AGENDA
MUNICIPAL COUNCIL
WORKSESSION MEETING
Monday, March 20, 2017
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 30, 2016 and posted in the Main Lobby of the Municipal Complex on the same date.

4. ORAL PETITIONS AND REMARKS

5. REPORTS FROM ALL COUNCIL COMMITTEES:

6. POINTS OF LIGHT

7. FROM THE BUSINESS ADMINISTRATOR:
   b. Awarding of Contract for Public Bid No. 17-08-01 Bus Services.
   d. Resolution awarding Contract/Purchase Order for Renewal of Emergency Notification System for the Township.

8. FROM THE DEPARTMENT OF FINANCE:
   b. Resolution authorizing refund in the amount of $250,737.27 for redemption of tax sale certificates.
   c. Resolution authorizing refund for tax overpayments totaling $52,074.91.
   d. Resolution authorizing the Transfer of Funds.
   e. Temporary Emergency Appropriations.

9. FROM THE DEPARTMENT OF LAW:
   a. Resolution authorizing the Business Administrator to execute a grant agreement between the Township of Edison and the State of New Jersey by and for the Department of Environmental Protection to purchase and install two (2), level 2 charging stations.
   b. Resolution of the Municipal Council determining a need for a 42-unit senior affordable housing project on the site described as Block 748, Lot 36 (aka 635 Amboy Avenue) (aka Our Lady of Peace redevelopment)
c. Resolution designation redeveloper and authorizing execution of the Redevelopment Agreement with Metuchen Catholic Charities Senior Development Urban Renewal, LLC regarding the area in need of redevelopment known on the Township tax maps as Block 748, Lot 36 (aka 635 Amboy Avenue)

d. Resolution authorizes the Mayor to execute the attached Developer’s Agreement with American Beverage Packers, LLC with respect to Block 390-B, Lot 5 (aka King Georges Post Road between New Street and Clearview Road) as shown on the Edison Township and Woodbridge Tax maps.

e. Ordinance amending Chapter 37 to require a zoning permit with regard to mobile, temporary storage units on private property for a period of time greater than thirty (3) Days but in no case greater that ninety (90) days per three hundred sixty (360) day period.

f. Ordinance approving the application forthea financial agreements pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-A-1 et seq requested by Camp Kilmer A Urban Renewal Associates, LLC and Camp Kilmer B Urban Renewal Associates, LLC concerning the property known as Block 3-E, Lot 3.013 (Road 2 aka 111 Truman Drive).

g. Ordinance approving the application for long term tax exemption and authorizing the execution of a financial agreement with Metuchen Catholic Charities Senior Development Urban Renewal, LLC concerning the property known as Block 748, lot 36 (aka 635 Amboy Avenue)

h. Ordinance adopting the “Beauty Rest Motel Redevelopment Plan” for the property identified on the Township tax Maps as Block 252, Lot 24.A and Block 254, Lot 19 (520 U.S. Route 1) pursuant to the Local Redevelopment and Housing Law, pursuant to the Local Redevelopment and Housing Law N.J.SA. 40A:12A-1 et seq.

10. FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:

   a. Resolution authorizing the Township’s entering into and Mayors’s execution of an Interlocal Agreement with County of Middlesex for the installation of municipal roadway striping on Tingley Lane – Crossing #362854R.

11. FROM THE DEPARTMENT OF PUBLIC WORKS:

   a. Resolutions Award of Contracts for Public Bid No. 17-10-27 Snow Plow and Spreader Parts and Accessories.
   b. Resolution awarding an Emergency Contract/Purchase Order for upgrades to the Controls for the HVAC system at the Municipal Complex.

12. FROM THE DEPARTMENT OF RECREATION:

   a. Resolutions authorizing reimbursement for the ABC Program.

13. FROM THE CHIEF OF FIRE:

   a. Approval of Volunteer Firefighters
   b. Resolution awarding an emergency contract/purchase order for repairs to Truck #2.

14. FROM THE TOWNSHIP CLERK:
a. Appointment of Ethic Board members.
b. Person to Person Liquor License Transfer.

15. FROM THE COUNCIL MEMBER OF THE PLANNING BOARD:

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

O.1965-2017 ORDINANCE AMENDING CHAPTER 32 OF THE TOWNSHIP OF EDISON CODE OF GENERAL ORDINANCES TO AUTHORIZE THE TOWNSHIP ENGINEER TO REVIEW AND APPROVE PERMIT FOR THE REMOVAL OF ANY TOPSOIL OR SUBSOIL IN THE TOWNSHIP.


17. COMMUNICATIONS:
   a. None

18. DISCUSSION ITEMS:

   Council President Lombardi
   a. None

   Councilmember Coyle
   a. None

   Councilmember Diehl
   a. None

   Councilmember Gomez
   a. None

   Councilmember Patil
   a. None
Councilmember Sendelsky
a. None

Councilmember Shah
a. None

19. ADJOURNMENT
RESOLUTION


WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through March 17, 2017.

<table>
<thead>
<tr>
<th>FUND</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current</td>
<td>$25,132,463.99</td>
</tr>
<tr>
<td>Affordable Housing</td>
<td>5,232.97</td>
</tr>
<tr>
<td>Capital</td>
<td>346,377.02</td>
</tr>
<tr>
<td>Cash Performance</td>
<td>42,370.41</td>
</tr>
<tr>
<td>CDBG</td>
<td>9,946.39</td>
</tr>
<tr>
<td>Developers Escrow</td>
<td>58,304.77</td>
</tr>
<tr>
<td>Dog (Animal Control)</td>
<td>5,592.39</td>
</tr>
<tr>
<td>Federal Forfeited</td>
<td>0.00</td>
</tr>
<tr>
<td>Grant Funds</td>
<td>541.85</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>Payroll Deduction</td>
<td>559,446.51</td>
</tr>
<tr>
<td>Sanitation Fund</td>
<td>286,629.35</td>
</tr>
<tr>
<td>Self Insurance</td>
<td>0.00</td>
</tr>
<tr>
<td>Sewer Utility</td>
<td>121,656.21</td>
</tr>
<tr>
<td>Tax Sale Redemption</td>
<td>91,568.18</td>
</tr>
<tr>
<td>Tree Fund</td>
<td>0.00</td>
</tr>
<tr>
<td>Tree Planting</td>
<td>133,064.35</td>
</tr>
<tr>
<td>Trust</td>
<td>236,950.41</td>
</tr>
<tr>
<td>Water Operating Fund</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$27,030,144.80</strong></td>
</tr>
</tbody>
</table>

/s/ Nicholas C. Fargo  
Chief Financial Officer

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

Authorizing refund for redemption of tax sale certificates

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that at various sales of land for delinquent taxes held by the Edison Township Collector of Taxes, Middlesex County, New Jersey, the attached listing of tax sale certificates were sold; and

WHEREAS, the Tax Collector further reports that the said tax sale certificates have been redeemed thereof, and further advises that the purchasers of said property are legally entitled to a refund of monies paid at the time of redemption.

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

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison, that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing, totaling $250,737.27.

March 22, 2017
RESOLUTION
Authorizing refund for tax overpayments

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that on various properties located within the Township of Edison, overpayments of real estate taxes have been made due to erroneous or duplicate payments, and

WHEREAS, applications have been made to the Tax Collector for refunds of the said overpayments, and the Tax Collector advises that the requesters are entitled to refunds as provided the attached listing; and

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

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing totaling $52,074.91.

March 22, 2017
AUTHORIZING THE TRANSFER OF FUNDS IN THE CALENDAR YEAR 2016 CURRENT FUND BUDGET APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-59

WHEREAS, N.J.S.A. 40A:4-59 authorizes the transfer of funds during the last two months of a fiscal year and during the first three months of the subsequent fiscal year; and

WHEREAS, certain calendar year 2016 appropriations as budgeted are insufficient to meet the needs for which those appropriations were originally established while certain other appropriations appear to have surplus balances not currently needed to pay claims for which they were budgeted; and

WHEREAS, the following details explain the accounts to which funds need to be transferred and the accounts from which funds will be transferred from to insure that adequate appropriation balances exist where needed to pay approved claims against the Township:

<table>
<thead>
<tr>
<th>FROM:</th>
<th>TO:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Clerk Salary &amp; Wages 6-01-20-0120-001-010</td>
<td>$21,432.00</td>
</tr>
<tr>
<td>Finance Other Expenses 6-01-20-0130-001-020</td>
<td>$100,697.00</td>
</tr>
<tr>
<td>Payroll Other Expenses 6-01-20-0130-003-020</td>
<td>$87,805.00</td>
</tr>
<tr>
<td>Engineering Salary &amp; Wages 6-01-20-0165-000-010</td>
<td>$28,869.00</td>
</tr>
<tr>
<td>Planning &amp; Zoning Salary &amp; Wages 6-01-21-0186-000-010</td>
<td>$71,997.00</td>
</tr>
<tr>
<td>Construction Code Salary &amp; Wages 6-01-22-0195-000-010</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>Police Salary &amp; Wages 6-01-25-0240-000-010</td>
<td>$94,562.00</td>
</tr>
<tr>
<td>Dispatch Salary and Wages 6-01-25-0250-000-010</td>
<td>$100,000.00</td>
</tr>
<tr>
<td>Fire Department Other Expenses 6-01-25-0265-001-020</td>
<td>$78,420.00</td>
</tr>
<tr>
<td>Fire Prevention Salary &amp; Wages 6-01-25-0265-002-010</td>
<td>$35,520.00</td>
</tr>
<tr>
<td>Fire Prevention Other Expenses 6-01-25-0265-002-020</td>
<td>$21,053.00</td>
</tr>
<tr>
<td>Streets Salary and Wages 6-01-26-0290-000-010</td>
<td>$100,000.00</td>
</tr>
</tbody>
</table>
Building and Grounds Salary & Wages  
6-01-26-0310-000-010  $ 70,000.00

Municipal Garage Salary & Wages  
6-01-26-0315-001-010  $ 50,000.00

Health Salary & Wages  
6-01-27-0330-001-010  $ 38,208.00

Recreation Salary & Wages  
6-01-28-0370-000-010  $ 51,437.00

TOTAL $1,000,000.00  TOTAL $1,000,000.00

NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF EDISON IN THE  
COUNTY OF MIDDLESEX, NEW JERSEY, THAT the proper Township Officials are hereby authorized to  
transfer funds as indicated on the annexed spread sheet from those designated appropriations having apparent  
surplus balances to those designated appropriations having apparent insufficient balances to insure that adequate  
appropriation balances exist where needed.
RESOLUTION

TEMPORARY EMERGENCY APPROPRIATION

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, 2017 unless said budget calendar is extended according to law; and

WHEREAS, the date of this Resolution is prior to the adoption of the 2017 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 his record.

<table>
<thead>
<tr>
<th>CURRENT FUND</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUSINESS ADMINISTRATOR Salary</td>
<td>32,000.00</td>
</tr>
<tr>
<td>PURCHASING Salary</td>
<td>15,000.00</td>
</tr>
<tr>
<td>COMMUNICATIONS/EDISON TV Salary</td>
<td>7,000.00</td>
</tr>
<tr>
<td>COMMUNICATIONS/EDISON TV Other Expenses</td>
<td>6,000.00</td>
</tr>
<tr>
<td>PERSONNEL/HR Salary</td>
<td>7,000.00</td>
</tr>
<tr>
<td>MAYOR Salary</td>
<td>2,500.00</td>
</tr>
<tr>
<td>COUNCIL Salary</td>
<td>4,100.00</td>
</tr>
<tr>
<td>DISBURSEMENTS Salary</td>
<td>21,000.00</td>
</tr>
<tr>
<td>PAYROLL Salary</td>
<td>2,900.00</td>
</tr>
<tr>
<td>TAX COLLECTION Salary</td>
<td>21,000.00</td>
</tr>
<tr>
<td>TAX ASSESSMENT Salary</td>
<td>13,000.00</td>
</tr>
<tr>
<td>LEGAL DEPARTMENT Salary</td>
<td>8,500.00</td>
</tr>
<tr>
<td>ENGINEERING SERVICES Salary</td>
<td>60,000.00</td>
</tr>
<tr>
<td>Department</td>
<td>Amount</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>CONSTRUCTION ENFORC AGENCY</td>
<td>26,000.00</td>
</tr>
<tr>
<td>RENT CONTROL BOARD Salary</td>
<td>1,900.00</td>
</tr>
<tr>
<td>POLICE DEPARTMENT Salary</td>
<td>1,610,000.00</td>
</tr>
<tr>
<td>POLICE DEPARTMENT Other Expenses</td>
<td>50,000.00</td>
</tr>
<tr>
<td>DISPATCH 911 Other Expenses</td>
<td>25,000.00</td>
</tr>
<tr>
<td>FIRE FIGHTING Salary</td>
<td>1,360,000.00</td>
</tr>
<tr>
<td>FIRE PREVENTION Salary</td>
<td>5,000.00</td>
</tr>
<tr>
<td>STREETS &amp; ROADS Salary</td>
<td>20,000.00</td>
</tr>
<tr>
<td>BUILDINGS &amp; GROUNDS Salary</td>
<td>50,000.00</td>
</tr>
<tr>
<td>MUNICIPAL GARAGE Salary</td>
<td>13,000.00</td>
</tr>
<tr>
<td>POLICE VEHICLES Salary</td>
<td>12,000.00</td>
</tr>
<tr>
<td>HEALTH Salary</td>
<td>40,000.00</td>
</tr>
<tr>
<td>SENIOR CITIZEN Salary</td>
<td>22,000.00</td>
</tr>
<tr>
<td>RECREATION Salary</td>
<td>69,000.00</td>
</tr>
<tr>
<td>PARKS &amp; TREES Salary</td>
<td>117,000.00</td>
</tr>
<tr>
<td>FREE PUBLIC LIBRARY Salary</td>
<td>140,000.00</td>
</tr>
<tr>
<td>MUNICIPAL COURT Salary</td>
<td>34,000.00</td>
</tr>
<tr>
<td>O.A.S.I. (SOCIAL SECURITY) Expense</td>
<td>170,000.00</td>
</tr>
<tr>
<td><strong>TOTAL CURRENT FUND</strong></td>
<td><strong>3,964,900.00</strong></td>
</tr>
</tbody>
</table>
RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT TO APRUZZESE, MCDERMOTT, MASTRO & MURPHY, P.C. FOR SPECIAL LABOR COUNSEL SERVICES TO THE TOWNSHIP IN 2017

WHEREAS, the Township is in need of Special Labor Counsel Services; and

WHEREAS, the Township recommends APRUZZESE, MCDERMOTT, MASTRO & MURPHY, P.C., P.O. Box 112, Liberty Corner, NJ 07938 for the position of Special Labor Counsel for 2017 in an amount not to exceed $7,500.00; and

WHEREAS, such services are professional services which, pursuant to N.J.S.A. 40A:11-5, may be awarded without competitive bidding; 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 the execution of a contract, APRUZZESE, MCDERMOTT, MASTRO & MURPHY, P.C., 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 Hodulik and Morrison, P.A. from making any reportable contributions through the term of this one year contract; and

WHEREAS, funds in the amount of $7,500.00 have been certified to be available in the Legal Department Legal Services Account Number 7-01-20-0155-001-027; 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 Township is hereby authorized to execute contracts and any other necessary documents, with APRUZZESE, MCDERMOTT, MASTRO & MURPHY, P.C., P.O. Box 112, Liberty Corner, NJ 07938, in the amount not to exceed $7,500.00.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-5 and 19:44A-20.5 et seq. and without competitive bidding.
3. The Business Disclosure Entity Certification 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.
5. The Township may, upon ten (10) days written notice, and without cause, terminate the Contract.
6. Counsel shall notify the Township Attorney when eighty (80%) of the “Not to Exceed” amount is attained.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of $7,500.00 have been certified to be available in Account Number 7-01-20-0155-001-027 subject to and contingent upon appropriation of sufficient funds in the 2017 temporary and/or permanent budget.

___________________________________________
Nicholas C. Fargo
Chief Financial Officer
RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT TO CLEARY, GIACOBBE, ALFIERI, JACOBS LLC FOR SPECIAL LABOR COUNSEL SERVICES TO THE TOWNSHIP IN 2017

WHEREAS, the Township is in need of Special Labor Counsel Services; and

WHEREAS, the Township recommends CLEARY, GIACOBBE, ALFIERI, JACOBS LLC, 169 Ramapo Valley Road, Oakland, NJ 07436 for the position of Special Labor Counsel for 2017 in an amount not to exceed $75,000.00; and

WHEREAS, such services are professional services which, pursuant to N.J.S.A. 40A:11-5, may be awarded without competitive bidding; 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 the execution of a contract, CLEARY, GIACOBBE, ALFIERI, JACOBS LLC, 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 Counsel 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 Counsel 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, funds in the amount of $75,000.00 have been certified to be available in the Legal Department Legal Services Account Number 7-01-20-0155-001-027; and

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

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

7. The Township is hereby authorized to execute contracts and any other necessary documents, with CLEARY, GIACOBBE, ALFIERI, JACOBS LLC, 169 Ramapo Valley Road, Oakland, NJ 07436, in the amount not to exceed $75,000.00.
8. This contract is awarded pursuant to N.J.S.A. 40A:11-5 and 19:44A-20.5 et. seq, and without competitive bidding.
9. The Business Disclosure Entity Certification shall be placed on file with this resolution.
10. 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.
11. The Township may, upon ten (10) days written notice, and without cause, terminate the Contract.
12. Counsel shall notify the Township Attorney when eighty (80%) of the “Not to Exceed” amount is attained.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of $75,000.00 are available in Account No.7-01-20-0155-001-027 subject to and contingent upon appropriation of sufficient funds in the 2017 temporary and/or permanent budget.

______________________________
Nicholas C. Fargo
Chief Financial Officer
RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO GEORGE DAPPER INCORPORATED FOR THE FURNISHING OF BUS SERVICES

WHEREAS, bids were received by the Township of Edison on January 18, 2017 for Public Bid No. 17-08-01 Bus Services; and

WHEREAS, GEORGE DAPPER INCORPORATED, 1020 Green Street, Iselin, NJ 08830 submitted the lowest legally responsible bid for various bus trips as listed on the summary spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed $20,000.00, 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 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 GEORGE DAPPER INCORPORATED, 1020 Green Street, Iselin, NJ 08830 for Bus Services for the Township of Edison is determined to be the lowest legally responsible bid for various bus trips as listed on the summary spreadsheet.

2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed $20,000.00 and any other necessary documents, with GEORGE DAPPER INCORPORATED.
RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO SUBURBAN TRAILS, INC. FOR THE FURNISHING OF BUS SERVICES

WHEREAS, bids were received by the Township of Edison on January 18, 2017 for Public Bid No. 17-08-01 Bus Services; and

WHEREAS, SUBURBAN TRAILS, INC., 750 Somerset St., New Brunswick, NJ 08901 submitted the lowest legally responsible bid for various bus trips as listed on the summary spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed $34,500.00 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 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 SUBURBAN TRAILS, INC., 750 Somerset St., New Brunswick, NJ 08901 for Bus Services for the Township of Edison is determined to be the lowest legally responsible bid for various items of the bid bus trips as listed on the summary spreadsheet.

2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed $34,500.00 and any other necessary documents, with SUBURBAN TRAILS, INC.
RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO VILLANI BUS CO. FOR THE FURNISHING OF BUS SERVICES

WHEREAS, bids were received by the Township of Edison on January 18, 2017 for Public Bid No. 17-08-01 Bus Services; and

WHEREAS, VILLANI BUS CO., 811 E. Linden Ave., Linden, NJ 07036 submitted the lowest legally responsible bid for various bus trips as listed on the summary spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed $3,000.00 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 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 VILLANI BUS CO., 811 E. Linden Ave., Linden, NJ 07036 for Bus Services for the Township of Edison is determined to be the lowest legally responsible bid for various items of the bid bus trips as listed on the summary spreadsheet.

2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed $3,000.00 and any other necessary documents, with VILLANI BUS CO.
RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO STOUT’S CHARTER SERVICE, INC. FOR THE FURNISHING OF BUS SERVICES

WHEREAS, bids were received by the Township of Edison on January 18, 2017 for Public Bid No. 17-08-01 Bus Services; and

WHEREAS, STOUT’S CHARTER SERVICE, INC., 20 Irven St., Trenton, NJ 08638 submitted the lowest legally responsible bid for various bus trips as listed on the summary spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed $4,000.00 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 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 STOUT’S CHARTER SERVICE, INC., 20 Irven St., Trenton, NJ 08638 for Bus Services for the Township of Edison is determined to be the lowest legally responsible bid for various items of the bid bus trips as listed on the summary spreadsheet.

2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed $4,000.00 and any other necessary documents, with STOUT’S CHARTER SERVICE, INC.
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 $22,000.00; 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.
EXPLANATION: A Resolution authorizing the Business Administrator to execute a grant agreement between the Township of Edison and the State of New Jersey by and for the Department of Environmental Protection to purchase and install two (2), Level 2 charging stations.

EDISON TOWNSHIP

RESOLUTION _____________

WHEREAS, the governing body of the Township of Edison desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately $10,000.00 to fund the following project: purchase and installation of two (2), Level 2 charging stations – Chargepoint CT4011 to be installed at 100 Municipal Boulevard, Edison, NJ 08817 and 777 Grove Avenue, Edison, NJ 08820.

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

1. The foregoing recitals are hereby incorporated by reference as if fully repeated herein.

2. Maureen Ruane or the successor to the office of Business Administrator is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in the amount not less than $0.00 and not more than $10,000.00, and (c) to execute any amendments thereto which do not increase the Grantee’s obligations.

3. The Grantee agrees to comply with all applicable federal, State and municipal laws, rules and regulations in its performance pursuant to the agreement.

Introduced and passed March 22, 2017.

Ayes: _______________
Noes: _______________
Absent: _______________

Seal
EXPLANATION: Resolution of the Municipal Council determining a need for a 42-unit senior affordable housing project on the site described as Block 748, Lot 36 (aka 635 Amboy Avenue) on the Official Assessment Map of the Township of Edison.

EDISON TOWNSHIP

RESOLUTION ____________________

WHEREAS, Metuchen Catholic Charities Senior Development Urban Renewal, LLC (hereinafter referred to as the “Sponsor”) proposed to construct St. Paul the Apostle Senior Housing, a 42-unit senior affordable housing project (the “Project”), pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the “HMFA Requirements”) within the Township of Edison, Middlesex County (the “Township”) on a site described as Block 748, Lot 36 as shown on the Official Assessment Map of the Township and commonly known as 635 Amboy Avenue, Edison, New Jersey; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the “Agency”); and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

NOW THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, State of New Jersey (the “Municipal Council”) that:

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

Section 2. The Municipal Council finds and determines that the Project proposed by the Sponsor meets or will meet an existing housing need.

Section 3. The Municipal Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor’s application for Agency funding to finance the Project.

Section 4. This Resolution shall take effect immediately.
EXPLANATION: A Resolution designating redeveloper and authorizing execution of the Redevelopment Agreement with Metuchen Catholic Charities Senior Development Urban Renewal, LLC regarding the area in need of redevelopment known on the Township tax maps as Block 748, Lot 36 (aka 635 Amboy Avenue).

EDISON TOWNSHIP

RESOLUTION _____________

WHEREAS, the Municipal Council (the “Municipal Council”) of the Township of Edison (the “Township”) pursuant to N.J.S.A. 40A:12A-14, authorized the Planning Board of the Township (the “Planning Board”) to determine whether Block 748, Lot 36 within the Township (aka 635 Amboy Avenue) met the statutory criteria for designation as an “area in need of redevelopment” (the “Study Area”) pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law”); and

WHEREAS, the Planning Board undertook said investigation and conducted a public hearing, all in accordance with N.J.S.A. 40A:12A-14; and

WHEREAS, the Planning Board found that the Study Area satisfied certain statutory criteria and thus constituted an area in need of rehabilitation in accordance with N.J.S.A. 40A:12A-14; and

WHEREAS, on June 8, 2016 the Municipal Council adopted Resolution R. 425-062016 which designated the Study Area as an “area in need of redevelopment” pursuant to the Redevelopment Law (“Redevelopment Area”); and

WHEREAS, on October 26, 2016, the Municipal Council adopted Ordinance O.1945-2016 by which it accepted the findings of the Planning Board and adopted, in accordance with the Redevelopment Law, a redevelopment plan entitled “Our Lady of Peace Redevelopment Plan” prepared by Heyer, Gruel & Associates (the “Redevelopment Plan”); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-4, the Township has determined to act as the “Redevelopment Entity” (as such term is defined at N.J.S.A. 40A:12A-3) for the Redevelopment Area to exercise the powers contained in the Redevelopment Law; and

WHEREAS, Metuchen Catholic Charities Senior Development Urban Renewal, LLC (the “Redeveloper”) desires to be designated as the “redeveloper” (as such term is defined in the Redevelopment Law) to implement the construction of 41 units of affordable, age restricted apartments for senior citizens (the “Project”); and

WHEREAS, Redeveloper is the contract purchaser of the Redevelopment Area; and

WHEREAS, the Township has determined that the Redeveloper meets all necessary criteria, including financial capabilities, experience, and expertise to implement and complete the rehabilitation of the Project in accordance with the Redevelopment Plan and all other applicable laws, ordinances and regulations; and

WHEREAS, the Township and Redeveloper have negotiated the terms and conditions of a redevelopment agreement governing the Redeveloper’s rehabilitation of the Project (the “Redevelopment Agreement”); and

WHEREAS, the Township has determined the Project to be in the vital and best interests of the Township, and that it promotes the health, safety, morals and welfare of the Township’s residents; and

WHEREAS, the Township desires to designate the Redeveloper as the redeveloper of the Project and to authorize the execution of the Redevelopment Agreement,

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.
Section 2. The Municipal Council hereby authorizes the execution of a redevelopment agreement with the Redeveloper in substantially the form attached hereto as Exhibit A and by this reference incorporated herein.

Section 3. The Mayor is authorized to execute the Redevelopment Agreement with the Redeveloper in substantially the same form as the Redevelopment Agreement attached hereto, with such additions, deletions and modifications as the Mayor may determine necessary upon consultation with counsel and the Redeveloper.

Section 4. Metuchen Catholic Charities Senior Development Urban Renewal, LLC is hereby designated as the redeveloper of the Project, subject to the execution of the Redevelopment Agreement.

Section 5. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 6. A copy of this Resolution shall be filed and available for public inspection at the in the offices of the Township.

Section 7. This Resolution shall take effect immediately.
EXPLANATION: This Resolution authorizes the Mayor to execute the attached Developer’s Agreement with American Beverage Packers, LLC, with respect to Block 390-B, Lot 5 (aka King Georges Post Road between New Street and Clearview Road) as shown on the Edison Township and Woodbridge Township tax maps.

EDISON TOWNSHIP

RESOLUTION _____________

WHEREAS, the property 390-B, Lot 5 (aka King Georges Post Road between New Street and Clearview Road) as shown on the Edison Township and Woodbridge Township tax maps (the “Property”) was the subject of an application before the Planning Board of the Township of Woodbridge (hereinafter the “Board”) made by American Beverage Packers, LLC (“Developer”) for the approval of a preliminary and final major site plan, with associated design waivers and variances, to a 608,000 square foot bottling plant, 10,800 square foot maintenance facility and supporting parking and infrastructure on the Property (the “Project”); and

WHEREAS, the Board granted final site plan approval for the Project by adoption of a resolution on December 10, 2014 (the “Resolution”); and

WHEREAS, the Board has granted the approval on the condition that the Developer connect the Woodbridge Property’s lateral sanitary sewer line to the trunk sanitary sewer line of the Township; and

WHEREAS, the Township of Edison (the “Township”) and Developer desire to enter this Agreement to establish the terms pursuant to which the Developer shall connect to the Township’s sanitary sewer system, 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 Township 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: An ordinance amending Chapter 37 to require a zoning permit with regard to mobile, temporary storage units on private property for a period of time greater than thirty (30) days, but in no case greater than ninety (90) days per three hundred sixty (360) day period.

EDISON TOWNSHIP

ORDINANCE _____________

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

WHEREAS, the Township seeks to maintain the health, safety and welfare of the citizens and visitors to the Township, the Township desires to amend the Township’s Code of General Ordinances (the "Code") in accordance with the terms provided for herein and;

WHEREAS, the Township Council has determined to amend Chapter 37 of the Code to require a zoning permit with regard to mobile, temporary storage units in private property, to read as follows (additions are underlined and deletions are in [brackets]):

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

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

Section 2. The Municipal Council hereby amends Chapter 37 “Zoning” of the Code to read as follows:

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

37-4.25 Mobile Temporary Storage Units

1. Mobile temporary storage units shall be permitted on private property provided that:

(a) No temporary storage unit or units shall be permitted on any private property in the Township for greater than thirty (30) consecutive days without a zoning permit, nor shall a temporary storage unit or units be permitted on a private property for a period of time to exceed ninety (90) days per three hundred sixty (360) day period;

(b) Temporary storage units shall not obstruct the free flow of pedestrian or vehicular traffic and shall not be located within a public right of way; and

(c) Temporary storage units shall not contain advertising or any other writing, except to identify the manufacturer or owner of the mobile temporary storage units.
2. All private property owners in the Township seeking to maintain a temporary storage unit or units upon private property for greater than thirty (30) days, but in no case greater than ninety (90) days per three hundred sixty (360) day period, shall first obtain a zoning permit which shall dictate the location of a temporary storage unit or units on a property, and which shall also take into account the accessibility, safety and aesthetics of the temporary storage unit or units in relation to the subject private property.

37-4.2 Exceptions.

No exception shall be made from the Chapter XXXVII, section 37-4, “General Design and Use Regulations” unless the proposed waiver is reasonable and within the general purposes and intent of the Chapter XXXVII and/or the Code, and/or that literal enforcement of Chapter XXXVII and/or the Code is impractical and will exact undue hardship because of the peculiar conditions pertaining to a certain property and can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Township’s Master Plan and Zoning Ordinances and redevelopment plan if applicable.

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

Section 3. 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.

Section 4. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

Section 5. 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.
EXPLANATION: An Ordinance approving the application for the financial agreement pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., requested by Camp Kilmer A Urban Renewal Associates, LLC and Camp Kilmer B Urban Renewal Associates, LLC concerning the property known as Block 3-E, Lot 3.013 (Road 2, aka 111 Truman Drive).

EDISON TOWNSHIP
ORDINANCE

WHEREAS, Camp Kilmer A Urban Renewal Associates, LLC and Camp Kilmer B Urban Renewal Associates, LLC (collectively, the “Entity”) is the redeveloper of the property known as Block 3-E, Lot 3.013 (Road 2, aka 111 Truman Drive) (the “Project Area”), which is located in an area previously designated as an area in need of redevelopment; and

WHEREAS, the Township of Edison (the “Township”) and the Entity will enter into a Redevelopment Agreement pursuant to which, among other things, the Entity will redevelop the Project Area in two (2) phases by: demolishing one (1), 41,000 square foot, masonry structure; constructing at the Project Area two (2), four (4)-story wood-framed, structures, that will each feature eighty six (86) residential units, with a preference of twenty five percent (25%) for homeless veterans, a preference of twenty-five percent (25%) for low, very low, and moderate veterans and the balance for other low, very low, and moderate income applicants with two (2) additional units included for the use of superintendents of the buildings, which shall not be for homeless veterans or low, very low, or moderate income applicants; and providing an on-site management office, community room, fitness room, common laundry rooms and required parking (the “Project”); and

WHEREAS, the Entity submitted to the Mayor of the Township (the “Mayor”) an application (the “Application”), which is on file with the Township Clerk, to make payments to the Township in lieu of taxes in connection for each of the two (2) Phases of the Project; and

WHEREAS, the Entity also submitted to the Mayor a form of financial agreement for each Phase of the Project (the “Financial Agreements”), copies of which are attached hereto as Exhibit A and Exhibit B, respectively, establishing the rights, responsibilities and obligations of the Entity; and

WHEREAS, the Mayor submitted the Application and Financial Agreements to the Township Council with his recommendation for approval, a copy of which recommendation is on file with the Township Clerk; and

WHEREAS, the Township Council has determined that the Project represents an undertaking permitted by the Act.

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 Application and Financial Agreements are hereby approved.

3. The Mayor is hereby authorized to execute the Financial Agreements substantially in the form attached hereto as Exhibit A and Exhibit B, respectively, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.
4. The Clerk of the Township is hereby authorized and directed, upon execution of the Financial Agreements by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Township upon such document.

5. 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.

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

7. This ordinance shall take effect in accordance with applicable law.
EXPLANATION: An Ordinance approving the application for long term tax exemption and authorizing the execution of a financial agreement with Metuchen Catholic Charities Senior Development Urban Renewal, LLC, concerning the property known as Block 748, Lot 36 (also known as 635 Amboy Avenue, Edison, New Jersey).

EDISON TOWNSHIP
ORDINANCE _____________

WHEREAS, Metuchen Catholic Charities Senior Development Urban Renewal, LLC (the “Entity”) proposes to develop certain property identified on the tax maps of the Township of Edison (the “Township”) as Block 748, Lot 36 (the “Property”), also known as 635 Amboy Avenue, which Property has been designated as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, the Township and the Entity will enter into a Redevelopment Agreement pursuant to which, among other things, the Entity will construct on the Property forty-one (41) affordable age-restricted apartments for seniors and one superintendent’s unit (collectively, the “Project”); and

WHEREAS, the Entity submitted to the Mayor of the Township (the “Mayor”) an application (the “Application”) for a long term tax exemption, pursuant to the Long Term Tax Exemption Law, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. (the “Act”), which Application is on file with the Township Clerk, to make payments to the Township in lieu of taxes in connection with the Project; and

WHEREAS, the Entity and Township negotiated a form of financial agreement for the Project (the “Financial Agreement”), a copy of which is attached hereto as Exhibit A, establishing the rights, responsibilities and obligations of the Entity; and

WHEREAS, the Mayor submitted the Application and the Financial Agreement to the Township Council with his recommendation for approval, a copy of which recommendation is on file with the Township Clerk; and

WHEREAS, the Township Council has determined that the Project represents an undertaking permitted by the Act,

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 Application and Financial Agreement are hereby approved.

3. The Mayor is hereby authorized to execute the Financial Agreement substantially in the form attached hereto as Exhibit A, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.

4. The Clerk of the Township is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Township upon such document.

5. 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.

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

7. This ordinance shall take effect in accordance with applicable law.
EXPLANATION: An Ordinance adopting the “Beauty Rest Motel Redevelopment Plan,” for the property identified on the Township Tax Maps as Block 252, Lot 24.A and Block 254, Lot 19 (520 U.S. Route 1) pursuant to the Local Redevelopment and Housing Law, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

EDISON TOWNSHIP
ORDINANCE _____________

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, to make such a determination under the Redevelopment Law, the municipal council (the “Township Council”) of the Township of Edison (the “Township”), by way of Resolution R.519-072016, adopted July 27, 2016, authorized and directed the planning board of the Township (the “Planning Board”) to conduct a preliminary investigation of the property identified as 520 U.S. Route 1, and more commonly known as Block 252, Lot 24.A and Block 254, Lot 19 on the Township’s tax maps (the “Study Area”), and to determine that the Study Area meets the criteria for a Non-Condemnation Redevelopment Area, pursuant to Sections 5 and 6 of the Redevelopment Law; and

WHEREAS, on September 19, 2016, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law, at which hearing it determined that the Study Area qualified as an area in need of redevelopment and recommended that the Township Council designate the Study Area as an area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

WHEREAS, on September 28, 2016, the Municipal Council accepted the recommendation of the Planning Board and adopted a resolution which designated Block 252, Lot 24.A and Block 254, Lot 19 (also known as 520 U.S. Route 1) as an “area in need of redevelopment” (“Redevelopment Area”) in accordance with the Redevelopment Law;

WHEREAS, the Township Council, by way of Resolution R. 086-22017, adopted February 8, 2017, authorized and directed the planning board of the Township (the “Planning Board”) to review a redevelopment plan for the Redevelopment Area (the “Redevelopment Plan”) and to make recommendations as required by N.J.S.A.40A:12A-7(e);

WHEREAS, on March 13, 2017, the Planning Board reviewed the Redevelopment Plan and adopted a resolution recommending that the Municipal Council adopt the Redevelopment Plan; and

WHEREAS, upon review of the Planning Board’s recommendation of the Redevelopment Plan, the Municipal Council has determined to adopt the Redevelopment Plan (in the form attached hereto as Exhibit A), to ensure the success of redevelopment within the Redevelopment Area in conformity with the Township’s redevelopment objectives.
NOW THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey that:

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

Section 2. The Redevelopment Plan, attached hereto as Exhibit A, is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7.

Section 3. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Township Clerk during regular business hours.

Section 4. This Ordinance shall take effect in accordance with all applicable laws.
EXPLANATION: A Resolution authorizing the Township’s entering into, and Mayor’s execution of, an interlocal agreement with the County of Middlesex for the installation of municipal roadway striping on Tingley Lane – Crossing #362854R.

EDISON TOWNSHIP

RESOLUTION _____________

WHEREAS, the Township of Edison (the “Township”) is a municipal corporation of the State of New Jersey; and

WHEREAS, the Township is authorized under N.J.S.A. 40A:11-5(2) of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. to enter into contracts for the provision of goods or services with the County of Middlesex (the “County”) without public bid; and

WHEREAS, the Township desires to install road striping on Tingley Lane – Crossing #362854R (the “Work”); and

WHEREAS, the County has provided an estimate of the cost for it to perform the Work, and the Township desires to enter into an interlocal agreement with the County for the completion of and payment for same (the “Agreement”), a copy of which Agreement is attached hereto as Exhibit A; and

WHEREAS, the Municipal Council of the Township (the “Municipal Council”) seeks to hereby authorize the Township’s entering and execution of the Agreement with the County and the payment for the Work pursuant to same,

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

Section 1. The foregoing recitals are hereby incorporated by reference as if fully repeated herein.

Section 2. The Municipal Council hereby authorizes and directs the Mayor and Township Clerk to execute the Agreement on behalf of the Township with regard to the Work.

Section 3. The Business Administrator and/or responsible Township officer shall arrange for payment to the County for the Work.

Section 4. A copy of this Resolution and the executed Agreement shall be maintained on file with the Township Clerk.

Section 5. This Resolution shall take effect immediately.
RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO METUCHEN MOWER, INC.,
FOR SNOW PLOW AND SPREADER PARTS AND ACCESSORIES

WHEREAS, bids were received by the Township of Edison on January 19, 2017 for Public Bid No. 17-10-27-Snow Plow and Spreader Parts and Accessories; and

WHEREAS, METUCHEN MOWER, INC., 865 Middlesex Ave., Metuchen, NJ 08840, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

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

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

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

WHEREAS, the Township Council accepts Edison Township’s recommendations as described herein 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 by METUCHEN MOWER, INC., 865 Middlesex Ave., Metuchen, NJ 08840 for Snow Plow and Spreader 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 and any other necessary documents, with METUCHEN MOWER, INC.
RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO CHEMUNG SUPPLY CORP.
FOR SNOW PLOW AND SPREADER PARTS AND ACCESSORIES

WHEREAS, bids were received by the Township of Edison on January 19, 2017 for Public Bid No. 17-10-27-Snow Plow and Spreader Parts and Accessories; and

WHEREAS, CHEMUNG SUPPLY CORP., P.O. BOX 527, Elmira, NY 14902, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; 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 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 by CHEMUNG SUPPLY CORP., P.O. BOX 527, Elmira, NY 14902 for Snow Plow and Spreader 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 $30,000.00 and any other necessary documents, with CHEMUNG SUPPLY CORP.
RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO NORCIA CORPORATION FOR SNOW PLOW AND SPREADER PARTS AND ACCESSORIES

WHEREAS, bids were received by the Township of Edison on January 19, 2017 for Public Bid No. 17-10-27-Snow Plow and Spreader Parts and Accessories; and

WHEREAS, NORCIA CORPORATION, 451 Black Horse Lane, 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 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 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 by NORCIA CORPORATION, 451 Black Horse Lane, North Brunswick, NJ 08902 for Snow Plow and Spreader 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 $30,000.00 and any other necessary documents, with NORCIA CORPORATION.
RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO BRISTOL DONALD CO., INC.,
FOR SNOW PLOW AND SPREADER PARTS AND ACCESSORIES

WHEREAS, bids were received by the Township of Edison on January 19, 2017 for Public Bid No. 17-10-27-Snow Plow and Spreader Parts and Accessories; and

WHEREAS, BRISTOL DONALD CO., INC., 50 Roanoke Ave., Newark, NJ 07105, submitted the lowest legally responsible, responsive bid for various items of the bid as listed on the spreadsheet; and

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

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

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

WHEREAS, the Township Council accepts Edison Township’s recommendations as described herein 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 by BRISTOL DONALD CO., INC., 50 Roanoke Ave., Newark, NJ 07105 for Snow Plow and Spreader 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 and any other necessary documents, with BRISTOL DONALD CO., INC.
RESOLUTION AWARDING AN EMERGENCY CONTRACT/PURCHASE ORDER TO A.M.E., INC. FOR UPGRADES TO THE CONTROLS FOR THE HVAC SYSTEM AT THE MUNICIPAL COMPLEX

WHEREAS, there is no control of two HVAC controls and the boiler at the Municipal Complex; and

WHEREAS, pursuant to Local Public Contract Law N.J.S.A. 40A:11-6 et seq, a contract may be awarded and immediate delivery of goods or the performance of services may be provided when an emergency affects the public health, safety or welfare; and

WHEREAS, a quote was solicited from A.M.E., INC., 1275 Bloomfield Avenue, Bldg 2, Suite 17B, Fairfield, NJ 07004, our current HVAC Maintenance and Repair contractor, to provide emergency upgrades to two HVAC controls and the boiler in the amount of $31,405.00; and

WHEREAS, funds in the amount of $31,405.00 have been certified to be available in the Various Building Improvements Account, Number C-04-14-1872-310-001; 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 quote submitted by A.M.E., INC., 1275 Bloomfield Avenue, Bldg 2, Suite 17B, Fairfield, NJ 07004 for the emergency upgrades to two HVAC controls and boiler is determined to be in the best interest of the Township.
2. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed $31,405.00, and any other necessary documents, with A.M.E., INC as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of $31,405.00 are available for the above in Account No. C-04-14-1872-310-001.

______________________________
Nicholas C. Fargo
Chief Financial Officer
RESOLUTION AUTHORIZING A REIMBURSEMENT TO
YESIM ACIKEL FOR THE ABC PROGRAM

WHEREAS Yesim Acikel made payment in the amount of $270.00.00 for her child Mehmet Acikel’s participation in the ABC Program at Menlo Park Elementary School for the month of April; and

WHEREAS the child was removed from the program before they attended.

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of $270.00 to Yesim Acikel, 15 Renee Ct., Edison, NJ 08820, which represents the amount for the ABC Program.

CERTIFICATION OF AVAILABILITY OF FUNDS
I hereby certify that funds in the amount of $270.00 are available in Account #7-01-55-0291-000-000.

Q: acikel abc reso
3/15/17 dwt
RESOLUTION AUTHORIZING A REIMBURSEMENT TO CHUNSHENG HE FOR THE ABC PROGRAM

WHEREAS Chunsheng He made payment in the amount of $180.00 for the month of April 2017 for his child, Eileen He’s participation in the before and after care program at Lincoln Elementary School; and

WHEREAS, payment was made for the month of April 2017 prior to the child attending.

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of $180.00 to Chunsheng He, 5601 Hana Rd., Edison, NJ 08817, which amount represents the payment for the ABC program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of $180.00 are available in Account #7-01-55-0291-000-000.
RESOLUTION AUTHORIZING A REIMBURSEMENT TO RAJIV PANJIYAR FOR THE ABC PROGRAM

WHEREAS Rajiv Panjiyar made payment in the amount of $360.00.00 for his child Sanjana Panjiyar’s participation in the ABC Program at Martin Luther King Elementary School for the months of April and May; and

WHEREAS the child was removed from the program before she attended.

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of $360.00 to Rajiv Panjiyar, 51 Hawthorne Dr., Edison, NJ 08820, which represents the amount for the ABC Program.

CERTIFICATION OF AVAILABILITY OF FUNDS
I hereby certify that funds in the amount of $360.00 are available in Account #7-01-55-0291-000-000.

Q: panjiyar abc reso
3/15/17 dwt
RESOLUTION AWARDING AN EMERGENCY CONTRACT/PURCHASE ORDER TO CAMPBELL SUPPLY CO., LLC FOR REPAIRS TO TRUCK #2 FOR THE DIVISION OF FIRE

WHEREAS, Fire Truck #2 had mechanical issues causing it to be out of service leaving the Township without any aerial trucks; and

WHEREAS, the current contractual vendor, Absolute Fire, who was awarded Public Bid No. 16-10-02-Emergency Vehicle Repairs, could not provide the needed emergency vehicle repair; and

WHEREAS, pursuant to Local Public Contract Law N.J.S.A. 40A:11-6 et seq, a contract may be awarded and immediate delivery of goods or the performance of services may be provided when an emergency affects the public health, safety or welfare; and

WHEREAS, a quote was solicited from CAMPBELL SUPPLY CO., LLC, by the Division of Fire for the emergency vehicle repairs to Truck #2; and

WHEREAS, CAMPBELL SUPPLY CO., LLC, 1015 Cranbury South River Rd., Monroe, NJ 08831, submitted a quote in the amount not to exceed $8,720.16; and

WHEREAS, funds in the amount of $8,720.16 have been certified to be available in the Fire Fighting Maintenance of Motor Vehicle, Account Number 7-01-25-0265-001-025; 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. The quote submitted by CAMPBELL SUPPLY CO., LLC, 1015 Cranbury South River Rd., Monroe, NJ 08831 for the emergency vehicle repairs to Truck #2 for the Division of Fire, is determined to be in the best interest of the Township.
2. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed $8,720.16, and any other necessary documents, with CAMPBELL SUPPLY CO., LLC as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of $8,720.16 are available for the above in Account No. 7-01-25-0265-001-025.

__________________________________________

Nicholas C. Fargo
Chief Financial Officer
RESOLUTION

WHEREAS, in accordance with Municipal Code Section 2.80.070 and N.J.S.A. 40A:9-22.1 et seq., it is the duty of the Municipal Council to appoint members to the Edison Township Ethics Board; and

WHEREAS, the Municipal Council wishes to appoint the following members to the Ethics Board;

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elliot Rudnitzky, 46 Calvert Avenue, West, Edison, NJ 08820</td>
<td>December 12, 2021</td>
</tr>
<tr>
<td>Peter F. Bentey, 10 Five Acre Drive, Edison, NJ 08820</td>
<td>December 12, 2017</td>
</tr>
</tbody>
</table>

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that the abovementioned individuals here appointed as members of the Ethics Board.
RESOLUTION

EXPLANATION: A Resolution authorizing and approving the Person-to-Person transfer of the Plenary Retail Consumption License held by Last Call Operating Co I, Inc. d/b/a Fox & Hounds to Fun Eat and Drinks, LLC with respect to business premises to be located at 250 Menlo Park Drive, Edison.

WHEREAS, an application has been filed with the Township of Edison (“Township”) for a Person-to-Person transfer of the Plenary Retail Consumption Liquor License No. 1205-33-058-003 (“License”), issued to Last Call Operating Co I, Inc. (“Seller”) to Fun Eat and Drinks, LLC (“Applicant”) to be used at Applicant’s business location at 250 Menlo Park Drive, Edison.

WHEREAS, the Applicant’s submitted application form is complete in all respects, the transfer fees have been paid and the License has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 13 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the License and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, public notice of this transfer has been published in the Home News Tribune, a New Jersey publication, in accordance with law; and

WHEREAS, no legally valid objections have been received nor made as to why this transfer should not be granted to the Applicant.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, NEW JERSEY AS FOLLOWS:

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

2. The Municipal Council hereby approves the Person-to-Person transfer of the License to the Applicant as to business premises now to be located at 250 Menlo Park Drive, Edison.

3. The Township Clerk is hereby directed to endorse the Applicant’s current license certificate as follows: “This license, subject to all of its terms and conditions, is hereby transferred to Fun Eat and Drinks, LLC at business premise to be located at 250 Menlo Park Drive, Edison.

4. This Resolution shall take effect immediately.

(New License No. 1205-33-058-004)
EXPLANATION: An Ordinance amending Chapter 32 of the Township of Edison Code of General Ordinances to authorize the Township Engineer to review and approve permits for the removal of any topsoil or subsoil in the Township.

ORDINANCE O.1965-2017

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

WHEREAS, the Township seeks to maintain the health, safety and welfare of the citizens and visitors to the Township, the Township desires to amend the Township’s Code of General Ordinances (the “Code”) in accordance with the terms provided for herein and;

WHEREAS, the Township Council has determined to amend Chapter 32 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

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

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

Section 2. The Municipal Council hereby amends Chapter 32 “Soil Removal” of the Code to read as follows:

32-1.2 Definitions

As used in this section:

32-1.3 Permit Required.

a. No owner, developer, excavator or other person shall move or cause, allow, permit or suffer to be moved or removed any topsoil or subsoil in the Township for use other than on the lot from which it shall be taken, except as otherwise defined or provided for in this section, unless and until after application to the [Director of Public Works] Township Engineer.

b. The [Director] Township Engineer shall first determine that the excavation, grading or removal of the amount of soil applied for is necessary and essential to the development or the improvement of the premises. Removal of soil from the Township shall only be permitted after the [Director] Township Engineer determines that there exists no alternative location for said topsoil within the Township. In determining whether there exists no alternative location, the [Director] Township Engineer shall ascertain from the other departments whether the Township has need to purchase a quantity of topsoil or, in the absence of such need, whether any other person or entity within the Township has, in writing, expressed a willingness to purchase a quantity of topsoil.

32-1.4 Compliance With Other Regulations.
Should the [Director of Public Works] Township Engineer find and determine that the excavation, grading or removal of the amount and type of soil applied for is necessary and essential to the development or improvement of the premises and that the applicant has complied with the provisions hereof and all other applicable ordinances, then the appropriate soil removal permit may be issued. If the lot is part of an approved subdivision or site plan presently under construction, then a permit shall be required only if the soil is to be removed from the subdivision premises or premises within the site plan.

**32-1.5 Application for Permit.**

Applications shall contain the following information in a form and to a degree to be determined by the [Director of Public Works] Township Engineer.

a. The names and addresses of the applicant, the owner, the developer and the excavator.

b. The lot and block numbers of the land from which soil is to be removed, as shown on the current Tax Map of the Township.

c. The location to which soil is to be removed.

d. The route to be taken during the removal operation.

e. The reason for removing soil.

f. The proposed dates for the commencement and completion of the soil removal, not to exceed three (3) months for any single application.

g. A map of the lot showing the present contour lines and the proposed future contour lines resulting from the intended excavation or redistribution of soil and the location of streams, watercourses or other environmentally sensitive areas, if different from any such information appearing on an approved site plan or subdivision.

h. The amount of soil and/or topsoil to be removed from the site and the amount of soil and/or topsoil to remain on the site.

i. Such other pertinent data as the [Director of Public Works] Township Engineer may deem necessary.

**32-1.6 Consideration of Application; Issuance or Denial**

a. In considering the application, the [Director of Public Works] Township Engineer shall be guided by the following factors:

1. Soil erosion by water and wind.
2. Inadequate and improper surface water drainage.
4. Removal of lateral support of abutting streets and lands.
5. Creation of dangerous depressions and declivities.
6. The statements and findings in subsection 32-1.5.
7. Availability of alternative sites within the Township, as defined herein.

8. Such other factors as the [Director] Township Engineer may deem necessary or appropriate in light of the particular application.

9. The minimum quantity that will require a permit to be issued.

b. If, after considering the above factors, the [Director of Public Works] Township Engineer determines that the proposed excavating, grading or removal or redistribution of soil will not be detrimental to the health, safety and welfare of the Township or its inhabitants and complies with the terms hereof, he shall issue the necessary permit. Otherwise, he shall deny the application and shall notify the applicant. The [Director of Public Works] Township Engineer shall have thirty (30) days after the application is filed within which to notify the applicant whether the application has been granted or denied.

When soil is being removed as part of an application before the Planning Board or Board of Adjustment, approval of the soil permit under this section shall be a condition of approval.

32-1.7 Appeals.

If an application is denied, the applicant may appeal the decision of the [Director of Public Works] Township Engineer by filing a written notice of appeal with the Township Council within ten (10) days after receiving the notice of denial of the application.

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

32-1.9 Bond Required.

Before the permit is issued, the applicant shall file with the [Director of Public Works] Township Engineer cash, certified check, letter of credit or a bond executed by the applicant as principal and a surety company licensed to do business in the State of New Jersey as surety unless the applicant, owner or developer has previously posted such security covering the work to be performed hereunder in connection with an approved subdivision or site plan. The amount of the bond shall be determined by the [Director of Public Works] Township Engineer but in no event shall be less than one thousand ($1,000.00) dollars and shall be conditioned as follows:

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

32-1.10 Permit Conditions; Standards for Operation.

a. Soil removal or redistribution conducted under a permit issued under this section shall be in accordance with the following regulations:

1. Operations shall be conducted so that there shall be no sharp declivities, pits or depressions.

2. Lands shall be graded so as to conform to the approved contour lines and grades and shall be cleared of debris.

3. A minimum of six (6) inches of topsoil shall remain over the entire lot from which soil was removed, except for those portions of the lot occupied by a building or structure or pavement, in accordance with the approved plans and specifications for the development thereof, upon completion of the intended construction.
4. All of the work described in this section shall be performed between the hours of 8:00 a.m. and 4:30 p.m., Monday through Saturday. Where possible, work should be performed during regular business hours of the [Department of Public Works] Township Engineer so that appropriate inspections may be accomplished.

5. Adequate measures shall be taken to prevent erosion and sedimentation of soil upon surrounding lands, streets, municipal facilities, bodies of water or waterways, in accordance with the provisions of the Freehold Soil Conservation District. No soil shall be removed during periods of rain or other precipitation or within forty-eight (48) hours thereafter. No soil removal operation shall commence without the approved SCS plan from the Freehold Soil Conservation District.

6. [The Department of Public Works] Township Engineer shall be notified at least forty-eight (48) hours before the removal of soil begins.

b. An accounting of the soil removed shall consist of inspection by the [Director of Public Works] Township Engineer of the receipts given the applicant by the excavator for the soil removed. The receipts shall record the type and amount of soil taken, the date it was removed and the capacity of the truck. A final written estimate of the amount removed shall be submitted by the applicant. The [Director of Public Works] Township Engineer must be satisfied that the inspected receipts account for all of the amounts indicated in final estimate.

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

32-2.2 Permit Required for Deposit of Approved Soil Material.

No owner, agent, lessor, lessee, tenant or occupant of any lot, grounds, street, road or alley in the Township Edison of shall deposit thereon or permit the depositing thereon of any approved soil material unless a permit is issued by the [Department of Public Works] Township Engineer.

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

32-2.4 Permit Fees.

The fee for issuance of a permit under this section shall be two hundred ($200.00) dollars. No permit shall be issued unless the applicant furnishes to the [Department of Public Works] Township Engineer an approved plot plan, site plan or subdivision plan as the case may be for the proposed filling project, the permit fee, and a performance guarantee if not covered elsewhere. Such guarantee shall be a certified check in the sum of two hundred ($200.00) dollars made payable to the Township of Edison to guarantee performance by the applicant of the terms and conditions of this section, such funds to be released upon inspection of the fill project and approval thereof by the [Department of Public Works] Township Engineer as having been done in accordance with the provisions of this section. The [Department of Public Works] Township Engineer shall have a period of thirty (30) days from receipt of the application within which to issue or deny the license application.

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

32-2.6 Approved Soil Material Quality.

Any approved soil material to be brought into the Township must be tested at the source for compliance with the Soil Ranking Criteria found in N.J.A.C. 7:26F, Appendix C, Table 1, in accordance with subsection 32-2.3, and evaluated by a State Certified Laboratory; further:

a. All expenses connected with such testing are to be borne by the recipient of the fill;

b. The [Department of Public Works] Township Engineer shall have the authority to order additional reports or inspections as it may deem necessary and appropriate; and
c. Acceptance or rejection of any approved soil material is to be made by the Department of Public Works Township Engineer according to this section and any additional rules or regulations it may from time to time enact.

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

Section 3. 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.

Section 4. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

Section 5. This Ordinance shall take effect after twenty (20) days of its final passage
EXPLANATION: This Ordinance amends the Edison Township Code to revise and update the 2017 per gallon water rates the Township charges residential and non-residential users for the discharge of normal domestic sewage and the rates charged Significant Industrial Users of the Township’s sewer system.

EDISON TOWNSHIP
ORDINANCE

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

WHEREAS, the municipal council of the Township (the “Municipal Council”) has determined to amend the Township Code of General Ordinances (the “Code”) to revise and update the 2017 per gallon and annual water rates the Township charges residential and non-residential users for the discharge of normal domestic sewage and the rates charged Significant Industrial Users (“SIUs”) of the Township’s sewer system; and

WHEREAS, the Municipal Council has determined to amend Chapter 27, Subchapter 8.1(a) of the Code to read as follows (additions are underlined and deletions are in [brackets]):

27-8.1 Sewer System Fees and Rates.

a. All residential users of the Township sanitary sewer system discharging normal domestic sewage, as herein described in the sanitary sewer use regulations, shall be charged at a rate of [$0.003887] $0.003955 per gallon of water consumed, provided that the users are using metered water. This rate shall be effective as of January 1, [2016] 2017 and shall remain unchanged in all subsequent calendar years unless modified by ordinance. All users of the aforesaid sanitary sewer system whose discharged water originated from a well or nonmetered source shall, except as provided in paragraph h. below, be charged as follows:

[$240.74] $244.95 in [2016] 2017. This amount shall remain unchanged in all subsequent calendar years unless modified by ordinance.; and

WHEREAS, the Municipal Council has determined to amend Chapter 27, Subchapter 8.1(c) of the Code to read as follows (additions are underlined and deletions are in [brackets]):

c. Nonresidential users shall be charged per gallon of water consumed, as follows:

[2016*] 2017*

<table>
<thead>
<tr>
<th>Class</th>
<th>[2016]</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>0.005961</td>
<td>0.00629</td>
</tr>
<tr>
<td>Class II</td>
<td>0.008255</td>
<td>0.00863</td>
</tr>
<tr>
<td>Class III</td>
<td>0.009384</td>
<td>0.009806</td>
</tr>
<tr>
<td>Class IV</td>
<td>0.011152</td>
<td>0.011654</td>
</tr>
</tbody>
</table>

*The sewer rates for [2016] 2017 established above shall be effective as of January 1, [2016] 2017 and shall remain unchanged in all subsequent calendar years unless modified by ordinance.

The volume of sewage and/or industrial waste from each industrial establishment or SIU may be determined by meters paid for and installed and maintained by the owner or such user, actual water meter records and/or private well meter records combined with Township water records, or from estimates or measurements made by the Township Consulting Engineer, as the case may be. The user fee of SIUs shall be calculated using one of the aforementioned methods of measuring SIU usage and volume, and shall be charged as follows:
[2016*] 2017*

| No. 1 Flow** | [766.88] | $801.39 per million gallons |
| No. 2 BOD (Bio-Oxygen Demand) | [975.61] | $1,019.51 per ton |
| No. 3 SS (Suspended Solids) | [1,088.35] | $1,137.33 per ton |
| No. 4 CD (Chlorine Demand) | [244.21] | $255.20 per cwt |

*The user fees of SIUs for [2016] 2017 established above shall be effective as of January 1, [2016] 2017 and shall remain unchanged in all subsequent calendar years unless modified by ordinance.

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 27, Subchapter 8.1(a) of the Code to read as follows the Municipal Council has determined to amend Chapter 27, Subchapter 8.1(c) of the Code to read as follows (additions are underlined and deletions are in [brackets]):

27-8.1 Sewer System Fees and Rates.

a. All residential users of the Township sanitary sewer system discharging normal domestic sewage, as herein described in the sanitary sewer use regulations, shall be charged at a rate of [0.003887] 0.003955 per gallon of water consumed, provided that the users are using metered water. This rate shall be effective as of January 1, [2016] 2017 and shall remain unchanged in all subsequent calendar years unless modified by ordinance. All users of the aforesaid sanitary sewer system whose discharged water originated from a well or nonmetered source shall, except as provided in paragraph h. below, be charged as follows:

[$240.74] $244.95 in [2016] 2017. This amount shall remain unchanged in all subsequent calendar years unless modified by ordinance.”

3. The Municipal Council hereby amends Chapter 27, Subchapter 8.1(c) of the Code to read as follows:

c. Nonresidential users shall be charged per gallon of water consumed, as follows:

<table>
<thead>
<tr>
<th>2016*</th>
<th>2017*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>[0.005961]</td>
</tr>
<tr>
<td>Class II</td>
<td>[0.008255]</td>
</tr>
<tr>
<td>Class III</td>
<td>[0.009384]</td>
</tr>
<tr>
<td>Class IV</td>
<td>[0.011152]</td>
</tr>
</tbody>
</table>

*The sewer rates for [2016] 2017 established above shall be effective as of January 1, [2016] 2017 and shall remain unchanged in all subsequent calendar years unless modified by ordinance.

The volume of sewage and/or industrial waste from each industrial establishment or SIU may be determined by meters paid for and installed and maintained by the owner or such user, actual water meter records and/or private well meter records combined with Township water records, or from estimates or measurements made by the Township Consulting Engineer, as the case may be. The user fee of SIUs shall be calculated using one of the aforementioned methods of measuring SIU usage and volume, and shall be charged as follows:
<table>
<thead>
<tr>
<th></th>
<th>[2016*]</th>
<th>2017*</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 1 Flow**</td>
<td>[$766.88]</td>
<td>$801.39 per million gallons</td>
</tr>
<tr>
<td>No. 2 BOD (Bio-Oxygen Demand)</td>
<td>[$975.61]</td>
<td>$1,019.51 per ton</td>
</tr>
<tr>
<td>No. 3 SS (Suspended Solids)</td>
<td>[$1,088.35]</td>
<td>$1,137.33 per ton</td>
</tr>
<tr>
<td>No. 4 CD (Chlorine Demand)</td>
<td>[$244.21]</td>
<td>$255.20 per cwt</td>
</tr>
</tbody>
</table>

*The user fees of SIUs for [2016] 2017 established above shall be effective as of January 1, [2016] 2017 and shall remain unchanged in all subsequent calendar years unless modified by ordinance.

4. 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 27 of the Code shall remain unchanged and have full force and legal effect. All other resolutions and ordinances governing the per gallon and/or annual water rates the Township charges non-residential users for the discharge of normal domestic sewage and the user fees charged SIUs heretofore enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

5. 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.

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

7. 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.