battalion Chief for a period of at least two (2) years or Captain for a period of at least three (3) years in a permanent capacity in the Edison Fire Department. In lieu of the aforementioned service credit in each rank, a candidate may have a combined amount of service credit in the ranks of Captain and Battalion Chief, totaling three (3) years, to be eligible for promotion to the position of Deputy Chief of Fire. In addition to the service credit, a candidate must have all certifications required of a Battalion Chief as well possess the Incident Management Level 3 Certification from DCA to be eligible for promotion to the position of Deputy Chief of Fire.
   2. The Chief of Fire shall give his written recommendations to the Mayor.
   3. The Mayor shall select the Deputy Chief of Fire.

D. Criteria for Promotion to Chief of Fire
   1. Any individual, fire fighter or candidate to be promoted to the position of Chief of Fire shall have served in the position of Deputy Chief of Fire for a period of at least two (2) years or Battalion Chief for a period of at least three (3) years in a permanent capacity in the Edison Fire. In lieu of the aforementioned service credit in each rank, a candidate may have a combined amount of service credit in the ranks of Battalion Chief and Deputy Chief of Fire, totaling three (3) years, to be eligible for promotion to the position of Chief of Fire.
2. The Mayor shall select the Chief of Fire.

E. All promotional lists established by this section shall be posted in a time and manner prescribed by appropriate collective bargaining agreements. (1999 Code § 2.20.260)

SECTION III. This ordinance shall take effect twenty (20) days after adoption and approval by the Mayor in accordance with N.J.S.A. 40:69A-181(b).
EXPLANATION: An Ordinance amending the Township Code to revise and update the Street Excavation Ordinance.

EDISON TOWNSHIP

ORDINANCE O.1999-2018

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

WHEREAS, the Township’s Code of General Ordinances ("Code") currently provides standards and regulations for the excavation of streets within the Township; and

WHEREAS, the Township has been advised by the Township Engineer of necessary updates to the Code that would allow for more effective and efficient enforcement of the required standards and regulations so as to continue to provide the best possible service to residents and business owners; and

WHEREAS, the Township Municipal Council ("Municipal Council") has determined to update Subchapter 19-1 of the Code to reflect the necessary updates; and

WHEREAS, the Municipal Council has determined to amend Subchapter 19-1 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

19-1 STREET EXCAVATIONS AND OCCUPATION.

19-1.1 Permit Required.

a. No person (defined to mean any corporation, company, association, firm, partnership or individual) shall make an excavation in or tunnel under any street for the laying of gas, water or sewer or for any other purpose without first obtaining a permit from the Director of the Department of Public Works. [supervisor of the Division of Licenses and Permits.]

b. A tunnel or excavation may be commenced without a permit where an emergency has arisen which makes it necessary to start work immediately, provided that the application for permit shall be retroactive to the date on which the work was begun and that the Police Department and the Department of Public Works be notified before work commences. The permit shall be applied for within 24 hours of the known emergency or on the next business day, whichever is more practical.

c. The Director of the Department of Public Works or the Township Engineer shall be notified within 24 hours of a road opening for an emergency situation. If a road opening commences on a Saturday or Sunday as a result of emergency work, the Police Department shall
be notified prior to the start of work, and the Director of the Department of Public Works or the
Township Engineer shall be notified on the morning of the first business day thereafter.

d. No person shall encumber or obstruct any street or public place in the Township of
Edison by placing therein or thereon any building materials or any articles whatsoever without
first obtaining the written permission from the Director of Public Works.

e. The Director of Public Works shall have the power to grant permits to builders and
others to occupy space not to exceed one-third (1/3) of the width of a vehicular lane of any street
with building material if, in his opinion, the public interest or inconvenience will not suffer
thereby. The fee for a permit to occupy the street shall be seventy-five ($75.00) dollars.

f. The Director of the Department of Public Works [supervisor of the Division of Licenses
and Permits] may issue permits to municipal public bodies without fee.

19-1.2 Application.

a. Applications for a permit shall be made to the Director of the Department of Public
Works [supervisor of the Division of Licenses and Permits] and shall contain the following
information:

1. The name and address of the applicant;

2. The name of the street where the opening is to be made and the street number, if
any, of the abutting property;

3. The nature of the surface in which the opening is to be made (whether sewer,
water or gas and whether new construction or the repair of an existing street);

4. The character and purpose of the work proposed;

5. The date when the work is to be commenced and date when work is to be
completed.

6. A plan or sketch in proper scale indicating the size and location of the proposed
opening(s) which shall include:

   (i) The distance in feet from the nearest intersection and from the nearest
curbline;

   (ii) The dimensions of the opening including length and width; and

   (iii) The type of pavement or surface to be opened.

7. Any applicant for a permit shall provide to the Township proof of general liability
insurance coverage

8. A utility mark-out within the area affected

9. Traffic Control Plan

10. A written agreement to completely restore the area affected within a specified
number of calendar days after the first disruption thereof to the condition it was in at the
time it was first completed. The selected period of time is subject to the approval of the Director of the Department of Public Works and the Township Engineer.

b. Each application shall state the identity and address of the applicant, the party responsible for [the company] performing such construction, the location where the excavation or tunnel is to be made, the [approximate] dimensions of the opening and [period during which the permit shall be valid. The original of each permit shall remain on file with the supervisor of the Division of Licenses and Permits with a copy to remain on file with the Department of Public Works.] the date when the work is to be commenced and completed.

c. The Department of Public Works shall issue a permit to the applicant when it determines that (i) the necessary documents are acceptable in form and substance, (ii) the applicant has paid the review and inspection fee, (iii) the applicant has posted sufficient security, (iv) the applicant has satisfied all other requirements applicable to the issuance of permits in the Township of Edison.

19-1.3 Fees and Deposits.

a. An administrative application fee must be paid in the form of a check or money order when the application is made. The applicant shall be charged an administrative application fee of two hundred ($200.00) [thirty ($30.00)] dollars for each permit. [In addition, the applicant shall post cash or certified check deposit according to the following schedule:]

[1. For each opening in unimproved streets, two dollars and fifty ($2.50) cents per square foot or portion thereof; minimum charge, twenty-five ($25.00) dollars.]

[2. For each opening in streets paved with macadam (F.A.B.C. No. 1) or similar type of finished pavement, eight ($8.00) dollars per square foot or portion thereof; minimum charge, one hundred ($100.00) dollars.]

[3. For each opening on streets paved with reinforced concrete, fifteen ($15.00) dollars per square foot or portion thereof; minimum charge, one hundred fifty ($150.00) dollars.]

[4. For tunneling operation, a deposit of twenty ($20.00) dollars per running foot.]
c. [Refunds of deposits will be made upon satisfactory completion of street opening restoration] In the event that any person shall make an application for a permit after the excavation shall have been made or the tunneling operation shall have been performed, the administrative application fee shall be increased to five hundred ($500.00) dollars.

d. The deposit shall be retained by the Township for the duration of one (1) year after the surface has been restored. Refunds of deposits will be made upon satisfactory completion of street opening restoration.

e. **Qualified Utilities.**

1. Qualified utilities shall be exempt from the individual permit schedule but must notify the Department of Public Works before any excavations are made. In lieu of individual permits, a company/security bond shall serve as a guaranty of fee payments. Such bonds shall have a duration of one (1) year.

2. Qualified utilities are defined as utilities regulated by New Jersey Board of Regulatory Commissions.

3. Qualified utilities shall make payment to the Director of the Department of Public Works [supervisor of the Division of Licenses and Permits] on a quarterly basis for all permits obtained in the preceding quarter.

f. **Indemnification.**

1. Every permittee, as a condition of accepting any permit issued hereunder, shall save and hold harmless the Township of Edison and indemnify the Township of Edison, its officials, agents, servants and employees for and against any and all loss, damage, claim, expense or demand whatsoever arising out of any matter or resulting from the opening or excavation of any street and the issuance of a permit therefor as provided in this section.

2. Notice of Failure to Make Progress. If the permittee, in installing the permanent pavement shall fail to make progress satisfactory to the Director of the Department of Public Works, the Township may give written notice of such failure to the permittee. If, within twenty (20) days after the receipt of such notice, the permittee shall fail to make progress at a rate satisfactory to the Superintendent of the Department of Public Works, the Township shall have the right to complete the installation of such pavement, in which event the permittee shall be charged for the cost thereof at the rate the Township is billed by the contractor who performs the work, or at the rate it costs the Township to perform such work itself, which charges shall be billed after the receipt of the bill therefore.

19-1.4 **Additional Deposits.**

If the Department of Public Works [Supervisor of Streets] determines that an excavation for which a permit has been issued is of greater dimensions than those stated in the permit, the Department of Public Works [Supervisor of Streets] shall notify the [Supervisor of Licenses and Permits who shall then notify the] permittee that an additional deposit shall be required.
19-1.5 Insurance.

a. No permit shall be issued until the applicant has furnished the Director of the Department of Public Works [supervisor of the Division of Licenses and Permits] with satisfactory proof that he or she is insured against injury to persons and damage to property caused by any act or omission of the applicant, his or her agents, employees or subcontractors done in the course of the work to be performed under the permit. The insurance shall cover all hazards likely to arise in connection with the work, including but not limited to collapse and explosion, and shall also insure against liability arising from completed operations. The limits of the policy of insurance shall be two hundred fifty thousand ($250,000.00) dollars for injury to any one (1) person, five hundred thousand ($500,000.00) dollars for injuries to more than one (1) person in the same accident and an aggregate of one hundred thousand ($100,000.00) dollars for property damage for a single incident.

b. Qualified utilities, as defined under subsection 19-1.3(d)(2), shall be exempt from this subsection, provided that proof of liability insurance is on file with the Department of Public Works. [Supervisor of the Division of Licenses and Permits.]

19-1.6 Rules and Regulations for Excavations.

All permits issued under this section shall be subject to the following rules and regulations:

a. All excavations shall be kept properly barricaded at all times and, during the hours of darkness, shall be provided with proper warning lights. This regulation shall not excuse the permittee from taking any other precaution reasonably necessary for the protection of persons or property.

b. All work shall be done in such manner as to cause a minimum of interference with travel on the street affected. No street shall be closed to traffic unless the closing is approved by the Department of Public Works. It shall be the responsibility of the Department of Public Works to notify the Department of Public Safety of any such street closing. The Department of Public Works shall be informed of all street closings at least twenty-four (24) hours in advance when practical.

c. The Department of Public Works may, upon application by the permittee, extend the time limit during which the permit shall be valid.

d. If the Department of Public Works or Engineering Department determines that any backfilled excavation has settled or caved in, it shall so notify the permittee, who shall promptly continue backfilling with the materials specified until the Department of Public Works or Engineering Department determines that settlement is complete.

e. If blasting is required to be done in the course of any excavation, it shall be done in strict compliance with all applicable State laws and regulations.

f. Utilities shall notify the Department of Public Works [Division of Streets] a minimum of one (1) week in advance of scheduled street openings.

g. Street openings shall be straight cut by saw/jackhammer.
h. All work shall be done in accordance with Edison Township standard details and specifications.

Permittee and owners of underground facilities shall comply with the State of New Jersey's standards relating to construction, excavation and demolition operations at or near underground facilities.

Permittees shall take the precautions necessary to project such pipes, mains, conduits, and other appurtenances at their own expense.

All work shall be done in accordance with the specifications and provisions of the New Jersey Department of Transportation (NJDOT).

All debris on the street shall be removed at the expiration of the permit unless otherwise stipulated.

19-1.7 Restoration of Surface.

In all cases the permittee shall restore the surface of the street in accordance with the following rules, regulations and requirements:

a. No permittee shall commence the restoration of any street foundation or surface until the Department of Public Works or Engineering Department has determined that settlement of the subsurface is complete and the area is properly prepared for restoration. The Department of Public Works or the Engineering Department will determine, prior to restoration of the surface, if a pre-construction meeting is necessary in order to review the scope of the improvements, limits of construction and timeframe necessary to complete said restoration.

b. [The street surface shall be restored so as to extend nine (9) inches beyond the excavation of all sides.] The extent of surface restoration will be determined based on the following criteria. However, the exact area of restoration will be considered on a case by case basis as approved by the Department of Public Works or Engineering Department.

1. Roadways Under Five-Year Roadway Disturbance Moratorium
   i. For the installation of a residential service, the minimum restoration work required will be to mill and resurface (minimum of two inches as determined by the Engineering Department) the roadway from the lane line nearest lane or curb line beyond the furthest point of the excavation for the entire width of the property.
   ii. For an excavation running roughly parallel with the roadway and within the paved limits of the roadway, the minimum restoration work required will be to mill and resurface (minimum of two inches as determined by the Engineering Department) the roadway from the nearest striped lane line (furthest from the curb) to the nearest curb line, for a minimum of 100 feet in each direction or to the nearest cross street beyond the limit of effected roadway, as determined by the Engineering Department. Should at any time, the excavation extend beyond the centerline of the roadway, the
The entire roadway width will be required to be milled and resurfaced (minimum of two inches as determined by the Engineering Department) for the distance previously described.

iii. For an excavation running roughly perpendicular with the roadway and within the paved limits of the roadway, the minimum restoration work required shall follow the prescribed limits as described in section 19-17.b.1.i.

iv. For any scenario not covered above, the pavement restoration required will be the milling and paving of any lane occupied by the excavation, for a length to be determined by the Department of Public Works or Engineering Department. If at any point, the excavation crosses the centerline of the roadway, full width paving of the roadway will be required.

2. Roadways Not Currently Under Roadway Disturbance Moratorium
   i. For the installation of residential services, the street surface shall be restored to extend at a minimum, two (2) foot beyond the excavation on all sides. The distance along the curb line shall be no less than ten (10) feet in width and extend to the nearest lane line beyond the excavation.

   ii. For an excavation running roughly parallel with the roadway and within the paved limits of the roadway the minimum restoration work required will be to mill and resurface the roadway (minimum of two inches as determined by the Engineering Department) from the nearest striped lane line (furthest from the curb) to the nearest curb line, for the entire length of the excavation, or for a distance of fifty (50) feet in each direction, whichever is greater.

   iii. For an excavation running roughly perpendicular with the roadway and within the paved limits of the roadway, the minimum restoration work required shall following the prescribed limits as described in section 19-17.b.2.a.

   iv. For any scenario not covered above, the pavement restoration required will be the milling and paving of any lane occupied by the excavation, for a length to be determined by the Department of Public Works or Engineering Department. If at any point, the excavation crosses the centerline of the roadway, full width paving of the roadway will be required.

c. When any foundation is restored by the use of portland cement concrete, the same shall consist of a mixture by volume of one (1) part of portland cement, two (2) parts of sand and four (4) parts of gravel or stone, so as to attain a compressive strength of four thousand (4,000) pounds per square inch after twenty-eight (28) days.

d. The permittee shall clean up and promptly remove from the site of work all surplus excavated material and debris, and shall leave the site of the work in a neat and orderly condition.
1. Where top soil, seeded areas or sod are disturbed in the course of the work, the permittee shall restore the ground surface to its original condition.

2. Upon completion of repairs in a street, permittees shall backfill street openings and excavations in a manner in accordance with the specifications. All materials used for backfill shall be free from bricks, blocks, excavated pavement materials and/or organic material or other debris.

3. Backfill material shall be deposited in horizontal layers not exceeding twelve (12) inches in thickness prior to compaction. A minimum of ninety-five (95%) percent of Standard Proctor Maximum Density will be required after compaction.

4. When placing fill or backfill around pipes, layers shall be deposited to progressively bury the pipe to equal depths on both sides. Backfill immediately adjacent to pipes and conduits shall not contain particles larger than three (3) inches in diameter.

5. Compaction shall be attained by the use of impact rammers, plate or small drum vibrators, or pneumatic button head compaction equipment. Hand tamping shall not be permitted except in the immediate area of the underground facility, where it shall be lightly hand tamped with as many strokes as required to achieve maximum density. The definition of the "immediate area" shall be a maximum of eighteen (18) inches from the facility.

6. Where sheeting has been used for the excavation, it shall be pulled when the excavation has been filled or backfilled to the maximum unsupported depth allowed by the New Jersey Department of Transportation guidelines.

7. As a measure of maximum density achieved for temporary restoration, the pavement surface shall not sink more than two (2) inches from the surrounding existing surface during the life of the temporary restoration. More than two (2) inches of settlement shall be deemed a failure of the compaction of the backfill and cause the removal of said backfill to the subsurface facility and new fill installed and properly compacted.

e. **Temporary Asphaltic Pavement.**

1. Immediately upon completion of the compaction of the backfill of any street opening, the permittee shall install a temporary pavement of an acceptable stabilized asphalt paving mixture, course size one and one-half (1.5) to two (2) inches, not less than four (4) inches in thickness after compaction, flush with the adjacent surfaces.

2. The permittee has the option of installing full depth pavement using an acceptable asphalt paving mixture immediately upon completion of the compaction of the backfill excluding reconstructed protected streets and full-depth concreted roadways.
3. Upon the expiration of the permit, all equipment, construction materials and debris shall be removed from the site, unless otherwise stipulated.

4. When final restoration is to be done the materials are to be removed with hand tools to a depth necessary to accomplish the final restoration.

5. In the event that two or more unconnected road openings are requested and dug only ten (10) feet or less apart, the restoration requirements shall include the milling and paving of a continuous area including the undisturbed area between the trenches.

f. **Plating and Decking.**

1. All plating and decking installed by the permittee shall be made safe for vehicles and/or pedestrians and shall be adequate to carry the load. Plates must be designed by a Professional Engineer and be rated for traffic. A corresponding certification signed and sealed by a Licensed Professional Engineer in the state of New Jersey must be submitted to the Township for each plate, prior to use.

2. The size of the plate or decking shall be large enough to span the opening, be firmly placed to prevent rocking and shall overlap the edges of trenches and openings and be sufficiently ramped to provide smooth riding and a safe condition.

3. All plating and decking shall be fastened by splicing, countersinking or otherwise protected to prevent movement.

4. Where deflections are more than three-fourths (3/4) inches, heavier sections of plates or decking or intermediate supports shall be installed.

5. All plating and decking shall have a skid-resistant surface equal to or greater than the adjacent existing street or roadway surface.

6. Plating of open excavation is not allowed during winter months.

g. **Base.**

1. Concrete and asphalt base material shall conform to specifications.

2. Concrete for base shall be plated in a driving lane and intersections or barricaded in accordance with the Federal Manual on Uniform Traffic Control Devices in a parking lane for a minimum of three (3) days to permit proper cure of concrete, unless otherwise specified.
3. Hot asphalt binder materials may be used in place of concrete for non-protected and/or resurfaced streets at a thickness ratio of one and one-half (1 1/2) inch of asphalt for every inch of concrete.

4. The concrete base shall be restored at the same grade as the existing base.

5. At no time will asphalt other than binder be permitted as a base course. Conduit or pipes shall be installed at a minimum depth of eighteen (18) inches from the surface of the roadway, or below the base, whichever is greater. Where conduits and pipes cannot be installed at the required minimum depth, protective plating shall be installed over the facilities upon written request from the permittee and receipt of written approval by the Township Engineer.

h. **Guarantee Period.** Permittees shall be responsible for permanent restoration and maintenance of street openings and excavations for a period of three (3) years on unprotected streets, and up to five (5) years on protected streets commencing on the restoration completion date. This period shall be the guarantee period.

1. Permittees shall comply with all applicable sections of these rules, the specifications, and all other applicable laws or rules.

2. The Township Engineer may require the use of infrared pavement repair technology in order to repair the pavement roadway. Coordination on the use of this method will be required for any roadway within the five (5) year roadway moratorium.

3. Any street opening in connection with the installation of telecommunication equipment that is not confined to within eight (8) feet of the curbline, including the required cut back, on any street, regardless of status—protected or unprotected—or where located within the Township, and/or within any sidewalk area within the Township, shall require full curb-to-curb roadway restoration under all circumstances.

**19-1.8 Conditions of Permit.**

a. **Transferability.** Every permit shall apply only to the person to whom it is issued and shall not be transferable. Permits issued to utilities shall show the identity of the utility.

b. **Commencement of Work.** Work under a permit shall commence with forty-five (45) days from the date of issuance of the permit. If work is not commenced within that time, the permit shall automatically terminate unless extended, in writing, by the Department of Public Works. [Supervisor of the Division of Licenses and Permits.]

c. **Possession of Permit.** A copy of the permit must be kept in possession of the person actually performing the work and shall be exhibited on demand to any duly authorized employee of the Township.

d. **Revocation of Permit.** The Department of Public Works may revoke a permit for any of the following reasons:
1. Violation of any provision of this section or any other applicable rules, regulations, laws or ordinances;

2. Violation of any condition of the permit issued.

19-1.9 Barricades and Signs.

a. The permit holder shall conform to the requirements in the current manual on Uniform Traffic Control Devices, Part VI, when required by the Township to provide barricades and/or signs.

b. The permittee shall erect and maintain suitable barricades around all work while excavation or other work is in progress and shall arrange work in such a manner as to cause a minimum of inconvenience and delay to vehicular and pedestrian traffic. In the event that such requirement is not complied with by the permittee, the Director of the Department of Public Works may, in his discretion, cause all or part of the work covered by the permit to be backfilled and temporarily resurfaced by the City's own forces or by contract or otherwise. In which case the City shall be reimbursed for any expense incurred thereby.

c. Unless otherwise authorized by the Police Department, vehicular traffic shall be maintained at all times during the progress of the work being performed under the permit.

d. Permittees shall notify the Police Department of the construction and street operations that require street closing permits at least twenty-four (24) hours in advance of the commencement of nonemergency work.

e. The permittee shall be responsible for keeping the construction area as clean and neat as possible during the permit life. No material shall restrict water flow in gutters. All possible arrangements for the safety of the general public shall be maintained. Every effort shall be made to keep the pavement opening dimensions to an absolute minimum.

f. Traffic

1. No more than one (1) lane of traffic may be obstructed, except as provided by Edison Police Department stipulation.

2. It shall be the duty of the permittee to properly guard the excavation by the execution of suitable barriers by day and lights by night and permittee shall be liable for any neglect to safeguard the traveling public.

3. All unattended street openings or excavations in a driving lane, including intersections, shall be plated. In the case of gas or steam leak, barricades in accordance with the New Jersey or Federal Manual on Uniform Traffic Control Devices shall be used until the leak is corrected.
4. Barricades, signs, lights and other approved safety devices shall be displayed in accordance with the New Jersey or Federal Manual on Uniform Traffic Control Devices.

5. The permit may restrict street operations and construction within the critical areas to nights, weekends or off-traffic hours.

6. Flagpersons. Permittees whose work results in the closing of a moving traffic lane, which requires traffic to be diverted to another lane, shall, at all times when actively working at the site, post a flagperson or utilize an authorized plan for the maintenance and protection of traffic at the point where traffic is diverted to assist motorists and pedestrians to proceed around the obstructed lane.

g. Temporary Closing of Sidewalks. A minimum of four (4) feet sidewalk width of unobstructed pedestrian passageway shall be maintained at all times. Where openings and excavations do not allow for four (4) feet of unobstructed pedestrian passageway, a temporary sidewalk closing plan should be submitted to the Department of Public Works.

h. Work Site Maintenance.

1. All excavated material shall be removed from the site or stockpiled at a designated curb, properly barricaded in accordance with the Federal Manual on Uniform Traffic Control Devices and stored to keep gutters clear and unobstructed.

2. All obstructions on the street shall be protected by barricades, fencing or railing, with flags, lights or signs in accordance with the Federal Manual on Uniform Traffic Control Devices placed at proper intervals and during the hours prescribed. During twilight hours the flags shall be replaced with amber lights.

19-1.10 Notice of Street Improvement; Completion Required.

Before any street is improved or paved, the Department of Public Works shall give notice to all persons owning property abutting on the street and to all public utilities and authorities operating in the Township that the street is about to be paved or improved. All connections and repairs to utilities in the street and all other work which requires excavation of the street shall be completed within forty-five (45) days from receipt of notice. The time for the completion of the work may be extended, in writing, by the Director of the Department of Public Works upon application by the person performing the work. This section shall not excuse any person from the requirement of obtaining a permit as provided in subsection 19-1.1.

19-1.11 Special Permission for Excavations in Recently Improved Streets.

a. The Township, in an attempt to preserve the integrity of recently repaved streets, will not issue a street opening permit for a street that has been repaved with the last five (5) years except in an emergency or where the public health or safety requires the performance of the work
in question. The five (5) year road moratorium will require the permittee to install the finished pavement surface to like-new conditions by the use of infrared pavement technology, full width milling and paving operations or any other measures as recommended by the Township Engineer. [Except in case of an emergency, no person to whom notice was given as provided in subsection 19-1.10 shall be issued a permit to excavate the street to which the notice related for a period of five (5) years unless its issuance is approved by the Township Council.]

b. In cases where the street has been repaved within the last five (5) years the extent of finished pavement surface repairs will extend beyond the repair limits so that a natural transition will occur, as described in Section 19-1.7.b.1 above. Inspection and bonding requirements specific to this item shall be adjusted per site disturbance and shall be overseen by the Township Engineering Department. The permittee shall post the necessary bonding and escrow inspection fees for the Township Engineering Department to properly oversee the construction improvements. The Township shall pay from the escrow deposit any costs incurred by its designated representative(s) or professional consultant(s) for inspection, other engineering services or legal services required in connection with the proposed opening, excavation, backfilling or final paving at the rate established with the Township. If the escrow deposit fee is or will become insufficient to cover all costs incurred by the designated representative(s) or professional consultant(s) for said services, additional escrow deposit fees shall be estimated by the Director of the Department of Public Works and the Township Engineer based on the scope of improvements necessary to install the finished pavement surface to like-new conditions. This procedure shall be repeated as often as necessary to guarantee sufficient escrow deposit fees being available. Upon completion and acceptance of the area by the Township, if any escrow balance remains then the balance shall be forthwith returned to the applicant. [Paragraph a. shall not apply in any case where the excavation is made necessary by the occurrence of some event which could not have been foreseen at the time that notice was given or where the public health or safety requires the performance of the work in question.]

19-1.12 Violations; Penalties.

Any person who shall willfully violate any provision of this section shall, upon conviction, be liable to the penalty stated in Chapter I, Section 1-5, and each day's failure to comply with any such provision shall constitute a separate violation.

In cases where the street has been repaved within the last five (5) years and is under the Five-Year Roadway Disturbance Moratorium, any person who shall willfully violate any provision of this section specific to said moratorium, shall be fined a minimum of $15,000 if the excavation occurs within the first three (3) years post construction; $12,500 if the excavation occurs within year four (4) post construction; $10,000 in excavation occurs within year five (5) post construction. Fines may be increased depending upon the severity of the violation and if the offender does not utilize the guidelines set forth within this ordinance. Each day’s failure to comply with any such provision shall constitute a separate violation.

In addition, the Township reserves the right to increase the fine to the equivalent cost for milling and repaving the roadway (minimum of two inches as determined by the Engineering Department) at the time of the disturbance. The extent and limits will be as determined by the
Township Engineer. The fine shall be calculated utilizing the most recent public bid prices for paving operations within the Township of Edison.

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

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

2. The Municipal Council hereby amends Subchapter 19-1 of the Code to read as follows:

19-1 STREET EXCAVATIONS AND OCCUPATION.

19-1.1 Permit Required.

a. No person (defined to mean any corporation, company, association, firm, partnership or individual) shall make an excavation in or tunnel under any street for the laying of gas, water or sewer or for any other purpose without first obtaining a permit from the Director of the Department of Public Works.

b. A tunnel or excavation may be commenced without a permit where an emergency has arisen which makes it necessary to start work immediately, provided that the application for permit shall be retroactive to the date on which the work was begun and that the Police Department and the Department of Public Works be notified before work commences. The permit shall be applied for within 24 hours of the known emergency or on the next business day, whichever is more practical.

c. The Director of the Department of Public Works or the Township Engineer shall be notified within 24 hours of a road opening for an emergency situation. If a road opening commences on a Saturday or Sunday as a result of emergency work, the Police Department shall be notified prior to the start of work, and the Director of the Department of Public Works or the Township Engineer shall be notified on the morning of the first business day thereafter.

d. No person shall encumber or obstruct any street or public place in the Township of Edison by placing therein or thereon any building materials or any articles whatsoever without first obtaining the written permission from the Director of Public Works.

e. The Director of Public Works shall have the power to grant permits to builders and others to occupy space not to exceed one-third (1/3) of the width of a vehicular lane of any street with building material if, in his opinion, the public interest or inconvenience will not suffer thereby. The fee for a permit to occupy the street shall be seventy-five ($75.00) dollars.

f. The Director of the Department of Public Works [supervisor of the Division of Licenses and Permits may issue permits to municipal public bodies without fee.

19-1.2 Application.
a. Applications for a permit shall be made to the Director of the Department of Public Works and shall contain the following information:

1. The name and address of the applicant;
2. The name of the street where the opening is to be made and the street number, if any, of the abutting property;
3. The nature of the surface in which the opening is to be made (whether sewer, water or gas and whether new construction or the repair of an existing street);
4. The character and purpose of the work proposed;
5. The date when the work is to be commenced and date when work is to be completed.
6. A plan or sketch in proper scale indicating the size and location of the proposed opening(s) which shall include:
   i. The distance in feet from the nearest intersection and from the nearest curbline;
   ii. The dimensions of the opening including length and width; and
   iii. The type of pavement or surface to be opened
7. Any applicant for a permit shall provide to the Township proof of general liability insurance coverage
8. A utility mark-out within the area affected
9. Traffic Control Plan
10. A written agreement to completely restore the area affected within a specified number of calendar days after the first disruption thereof to the condition it was in at the time it was first completed. The selected period of time is subject to the approval of the Director of the Department of Public Works and the Township Engineer.

b. Each application shall state the identity and address of the applicant, the party responsible for performing such construction, the location where the excavation or tunnel is to be made, the dimensions of the opening and the date when the work is to be commenced and completed.

c. The Department of Public Works shall issue a permit to the applicant when it determines that (i) the necessary documents are acceptable in form and substance, (ii) the applicant has paid the review and inspection fee, (iii) the applicant has posted sufficient security, (iv) the applicant has satisfied all other requirements applicable to the issuance of permits in the Township of Edison.

19-1.3 Fees and Deposits.
a. An administrative application fee must be paid in the form of a check or money order when the application is made. The applicant shall be charged an administrative application fee of two hundred ($200.00) dollars for each permit.

b. A deposit must be paid in form of a check or money order when the application is made. For each opening made in any unimproved street, street paved with macadam, street paved with reinforced concrete, or any similar type of finished pavement, or tunneling the applicant shall be charged twenty ($20.00) dollars per square foot or portion thereof; minimum charge, two hundred ($200.00) dollars in the Township's escrow account maintained by the Chief Financial Officer. There shall be filed with the posted security a written consent that if the restoration work is not completed by the date specified then the Township may retain a private contractor to perform the restoration work and draw upon the security to the contractor. Security shall be returned upon final inspection.

c. In the event that any person shall make an application for a permit after the excavation shall have been made or the tunneling operation shall have been performed, the administrative application fee shall be increased to five hundred ($500.00) dollars.

d. The deposit shall be retained by the Township for the duration of one (1) year after the surface has been restored. Refunds of deposits will be made upon satisfactory completion of street opening restoration.

e. **Qualified Utilities.**

1. Qualified utilities shall be exempt from the individual permit schedule but must notify the Department of Public Works before any excavations are made. In lieu of individual permits, a company/security bond shall serve as a guaranty of fee payments. Such bonds shall have a duration of one (1) year.

2. Qualified utilities are defined as utilities regulated by New Jersey Board of Regulatory Commissions.

3. Qualified utilities shall make payment to the Director of the Department of Public Works on a quarterly basis for all permits obtained in the preceding quarter.

f. **Indemnification.**

1. Every permittee, as a condition of accepting any permit issued hereunder, shall save and hold harmless the Township of Edison and indemnify the Township of Edison, its officials, agents, servants and employees for and against any and all loss, damage, claim, expense or demand whatsoever arising out of any matter or resulting from the opening or excavation of any street and the issuance of a permit therefor as provided in this section.

2. Notice of Failure to Make Progress. If the permittee, in installing the permanent pavement shall fail to make progress satisfactory to the Director of the Department of Public Works, the Township may give written notice of such failure to the permittee. If, within twenty (20) days after the receipt of such notice, the permittee shall fail to make progress at a rate satisfactory to the Superintendent of the Department of Public Works, the Township
shall have the right to complete the installation of such pavement, in which event the permittee shall be charged for the cost thereof at the rate the Township is billed by the contractor who performs the work, or at the rate it costs the Township to perform such work itself, which charges shall be billed after the receipt of the bill therefore.

19-1.4 Additional Deposits.

If the Department of Public Works determines that an excavation for which a permit has been issued is of greater dimensions than those stated in the permit, the Department of Public Works shall notify the permittee that an additional deposit shall be required.

19-1.5 Insurance.

a. No permit shall be issued until the applicant has furnished the Director of the Department of Public Works with satisfactory proof that he or she is insured against injury to persons and damage to property caused by any act or mission of the applicant, his or her agents, employees or subcontractors done in the course of the work to be performed under the permit. The insurance shall cover all hazards likely to arise in connection with the work, including but not limited to collapse and explosion, and shall also insure against liability arising from completed operations. The limits of the policy of insurance shall be two hundred fifty thousand ($250,000.00) dollars for injury to any one (1) person, five hundred thousand ($500,000.00) dollars for injuries to more than one (1) person in the same accident and an aggregate of one hundred thousand ($100,000.00) dollars for property damage for a single incident.

b. Qualified utilities, as defined under subsection 19-1.3(d)(2), shall be exempt from this subsection, provided that proof of liability insurance is on file with the Department of Public Works.

19-1.6 Rules and Regulations for Excavations.

All permits issued under this section shall be subject to the following rules and regulations:

a. All excavations shall be kept properly barricaded at all times and, during the hours of darkness, shall be provided with proper warning lights. This regulation shall not excuse the permittee from taking any other precaution reasonably necessary for the protection of persons or property.

b. All work shall be done in such manner as to cause a minimum of interference with travel on the street affected. No street shall be closed to traffic unless the closing is approved by the Department of Public Works. It shall be the responsibility of the Department of Public Works to notify the Department of Public Safety of any such street closing. The Department of Public Works shall be informed of all street closings at least twenty-four (24) hours in advance when practical.

c. The Department of Public Works may, upon application by the permittee, extend the time limit during which the permit shall be valid.
d. If the Department of Public Works or Engineering Department determines that any backfilled excavation has settled or caved in, it shall so notify the permittee, who shall promptly continue backfilling with the materials specified until the Department of Public Works or Engineering Department determines that settlement is complete.

e. If blasting is required to be done in the course of any excavation, it shall be done in strict compliance with all applicable State laws and regulations.

f. Utilities shall notify the Department of Public Works a minimum of one (1) week in advance of scheduled street openings.

g. Street openings shall be straight cut by saw/jackhammer.

h. All work shall be done in accordance with Edison Township standard details and specifications.

i. Permittee and owners of underground facilities shall comply with the State of New Jersey's standards relating to construction, excavation and demolition operations at or near underground facilities.

j. Permittees shall take the precautions necessary to project such pipes, mains, conduits, and other appurtenances at their own expense.

k. All work shall be done in accordance with the specifications and provisions of the New Jersey Department of Transportation (NJDOT).

l. All debris on the street shall be removed at the expiration of the permit unless otherwise stipulated.

19-1.7 Restoration of Surface.

In all cases the permittee shall restore the surface of the street in accordance with the following rules, regulations and requirements:

a. No permittee shall commence the restoration of any street foundation or surface until the Department of Public Works or Engineering Department has determined that settlement of the subsurface is complete and the area is properly prepared for restoration. The Department of Public Works or the Engineering Department will determine, prior to restoration of the surface, if a pre-construction meeting is necessary in order to review the scope of the improvements, limits of construction and timeframe necessary to complete said restoration.

b. The extent of surface restoration will be determined based on the following criteria. However, the exact area of restoration will be considered on a case by case basis as approved by the Department of Public Works or Engineering Department.

1. Roadways Under Five-Year Roadway Disturbance Moratorium
   i. For the installation of a residential service, the minimum restoration work required will be to mill and resurface (minimum of two inches as
determined by the Engineering Department) the roadway from the lane line nearest lane or curb line beyond the furthest point of the excavation for the entire width of the property.

ii. For an excavation running roughly parallel with the roadway and within the paved limits of the roadway, the minimum restoration work required will be to mill and resurface (minimum of two inches as determined by the Engineering Department) the roadway from the nearest striped lane line (furthest from the curb) to the nearest curb line, for a minimum of 100 feet in each direction or to the nearest cross street beyond the limit of effected roadway, as determined by the Engineering Department. Should at any time, the excavation extend beyond the centerline of the roadway, the entire roadway width will be required to be milled and resurfaced (minimum of two inches as determined by the Engineering Department) for the distance previously described.

iii. For an excavation running roughly perpendicular with the roadway and within the paved limits of the roadway, the minimum restoration work required shall follow the prescribed limits as described in section 19-17.b.1.i.

iv. For any scenario not covered above, the pavement restoration required will be the milling and paving of any lane occupied by the excavation, for a length to be determined by the Department of Public Works or Engineering Department. If at any point, the excavation crosses the centerline of the roadway, full width paving of the roadway will be required.

2. Roadways Not Currently Under Roadway Disturbance Moratorium

i. For the installation of residential services, the street surface shall be restored to extend at a minimum, two (2) foot beyond the excavation on all sides. The distance along the curb line shall be no less than ten (10) feet in width and extend to the nearest lane line beyond the excavation.

ii. For an excavation running roughly parallel with the roadway and within the paved limits of the roadway the minimum restoration work required will be to mill and resurface the roadway (minimum of two inches as determined by the Engineering Department) from the nearest striped lane line (furthest from the curb) to the nearest curb line, for the entire length of the excavation, or for a distance of fifty (50) feet in each direction, whichever is greater.

iii. For an excavation running roughly perpendicular with the roadway and within the paved limits of the roadway, the minimum restoration work required shall following the prescribed limits as described in section 19-17.b.2.a.

iv. For any scenario not covered above, the pavement restoration required will be the milling and paving of any lane occupied by the excavation, for a length to be determined by the Department of Public Works or Engineering Department. If at any point, the excavation crosses the centerline of the roadway, full width paving of the roadway will be required.
c. When any foundation is restored by the use of portland cement concrete, the same shall consist of a mixture by volume of one (1) part of portland cement, two (2) parts of sand and four (4) parts of gravel or stone, so as to attain a compressive strength of four thousand (4,000) pounds per square inch after twenty-eight (28) days.

d. The permittee shall clean up and promptly remove from the site of work all surplus excavated material and debris, and shall leave the site of the work in a neat and orderly condition.

1. Where top soil, seeded areas or sod are disturbed in the course of the work, the permittee shall restore the ground surface to its original condition.

2. Upon completion of repairs in a street, permittees shall backfill street openings and excavations in a manner in accordance with the specifications. All materials used for backfill shall be free from bricks, blocks, excavated pavement materials and/or organic material or other debris.

3. Backfill material shall be deposited in horizontal layers not exceeding twelve (12) inches in thickness prior to compaction. A minimum of ninety-five (95%) percent of Standard Proctor Maximum Density will be required after compaction.

4. When placing fill or backfill around pipes, layers shall be deposited to progressively bury the pipe to equal depths on both sides. Backfill immediately adjacent to pipes and conduits shall not contain particles larger than three (3) inches in diameter.

5. Compaction shall be attained by the use of impact rammers, plate or small drum vibrators, or pneumatic button head compaction equipment. Hand tamping shall not be permitted except in the immediate area of the underground facility, where it shall be lightly hand tamped with as many strokes as required to achieve maximum density. The definition of the "immediate area" shall be a maximum of eighteen (18) inches from the facility.

6. Where sheeting has been used for the excavation, it shall be pulled when the excavation has been filled or backfilled to the maximum unsupported depth allowed by the New Jersey Department of Transportation guidelines.

7. As a measure of maximum density achieved for temporary restoration, the pavement surface shall not sink more than two (2) inches from the surrounding existing surface during the life of the temporary restoration. More than two (2) inches of settlement shall be deemed a failure of the compaction of the backfill and cause the removal of said backfill to the subsurface facility and new fill installed and properly compacted.

e. Temporary Asphaltic Pavement.
1. Immediately upon completion of the compaction of the backfill of any street opening, the permittee shall install a temporary pavement of an acceptable stabilized asphalt paving mixture, course size one and one-half (1.5) to two (2) inches, not less than four (4) inches in thickness after compaction, flush with the adjacent surfaces.

2. The permittee has the option of installing full depth pavement using an acceptable asphalt paving mixture immediately upon completion of the compaction of the backfill excluding reconstructed protected streets and full-depth concreted roadways.

3. Upon the expiration of the permit, all equipment, construction materials and debris shall be removed from the site, unless otherwise stipulated.

4. When final restoration is to be done the materials are to be removed with hand tools to a depth necessary to accomplish the final restoration.

5. In the event that two or more unconnected road openings are requested and dug only ten (10) feet or less apart, the restoration requirements shall include the milling and paving of a continuous area including the undisturbed area between the trenches.

f. **Plating and Decking.**

   1. All plating and decking installed by the permittee shall be made safe for vehicles and/or pedestrians and shall be adequate to carry the load. Plates must be designed by a Professional Engineer and be rated for traffic. A corresponding certification signed and sealed by a Licensed Professional Engineer in the state of New Jersey must be submitted to the Township for each plate, prior to use.

   2. The size of the plate or decking shall be large enough to span the opening, be firmly placed to prevent rocking and shall overlap the edges of trenches and openings and be sufficiently ramped to provide smooth riding and a safe condition.

   3. All plating and decking shall be fastened by splicing, countersinking or otherwise protected to prevent movement.

   4. Where deflections are more than three-fourths (3/4) inches, heavier sections of plates or decking or intermediate supports shall be installed.

   5. All plating and decking shall have a skid-resistant surface equal to or greater than the adjacent existing street or roadway surface.

   6. Plating of open excavation is not allowed during winter months.

  g. **Base.**

   1. Concrete and asphalt base material shall conform to specifications.
2. Concrete for base shall be plated in a driving lane and intersections or barricaded in accordance with the Federal Manual on Uniform Traffic Control Devices in a parking lane for a minimum of three (3) days to permit proper cure of concrete, unless otherwise specified.

3. Hot asphalt binder materials may be used in place of concrete for non-protected and/or resurfaced streets at a thickness ratio of one and one-half (1 1/2) inch of asphalt for every inch of concrete.

4. The concrete base shall be restored at the same grade as the existing base.

5. At no time will asphalt other than binder be permitted as a base course. Conduit or pipes shall be installed at a minimum depth of eighteen (18) inches from the surface of the roadway, or below the base, whichever is greater. Where conduits and pipes cannot be installed at the required minimum depth, protective plating shall be installed over the facilities upon written request from the permittee and receipt of written approval by the Township Engineer.

h. Guarantee Period. Permittees shall be responsible for permanent restoration and maintenance of street openings and excavations for a period of three (3) years on unprotected streets, and up to five (5) years on protected streets commencing on the restoration completion date. This period shall be the guarantee period.

1. Permittees shall comply with all applicable sections of these rules, the specifications, and all other applicable laws or rules.

2. The Township Engineer may require the use of infrared pavement repair technology in order to repair the pavement roadway. Coordination on the use of this method will be required for any roadway within the five (5) year roadway moratorium.

3. Any street opening in connection with the installation of telecommunication equipment that is not confined to within eight (8) feet of the curbline, including the required cut back, on any street, regardless of status—protected or unprotected—or where located within the Township, and/or within any sidewalk area within the Township, shall require full curb-to-curb roadway restoration under all circumstances.

19-1.8 Conditions of Permit.

a. Transferability. Every permit shall apply only to the person to whom it is issued and shall not be transferable. Permits issued to utilities shall show the identity of the utility.

b. Commencement of Work. Work under a permit shall commence with forty-five (45) days from the date of issuance of the permit. If work is not commenced within that time, the permit shall automatically terminate unless extended, in writing, by the Department of Public Works.
c.  **Possession of Permit.** A copy of the permit must be kept in possession of the person actually performing the work and shall be exhibited on demand to any duly authorized employee of the Township.

d.  **Revocation of Permit.** The Department of Public Works may revoke a permit for any of the following reasons:

1.  Violation of any provision of this section or any other applicable rules, regulations, laws or ordinances;
2.  Violation of any condition of the permit issued.

**19-1.9 Barricades and Signs.**

a. The permit holder shall conform to the requirements in the current manual on Uniform Traffic Control Devices, Part VI, when required by the Township to provide barricades and/or signs.

b. The permittee shall erect and maintain suitable barricades around all work while excavation or other work is in progress and shall arrange work in such a manner as to cause a minimum of inconvenience and delay to vehicular and pedestrian traffic. In the event that such requirement is not complied with by the permittee, the Director of the Department of Public Works may, in his discretion, cause all or part of the work covered by the permit to be backfilled and temporarily resurfaced by the City's own forces or by contract or otherwise. In which case the City shall be reimbursed for any expense incurred thereby.

c. Unless otherwise authorized by the Police Department, vehicular traffic shall be maintained at all times during the progress of the work being performed under the permit.

d. Permittees shall notify the Police Department of the construction and street operations that require street closing permits at least twenty-four (24) hours in advance of the commencement of nonemergency work.

e. The permittee shall be responsible for keeping the construction area as clean and neat as possible during the permit life. No material shall restrict water flow in gutters. All possible arrangements for the safety of the general public shall be maintained. Every effort shall be made to keep the pavement opening dimensions to an absolute minimum.

f.  **Traffic**

1. No more than one (1) lane of traffic may be obstructed, except as provided by Edison Police Department stipulation.
2. It shall be the duty of the permittee to properly guard the excavation by the execution of suitable barriers by day and lights by night and permittee shall be liable for any neglect to safeguard the traveling public.
3. All unattended street openings or excavations in a driving lane, including intersections, shall be plated. In the case of gas or steam leak, barricades in accordance with the New Jersey or Federal Manual on Uniform Traffic Control Devices shall be used until the leak is corrected.

4. Barricades, signs, lights and other approved safety devices shall be displayed in accordance with the New Jersey or Federal Manual on Uniform Traffic Control Devices.

5. The permit may restrict street operations and construction within the critical areas to nights, weekends or off-traffic hours.

6. Flagpersons. Permittees whose work results in the closing of a moving traffic lane, which requires traffic to be diverted to another lane, shall, at all times when actively working at the site, post a flagperson or utilize an authorized plan for the maintenance and protection of traffic at the point where traffic is diverted to assist motorists and pedestrians to proceed around the obstructed lane.

g. Temporary Closing of Sidewalks. A minimum of four (4) feet sidewalk width of unobstructed pedestrian passageway shall be maintained at all times. Where openings and excavations do not allow for four (4) feet of unobstructed pedestrian passageway, a temporary sidewalk closing plan should be submitted to the Department of Public Works.

h. Work Site Maintenance.

1. All excavated material shall be removed from the site or stockpiled at a designated curb, properly barricaded in accordance with the Federal Manual on Uniform Traffic Control Devices and stored to keep gutters clear and unobstructed.

2. All obstructions on the street shall be protected by barricades, fencing or railing, with flags, lights or signs in accordance with the Federal Manual on Uniform Traffic Control Devices placed at proper intervals and during the hours prescribed. During twilight hours the flags shall be replaced with amber lights.

19-1.10 Notice of Street Improvement; Completion Required.

Before any street is improved or paved, the Department of Public Works shall give notice to all persons owning property abutting on the street and to all public utilities and authorities operating in the Township that the street is about to be paved or improved. All connections and repairs to utilities in the street and all other work which requires excavation of the street shall be completed within forty-five (45) days from receipt of notice. The time for the completion of the work may be extended, in writing, by the Director of the Department of Public Works upon application by the person performing the work. This section shall not excuse any person from the requirement of obtaining a permit as provided in subsection 19-1.1.

19-1.11 Special Permission for Excavations in Recently Improved Streets.
a. The Township, in an attempt to preserve the integrity of recently repaved streets, will not issue a street opening permit for a street that has been repaved with the last five (5) years except in an emergency or where the public health or safety requires the performance of the work in question. The five (5) year road moratorium will require the permittee to install the finished pavement surface to like-new conditions by the use of infrared pavement technology, full width milling and paving operations or any other measures as recommended by the Township Engineer.

b. In cases where the street has been repaved within the last five (5) years the extent of finished pavement surface repairs will extend beyond the repair limits so that a natural transition will occur as described in Section 19-1.7.b.1 above. Inspection and bonding requirements specific to this item shall be adjusted per site disturbance and shall be overseen by the Township Engineering Department. The permittee shall post the necessary bonding and escrow inspection fees for the Township Engineering Department to properly oversee the construction improvements. The Township shall pay from the escrow deposit any costs incurred by its designated representative(s) or professional consultant(s) for inspection, other engineering services or legal services required in connection with the proposed opening, excavation, backfilling or final paving at the rate established with the Township. If the escrow deposit fee is or will become insufficient to cover all costs incurred by the designated representative(s) or professional consultant(s) for said services, additional escrow deposit fees shall be estimated by the Director of the Department of Public Works and the Township Engineer based on the scope of improvements necessary to install the finished pavement surface to like-new conditions. This procedure shall be repeated as often as necessary to guarantee sufficient escrow deposit fees being available. Upon completion and acceptance of the area by the Township, if any escrow balance remains then the balance shall be forthwith returned to the applicant.

19-1.12 Violations; Penalties.

Any person who shall willfully violate any provision of this section shall, upon conviction, be liable to the penalty stated in Chapter I, Section 1-5, and each day's failure to comply with any such provision shall constitute a separate violation.

In cases where the street has been repaved within the last five (5) years and is under the Five-Year Roadway Disturbance Moratorium, any person who shall willfully violate any provision of this section specific to said moratorium, shall be fined a minimum of $15,000 if the excavation occurs within the first three (3) years post construction; $12,500 if the excavation occurs within year four (4) post construction; $10,000 in excavation occurs within year five (5) post construction. Fines may be increased depending upon the severity of the violation and if the offender does not utilize the guidelines set forth within this ordinance. Each day’s failure to comply with any such provision shall constitute a separate violation.

In addition, the Township reserves the right to increase the fine to the equivalent cost for milling and repaving the roadway (minimum of two inches as determined by the Engineering Department) at the time of the disturbance. The extent and limits will be as determined by the Township Engineer. The fine shall be calculated utilizing the most recent public bid prices for paving operations within the Township of Edison.
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 19 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.

**SECTION IV.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
RESOLUTION R.064-022018


WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through February 8, 2018.

<table>
<thead>
<tr>
<th>FUND</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current</td>
<td>$30,873,998.26</td>
</tr>
<tr>
<td>Sewer Utility</td>
<td>72,769.85</td>
</tr>
<tr>
<td>Capital</td>
<td>1,639,950.82</td>
</tr>
<tr>
<td>Grant Funds</td>
<td>3,964.61</td>
</tr>
<tr>
<td>Dog (Animal Control)</td>
<td>13,835.76</td>
</tr>
<tr>
<td>Trust</td>
<td>121,983.96</td>
</tr>
<tr>
<td>CDBG</td>
<td>41,959.69</td>
</tr>
<tr>
<td>Tree Fund</td>
<td>0.00</td>
</tr>
<tr>
<td>Payroll Deduction</td>
<td>124,844.87</td>
</tr>
<tr>
<td>Law Enforcement</td>
<td>0.00</td>
</tr>
<tr>
<td>Open Space</td>
<td>0.00</td>
</tr>
<tr>
<td>Park Improvements</td>
<td>0.00</td>
</tr>
<tr>
<td>Sanitation Fund</td>
<td>265,918.39</td>
</tr>
<tr>
<td>Self Insurance</td>
<td>0.00</td>
</tr>
<tr>
<td>Affordable Housing</td>
<td>23,382.25</td>
</tr>
<tr>
<td>Cash Performance</td>
<td>0.00</td>
</tr>
<tr>
<td>Developers Escrow</td>
<td>41,063.19</td>
</tr>
<tr>
<td>Tree Planting</td>
<td>2,025.00</td>
</tr>
<tr>
<td>Federal Forfeited</td>
<td>0.00</td>
</tr>
<tr>
<td>Tax Sale Redemption</td>
<td>429,942.60</td>
</tr>
<tr>
<td>Water Operating Fund</td>
<td>0.00</td>
</tr>
<tr>
<td>Edison Landfill Closure Trust</td>
<td>0.00</td>
</tr>
</tbody>
</table>

TOTAL                     $33,655,639.25

________________________  
Nicholas C. Fargo  
Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the above-referenced disbursements report is hereby approved.
RESOLUTION R.065-022018

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 $479,490.75.
RESOLUTION R.066-022018

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 $7,811.09.
RESOLUTION R.067-022018

TEMPORARY EMERGENCY 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 March 20, 2018 unless said budget calendar is extended according to law; and

WHEREAS, the date of this Resolution is prior to the adoption of the 2018 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.

<table>
<thead>
<tr>
<th>CURRENT FUND</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>INSURANCE &amp; SURETY Expense</td>
<td>1,600,000.00</td>
</tr>
<tr>
<td>DATA PROCESSING-Other Expense</td>
<td>48,495.00</td>
</tr>
<tr>
<td><strong>TOTAL CURRENT FUND</strong></td>
<td><strong>1,648,495.00</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SANITATION FUND</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CAPITAL OUTLAY</td>
<td>100,000.00</td>
</tr>
<tr>
<td><strong>TOTAL SANITATION FUND</strong></td>
<td><strong>100,000.00</strong></td>
</tr>
</tbody>
</table>
RESOLUTION R.068-022018

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO SAFEWAY CONTRACTING INC. FOR ROOF REPLACEMENT AT THE EDISON TOWNSHIP MAIN LIBRARY

WHEREAS, bids were received by the Township of Edison on December 12, 2017 for Public Bid No. 17-03-11 EDISON LIBRARY ROOF REPLACEMENT; and

WHEREAS, SAFEWAY CONTRACTING INC., 136 Market Street, Kenilworth, NJ 07033 submitted the lowest legally responsible, responsive bid; and

WHEREAS, a motion was passed by the Library Board of Trustees on January 17, 2018 to accept the bid in the amount of $156,750.00 from SAFEWAY CONTRACTING INC. to furnish, deliver and install a new, complete roofing system as per the detailed specifications, complete and in place at the Main Library; and

WHEREAS, the maximum amount of the purchase shall not exceed $156,750.00; and

WHEREAS, funds in the amount of $156,750.00 have been certified to be available in the Various Building Improvements Account, No C-04-14-1872-310-001; and

WHEREAS, the Township Council accepts the Library Board of Trustees 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 SAFEWAY CONTRACTING INC., 136 Market Street, Kenilworth, NJ 07033 for roof replacement services at the main library is determined to be the lowest legally responsible, responsive bid.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed $156,750.00, and any other necessary documents, with SAFEWAY CONTRACTING INC., as described herein.
3. The Purchasing Agent is hereby authorized to return any and all deposits and or bonds of the unsuccessful bidders.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of $156,750.00 are available for the above contract in Account No. C-04-14-1872-310-001.

______________________________
Nicholas C. Fargo
Chief Financial Officer

Date
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO SUN LIFE ASSURANCE COMPANY OF CANADA FOR ADMINISTRATION SERVICES FOR SHORT TERM DISABILITY PLAN

WHEREAS, the Township of Edison has a need for administration services for management of its non workmen’s compensation disability claims on a month to month basis for the year 2018; and

WHEREAS, SUN LIFE ASSURANCE COMPANY OF CANADA, One Sun Life Executive Park, Wellesley Hills, MA, 02481 has submitted a proposal to provide such services for the fee of $3.12 per participating employee per month for an amount not to exceed $25,000.00; and

WHEREAS, this contract 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 contract will exceed $17,500.00; and

WHEREAS, prior to entering into a contract, SUN LIFE ASSURANCE COMPANY OF CANADA 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 SUN LIFE ASSURANCE COMPANY OF CANADA 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 Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed $25,000.00 and any other necessary documents with SUN LIFE ASSURANCE COMPANY OF CANADA, One Sun Life Executive Park, Wellesley Hills, MA, 02481 for administration services for management of its non workmen’s compensation disability claims as described herein.

2. This contract is awarded pursuant to N.J.S.A. 19:44A-20.5 et. seq.

3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

4. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and in compliance with the Local Public Contracts Law guidelines.
RESOLUTION AUTHORIZING AN EXTRAORDINARY UNSPECIFIABLE SERVICES CONTRACT FOR PUBLIC INFORMATION SERVICES TO JAFFE COMMUNICATIONS INC.

WHEREAS, it is necessary for the Township of Edison to better communicate with its residents; and to raise public awareness about municipal services, programs and initiatives; and

WHEREAS, the Municipal Council (“Municipal Council”) of the Township of Edison (“Township”) has determined that it is in its best interests and those of Township residents to engage a qualified communications firm, and the Township is authorized pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. (“Local Contracts Law”) to contract for “extraordinary unspecifiable services” as it may require; and

WHEREAS, Jaffe Communications Inc. (“Jaffe”) has an excellent reputation in the area of public relations and public affairs and has sufficient staff to handle communications issues which may arise from time to time in the Township; and

WHEREAS, for these reasons the Mayor and the Municipal Council recommend Jaffe as its public relations consultant and seek to enter a contract for services with Jaffe for 2018, on a month-to-month basis (“Services Contract”) to provide for same; and

WHEREAS, the Local Contracts Law, more specifically N.J.S.A. 40A:11-5(1)(a)(ii), allows for the awarding of a contract for “extraordinary unspecifiable services” without public advertising for bids, which is applicable here considering the nature of the public awareness and image consulting services and the difficulty in drafting specifications for the fulfillment of same; and

WHEREAS, prior to the execution of the contract, Jaffe Communications will have completed and submitted a Business Entity Disclosure Certification, which certifies that no individual with a ten percent (10.0%) interest or larger in Jaffe has made any reportable contributions to a political or candidate committee of the Municipal Council in the previous year, and that the Services Contract will prohibit an individual with a ten percent (10.0%) interest or larger in Jaffe Communications from making any reportable contributions through the term of the Services Contract, pursuant to N.J.S.A. 19:44A-20.5, et seq.; and

WHEREAS, the Services Contract is not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44A-20.5, et seq.; and

WHEREAS, the services under the Services Contract may include, but are not limited to, public relations consulting; and

WHEREAS, compensation for the services included under the Services Contract shall be rendered at the rate of $3,700.00 per month, payable monthly in the amount not to exceed $44,400.00, as set forth in the Services Contract; and

WHEREAS, the Local Contracts Law requires that contracts awarded without competitive bid be authorized by resolution of the municipal governing body and that notice of the award of such contract be publicly advertised.

NOW, THEREFORE, IT IS 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 Mayor or his designee is hereby authorized and directed to execute the Services Contract with Jaffe Communications for public relations consulting services.
3. The Services Contract is awarded without competitive bidding as an "extraordinary unspecifiable service" under the provisions of the Local Contracts Law, more specifically N.J.S.A 40A:11-5, because of the nature of the work to be done and the difficulty in drafting specifications for same.

4. No payments in excess of the “not-to-exceed” amount of $44,400.00 will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.

5. Any modification to the Services 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 the Township may, upon ten (10) days written notice, and without cause, terminate the Services Contract.

7. In accordance with N.J.S.A. 40A:11-5 of the Local Contracts Law, the Municipal Council hereby directs the Township Clerk to publish once in the official newspaper of the Township, a brief notice, stating the nature, duration, service and amount of the Services Contract authorized for execution herein, which notice shall state that a copy of this Resolution and the Services Contract are on file and available for public inspection in the office of the Township Clerk.

8. The Services Contract shall, for all purposes, be deemed a New Jersey contract and the provisions of the Services Contract shall be governed and interpreted according to the laws of the State of New Jersey.

9. The designated administrative official of the Township shall file a certificate as required by N.J.A.C. 5:34–2.3 which describes why the Services Contract meets the requires requirements of N.J.S.A. 40A:11-5(1)(a)(ii), which shall be kept on file in the office of the Township Clerk.

CERTIFICATION

I hereby certify that funds in the amount of $44,400.00 are available for the above contract in Account No. 8-01-20-0100-006-029, subject to and contingent upon appropriation of sufficient funds in the 2018 temporary and/or permanent budget.

__________________________
Nicholas Fargo
Chief Financial Officer
RESOLUTION R.071-022018

RESOLUTION AWARDING A RENEWAL CONTRACT TO FREEHOLD FORD, INC. FOR THE FURNISHING OF COLLISION REPAIRS

WHEREAS, bids were received by the Township of Edison on January 6, 2016 for Public Bid No. 16-10-25-Collision Repairs; and

WHEREAS, R.097-022016 dated February 10, 2016 authorized the first year contract with FREEHOLD FORD, INC., 3572 ROUTE 9, Freehold, NJ 07728 which expires on March 7, 2017; and

WHEREAS, the initial contract was for one year with the option to renew for two (2) one 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 Township of Edison exercised the option to renew the contract for the first renewal year authorized under R. 110-022017 dated February 22, 2017 with an expiration date of March 7, 2018; and

WHEREAS, the Township of Edison would like to exercise the option to renew the contract for the third and final year expiring March 8, 2019; and

WHEREAS, the total amount of the third and final year shall not exceed $110,000.00 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 Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate Township Officials are hereby authorized to execute a third and final year contract with FREEHOLD FORD, INC., 3572 ROUTE 9, Freehold, NJ 07728 expiring March 8, 2019 in the amount of $110,000.00.
RESOLUTION R.072-022018

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO EDMUNDS & ASSOCIATES, INC. FOR RENEWAL OF SOFTWARE MAINTENANCE FOR THE EDMUNDS SYSTEM FOR 2018

WHEREAS, the Township of Edison needs to renew the software maintenance for the Edmunds System for the year 2018; and

WHEREAS, services such as support and/or maintenance of proprietary hardware and software may be awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(dd); and

WHEREAS, EDMUNDS & ASSOCIATES, INC., 301A Tilton Road, Northfield, NJ 08225, has submitted a proposal to provide such services for the year 2018 at a total cost of $48,495.00; 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 entering into a contract EDMUNDS & ASSOCIATES, 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 EDMUNDS & ASSOCIATES, INC. from making any reportable contributions through the term of the contract; and

WHEREAS, funds in the amount of $48,495.00 have been certified to be available in the Data Processing-Computer Hardware and Software Account, Number 8-01-20-0140-000-059, subject to and contingent upon appropriation of sufficient funds in the 2018 temporary and/or permanent budget; 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:

5. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order and any other necessary documents, in the amount of $48,495.00, with EDMUNDS & ASSOCIATES, INC., 301A Tilton Road, Northfield, NJ 08225 as set forth above.

6. This contract is awarded without competitive bidding pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-5 (dd) and N.J.S.A. 19:44A-20.5 et. seq, INC. as described herein

7. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of $48,495.00 are available for the above contract in Account No. 8-01-20-0140-000-059, subject to and contingent upon appropriation of sufficient funds in the 2018 temporary and/or permanent budget.

_____________________
Nicholas C. Fargo
Chief Financial Officer
RESOLUTION R.073-022018

EXPLANATION: This Resolution authorizes the Mayor to execute the attached Developer’s Agreement with Amerco Real Estate Company with respect to Block 300A, Lots 16A, 17A, 18A, 19-25, 26B and 27B and Block 301, Lots 15-22 (more commonly known as 110 Route 1), as shown on the Township of Edison tax maps.

WHEREAS, Block 300A, Lots 16A, 17A, 18A, 19-25, 26B and 27B and Block 301, Lots 15-22 (more commonly known as 110 Route 1), 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 Amerco Real Estate Company ("Developer") for preliminary and final site plan approval to construct a 20’ x 30’ vehicle drop-off canopy to the northern side of the existing retail building on the east tract and a loading dock and down ramp at the Property (the “Project”); and

WHEREAS, the Board granted final site plan approval for the Project by adoption of a resolution on March 13, 2017 (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 Resolution and the Code of the Township of Edison require 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 R.074-022018

EXPLANATION: This Resolution authorizes the Mayor to execute the attached Second Amendment to the Developer’s Agreement with 399 Thornall Street LLC, 479 Thornall Street LLC and 499 Thornall Street LLC with respect to Block 676, Lots 2.B4, 2.03, and 2.04 (more commonly referred to as 399, 479 and 499 Thornall Street), as shown on the Township of Edison tax maps.

WHEREAS, Block 676, Lots 2.B4, 2.03, and 2.04 (more commonly referred to as 399, 479 and 499 Thornall Street) 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 399 Thornall Street LLC, 479 Thornall Street LLC and 499 Thornall Street LLC (“Owners”) to improve the Property with a 362,000 square foot office building, four-level parking deck, and other improvements (the “Project”); and

WHEREAS, the Board granted approval for the Project by adoption of a resolution on March 14, 2005 (the “Resolution”); and

WHEREAS, the Township of Edison (the “Township”) and the Owners entered into a Developer’s Agreement, dated May 4, 2006, to establish the terms pursuant to which the Owners were required to undertake construction on the Project, and related matters; and

WHEREAS, due to market conditions, construction began on the parking deck and other improvements, but not the office building; and

WHEREAS, the Township and the Owners entered into a First Amendment to the Developer’s Agreement, dated November 18, 2015, to establish the terms pursuant to which the Owners were required to construct a new office building at a later date; and

WHEREAS, the Owners wish to complete construction on the parking deck and other improvements so as to market the previously approved office building; and

WHEREAS, the Resolution and 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 Second Amendment to the Developer’s Agreement attached hereto between the Township and Owners (the “Amendment”) 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 Amendment 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 Amendment.

2. The Township Clerk is hereby authorized to forward the original and certified copies of the Amendment to the Township Attorney for recording with the Clerk of the County of Middlesex.

3. This Resolution shall take effect immediately.
RESOLUTION R.075-022018

EXPLANATION: This Resolution authorizes the Mayor to execute the attached Developer’s Agreement with 343 Thornall SPE, LLC with respect to Block 676, Lots 2.A3 & 6 (more commonly known as 333 and 343 Thornall Street), as shown on the Township of Edison tax maps.

WHEREAS, Block 676, Lots 2.A3 & 6 (more commonly known as 333 and 343 Thornall Street), as shown on the Township of Edison tax maps (the “Property”) was the subject of an application before the Township of Edison Zoning Board of Adjustment (hereinafter the “Board”) made by 343 Thornall SPE, LLC (“Developer”) for preliminary and final site plan approval, along with use variance relief and bulk variance relief from the requirements of the Edison Township Zoning Ordinance (the “Ordinance”) for off-street parking, Floor Area Ratio, parking and signage at the Property (the “Project”); and

WHEREAS, the Board granted final site plan approval for the Project by adoption of a resolution on July 18, 2017 (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 Resolution and the Code of the Township of Edison require 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.
EXPLANATION: A Resolution adopting green high performance business requirements for all new or renovated public buildings, owned and controlled by the Township to achieve higher levels of certification and promote energy efficiency and sustainable design.

WHEREAS, the Township of Edison (the “Township”) desires to promote sound environmental practices in new construction and renovation of facilities that are funded by the Township; and

WHEREAS, high performance building standards promote a healthy environment, provide long-term cost benefits through the efficient use of energy, optimize building performance, and create healthier workplaces for employees and visitors; and

WHEREAS, a strategic approach to sustainable buildings and energy management can produce twice the savings for the bottom line and the environment as typical approaches; and

WHEREAS, the Environmental Protection Agency (“EPA”) and Department of Energy (“DOE”) Energy Star Program is designed to help reduce energy costs and protect the environment through efficient products, homes, industrial plants, and buildings; and

WHEREAS, the Energy Star program includes free online benchmarking and monitoring tools for simple implementation of the program; and

WHEREAS, it is accepted by the professional engineering community that an Energy Star rating of a minimum of 75 can be achieved with no net impact on the first costs of a project; and

WHEREAS, the Leadership in Energy and Environmental Design (“LEED”) rating system, which is a system created by the United States Green Building Council (“USGBC”) to provide a national standard for healthy environmental and energy efficient design; and

WHEREAS, many professionals in our region are familiar with the LEED process, which is considered to be a consensus-based national standard for developing high-performance, sustainable buildings; and

WHEREAS, the foregoing alternative standards provide for various certifications designated as "Certified," "Silver," "Gold," or "Platinum," based on the number of specified environmental practices incorporated into a project, with "Certified" being the lowest level of certification; and

WHEREAS, there is consensus in the professional community that LEED Certification can be achieved with no net effect on initial budgets; and

WHEREAS, the Township understands that additional energy efficiencies, further reductions in environmental impact, and increased benefits to health and safety of employees and visitors can be achieved by achieving higher levels of Energy Star rating and LEED certification; and

WHEREAS, the purpose of this policy is to adhere to high performance building practices, and provide additional funding to ensure Township facilities are among the most energy efficient, cost effective, environmentally responsible, and safe and healthy buildings in the State of New Jersey; and

WHEREAS, the Township has determined to require the use of Energy Star and LEED standards on all new construction and major renovations in order to obtain the benefits promoted by those standards.

NOW THEREFORE, be it resolved by the Municipal Council of Township of Edison (the “Municipal Council”) as follows:

Section 1. Require facilities be designed to meet Energy Star. It is the intent of the Municipal Council that all new buildings and major renovations be designed to meet Energy Star certification to a score of 75 or higher.
The Municipal Council understands that Energy Star certification cannot be awarded until an entire year of building operations have past. After one year, energy use will be reviewed, buildings will be benchmarked using the Energy Star inventory, and Energy Star certification will be achieved. Energy Star knowledge and implementation experience shall be required, but not individually controlling, selection criteria for service providers and contractors for all Township building projects.

Section 2. Require facilities be designed to LEED “Certified” level or comparable industry standard. It is the intent of this Policy that, in order to obtain the benefit of reduced operating and maintenance costs and other building efficiencies, as well as cost-saving healthy environmental practices, all new construction and major renovation projects meet the LEED Certified level or comparable industry standard such as . This policy does not require the Township go through the process of receiving LEED certification from the USGBC, instead, certification can be reviewed on a case by case basis.

Section 3. Apply this Resolution to the Following projects. The Township will apply this policy to the following construction projects when the project’s design contract is first solicited after the date of this Resolution, except as exempted or waived under this Resolution:

a. All new construction to construct buildings owned and controlled by the Township that are larger than 3,000 square feet;
b. all affordable housing projects developed by the Township; and
c. all major renovations of buildings owned and controlled by the Township that are larger than 3,000 square feet when the building has a remaining useful life in excess of fifteen (15) years. The term "major renovation" means a construction project affecting more than 25% of the building's square footage.

Section 4. Exempt projects from this policy, with Municipal Council approval. The Township will not apply this Resolution to the following, and Township departments will be required to document the reason for the exemption:

a. Any improvement that is not a building;
b. Buildings that will not be occupied, or that serve specialized functions (including pump stations, garages, storage buildings, equipment areas, etc.);
c. Projects where the useful life of an improvement or other factors does not justify whatever additional expense would be incurred to increase a building's long-term efficiency;
d. Projects where the application of LEED factors will increase construction costs beyond the Township’s funding capacity for the project;
e. Projects where the use of LEED factors will create an impediment to construction due to conflicts of laws, building code requirements, federal or state grant funding requirements, or other similar requirements;
f. Projects where LEED factors are not attainable due to the nature of the facilities or the schedule for construction.

In addition to the exemptions stated above, particular LEED factors shall not prevail over any prohibition in the Township Code. The documentation for any of the above exemptions shall be maintained in the project file of the Building Department with a copy to the Municipal Council.

Section 5. Additional funding for projects to achieve innovative energy and environmental performance. At completion of the schematic design process, a professional cost estimate will be done and a list of green elements, with differential pricing, will be provided to the Municipal Council. The Municipal Council will approve green design elements and allocate any additional funding, at the Municipal Council’s discretion, including approved change orders, to be utilized to design and construct a high performance building above levels previously described in this resolution. If the Municipal Council is unable to allocate the full 4% of the total building costs the remaining amount may at the Municipal Council’s discretion be placed into a CIP budget for energy and environmental improvements to other Township facilities.

Section 6. Effective Date. This Resolution shall become effective upon adoption.
RESOLUTION R.077-022018

EXPLANATION: This Resolution awards a Professional Services Contract to Coventus Labor Consulting, LLC, to provide a comprehensive review of the Township’s Human Resource/Labor Relations management functions and processes.

WHEREAS, there exists a need for a review of the human resource and labor relation management functions and processes in the Township of Edison (the “Township”); and

WHEREAS, Coventus Labor Consulting, LLC (“Company”) is skilled at and experienced in performing reviews of companies in order to help organization and analysis of existing labor issues, while implementing technologies and strategies to enhance the Township’s best practices in order to enable the Office of Human Resources to meet the needs of the Township; and

WHEREAS, Company will also assist the Township in designing and implementing strategies, which will include but shall not be limited to, salary and benefits administration, labor contract administration and union grievance procedure, and workers’ compensation, harassment and complaint procedures; and

WHEREAS, the Township is authorized pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. (“Local Contracts Law”) to contract for “professional services” as it may require; and

WHEREAS, the municipal council of the Township (“Municipal Council”) seeks to authorize the Company to provide human resource and labor relation consulting services from February 1, 2018 through January 31, 2019, and any other services as may be reasonably required to effectuate same (the “Services Contract”) attached hereto as Exhibit A; and

WHEREAS, the Local Contracts Law, 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 the Services Contract, the Company will have completed and submitted a Business Entity Disclosure Certification to the Township, which certifies that no individual with a ten percent (10%) interest or larger in the Company has made any reportable contributions to a political or candidate committee in the Municipal Council in the previous year, and that the Services Contract will prohibit an individual with a ten percent (10%) interest or larger in the Company from making any reportable contributions through the term of the Services Contract, pursuant to N.J.S.A. 19:44A-20.4, et seq.; and

WHEREAS, the Services Contract shall not be awarded through a “fair and open process” pursuant to N.J.S.A. 19:44A-20.4, et seq.; and

WHEREAS, compensation to the Company for human resource and labor management services shall be paid pursuant to the Services Contract at a flat rate of Six Thousand Two Hundred Fifty Dollars ($6,250.00) per month, and not to exceed Seventy Five Thousand Dollars ($75,000.00); and

WHEREAS, the Local Contracts Law requires that contracts awarded without competitive bid be authorized by resolution of the municipal governing body and that notice of the award of such contract be publicly advertised.

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

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

2. The Municipal Council hereby authorizes the Company to perform human resource and labor management services to the Township from February 1, 2018 through January 31, 2019, and any other services as may be reasonably required to effectuate same pursuant to the Services Contract.
3. The Mayor and Township Clerk are hereby authorized to execute the Services Contract with the Company, consistent with the terms herein and in a form approved by the Township Attorney.

4. The Services Contract is awarded without competitive bidding as a “professional service” under the provisions of the Local Contracts Law, more specifically N.J.S.A. 40A:11-5, because the services in question are of a specialized, technical and professional nature.

5. In accordance with N.J.S.A. 40A:11-5 of the Local Contracts Law, the Municipal Council hereby directs the Township Clerk to publish once in the official newspaper of the Township, a brief notice, substantially in the form attached hereto as Exhibit B, stating the nature, duration, service and amount of the Services Contract authorized for execution herein, which notice shall state that a copy of this Resolution and the Services Contract are on file and available for public inspection in the office of the Township Clerk.

6. The Services Contract has been awarded as a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5 without competitive bidding. Total compensation to be paid under the Services Contract will exceed $17,500.

7. A copy of this Resolution, the Services Contract and the Company’s completed Business Entity Disclosure Certification shall be available for inspection in the office of the Township Clerk.

8. This Resolution shall take effect immediately.
RESOLUTION R.078-022018

RESOLUTION AWARDING A RENEWAL CONTRACT TO CENTRAL JERSEY COLLISION D/B/A ELIZABETH TRUCK CENTER FOR THE FURNISHING OF COLLISION REPAIRS

WHEREAS, bids were received by the Township of Edison on January 6, 2016 for Public Bid No. 16-10-25-Collision Repairs; and

WHEREAS, R.097-022016 dated February 10, 2016 authorized the first year contract with CENTRAL JERSEY COLLISION D/B/A ELIZABETH TRUCK CENTER, 878 North Ave., Elizabeth, NJ 07201 which expires on March 7, 2017; and

WHEREAS, the initial contract was for one year with the option to renew for two (2) one 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 Township of Edison exercised the option to renew the contract for the first renewal year authorized under R. 111-022017 dated February 22, 2017 with an expiration date of March 7, 2018; and

WHEREAS, the Township of Edison would like to exercise the option to renew the contract for the third and final year expiring March 8, 2019; and

WHEREAS, the total amount of the third and final year shall not exceed $80,000.00 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 Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate Township Officials are hereby authorized to execute a third and final year contract with CENTRAL JERSEY COLLISION D/B/A ELIZABETH TRUCK CENTER, 878 North Ave., Elizabeth, NJ 07201 expiring March 8, 2019 in the amount of $80,000.00.
RESOLUTION R.079-022018

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 November 28, 2017, a Construction Permit fee, check #8878, permit #2017-5165, was posted in the total amount of $208.00 by the contractor, J.T. Penyak Roofing, having offices at 3571 Kennedy Road, South Plainfield, NJ-07080; and

WHEREAS, the application was submitted for a roof at 32 Chandler Rd, by the hired contractor; J.T. Penyak Roofing, who did not make known to the Construction Code Enforcement Division that the homeowner, George Poppe, 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 $193.00, derived from the $208.00 total construction permit fee less the $15.00 DCA fee, be refunded to the contractor ADT Security Services; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #2017-5165, in the amount of $193.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed $193.00 on construction permit fees posted by J.T. Penyak Roofing Services for 32 Chandler 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 $193.00 from the Refund of Revenue Fund to the Contractor, J.T. Penyak Roofing, having offices at 3571 Kennedy Road, South Plainfield, NJ-07080.
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 April 7, 2017, a Construction Permit fee, check #2013844, permit #2017-1331, was posted in the total amount of $352.00 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 6 Annette Dr. 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 $281.00, derived from the $352.00 total construction permit fee less the $1.00 DCA fee, and less the 20% plan review fee of $70.00 be refunded to the contractor SunRun; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #2017-1331, in the amount of $281.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed $281.00 on construction permit fees posted by SunRun for 6 Annette Dr. 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 $281.00 from the Refund of Revenue Fund to the Contractor, SunRun, 26 Worlds Fair Dr., Somerset, NJ 08873.
RESOLUTION R.081-022018

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 24, 2017, a Construction Permit fee, check #8591, permit #2017-4720, was posted in the total amount of $194.00 by the contractor, J.T. Penyak Roofing, having offices at 3571 Kennedy Road, South Plainfield, NJ-07080; and

WHEREAS, the application was submitted for a roof at 337 Suttons Ln., by the hired contractor; J.T. Penyak Roofing, who did not make known to the Construction Code Enforcement Division that the homeowner, Andrew Czech, 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 $180.00, derived from the $194.00 total construction permit fee less the $14.00 DCA fee, be refunded to the contractor ADT Security Services; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #2017-4720, in the amount of $180.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed $193.00 on construction permit fees posted by J.T. Penyak Roofing Services for 337 Suttons Ln. 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 $180.00 from the Refund of Revenue Fund to the Contractor, J.T. Penyak Roofing, having offices at 3571 Kennedy Road, South Plainfield, NJ-07080.
RESOLUTION R.082-022018

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 28, 2016, a Construction Permit fee, check #11678, permit #2016-3782, was posted in the total amount of $157.00 by the contractor, 1-800 Heaters Inc., having offices at 2 Gourmet Lane, Edison, NJ-08837; and

WHEREAS, the application was submitted for a water heater at 306 Woodhaven Dr., by the hired contractor; 1-800 Heaters, who did not make known to the Construction Code Enforcement Division that the homeowner, Thomas Palmer, 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 $155.00, derived from the $157.00 total construction permit fee less the $2.00 DCA fee, be refunded to the contractor 1-800 Heaters; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #2016-3782, in the amount of $155.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed $155.00 on construction permit fees posted by 1-800 Heaters for 306 Woodhaven Dr. 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 $155.00 from the Refund of Revenue Fund to the Contractor, 1-800 Heaters Inc., having offices at 2 Gourmet Lane, Edison, NJ-08837.
RESOLUTION R.083-022018

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 June 22, 2017, a Construction Permit fee, check #312, permit #2017-2741, was posted in the total amount of $292.00 by the contractor, Mels Construction Inc., having offices at 1208 Lenox Ave., Plainfield, NJ - 07060; and

WHEREAS, the application was submitted for a Roof at 35 Runyon Ave., by the hired contractor; Mels Construction Inc., who did not make known to the Construction Code Enforcement Division that the homeowner, Robert Poempner, 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 $271.00, derived from the $292.00 total construction permit fee less the $21.00 DCA fee, be refunded to the homeowner, Robert Poempner; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #2017-2741, in the amount of $271.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed $271.00 on construction permit fees posted by Robert Poempner for 35 Runyon Ave. be refunded;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of $271.00 from the Refund of Revenue Fund to the Homeowner, Robert Poempner living at 35 Runyon Ave. Edison, NJ- 08817.
RESOLUTION R.084-022018

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 September 1, 2017, a Construction Permit fee, check #2014244, permit #2017-3864, was posted in the total amount of $438.00 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 50 Preston 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 $340.00, derived from the $438.00 total construction permit fee less the $13.00 DCA fee, and less the 20% plan review fee of $85.00 be refunded to the contractor SunRun; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #2017-3864, in the amount of $340.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed $340.00 on construction permit fees posted by SunRun for 50 Preston 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 $340.00 from the Refund of Revenue Fund to the Contractor, SunRun, 26 Worlds Fair Dr., Somerset, NJ 08873.
RESOLUTION R.085-022018

EXPLANATION: This resolution provides refund of the construction permit fee, less the DCA fee, posted for a residential construction permit. There was a duplicate permit submitted.

WHEREAS, on January 9, 2018 a Construction Permit fee, check #929, permit #2018-0146, was posted in the total amount of $153.00 by the homeowner residing at 68 Wintergreen Ave. East, Edison, NJ 08817; and

WHEREAS, the application was submitted for an electric hot water heater at 68 Wintergreen Ave. East, Edison, NJ 08820, by the hired contractor; Pipe Works Services Inc.

WHEREAS, appropriate documents have been submitted to the Township indicating that the permit was submitted in duplicate therefore appropriate that the municipal permit fee in the amount of $150.00, derived from the $153.00 total construction permit fee less the $3.00 DCA fee, be refunded to the homeowner; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #2018-0146, in the amount of $150.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed $150.00 on construction permit fees posted by Chris Atmatzidis be refunded to the homeowner;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of $150.00 from the Refund of Revenue Fund to the homeowner, Chris Atmatzidis, 68 Wintergreen Ave East, Edison, NJ 08820.
RESOLUTION R.086-022018

WHEREAS, On September 30, Pagoda Homes LLC, posted Tree Maintenance Bond fees in the amount of $375.00, with Check No. 1507 on deposit with the Township of Edison in account #7763748430 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit, on the property identified as 634 Denver Blvd., Block 498, Lot 26.A, Edison, NJ, 08820;

WHEREAS, confirmation by the Division of Engineering, under the supervision of the Township Engineer, has revealed that the maintenance period for the trees planted have exceeded 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 $375.00 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 $375.00 hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of $375.00, plus any accrued interest as applicable, on deposit in Account #7763748430 to Pagoda Homes LLC, 33 Wood Avenue South, Suite 600, Iselin, NJ 08830, for the referenced property at 634 Denver Blvd., Edison, NJ, 08820, Block 498, Lot 26.A
RESOLUTION R.087-022018

WHEREAS, January 5, 2015, Pagoda Homes LLC posted Tree Maintenance Bond fees in the amount of $150.00, with Check No. 1399 on deposit with the Township of Edison in account #7763396536 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit, on the property identified as 65 Tingley Lane, Block 425, Lot 2.D3, Edison, NJ, 08820;

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of $150.00 hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of $150.00, plus any accrued interest as applicable, on deposit in Account #7763396536 to Pagoda Homes LLC, 33 Wood Avenue South, Suite 600, Iselin, NJ 08830, for the referenced property at 65 Tingley Lane, Edison, NJ, 08820, Block 425, Lot 2.D3
RESOLUTION R.088-022018

WHEREAS, On July 13, 2015, Pagoda Homes LLC posted Tree Maintenance Bond fees in the amount of $75.00, with Check No. 1409 on deposit with the Township of Edison in account #7763396677 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit, on the property identified as 965 Ellis Parkway, Block 839, Lot 6, Edison, NJ, 08820;

WHEREAS, confirmation by the Division of Engineering, under the supervision of the Township Engineer, has revealed that the maintenance period for the trees planted have exceeded 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 $75.00 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 $75.00 hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of $75.00, plus any accrued interest as applicable, on deposit in Account #7763396677 to Pagoda Homes LLC, 33 Wood Avenue South, Suite 600, Iselin, NJ 08830, for the referenced property at 965 Ellis Parkway, Edison, NJ, 08820, Block 839, Lot 6
RESOLUTION R.089-020018

WHEREAS, On May 9, 2011, Narendra Patel posted Tree Maintenance Bond fees in the amount of $600.00, with Check No. 2082 on deposit with the Township of Edison in account #7760275120 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit, on the property identified as 46 Utica Road, Block 1006, Lot 21, Edison, NJ, 08820;

WHEREAS, confirmation by the Division of Engineering, under the supervision of the Township Engineer, has revealed that the maintenance period for the trees planted have exceeded 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 $600.00 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 $600.00 hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of $600.00, plus any accrued interest as applicable, on deposit in Account #7760275120 to Narendra Patel, 46 Utica Road, Edison, NJ 08820, for the referenced property at 46 Utica Road, Edison, NJ, 08820, Block 1006, Lot 21.
RESOLUTION R.090-022018

WHEREAS, December 10, 2013, Pagoda Homes LLC posted Tree Maintenance Bond fees in the amount of $1,425.00, with Check No. 2815 on deposit with the Township of Edison in account #7762575988 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit, on the property identified as 29 Farmhaven Avenue, Block 995, Lot 8, Edison, NJ, 08820;

WHEREAS, confirmation by the Division of Engineering, under the supervision of the Township Engineer, has revealed that the maintenance period for the trees planted have exceeded 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 $1,425.00 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 $1,425.00 hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of $1,425.00, plus any accrued interest as applicable, on deposit in Account #7762575988 to Pagoda Homes LLC, 33 Wood Avenue South, Suite 600, Iselin, NJ 08830, for the referenced property at 29 Farmhaven Avenue, Edison, NJ, 08820, Block 995, Lot 8
RESOLUTION R.091-022018

WHEREAS, On February 26, 2014, Pagoda Homes LLC, posted Tree Maintenance Bond fees in the amount of $975.00, with Check No. 1023 on deposit with the Township of Edison in account #7762576002 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit, on the property identified as 66 Tingley Lane, Block 502, Lot 2.F1, Edison, NJ, 08820;

WHEREAS, confirmation by the Division of Engineering, under the supervision of the Township Engineer, has revealed that the maintenance period for the trees planted have exceeded 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 $975.00 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 $975.00 hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of $975.00, plus any accrued interest as applicable, on deposit in Account #7762576002 to Pagoda Homes LLC, 33 Wood Avenue South, Suite 600, Iselin, NJ 08830, for the referenced property at 66 Tingley Lane, Edison, NJ, 08820, Block 502, Lot 2.F1
RESOLUTION R.092-022018

WHEREAS, the Division of Engineering Services advises that an inspection has been made of Metuchen YMCA at 1775 Oak Tree Road, Edison, NJ 08820 Application #Z 33-06/07 located in Block #643-Z Lot 16; and

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

WHEREAS, on November 11, 2011, Metuchen Edison YMCA posted a check #177 in the amount of $7,367.95, 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 $5,292.68; and

WHEREAS, it is in now in order that the sum of $2,075.27 which represents the amount due and owing the applicant, be returned to Metuchen Edison YMCA; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of $2,075.27 be refunded to Metuchen Edison YMCA having offices at 483 Middlesex Avenue, Metuchen, N.J. 08840; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of $2,075.27 in account #7760296162 to the applicant.
WHEREAS, the Division of Engineering Services advises that an inspection has been made of Venugopal Madhav at 780 New Durham Road, Edison, NJ 08817 Application #P5152 located in Block #56.N Lot 6N6; and

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

WHEREAS, on May 27, 2015 Venugopal Madhav posted a check #1514403362 in the amount of $2,196.00, 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 $1,492.15; and

WHEREAS, it is in now in order that the sum of $703.85 which represents the amount due and owing the applicant, be returned to Venugopal Madhav; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of $703.85 be refunded to Venugopal Madhav residing at 780 New Durham Road, N.J. 08817; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of $703.85 in account #7763595229 to the applicant.
RESOLUTION R.094-022018

EXPLANATION: Resolution Releasing of Cash Maintenance Bond on Site Improvements, under application No.P1-2013, 2900 Woodbridge Avenue LLC.
Block: 390  Lots: 49.A

WHEREAS, The Township Engineer advises that an inspection has been made of 2900 Woodbridge Avenue LLC. Built on 2900 Woodbridge Avenue in Block:390 and Lot: 49.A Application #P1-2013, and said inspection indicates all improvements are complete and in accordance with the Municipal Standards of the Township of Edison; and

WHEREAS, on May 16, 2016, 2900 Woodbridge Avenue LLC. posted a Cash Maintenance Bond check #1083 in the amount of $200,557.16 of Branch Banking and Trust Co. with the Township of Edison, to guarantee the integrity of the site improvements with the Township of Edison. The maintenance period has elapsed with no defects developing; and

WHEREAS, the Township Engineer, recommends the release of the Cash Maintenance Bond check # 1083 in the amount of $200,557.16. The principal being 2900 Woodbridge avenue having offices at 45 Marble Loop, Staten Island, N.Y. 10309 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 Cash Maintenance Bond in the amount of $200,557.16

BE IT FURTHER RESOLVED that the Township Clerk and the Chief Financial Officer of Finance be and is hereby authorized to return the aforesaid Cash Maintenance Bond in the amount of $200,557.06 to the applicant account #7763342737
RESOLUTION R.095-022018

Metuchen YMCA

Block 643.Z Lot 16

Release of Balance on Performance Bond

WHEREAS, Metuchen YMCA, having offices at 483 Middlesex, N.J. 08840, posted a Performance Bond #5039712 on November 3, 2011 in the amount of $159,147.22, to guarantee the installation of improvements for the project known as Metuchen YMCA, LLC. On 483 Middlesex Avenue known as project Z33-06/07; and

WHEREAS a final inspection of the constructed improvements has been made, and the Township Engineer has determined that the project has been satisfactorily completed; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Final Acceptance of the improvements be granted, and that the Performance Bond of $159,147.72, Performance Bond # 5039712, from Bond Safeguard Insurance Company, 1919 S. Highland Avenue, Suite 300, Lombard, IL. 60148 be released.
RESOLUTION R.096-022018

EXPLANATION: RESOLUTION REFUNDING CASH PERFORMANCE METUCHEN EDISON YMCA.
FOR APPLICATION # Z33-06/07 1775 OAK TREE ROAD IN ACCOUNT # 7761417240

WHEREAS, the Township Engineer advises that an inspection has been made of 1775 Oak Tree Road Application #Z33-06/07, Block: 643.Z Lot: 16, 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 November 8, 2011 in the amount of $17,693.08, plus accrued interest, if applicable on deposit in account #7761417240 with the Township of Edison, principal being Metuchen Edison YMCA, having offices at 483 Middlesex Avenue, Metuchen, NJ 08840 and acceptance of the subject improvements; and

BE IT FURTHER RESOLVED that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance in the amount of $17,693.08 plus accrued interest, if applicable, on deposit in account #7761417240 to the applicant, Metuchen Edison YMCA, 483 Middlesex Avenue, Edison, NJ 08840.
EXPLANATION: RESOLUTION REFUNDING CASH PERFORMANCE VENUGOPAL MADHAV FOR APPLICATION #P5152- 780 NEW DURHAM ROAD ACCOUNT #7763342498

WHEREAS, the Township Engineer advises that an inspection has been made of 780 New Durham Road, Edison, NJ, 08817 Application #P5152, Block: 56.N Lot: 6N6, 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 May 15, 2015 in the amount of $5,270.42, plus accrued interest, if applicable on deposit in account #7763342498 with the Township of Edison, principal being Venugopal Madhav residing at 780 New Durham, Edison, NJ 08817 and acceptance of the subject improvements; and

BE IT FURTHER RESOLVED that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance in the amount of $5,270.42 plus accrued interest, if applicable, on deposit in account #7763342498 to the applicant, Venugopal Madhav, 780 New Durham Road, Edison, NJ 08817.
RESOLUTION R.098-022018

RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT/PURCHASE ORDER TO WITMER PUBLIC SAFETY GROUP FOR ELECTRIC AUTO REEL FOR THE DIVISION OF FIRE

WHEREAS, quotes were solicited by the Township of Edison for electric auto reels to keep fire engines powered; and

WHEREAS, WITMER PUBLIC SAFETY GROUP, 104 Independence Way, Coatesville, PA 19320, submitted the lowest quote in the amount of $7,598.76; and

WHEREAS, funds in the amount of $7,598.76 have been certified to be available in the Fire Fighting Maintenance of Motor Vehicle Account, No. 8-01-25-0265-001-025; 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 quotes have been reviewed and the quote in the amount of $7,598.76 by WITMER PUBLIC SAFETY GROUP, 104 Independence Way, Coatesville, PA 19320 for electric auto reels to keep fire engines powered is determined to be the lowest quote.

2. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount of $7,598.76 and any other necessary documents, with WITMER PUBLIC SAFETY GROUP as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of $7,598.76 are available for the above contract in Account No. 8-01-25-0265-001-025.

_____________________________
Nicholas C. Fargo
Chief Financial Officer
EXPLANATION: THIS RESOLUTION PROVIDES FOR THE REFUND OF THE UNUSED PORTION OF DEVELOPERS ESCROW FEES POSTED BY ALFIERI FINANCE LLC. FOR THE ZONING BOARD APPLICATION NO # Z77-2015

WHEREAS, The Township Planning Board Secretary advises that the Developer Escrow Fees posted by Alfieri Finance LLC. for a project located at 399 Thornall Street, Edison, N.J. in Block 676, Lot 2B.3 and Application #Z77-2015; and

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

WHEREAS; on March 6, 20115, Glendale Properties posted fees on deposit with the Township of Edison in the account # 7763329107 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 $ 1,423.52 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Alfieri Finance LLC.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of $1,423.52 plus accrued interest, if applicable be refunded to 399 Thornall Street, Edison, N.J 08837

BE IF FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund the sum of $ 1,423.52 plus accrued interest, if applicable, in account #7763329107 to the applicant.
RESOLUTION R.100-022018

EXPLANATION: THIS RESOLUTION PROVIDES FOR THE REFUND OF THE UNUSED PORTION OF DEVELOPERS ESCROW FEES POSTED BY 2900 WOODBRIDGE AVENUE LLC. FOR THE PLANNING BOARD APPLICATION NO #P1-2013

WHEREAS, The Township Planning Board Secretary advises that the Developer Escrow Fees posted by 2900 Woodbridge Avenue LLC, a project located at 2900 Woodbridge Avenue, Edison, N.J. 08817 in Block 390, Lot 49.A and Application #P1-2013; and

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

WHEREAS, on February 4, 2013, 2900 Woodbridge Avenue LLC. posted fees on deposit with the Township of Edison in the account # 7760296219 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 $ 6,480.30 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to 2900 Woodbridge Avenue LLC.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICAPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of 6,480.30 plus accrued interest, if applicable be refunded to 2900 Woodbridge Avenue LLC., 45 Marble Loop, Staten Island, N.Y 10309

BE IF FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund the sum of $ 6,480.00 plus accrued interest, if applicable, in account #7760296219 to the applicant.
RESOLUTION R.101-022018

EXPLANATION: This resolution authorizes contract Change Order # 1 in an amount of +$15,490.00 for Contract #17-25-02: CDBG Sidewalk Improvements - Various Locations, for a revised construction contract ceiling of $440,116.25.

WHEREAS, A-Team Concrete, 104 George Street, South River, NJ 08882 was awarded a construction contract through resolution R.367-062017 in a contract amount not to exceed $424,626.25 for Contract # 17-25-02: CDBG Sidewalk Improvements - Various Locations; and

WHEREAS, a contract Change Order # 1 for additional man hours for Uniformed Police Traffic Director., as deemed necessary by the Township’s Police Department, in an amount of $15,490.00 has been reviewed by the Township Engineer and has been found to be necessary, and upon tabulation and review of the quantities a change order is recommended for authorization and approval in the net additional amount of $15,490.00 resulting in a revised construction contract amount not to exceed $440,116.25; and

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that contract Change Order # 1 in a net amount not to exceed $15,490.00 shall be authorized and approved for the project, Contract # 17-25-02: CDBG Sidewalk Improvements - Various Locations, to A-Team Concrete, for a revised construction contract amount of $440,116.25.

CFO CERTIFICATION OF FUNDS:
Funding is available for Change Order # 1 17-25-02: CDBG Sidewalk Improvements - Various Locations, under Account T-14-16-0520-000-002 in a net change order amount not to exceed $15,490.00 for a revised construction contract in an amount not to exceed $440,116.25.

___________________________________
Nicholas Fargo
Chief Financial Officer
RESOLUTION R.102-022018

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO ESI EQUIPMENT INC. FOR THE PURCHASE OF AIR LIFTING BAGS FOR THE DIVISION OF FIRE

WHEREAS, there is a need to purchase air lifting bags for the Division of Fire; and

WHEREAS, ESI EQUIPMENT INC., 119 Keystone Drive, Montgomeryville, PA 18936 has been awarded State Contract Number 80967 under T-0790 Firefighter Protective Clothing and Equipment; and

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

WHEREAS, the maximum amount of the purchase shall not exceed $7,678.30; and

WHEREAS, funds in the amount of $7,678.30 have been certified to be available in the Fire Fighting Other Equipment and Supplies Account, number 8-01-25-0265-001-058; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed $7,678.30, and any other necessary documents, with ESI EQUIPMENT INC. as described herein.

2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law and State Contract, No. 80967 under T-0790.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of $7,678.30 are available for the above in account number 8-01-25-0265-001-058.

Nicholas C. Fargo
Chief Financial Officer
RESOLUTION R.103-022018

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO CONTINENTAL FIRE & SAFETY, INC. FOR THE FURNISHING OF UNIFORMS AND EQUIPMENT-DIVISION OF FIRE/FIRE PREVENTION

WHEREAS, bids were received by the Township of Edison on November 21, 2017 for Public Bid No. 17-01-29-Uniforms and Equipment-Division of Fire/Fire Prevention for the Township of Edison; and

WHEREAS, CONTINENTAL FIRE & SAFETY, INC., 2740 Kuser Road, Hamilton, NJ 08691, submitted the lowest legally responsible bid for various items of the bid as listed on the spreadsheet; 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 $175,000.00, 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 CONTINENTAL FIRE & SAFETY, INC., 2740 Kuser Road, Hamilton, NJ 08691 for Uniforms and Equipment-Division of Fire/Fire Prevention is determined to be the lowest 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 $175,000.00, for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents with CONTINENTAL FIRE & SAFETY, INC.
WHEREAS, bids were received by the Township of Edison on November 21, 2017 for Public Bid No. 17-01-29-Uniforms and Equipment-Division of Fire/Fire Prevention for the Township of Edison; and

WHEREAS, FIT-RITE UNIFORM CO., INC., 657 Chestnut St., Union, NJ 07083, submitted the lowest legally responsible bid for various items of the bid as listed on the spreadsheet; 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 $60,000.00, 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 FIT-RITE UNIFORM CO., INC., 657 Chestnut St., Union, NJ 07083 for Uniforms and Equipment-Division of Fire/Fire Prevention is determined to be the lowest 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 $60,000.00, for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents with FIT-RITE UNIFORM CO., INC.
RESOLUTION R.105-022018

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO WITMER PUBLIC SAFETY GROUP, INC. FOR THE FURNISHING OF UNIFORMS AND EQUIPMENT-DIVISION OF FIRE/FIRE PREVENTION

WHEREAS, bids were received by the Township of Edison on November 21, 2017 for Public Bid No. 17-01-29-Uniforms and Equipment-Division of Fire/Fire Prevention for the Township of Edison; and

WHEREAS, WITMER PUBLIC SAFETY GROUP, INC., 104 Independence Way, Coatesville, PA 19320, submitted the lowest legally responsible bid for various items of the bid as listed on the spreadsheet; 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 $20,000.00, 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 WITMER PUBLIC SAFETY GROUP, INC., 104 Independence Way, Coatesville, PA 19320 for Uniforms and Equipment-Division of Fire/Fire Prevention is determined to be the lowest 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 $20,000.00, for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents with WITMER PUBLIC SAFETY GROUP, INC.
RESOLUTION R.106-022018

RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT/PURCHASE ORDER TO COMMUNITY SAFETY CONSULTANTS FOR EMT TRAINING CORE CLASSES FOR THE DIVISION OF FIRE

WHEREAS, quotes were solicited by the Division of Fire for EMT training core classes; and

WHEREAS, COMMUNITY SAFETY CONSULTANTS, 1 Safety Place, Metuchen, NJ 08840, submitted the lowest quote in the amount of $5,940.00; and

WHEREAS, funds in the amount of $5,940.00 have been certified to be available in the Fire Fighting Education and Training Account, No. 8-01-25-0265-001-042; and

WHEREAS, for the previous twelve months, the Township expended in excess of $17,500 with COMMUNITY SAFETY CONSULTANTS, and therefore needs authorization through the provisions of N.J.S.A. 19:44A-20.5 et. seq.; and

WHEREAS, this Contract is not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44A-20.5, et seq.; and

WHEREAS, prior to contract/Purchase order, COMMUNITY SAFETY CONSULTANTS 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 WITMER PUBLIC SAFETY GROUP 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. All quotes have been reviewed and the quote in the amount of $5,940.00 by COMMUNITY SAFETY CONSULTANTS, 1 Safety Place, Metuchen, NJ 08840 for EMT training core classes is determined to be the lowest quote.

2. The Mayor, or his designe, is hereby authorized to execute a contract/purchase order in the amount of $5,940.00 and any other necessary documents, with COMMUNITY SAFETY CONSULTANTS.

3. This contract is awarded pursuant to N.J.S.A. 19:44A-20.5 et. seq. as described herein.

4. The Business Disclosure Entity Certification shall be placed on file with this resolution.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of $5,940.00 are available for the above contract in Account No. 8-01-25-0265-001-042.

______________________________
Nicholas C. Fargo
Chief Financial Officer
RESOLUTION R.107-022018

RESOLUTION ACCEPTING BID AND awARDING CONTRACT TO W.E. TIMMERMAN CO. INC. FOR THE PURCHASE OF ONE (1) BROOM STREET SWEEPER WITH A TWO YEAR EXTENDED WARRANTY

WHEREAS, bids were received by the Township of Edison on January 25, 2018 for Public Bid No. 17-10-21 BROOM STREET SWEEPER for the Department of Public Works; and

WHEREAS, W.E. TIMMERMAN CO. INC., 3554 Rt. 22 West, PO Box 71, Whitehouse, NJ 08888, submitted the lowest legally responsible, responsive bid; and

WHEREAS, the maximum amount of the purchase shall not exceed $218,950.00; and

WHEREAS, funds in the amount of $218,950.00 ($214,100.00 for the sweeper and $4,850.00 for extended two year warranty) have been certified to be available in the Sanitation Capital Outlay Account, number 8-09-55-0880-000-600 subject to and contingent upon appropriation of sufficient funds in the 2018 temporary and/or permanent budget; 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 W.E. TIMMERMAN CO. INC., 3554 Rt. 22 West, PO Box 71, Whitehouse, NJ 08888 for one (1) Broom Street Sweeper and extended warranty is determined to be the lowest legally responsible, responsive bid.

2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed $218,950.00, and any other necessary documents, with W. E. Timmerman Co. as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of $218,950.00 are available for the above in account number 8-09-55-0880-000-600 subject to and contingent upon appropriation of sufficient funds in the 2018 temporary and/or permanent budget.

______________________________
Nicholas C. Fargo
Chief Financial Officer
RESOLUTION R.108-022018

RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO PURCHASE AUTOMOTIVE AND LIGHT DUTY TRUCK PARTS FROM GENUINE PARTS COMPANY THROUGH THE SOMERSET COUNTY COOPERATIVE PRICING SYSTEM

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, GENUINE PARTS COMPANY, 1770 New Durham Road, South Plainfield, NJ 07080, has been awarded Contract Number CC-0113-16 for the cooperative purchase of Automotive and Light Duty Truck Parts through the Somerset County Cooperative Pricing System (#2SOCCP) for which Edison is a member; and

WHEREAS, the Township of Edison wishes to purchase same through this cooperative pricing system;

and

WHEREAS, the total amount of this contract, not to exceed $30,000.00, cannot be encumbered at this time; and

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) and any other necessary documents, in the amount of $30,000.00 with GENUINE PARTS COMPANY, 1770 New Durham Road, South Plainfield, NJ 07080, the approved Somerset County Cooperative Pricing System vendor through this resolution, which shall be subject to all the conditions applicable to the current Somerset County Cooperative Pricing System Contract as set forth above.

2. This contract is awarded pursuant to N.J.S.A. 40A:11-11 et seq.
RESOLUTION R.109-022018

RESOLUTION AUTHORIZING A CONTRACT/PURCHASE ORDER WITH MCNEILUS TRUCKS FOR REPAIRS TO G-28 FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Department of Public Works was in need of repairs to the arm mechanism for the McNeilus packing system on truck G-28 due to an insurance case; and

WHEREAS, since the Township has a contract for McNeilus parts and the arm mechanism is a McNeilus packing system, the truck was taken to MCNEILUS TRUCKS, 941 Hemlock Road, Morgantown, PA 19543; and

WHEREAS, funds in the amount of $26,722.68 have been certified to be available in the Operating-Equipment Maintenance Account, No. 7-09-55-0800-001-216; 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, prior to payment, the Township shall have MCNEILUS TRUCKS complete 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 MCNEILUS TRUCKS 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:

4. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed $26,722.68 and any other documents with MCNEILUS TRUCKS, 941 Hemlock Road, Morgantown, PA 19543 in accordance with the proposal.
5. This contract is awarded pursuant to N.J.S.A. 19:44A-20.5 et. seq.
6. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
7. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and in compliance with the Local Public Contracts Law guidelines.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of $26,722.68 are available for the above contract in Account No. 7-09-55-0800-001-216.

________________________________
Nicholas C. Fargo
Chief Financial Officer
RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO ENTER INTO AN AGREEMENT WITH CAPOZZI OVERHEAD DOORS, INC. THROUGH THE MIDDLESEX COUNTY COOPERATIVE PRICING AGREEMENT-B-17-469-THE SERVICING AND REPAIRING OF OVERHEAD GARAGE DOORS

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, CAPOZZI OVERHEAD DOORS, INC., 80 Howard Place, Nutley, NJ 07110 has been awarded Bid No. B-17-469 the Servicing and Repairing of Overhead Garage Doors through State Coop CK12-Middlesex; and

WHEREAS, the Township of Edison intends to enter into a contract/purchase order(s) with CAPOZZI OVERHEAD DOORS, INC., for Servicing and Repairing of Overhead Garage Doors; and

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

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed $25,000.00 and any other necessary documents, with CAPOZZI OVERHEAD DOORS, INC., 80 Howard Place, Nutley, NJ 07110 as described herein.

2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11 et seq. of the Local Public Contracts Law, Bid No. B-17-469 the Servicing and Repairing of Overhead Garage Doors through Middlesex County Cooperative Pricing Agreement, State Coop CK12-Middlesex.
RESOLUTION R.111-022018

EXPLANATION: This resolution enables the Township of Edison to develop and submit a viable application to the Middlesex County Department of Planning Division of Solid Waste Management 2018 Recycling Enhancement Grant Program for up to $15,000.00 in awarded grant funds to help support the development of a Municipal Recycling Center.

WHEREAS, the Township of Edison desires to apply for and obtain a grant from the Middlesex County Department of Planning Division of Solid Waste Management 2018 Recycling Enhancement Grant Program to provide up to $15,000.00 in awarded grant funds to help support the development of a Municipal Recycling Center; and

WHEREAS, the development of a Municipal Recycling Center shall assist the Edison Department of Public Works and Edison Department of Recreation with its efforts to collect local recyclable materials throughout the Township that would otherwise enter the general waste stream, landfills and waterways of Edison and Middlesex County; and

WHEREAS, upon receipt of said grant award, the Township of Edison agrees to encumber any municipal funds needed in addition to those awarded by the Middlesex County Department of Planning Division of Solid Waste Management 2018 Recycling Enhancement Grant Program per stated terms and conditions, for the development of a Municipal Recycling Center.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby authorize the develop and submission of a viable application for a maximum of $15,000 of grant funds, according to the regulations and guidelines of the Middlesex County Department of Planning Division of Solid Waste Management 2018 Recycling Enhancement Grant Program, at a regularly-scheduled, combined Work Session/Public Meeting, on February 14, 2018.
RESOLUTION R.112-022018

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO CAMPBELL FREIGHTLINER, LLC FOR THE FURNISHING OF AUTOMOTIVE PARTS AND ACCESSORIES

WHEREAS, bids were received by the Township of Edison on September 19, 2017 for Public Bid No. 17-03-10-Automotive Parts and Accessories; and

WHEREAS, CAMPBELL FREIGHTLINER, LLC, 1015 Cranbury South River Road, South Brunswick, NJ 08831, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; 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 $20,000.00, 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 CAMPBELL FREIGHTLINER, LLC, 1015 Cranbury South River Road, South Brunswick, NJ 08831 for Automotive Parts and Accessories is determined to be the lowest 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 $20,000.00, for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents, with CAMPBELL FREIGHTLINER, LLC.
RESOLUTION R.113-022018

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO CHAPMAN FORD SALES FOR THE FURNISHING OF AUTOMOTIVE PARTS AND ACCESSORIES

WHEREAS, bids were received by the Township of Edison on September 19, 2017 for Public Bid No. 17-03-10-Automotive Parts and Accessories; and

WHEREAS, CHAPMAN FORD SALES, 6744 Black Horse Pike, Egg Harbor Township, NJ 08234, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; 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 $45,000.00, 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 CHAPMAN FORD SALES, 6744 Black Horse Pike, Egg Harbor Township, NJ 08234 for Automotive Parts and Accessories is determined to be the lowest 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 $45,000.00, for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents, with CHAPMAN FORD SALES.
RESOLUTION R.114-022018

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO FREEHOLD FORD FOR THE
FURNISHING OF AUTOMOTIVE PARTS AND ACCESSORIES

WHEREAS, bids were received by the Township of Edison on September 19, 2017 for Public Bid No. 17-03-10-Automotive Parts and Accessories; and

WHEREAS, FREEHOLD FORD, 3572 US Route 9 South, Freehold, NJ 07728, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; 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 $10,000.00, 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 FREEHOLD FORD, 3572 US Route 9 South, Freehold, NJ 07728 for Automotive Parts and Accessories is determined to be the lowest 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 $10,000.00, for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents, with FREEHOLD FORD.
RESOLUTION R.115-022018

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO GENUINE PARTS COMPANY FOR THE FURNISHING OF AUTOMOTIVE PARTS AND ACCESSORIES

WHEREAS, bids were received by the Township of Edison on September 19, 2017 for Public Bid No. 17-03-10-Automotive Parts and Accessories; and

WHEREAS, GENUINE PARTS COMPANY, 1770 New Durham Rd., South Plainfield, NJ 07080, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; 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 $50,000.00, 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 GENUINE PARTS COMPANY, 1770 New Durham Rd., South Plainfield, NJ 07080 for Automotive Parts and Accessories is determined to be the lowest 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 $50,000.00, for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents, with GENUINE PARTS COMPANY.
RESOLUTION R.116-022018

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO NATIONAL PARTS SUPPLY CO. FOR THE FURNISHING OF AUTOMOTIVE PARTS AND ACCESSORIES

WHEREAS, bids were received by the Township of Edison on September 19, 2017 for Public Bid No. 17-03-10-Automotive Parts and Accessories; and

WHEREAS, NATIONAL PARTS SUPPLY CO., 535 Milltown Rd., North Brunswick, NJ 08902, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; 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 $60,000.00, 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 NATIONAL PARTS SUPPLY CO., 535 Milltown Rd., North Brunswick, NJ 08902 for Automotive Parts and Accessories is determined to be the lowest 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 $60,000.00, for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents, with NATIONAL PARTS SUPPLY CO.
RESOLUTION R.117-022018

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO PARTS AUTHORITY, LLC FOR THE FURNISHING OF AUTOMOTIVE PARTS AND ACCESSORIES

WHEREAS, bids were received by the Township of Edison on September 19, 2017 for Public Bid No. 17-03-10-Automotive Parts and Accessories; and

WHEREAS, PARTS AUTHORITY LLC, 3 Dakota Dr., Suite 110, New Hyde Park, NY 11042, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; 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 $17,000.00, 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 PARTS AUTHORITY LLC, 3 Dakota Dr., Suite 110, New Hyde Park, NY 11042 for Automotive Parts and Accessories is determined to be the lowest 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 $17,000.00, for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents, with PARTS AUTHORITY LLC.
RESOLUTION R.118-022018

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO THE RADIATOR STORE FOR THE FURNISHING OF AUTOMOTIVE PARTS AND ACCESSORIES

WHEREAS, bids were received by the Township of Edison on September 19, 2017 for Public Bid No. 17-03-10-Automotive Parts and Accessories; and

WHEREAS, THE RADIATOR STORE, 136 Route 46 East, Lodi, NJ 07611, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; 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 $5,000.00, 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 THE RADIATOR STORE, 136 Route 46 East, Lodi, NJ 07611 for Automotive Parts and Accessories is determined to be the lowest 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 $5,000.00, for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents, with THE RADIATOR STORE.
RESOLUTION R.120-022018

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER(S) TO EAST COAST EMERGENCY LIGHTING TO REPAIR/REPLACE AND UPGRADE EQUIPMENT IN CURRENT FLEET FOR POLICE AND FIRE DIVISIONS

WHEREAS, there is a need to repair/replace and upgrade equipment in current fleet for Police and Fire divisions; and

WHEREAS, EAST COAST EMERGENCY LIGHTING, INC., 200 Meco Drive, Millstone Twp, NJ 08535, has been awarded various state contracts for emergency products and installation thereof under State Contract T-0106/POLICE AND HOMELAND SECURITY EQUIPMENT AND SUPPLIES and under this state contract the Township shall purchase as follows; and

WHEREAS, EAST COAST EMERGENCY LIGHTING, INC., under State Contract 81327 - ProGard Products - in the amount not to exceed $20,000.00; and

WHEREAS, EAST COAST EMERGENCY LIGHTING, INC., under State Contract 81335 - Troy Products - in the amount not to exceed $3,000.00; and

WHEREAS, EAST COAST EMERGENCY LIGHTING, INC., under State Contract 81336 - Whelen Products - in the amount not to exceed $40,000.00; and

WHEREAS, EAST COAST EMERGENCY LIGHTING, INC., under State Contract 81338 – Installation - in the amount not to exceed $25,000.00; and

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

WHEREAS, the total amount of this contract, not to exceed $85,000.00, cannot be encumbered at this time; and

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed $85,000.00 and any other necessary documents, with EAST COAST EMERGENCY LIGHTING, INC., 100 Meco Drive, Millstone, NJ 08535, as described herein.

2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contracts, No. 81327, 81335, 81336, and 81338 under T-0106.
RESOLUTION R.121-022018

RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO REPAIR / REPLACE / INSTALL SALLY PORT SECURITY FROM JOHNSTON COMMUNICATIONS THROUGH THE UNION COUNTY COOPERATIVE PRICING SYSTEM

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 Township of Edison is a member of the Union County Cooperative Pricing System #8-UCCP; and

WHEREAS, to be in compliance with the Dept. of Corrections and the Attorney General’s Office, a working Sally Port is necessary; and

WHEREAS, JOHNSTON COMMUNICATIONS, 322 Belleville Turnpike, North Arlington, NJ 07031 has been awarded Contract UCCP 42-2017 Telephone/Associated Services Systems-Equipment, Installation, Maintenance Services through this Cooperative Pricing System; and

WHEREAS, the Township of Edison intends to enter into a contract/purchase order with JOHNSTON COMMUNICATIONS for repair/replacement/installation of said Sally Port security to bring the Township into compliance; and

WHEREAS, funds for this purchase, in the amount of $22,841.41 are available in the Police Building Improvement Account, number C-04-08-1616-240-410 and funds in the amount of $1,284.96 are available in the Various Upgrades Account, number C-04-16-1948-103-000; 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. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order and any other necessary documents, in the amount of $24,126.37 with JOHNSTON COMMUNICATIONS, 322 Belleville Turnpike, North Arlington, NJ 07031 the approved Union County Cooperative Pricing System vendor through this resolution, which shall be subject to all the conditions applicable to the current Union County Cooperative Pricing System Contract as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-11 et seq.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of $22,841.41 are available for the above in Account No. C-04-08-1616-240-410 and funds in the amount of $1,284.96 are available for the above in Account No. C-04-16-1948-103-000.

______________________________
Nicholas C. Fargo
Chief Financial Officer
WHEREAS, Italian American Club has requested a waiver of any and all permit and/or application fees for upgrading and replacing the Fire Suppression System in at 1997 Woodbridge Avenue, Edison.

WHEREAS, under the building code, Italian American Club as a 501 © 7 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 Fifty percent (50%) of any applicable fees;

NOW, THEREFORE, BE IT RESOLVED, by the Township of Edison, that it does hereby waive Fifty percent (50%) of any application fees for Upgrading and Replacing the Fire Suppression System except the DCA fee, due to the Township of Edison as a result of the application being submitted by Italian American Club at 1997 Woodbridge Avenue, Edison.