1. Call to Order and Pledge of Allegiance.

2. Roll Call.

3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on December 9, 2017 and posted in the Main Lobby of the Municipal Complex on the same date.

4. ORAL PETITIONS AND REMARKS

5. APPROVAL OF MINUTES:
   a. Worksession Meeting of April 23, 2018
   b. Worksession Meeting of May 21, 2018
   c. Regular Meeting of July 25, 2018

6. REPORTS FROM ALL COUNCIL COMMITTEES:

7. POINTS OF LIGHT

8. FROM THE BUSINESS ADMINISTRATOR:
   a. Resolution awarding Contract/Purchase Order for the purchase of various computer equipment and supplies (not to exceed $35,000.00)
   b. Resolution awarding contract/Purchase Order for one year renewal as well as adding additional vehicles for GPS time tracking (not to exceed $95,000.00)
   c. Resolution awarding contract/purchase order for the renewal of software support and subscription for the township police and municipal email filter system ($9,500.00)
   d. Resolution awarding contract/purchase order for the furnishing of software license and maintenance (not to exceed $15,000.00)
   e. Awarding of Contract for Public Bid No. 18-04-11 Sports Uniforms and Clothing (not to exceed $45,000.00)

9. FROM THE DEPARTMENT OF FINANCE:
   b. Resolution authorizing refund in the amount of $276,361.33 for redemption of tax sale certificates.
c. Resolution authorizing the refund of Sewer Charges overpayments totaling $457.96.
d. Resolutions authorizing overpayment refund caused by Successful Tax Court Appeals with Freeze Act provision
e. Resolution authorizing overpayment refund caused by Successful Tax Court Appeal.
d. Resolutions requesting approval of Items of Revenue and Appropriation as per NJSA 40A:4-87 (aka Chapter 159)
e. Corrective Action Plan
f. Awarding of Contract for Public Bid No. 18-10-20 Human Resources and Payroll information database. (not to exceed $447,462.00 first year of contract and $258,712.00 for second year)
g. Resolution authorizing the 2016 LOSAP Payment to AIG Valic c/o JP Morgan Chase in the amount of $32,000.00.

10. FROM THE DEPARTMENT OF LAW:
b. A Resolution authorizing the execution of an Interlocal Services Agreement with the Middlesex County Improvement Authority for the provision of yard waste and recycling services.
c. A Resolution Consenting To The Proposed Lower Raritan/Middlesex County Water Quality Management Plan Amendment For The Rg Edison Warehouse Redevelopment Project.
d. An Ordinance amending Township Code Chapter 4-8 and Chapter 4-11 with respect to the award of public contracts to political contributors.
e. A Resolution authorizing the entering of a Shared Services Agreement with Piscataway Township for legal services regarding the condemnation of certain parcels of land and/or obtaining temporary construction, permanent roadway and/or permanent drainage easements of certain parcels of land situated on Brotherhood Street in both the Township of Edison and Piscataway Township.
f. An Ordinance amending the Township Code Chapter 37, “Zoning,” Schedule A, “Schedule of Yard, Area and Building Requirements” to reflect changes to floor area ratio requirements, and repealing O.1629-2008 to ensure legislative consistency with the amended requirements.(Pulled off Agenda at meeting)
g. An Ordinance amending the Township Code Chapter 37, “Zoning,” section 37-21, “G-B AND G-BH GENERAL BUSINESS DISTRICTS,” to reflect changes to permitted floor area ratio.(Pulled off Agenda at meeting)
h. An Ordinance amending the Township Code Chapter 37, “Zoning,” section 37-30, “O-S, O-S-1 and O-S-2 Services Districts,” to remove single family detached dwellings from the list of permitted uses. (Pulled off Agenda at meeting)

11. FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:
   a. Resolution provides for the refund of the unused portion of Developers Escrow Fees for application Z3-2016.
   b. Resolution provides for a refund of the construction permit fee as the work applied for was never done.
   c. Resolutions returning unused portion of Engineering Inspection Fees.
   d. Resolution returning of the Cash Performance Guarantee.
   e. Resolution accepting quote and awarding contract for home improvements as part of the Community Development Block Grant Program. ($14,330.00)
   f. Resolution accepting Bid withdrawal from MBE Mark III Electric, Inc. for Evergreen Pump Station priority repairs.

12. FROM THE DEPARTMENT OF PUBLIC WORKS:
   a. Resolution to refund Street Opening application fee.
   b. Resolution awarding three Emergency Contracts/Purchase orders to Montana Construction for Force Main Repairs at Fords Pump Station, Plainfield Avenue ad 62 Clifton Street. ($51,205.87)

13. FROM THE DEPARTMENT OF RECREATION:
   a. Resolution authorizing a reimbursement for the Summer Playground program.
   b. Resolution awarding a reimbursement to Various Adult Softball teams for ending the season in good standing.
   c. Awarding of Contracts for Public Bid No. 18-03-05 Art Supplies and Handicrafts
      (5 vendors – not to exceed $31,000.00)
   d. Awarding of Contract for RFP 18-02R Events Services (not to exceed $15,628.15)

14. FROM THE CHIEF OF FIRE:
   a. Approval of Volunteer Firefighter

15. FROM THE CHIEF OF POLICE:
   a. Resolution accepting quote and awarding Contract/Purchase order for radar trailers (not to exceed $16,796.00)
   b. Resolution authorizing the Township of Edison to purchase police vehicles (8 vehicles - $203,282.00)
   c. Resolution accepting bid and awarding contract for RFP No 18-07-05 Police Off Duty Detail Management System for (2) years – (7.75% of gross salary)
16. **FROM THE TOWNSHIP CLERK:**

a. Resolution authorizing and approving the Person to Person Retail Distribution License from Surandar R. Pareddy to Liquor Land, LLC at 775 U.S Highway Route 1, Edison.

b. Resolution authorizing and approving the Person to Person Retail Consumption License (Hotel) from BPG Hotel XXIII Owner, LLC (t/a Sheraton) to Edison Hotel Operations, LLC at 125 Raritan Center Parkway, Edison.

c. Resolution authorizing the fee waiver for Our Lady of Peace for the Alarm System.

d. Resolution authorizing the fee waiver for American Legion for electrical panel.

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

18. **UNFINISHED BUSINESS:**

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

**O.2015-2018**

AN ORDINANCE REQUIRING LOCAL RESTAURANTS TO IDENTIFY ON THEIR MENU FOODS THAT CONTAIN OR ARE PREPARED WITH COMMON INGREDIENTS THAT TRIGGER FOOD ALLERGIES.

**O.2016-2018**

AN ORDINANCE AMENDING THE TOWNSHIP CODE CHAPTER 16-3, “SMOKE DETECTORS,” SECTION 16-3.4, ENTITLED “RESPONSIBILITY FOR INSTALLATION AND MAINTENANCE,” TO ENSURE COMPLIANCE WITH APPLICABLE STATE REGULATIONS.

**O.2017-2018**

AN ORDINANCE PROHIBITING THE UTILIZATION OF SINGLE-USE PLASTIC BAGS AND PLASTIC STRAWS WITHIN THE TOWNSHIP. (PULLED OFF AGENDA)

**O.2019-2018**

AN ORDINANCE AMENDING THE TOWNSHIP CODE CHAPTER 16-1, “UNIFORM FIRE SAFETY ACT LOCAL ENFORCING AGENCY,” REVISING SECTIONS 16-1.3, “INSPECTION OF LIFE HAZARD
USES,” 16-1.4 “INSPECTION OF NON-LIFE HAZARD USES,” AND 16-1.5, “PERMIT FEES;

19. CONTRACT HEARING

20. COMMUNICATIONS:
   a. Letter received from Irene Wall regarding restricted parking signs.
   b. Email received from Glutamate Association regarding O.2015-2018. (added to Agenda at meeting)
   c. Email received from food allergy Research & Resource Program regarding O.2015-2018. (added to Agenda at meeting)

21. DISCUSSION ITEMS:

   Council President Patil
   a. Resolution of Recognition – William Enoch

   Councilmember Coyle
   a. None

   Councilmember Diehl
   a. None

   Councilmember Gomez
   a. None

   Councilmember Joshi
   a. None

   Councilmember Lombardi
   a. None

   Councilmember Sendelsky
   a. None

22. ADJOURNMENT
RESOLUTION AWARDING CONTRACT/PURCHASE ORDER(S) TO CDW GOVERNMENT INCORPORATED THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY COOPERATIVE PRICING SYSTEM FOR THE PURCHASE OF VARIOUS COMPUTER EQUIPMENT AND SUPPLIES

WHEREAS, N.J.S.A. 40A:11-11 et seq., authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Township of Edison is a member of the EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY COOPERATIVE PRICING SYSTEM #65MCESSCP; and

WHEREAS, CDW GOVERNMENT INCORPORATED, 2 Corporate Dr., Suite 800, Shelton, CT 06484 has been awarded Contract ESCNJ 18/19-03 (Technology Supplies & Services) through this Cooperative Pricing System; and

WHEREAS, the Township of Edison intends to enter into a contract/purchase order(s) with CDW GOVERNMENT INCORPORATED for the purchase of various computer equipment and supplies; and

WHEREAS, the total amount of this contract, not to exceed $35,000.00, cannot be encumbered at this time; and

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) and any other necessary documents, in the amount of $35,000.00 with CDW GOVERNMENT INCORPORATED, 2 Corporate Dr., Suite 800, Shelton, CT 06484, the approved Educational Services Commission of New Jersey Cooperative Pricing System vendor through this resolution, which shall be subject to all the conditions applicable to the current EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY Cooperative Pricing System Contract as set forth above.

2. This contract is awarded pursuant to N.J.S.A. 40A:11-11 et seq.
RESOLUTION AWARDING CONTRACT/PURCHASE ORDERS TO CDW GOVERNMENT INCORPORATED THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY COOPERATIVE PRICING SYSTEM FOR A ONE YEAR RENEWAL AS WELL AS ADDING ADDITIONAL VEHICLES FOR GPS REAL TIME TRACKING SYSTEMS

WHEREAS, the Township of Edison is renewing their current vehicles and maintenance for the period of September 9, 2018 through September 8, 2019 as well as adding additional vehicles and maintenance for GPS Real Time Tracking for Township’s Vehicles; and

WHEREAS, this purchase is authorized under EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (FORMALLY MRESC) COOPERATIVE PRICING SYSTEM #ESCNJ 18/19-03 (Technology Supplies & Services) for which Edison Township is a member; and

WHEREAS, the total amount of this contract, not to exceed $95,000.00, cannot be encumbered at this time; and

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) and any other necessary documents, in the amount not to exceed $95,000.00 with CDW GOVERNMENT INCORPORATED, 2 Corporate Dr., Suite 800, Shelton, CT 06484, the approved Educational Services Commission of New Jersey Cooperative Pricing System vendor through this resolution, which shall be subject to all the conditions applicable to the current EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY Cooperative Pricing System Contract as set forth above.

2. This contract is awarded pursuant to N.J.S.A. 40A:11-11 et seq.
RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO CDW GOVERNMENT LLC FOR THE RENEWAL OF SOFTWARE SUPPORT AND SUBSCRIPTION FOR THE TOWNSHIP POLICE AND MUNICIPAL EMAIL FILTER SYSTEM

WHEREAS, there is the need for the renewal of the software support and subscription for the Edison Township Police and Municipal email filter system for the period of November 1, 2018 – October 31, 2021 in the total amount of $9,500.00; and

WHEREAS, CDW-GOVERNMENT LLC, 230 North Milwaukee Ave., Vernon Hills, IL 60061, has been awarded State Contract Number 89849 under M-0003/Software License & Related Services; and

WHEREAS, funds in the amount of $4,750.00 have been certified to be available in Police Department Computer Hard & Software Account, number 8-01-25-0240-000-059; and funds in the amount of $4,750.00 have been certified to be available in the Business Administration Computer Hard & Software Account, number 8-01-20-0100-001-059; 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 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 $9,500.00 and any other necessary documents, with CDW-GOVERNMENT LLC, 230 North Milwaukee Ave., Vernon Hills, IL 60061, as described herein.

2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. 89849 under M-0003.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of $4,750.00 are available in Account number 8-01-25-0240-000-059 and $4,750.00 are available in Account number 8-01-20-0100-001-059.

______________________________  
Nicholas C. Fargo  
Chief Financial Officer

______________________________  
Date
RESOLUTION AWARDING CONTRACT/PURCHASE ORDER(S) TO CDW GOVERNMENT LLC FOR THE FURNISHING OF SOFTWARE LICENSE & MAINTENANCE AND RELATED SERVICES FOR THE TOWNSHIP OF EDISON

WHEREAS, there is a need to purchase software license, maintenance and related services for the Township of Edison; and

WHEREAS, CDW GOVERNMENT LLC, 230 North Milwaukee Avenue, Vernon Hills, IL 60061 has been awarded State Contract Number 89849 under M-0003/SOFTWARE LICENSE & RELATED SERVICES; 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 $15,000.00 cannot be encumbered at this time; and

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) in the amount not to exceed $15,000.00 and any other necessary documents, with CDW GOVERNMENT LLC, 230 North Milwaukee Avenue, Vernon Hills, IL 60061 as described herein.

2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. 89849 under M-0003.
RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO DOT DESIGNING, LLC FOR THE FURNISHING OF SPORTS/SAFETY UNIFORMS AND EQUIPMENT

WHEREAS, bids were received by the Township of Edison on July 17, 2018 for Public Bid No. 18-04-11 Sports Uniforms and Clothing; and

WHEREAS, DOT DESIGNING, LLC, 242 Possum Hollow Rd., Monroe Twp., NJ 08831 submitted the lowest legally responsible, responsive bid; and

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

WHEREAS, the amount of the first year and any succeeding renewal year shall not exceed $45,000.00, and cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid submitted by DOT DESIGNING, LLC, 242 Possum Hollow Rd., Monroe Twp., NJ 08831 for Sports Uniforms and Clothing has been determined to be the lowest legally responsible, responsive bid as listed on the spreadsheet.

2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed $45,000.00, for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents with DOT DESIGNING, LLC as described herein.
RESOLUTION

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING AUGUST 16, 2018

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through August 16, 2018

<table>
<thead>
<tr>
<th>FUND</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current</td>
<td>$38,344,825.49</td>
</tr>
<tr>
<td>Affordable Housing</td>
<td>2,244.75</td>
</tr>
<tr>
<td>Capital</td>
<td>166,021.76</td>
</tr>
<tr>
<td>Cash Performance</td>
<td>5,875.11</td>
</tr>
<tr>
<td>CDBG</td>
<td>12,595.61</td>
</tr>
<tr>
<td>Developers Escrow</td>
<td>38,598.03</td>
</tr>
<tr>
<td>Dog (Animal Control)</td>
<td>22,530.96</td>
</tr>
<tr>
<td>Federal Forfeited</td>
<td>8,206.00</td>
</tr>
<tr>
<td>Grant Funds</td>
<td>2,716.02</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>1,082,528.03</td>
</tr>
<tr>
<td>Sanitation Fund</td>
<td>487,737.91</td>
</tr>
<tr>
<td>Self Insurance</td>
<td>0.00</td>
</tr>
<tr>
<td>Sewer Utility</td>
<td>232,774.82</td>
</tr>
<tr>
<td>Tax Sale Redemption</td>
<td>116,953.75</td>
</tr>
<tr>
<td>Tree Fund</td>
<td>0.00</td>
</tr>
<tr>
<td>Tree Planting</td>
<td>0.00</td>
</tr>
<tr>
<td>Trust</td>
<td>334,151.89</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$40,857,760.13</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 $276,361.33.
RESOLUTION
Authorizing the refund of sewer charge overpayments to certain property owners in the Township

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that certain property owners in the Township have overpaid for sewer use charges due to erroneous or duplicate payments totaling amounts greater than that assessed to them for the year 2018; and

WHEREAS, applications have been made to the Tax Collector for refunds of the aforesaid overpayments, and the Tax Collector advises that the property owners are entitled to refunds as provided for below; and

WHEREAS, the Municipal Council of the Township of Edison desires to authorize the refund of these sewer charge overpayments.

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

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

2. The Municipal Council hereby authorizes the appropriate official of the Township to draw and issue checks to the person(s) in the amounts provided for below, in satisfaction of sewer charge overpayments:

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>SAUER, AKIVA C &amp; SHOSHANA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Location:</td>
<td>150 Washington Ave</td>
</tr>
<tr>
<td>Block/Lot/Qualifier:</td>
<td>64 / 15</td>
</tr>
<tr>
<td>Sewer Account:</td>
<td>2259-0</td>
</tr>
<tr>
<td>Billing Year Period:</td>
<td>2018 half 1st</td>
</tr>
<tr>
<td>Amount to be Refunded:</td>
<td>$ 457.96</td>
</tr>
</tbody>
</table>

| GRAND TOTAL                  | $ 457.96                  |

3. This Resolution shall take effect immediately.

08/22/18
RESOLUTION
Authorizing Overpayment Refund caused by
Successful Tax Court Appeal

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

<table>
<thead>
<tr>
<th>TAXPAYER</th>
<th>ALRIYASHI, ESSA &amp; GHALIAH</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROPERTY LOCATION</td>
<td>8 MORGAN DR</td>
</tr>
<tr>
<td>BLOCK / LOT / QUALIFIER</td>
<td>160.V/1.A</td>
</tr>
</tbody>
</table>

WHEREAS, in accordance with the Tax Court of New Jersey, the assessed value of the property has been reduced for the tax year below, as follows:

<table>
<thead>
<tr>
<th>DOCKET NUMBER</th>
<th>TAX YEAR</th>
<th>OLD ASSESS</th>
<th>NEW ASSESS</th>
<th>ASSESS CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>010433-2017</td>
<td>2017</td>
<td>141,500</td>
<td>104,800</td>
<td>(36,700)</td>
</tr>
</tbody>
</table>

WHEREAS, the reduction in assessed value has caused a real estate tax overpayment in the amount of $1,972.99 for the year as follows:

<table>
<thead>
<tr>
<th>TAX YEAR</th>
<th>TAX AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>$1,972.99</td>
</tr>
</tbody>
</table>

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

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison, shall and is hereby authorized to draw checks to the property owner or legal representative in the amounts of $1,972.99.
RESOLUTION

Authorizing Overpayment Refund caused by Successful Tax Court Appeal with Freeze Act provision

WHEREAS, This office has received successful tax appeals judgment from the Tax Court of New Jersey for the case below as specified on Council’s resolution R.573-082015:

<table>
<thead>
<tr>
<th>TAXPAYER</th>
<th>PSE &amp; G - CORPORATE PROPERTIES DEPT</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROPERTY LOCATION</td>
<td>UNITED STATES RT 1</td>
</tr>
<tr>
<td>BLOCK / LOT / QUALIFIER</td>
<td>724/2.C</td>
</tr>
<tr>
<td>DOCKET NUMBER:</td>
<td>015551-2013</td>
</tr>
<tr>
<td>TAX YEAR</td>
<td>2014 AND 2015</td>
</tr>
</tbody>
</table>

WHEREAS, in accordance with the Tax Court of New Jersey, the assessed value of the property have been reduced for the applied tax years, but also the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for the Freeze Act Year(s): 2014 and 2015.

WHEREAS, the reduction in assessed value, for the Freeze Act Year(s) listed, has caused a real estate tax overpayment in the amount of $11,840.00

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

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison, shall and is hereby authorized to draw checks to the property owner or legal representative in the amounts of $11,840.00.
TOWNSHIP OF EDISON
MIDDLESEX COUNTY, NEW JERSEY
RESOLUTION

FORM OF RESOLUTION REQUESTING APPROVAL
OF ITEMS OF REVENUE AND APPROPRIATION
PER NJSA 40A:4-87

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received a grant in the amount of $15,000.00 from Middlesex County and wishes to amend its CY 2018 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Edison in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund Budget for the CY 2018 in the amount of $15,000.00 which is now available as revenue under:

Miscellaneous Revenues:
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public & Private Programs Off-Set with Appropriations:

Middlesex County Recycling Enhancement Grant (REG)………………. $ 15,000.00

BE IT FURTHER RESOLVED that a like sum of $15,000.00 is and the same are hereby appropriated under the caption of:

General Appropriations:

Middlesex County Recycling Enhancement Grant (REG)………………. $ 15,000.00

BE IT FURTHER RESOLVED, that a certified copy of the required certification will be filed in the office of the Director of Local Government Services for certification.
WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received a grant in the amount of $6,600.00 from State of New Jersey Division of Highway Traffic Safety and wishes to amend its CY 2018 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Edison in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund Budget for the CY 2018 in the amount of $6,600.00 which is now available as revenue under:

Miscellaneous Revenues:
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public & Private Programs Off-Set with Appropriations:

2018 Distracted Driving Crackdown U Drive U Text U Pay Grant… .................. $ 6,600.00

BE IT FURTHER RESOLVED that a like sum of $6,600.00 is and the same are hereby appropriated under the caption of:

General Appropriations:

2018 Distracted Driving Crackdown U Drive U Text U Pay Grant… .................. $ 6,600.00

BE IT FURTHER RESOLVED, that a certified copy of the required certification will be filed in the office of the Director of Local Government Services for certification.
WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received a grant in the amount of $1,000.00 from Allstate Foundation and wishes to amend its CY 2018 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Edison in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund Budget for the CY 2018 in the amount of $1,000.00 which is now available as a revenue under:

Miscellaneous Revenues:
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public & Private Programs Off-Set with Appropriations:

Allstate Foundation Grant.........................................................$1,000.00

BE IT FURTHER RESOLVED that a like sum of $1,000.00 is and the same are hereby appropriated under the caption of:

General Appropriations:
Operations excluded from "CAPS": Public & Private Programs Off-Set by Revenues:

Allstate Foundation Grant.........................................................$1,000.00

BE IT FURTHER RESOLVED, that the Township Clerk forward one certified copy of this resolution to the Director of Local Government Services
TOWNSHIP OF EDISON  
MIDDLESEX COUNTY, NEW JERSEY  
RESOLUTION  
FORM OF RESOLUTION REQUESTING APPROVAL  
OF ITEMS OF REVENUE AND APPROPRIATION  
PER NJSA 40A:4-87  

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and  

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and  

WHEREAS, the Township has received a grant in the amount of $166,404.65 from State of New Jersey and wishes to amend its CY 2018 budget to include this amount as revenue.  

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Edison in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund Budget for the CY2018 in the amount of $166,404.65 which is now available as a revenue under:  

Miscellaneous Revenues:  
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public & Private Programs Off-Set with Appropriations:  

FY 2018 Clean Communities Grant………………………..$166,404.65  

BE IT FURTHER RESOLVED that a like sum of $166,404.65 is and the same are hereby appropriated under the caption of:  

General Appropriations:  
Operations excluded from "CAPS": Public & Private Programs Off-Set by Revenues:  

FY 2018 Clean Communities Grant………………………..$166,404.65  

BE IT FURTHER RESOLVED, that the Township Clerk forward one certified copy of this resolution to the Director of Local Government Services.
WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received a grant in the amount of $6,000.00 from Middlesex County and wishes to amend its CY 2018 budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Edison in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund Budget for the CY2018 in the amount of $6,000.00 which is now available as a revenue under:

Miscellaneous Revenues:
   Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public & Private Programs Off-Set with Appropriations:

   FY 2019 Municipal Alliance RFA Special Project Grant..........................$6,000.00

BE IT FURTHER RESOLVED that a like sum of $6,000.00 is and the same are hereby appropriated under the caption of:

General Appropriations:
   Operations excluded from "CAPS": Public & Private Programs Off-Set by Revenues:

   FY 2019 Municipal Alliance RFA Special Project Grant..........................$6,000.00

BE IT FURTHER RESOLVED, that the Township Clerk forward one certified copy of this resolution to the Director of Local Government Services.
**TOWNSHIP OF EDISON**  
**CORRECTIVE ACTION PLAN FOR THE 2017 AUDIT REPORT**

*Recommendation #1:*

**Description:** That the Township review its policy with regards to the budgeting of employee health benefits.

**Analysis:** The Township self-insures its health benefit programs which are administered by third parties. The Township also maintains an additional reserve fund in the event current budget year appropriations do not adequately cover claims liability.

**Corrective Action:** Absent state-imposed health benefits cost reforms, the Township needs to increase reserves and appropriations funding employee and retiree health benefits.

**Implementation Date:** Funding and Reserve levels will continue to be closely monitored. While appropriations for health benefit programs were increased in the 2018 Municipal Budget, additional funding will be requested for the 2019 Municipal Budget.

*Recommendation #2:*

**Description:** That the use of confirming (purchase) orders for procurement cease.

**Analysis:** Confirming orders is when a commitment to purchase is made by an employee prior to submission of a requisition and which subverts the controls and review processes.

**Corrective Action:** Departments have been repeatedly counseled on this matter. The Township Administrator will underscore the importance of ceasing confirming orders at the next Directors Meeting.

**Implementation Date:** New procedures have been implemented to reduce the number of incidents where confirming orders are issued. This involves close coordination between the Accounts Payable and Purchasing offices.

*Recommendation #3:*

**Description:** That the Police and Fire divisions report their “official” records of sick and vacation days to the Human Resources office in order to have all records in a central location and to be integrated into the financial/human resources module (Edmunds) software.

**Analysis:** The Police Department utilizes a special program to set schedules and manage attendance (Police Officer Scheduling System – POSS) which has not been integrated into the Edmunds module. The Fire Department maintains their own original records.

**Corrective Action:** Effective January 1, 2019 the Township will be utilizing UnicornHRO platform for processing payroll and managing human resource functions. Time and Attendance units will be placed in each Fire House and the information from the Police POSS system will be integrated into UnicornHRO.

**Implementation Date:** This new system launch date is scheduled for January 1, 2019.

____________________________________

Nicholas Fargo, CMFO  
Chief Financial Officer
RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO UNICORN HRO FOR HUMAN RESOURCES AND PAYROLL INFORMATION SYSTEM

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

WHEREAS, bids were received by the Township of Edison on March 15, 2018 for Public Bid No. 18-10-20, Human Resources and Payroll Information Database; and

WHEREAS, although two bids were received; from UNICORN HRO, 25B Hanover Road, Florham Park, NJ 07932 and from ADP, LLC, One ADP Blvd, Roseland, NJ 07068 – ADP’s bid was rejected due to failure to submit required bid bond; and

WHEREAS, after review and evaluation of UNICORN HRO’s bid, it has been recommended by the Evaluation Committee that this contract be awarded to UNICORN HRO, 25B HANOVER ROAD, FLORHAM PARK, NJ 07932; and

WHEREAS, the initial contract term shall be for two (2) years from execution of contract with three (3), one (1) year renewals at the sole discretion of the Township at the same prices, conditions, requirements and terms of the contract; and

WHEREAS, the total amount of the first year shall not exceed $447,462.00 - which amount includes $38,750.00 for non-recurring installation fees for Item No. 1, $248,712.00 for monthly fees and $160,000.00 for the purchase of 39 time clocks and first year’s maintenance; and

WHEREAS, the total amount of the second year and any renewal year shall not exceed $258,712.00 – which amount includes not to exceed $248,712.00 for monthly fees and $10,000.00 for maintenance for time clocks; and

WHEREAS, compensation to UNICORN HRO for these services shall be provided by Provident bank on behalf of the Township as part of their contract; 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:

3. The bid submitted by UNICORN HRO, 25B Hanover Road, Florham Park, NJ 07932 for Human Resources and Payroll Information System, has been evaluated and recommended by the evaluation committee through the competitive contracting process.

4. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed $447,462.00 for the first year of the contract and $258,712.00 for the second year and any renewal year of the contract, and any other necessary documents, with UNICORN HRO, Inc. as described herein.

5. Notice of the award shall be published in the official newspaper, as required by law, and shall be on file and available for public inspection in the office of the Edison Township Municipal Clerk, Edison Township Municipal Building, 100 Municipal Boulevard, Edison, New Jersey 08817.
RESOLUTION AUTHORIZING THE 2016 LOSAP PAYMENT TO AIG VALIC C/O JP MORGAN CHASE IN THE AMOUNT OF $32,000.00

WHEREAS, On June 26, 2002, the Edison Township Municipal Council adopted Resolution R.376-062002 which implemented the Township’s Length of Service Award “LOSAP” program; and

WHEREAS, this program was created to ensure retention of existing volunteers and to provide incentives for recruiting new volunteer firefighter and first aid/rescue squad members; and

WHEREAS, the original resolution contributed yearly five hundred dollars ($500.00) per eligible member to a deferred income account and Ordinance O.1576-2007 increased this contribution to one thousand dollars ($1,000.00); and

WHEREAS, for the 2016 contribution, there are thirty-two (32) eligible members at one thousand dollars ($1,000.00) each for a total amount of thirty two thousand dollars ($32,000.00); and

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

NOW, THEREFORE IT IS RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that the proper Township officials shall make the 2016 LOSAP payment to AIG VALIC C/O JP MORGAN CHASE, PO BOX 301154, Dallas, TX 75303-1154 in the amount of $32,000.00.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of $32,000.00 are available for the above payment in Account No. T-01-55-0292-000-000.

________________________________________
Nicholas C. Fargo
Chief Financial Officer

EDISON TOWNSHIP

ORDINANCE ________________

WHEREAS, the Township of Edison (“Township”) has previously adopted and codified, within the Township’s Code of General Ordinances (the “Code”), Chapter XI, Section 28, which provides for various rules and regulations governing rotational towing within the Township; and

WHEREAS, the municipal council of the Township (“Municipal Council”) has determined it is reasonable and desirable to amend Chapter XI, Section 28 of the Code, to make various changes thereto with respect to the provision of rotational towing services within the Township; and

WHEREAS, to effect the foregoing, the Municipal Council has determined to amend Chapter XI, Section 28 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

“11-28 TOWING REGULATIONS.

11-28.1 Purpose

This section shall set forth the non-discriminatory and non-exclusionary regulations governing towing agencies engaged in the business of removing and storing motor vehicles at the request of any Township of Edison employee in the performance of his/her duties. This section shall apply to any property, whether public or private. This section is in accordance and as authorized by N.J.S.A. 40:48-2.49 entitled “Regulation of operators engaged in removal of motor vehicles.” This section shall regulate the following, but not be limited to:

a. A schedule of fees or other charges which a towing agency may charge vehicle owners for towing services, storage services, recovery services, clean up services, [administrative services,] and any other towing related services as required/requested by the Township of Edison, or any combination thereof;

b. Minimum standards of a towing agency performance, including but not limited to standards concerning the adequacy of equipment and facilities, availability and response time, and the security of the vehicles towed or stored;

c. The designation of the Municipal Officers and divisions to enforce the provisions of this section in accordance with due process of law;

d. The requirement that such regulations and fee schedules of individual towing agencies shall be made available to the public during normal business hours of the Municipality and the towing agency.

e. Exception: This section shall not apply to the following:

1. Towing services requested by the Division of Police when such services shall result in a Police Impoundment;
2. Towing services rendered to any vehicle owned, leased, or operated by the Township of Edison.

f. This section shall only apply to towers acting in the capacity of towing agencies for the Township of Edison.

(1999 Code § 5.72.010)

11-28.2 Definitions.

As used in this section:

**Business Administrator** means the Business Administrator of the Township of Edison, or his/her designee.

**Chief of Police** shall mean the Chief of the Township of Edison's Division of Police, or his/her designee.

**Communications personnel** means any on-duty 9-1-1 Telecommunicator/Dispatcher of the Edison Division of Police.

**Cruising** means the driving of an empty tow truck to and fro along a public street at a slow rate of speed for the obvious purpose of soliciting tows; and/or the unsolicited response to any Police incident of a motor vehicle accident or disabled vehicle.

**Director of Public Safety** means the Director of the Department of Public Safety of the Township of Edison as defined by the Municipal Code of the Township of Edison, or his/her designee.

**Garage keeper's legal liability** means the protection of customers' vehicles and property under various conditions pertaining to specific garage functions.

**Heavy-duty** means a gross weight of at least thirty-two thousand (32,000) pounds

**Medium duty** means a gross weight of over ten-thousand (10,000) pounds but less than thirty-two thousand (32,000) pounds.

**Light-duty** means a gross weight up to ten-thousand (10,000) pounds

[**Light-medium duty** means a gross weight of less than thirty-two thousand (32,000) pounds.]

**Persons** means and includes a firm, co-partnership, association and corporation, and the singular or plural and the masculine, feminine or neuter thereof, unless the contrary is clearly expressed.

**Police Officer** means any on-duty sworn officer of the Edison Division of Police.

**Towing agency** means any person or entity owning or operating a tow truck service for compensation.

**Tow truck** means a motor vehicle equipped with a boom or booms, winches, slings, tilt beds or similar equipment designed for the towing or recovery of vehicles and other objects.

**Waiting time** means the additional time a tow operator spends at the scene other than the time required for the actual tow and/or recovery. Examples of waiting time may include but are not limited to EMS services which must be performed and/or police investigations.
Winching means the process of moving a motor vehicle by the use of additional chains, nylon slings, snatch blocks and/or additional lengths of winch cable from a position that is not on a roadway or not in a position for direct hook up by conventional means for loading onto a tow vehicle. Winching is not pulling a vehicle onto a tilt bed or carrier, nor lifting a motor vehicle with a conventional tow sling. Winching fees shall be billed per quarter hour per man.

(1999 Code § 5.72.020)

11-28.3 Administering and Enforcing Agencies.

a. General jurisdiction and responsibility shall be the Chief of Police or his/her designee. The Chief of Police shall have jurisdiction and responsibility of:

[a. General jurisdiction and responsibility shall be the Director of Public Safety. The Director of Public Safety shall have jurisdiction and responsibility of:]

1. Inspection of tow trucks operating under this section;

2. Examination, investigation and recommendation of approval or rejection of applications for tow trucks requesting to operate under this section;

3. Enforcement of the provisions of this section.

b. General Jurisdiction and Responsibility of Collector of Revenue. The Municipal Clerk shall have jurisdiction and responsibility of issuance of licenses, finger print forms and collection of fees. The Business Administrator shall issue such license approval after the satisfactory compliance by the applicant with the requirements of this section, and the recommendation of approval by the Chief of Police.

[b. General Jurisdiction and Responsibility of Collector of Revenue. The Collector of Revenue shall have jurisdiction and responsibility of issuance of licenses, collection of fees, and certification of insurance compliance. The Collector of Revenue shall issue such license after the satisfactory compliance by the applicant with the requirements of this section, and the recommendation of approval by the Director of Public Safety.

(1999 Code § 5.72.030)]

11-28.4 Tow Truck License Required; Expiration; Fee; Application Amendments.

a. No towing agency or person, while acting as an official towing agency for the Township of Edison shall operate a tow truck upon or along any property in the Township of Edison, until the owner thereof shall obtain a license therefor.

b. Nothing in this subsection or other subsections of this section shall be construed to require the licensing of any tow truck to perform any services other than those governed by this section.
c. All towing agency and tow truck licenses shall be issued by the Collector of Revenue and shall be issued to expire June 30th, next exceeding the date of issuance unless it is sooner suspended or revoked by the Business Administrator.

d. The annual fee to be paid for such license shall be the sum of six hundred ($600.00) dollars for up to the first two (2) light-medium duty tow trucks, or one (1) heavy-duty tow truck, per agency, as applicable, and an additional one hundred fifty ($150.00) dollars per light-medium duty tow truck, and/or two hundred fifty ($250.00) dollars per heavy-duty tow truck, thereafter, as applicable. No portion of said fee shall be prorated for any portion of a year.

[d. The annual fee to be paid for such license shall be the sum of five hundred ($500.00) dollars for up to the first two (2) tow trucks per towing agency, and an additional one hundred ($100.00) dollars per tow truck thereafter. No portion of said fee shall be prorated for any portion of a year.]

e. Licenses shall be for a three-year period commencing on July 1 and terminating three (3) years thereafter.

f. During the term of any license, a licensee shall file an update for any changes in vehicles and or employees. The amended application shall include a copy of the current license, and detail the reason for the amendment. Changes in vehicles shall require an application amendment fee of forty five (45.00) dollars [twenty-five ($25.00) dollars]. Changes in employee-drivers shall require an application amendment fee of twenty-five ($25.00) dollars per employee-driver added. The licensee shall not permit a new vehicle or new employee to operate any tows authorized under this license until the amendment has been filed and approved. Changes in towing agency ownership shall be ineligible for amendment applications.

(1999 Code § 5.72.040)

11-28.5 Applications for Licenses.

a. Applications for tow truck licenses shall be filed with the Township Clerk [Director of Public Safety] not later than April 1 of the pre-licensure year

b. Applications for licenses for tow trucks shall be made by the owner, lessee or bailee thereof, upon forms to be furnished by the Township Clerk [Director of Public Safety], and such application shall contain the name, business address, and telephone number of the applicant. If the application is made on behalf of a corporation, it shall state the name and address of the officers and directors thereof and the name and address of its registered agent, including a listing of the names and addresses of every stockholder holding more than ten (10%) percent of the stock of the corporation; the application shall have affixed thereto an affidavit to be sworn to by the applicant.

c. Each application shall also contain the following information:

1. The year, make, type and model number of each tow truck used in said business, its vehicle identification number (VIN), New Jersey registration number (license plate) and the name and address of the registered owner and operator;

2. The address(es) where the tow truck(s) is/are regularly garaged.
3. The names, addresses and New Jersey driver license numbers of all employee-drivers of the vehicles identified. An abstract of each employee-driver's New Jersey driver's license, not more than sixty (60) days old at time of submission;

4. [Certification that] each employee operating under this license is able to read and write the English language and is a resident of the United States;

5. [Certification that] each employee operating under this license is not addicted to the use of narcotics or intoxicating liquors;

6. Any and all convictions which the owner, agent or any employee-driver thereof has been convicted and, if the corporation, or any officer thereof has been convicted, stating the name, if any, and location of the courts and the dates on which such convictions were had and the penalties imposed therefor.

7. Any and all successful civil complaints filed against the owner, agent thereof, the corporation, or any officer thereof for deceptive business practices, including but not limited to insurance fraud, price gouging, or other similar complaint or offense. This shall not be construed to be limited to substantiated complaints with regard to towing services.

8. An original Letter of Authorization for the Edison Police Department to conduct a full and complete criminal and driver license background check on each owner, agent thereof, and employee-driver. The owner(s) and the corporation shall also include an Authorization for the Edison Police Department to an investigation into the insurance coverage for the corporation, as it applies to this license. Each employee must execute his own Letter of Authorization. Blanket authorizations are not permitted.

9. The experience of the owner, the employee-drivers, and the corporation in the towing of vehicles for hire; including all relevant employment history.

10. The location, size and security features of the storage lot or space in which towed vehicles will be stored, including the number of vehicle spaces available;

11. The name and address of the operator's insurance carrier(s) and the policy numbers of all insurance policies issued for the business, the business premises and the vehicles identified in the application.

12. A certification signed by the owner (or agent thereof) that a document detailing the towing and storage services and fees supplied under this license will be posted in the public area of the towing agency's premises in plain view for the duration of this license, in compliance with this section.

13. A certification granting permission to the Chief of Police or his/her designee to conduct inspections of the tow trucks and towing agency for the purpose of determining compliance with this section.

14. Any other information as the Township of Edison shall deem appropriate and necessary to properly evaluate the towing agency for this license.

11-28.6 Investigation of Applicants; Administering Official Authorized to Grant or Refuse Licenses.

a. The Chief of Police or his/her designee shall conduct or cause to be conducted such investigation as he/she deems necessary to determine the truth and accuracy of the information contained in the application, and the applicant's compliance with this section. This investigation may include a full and complete criminal and driver license background check on each owner, agent thereof, and employee-driver. At the discretion of the Chief of Police or his/her designee, applicants and/or their employee-drivers may be required to submit fingerprints to complete the background investigation(s). Any fees relating to the fingerprint checks shall be borne by the applicant.

b. The applicant, or an employee-driver, may be refused if such investigation reveals any of the following, or if the applicant or any employee refuses to permit such investigation:

1. Conviction of any crime of the fourth degree or higher, possession or use of a controlled dangerous substance; and other crimes against the person or crimes involving moral turpitude. Any plea arrangement which results in Pre-Trial Intervention, Conditional Discharge, or any other similar diversionary trial settlement may be viewed as a conviction to the original charge/offense.

2. Conviction of operating a motor vehicle under the influence of an intoxicating liquor or drug (N.J.S.A. 39:4-50); leaving the scene of an accident (N.J.S.A. 39:4-129); failure to report an accident (N.J.S.A. 39:4-130); reckless driving (N.J.S.A. 39:4-96) and possession of a controlled dangerous substance in an automobile (N.J.S.A. 39:4-49.1).

3. Successful civil complaints filed against the owner, agent thereof, the corporation, or any officer thereof for deceptive business practices, including but not limited to insurance fraud, price gouging, or other similar complaint or offense.

c. Upon completion of the background checks, the Chief of Police [Director of Public Safety] shall render a decision on the applicant.

1. A decision to grant the license shall be forwarded, in writing, to the Business Administrator [Collector of Revenue for license issuance].

2. A decision to refuse the license shall be forwarded, in writing, to the applicant and Business Administrator. The Chief of Police [Director of Public Safety] shall document the reasons thereof. The denial may be as narrow as to restrict any one employee from performing tows under this license, to a total denial for the entire applicant.

d. Only one (1) approval shall be granted to a towing agency or its affiliate. For the purpose of this section, "affiliate" shall mean any towing agency in which there is a common ownership of more than ten (10%) percent or any common officer or director.


11-28.7 Appeal of Application Denial.

a. Upon receipt of a denial of a license, or partial denial, the applicant may file an appeal with the Business Administrator. The appeal must be filed within fourteen (14) days of receipt of the decision. Such appeal shall be submitted in writing and shall document the applicant's position for approval of the license.
b. Upon receipt of the appeal, the Business Administrator shall review all documentation relating to this application. Such review may include interviews with the interested parties. The Business Administrator shall issue a final decision within thirty (30) business days of receipt of the appeal. The decision of the Business Administrator is final and binding. No further appeals are permitted.

(1999 Code § 5.72.070)

11-28.8 Inspection of Tow Trucks and Facilities.

a. No tow truck or towing agency covered by the terms of this section shall be licensed until it has been thoroughly and carefully inspected and examined by the Chief of Police, or someone delegated by him or her to conduct such examination, and found to be in compliance with NJ Title 39 statues and in a sanitary condition. Any tow truck or towing agency found to be in violation of Title 39 or unsanitary shall not be licensed. The Chief of Police is authorized and empowered to establish reasonable rules and regulations for the inspection of tow trucks and towing agencies.

b. The Police Department shall maintain due vigilance over all tow trucks and towing agencies licensed under this section and see that they are kept in a condition of safety and sanitation, and to this end shall have the right, at any and all times, to inspect any and all such licensed vehicles and storage facilities and shall maintain a record in writing of the report of all such inspections.


11-28.9 Issuance of License; Posting Required.

a. The Edison Police Department, upon approval of the tow truck license, shall issue a Certificate of License to the applicant. The licensee shall prominently display the Certificate of License in the public portion of his/her business premises. The license shall remain displayed for the entire duration of the license term. Replacement Certificate of License shall be provided upon written application of the licensee and payment of twenty-five ($25.00) dollars.

b. The Township of Edison shall provide one (1) vehicle decal for each tow truck authorized to operate under the applicant's license. The licensee shall prominently display the vehicle decal on each authorized tow truck in a location to be determined by the Director of Public Safety. The decal shall remain displayed for the entire duration of the license term. Replacement vehicle decals shall be provided upon written application of the licensee and payment of twenty-five ($25.00) dollars for each decal.

c. The Township of Edison shall provide one (1) photo identification card for each operator, owner, and employee-driver authorized to operate under the applicant's license. The licensee and his employees shall prominently display, on their person, the photo identification card whenever they are
performing tows under this license. Replacement photo identification cards shall be provided upon written application of the licensee and payment of thirty-five ($35.00) dollars for each card.

c. Any license issued under this section is nontransferable. Changes in ownership shall require an entire new application filing.

d. The towing agency must provide to all vehicle owners at the scene of an accident with information on claiming a vehicle, the name of the business, its owner, tower's license number, the business location, telephone numbers and hours of operation to the public. The card shall also state the rates for towing services. The towing agency may use a standard business card with the required additional information.

(1999 Code § 5.72.090)

11-28.10 Insurance Requirements; Indemnity.

a. Each towing agency shall maintain, during the term of their license, the following minimum insurance coverage, naming the Township of Edison as an additional insured:

1. Automobile Liability Insurance, in an amount not less than one million ($1,000,000.00) dollars combined single limit, covering each vehicle utilized by the operator in his business.

2. Workmen's Compensation Insurance, as required by the State of New Jersey, including employer's liability coverage with a limit of at least one hundred thousand ($100,000.00) dollars.

3. Comprehensive, General Liability Insurance, in an amount of not less than one million ($1,000,000.00) dollars for personal injuries, per occurrence, and one million ($1,000,000.00) dollars for property damage, per occurrence, including premises operations and products/completed operations.

4. Garage Keepers and Garage Liability Insurance, in an amount not less than one hundred thousand ($100,000.00) dollars.

5. All policies of insurance shall contain an endorsement providing for collision coverage for vehicles in tow.

b. All policies of insurance shall contain an endorsement requiring that at least fifteen (15) days’ notice shall be given to the Township of Edison [Collector of Revenue] in the event of any material change in or cancellation of the policy.

c. The operator shall indemnify and hold harmless the Township of Edison from any claims for injury or property damage arising out of, or in any way related to, the operation of any tow truck, towing service or storage yard, pursuant to this section. The towing agency shall further defend the Township of Edison at the operator's expense, in connection with any claim, suit or action, brought against the Township of Edison, and arising out of the operation of any tow truck, towing service or towing yard, pursuant to this section.

d. All policies of insurance shall be issued by insurance companies authorized to do business in the State of New Jersey, and shall remain in full force and effect during the entire term of the license. The Township of Edison shall be named as additional insured on all policies of liability insurance.
e. No license shall be issued until an approved applicant files insurance certificates verifying all of the above requirements. The Insurance Certificates shall be filed with the Collector of Revenue.

f. Any licensee who has a lapse in any insurance policy, for any reason whatsoever, shall have his/her license immediately suspended. Upon notice of lapse of coverage, the Collector of Revenue shall immediately serve notice of suspension upon the licensee, with copy of said notice provided to the Business Administrator and the Director of Public Safety. The suspension shall remain in effect until such time as the insurance is restored.

(1999 Code § 5.72.100)

11-28.11 Resister of Vehicles.

a. The Police Department shall keep a register of each tow truck licensed under this section, together with the license number and description, make and dimensions of such vehicles and the date and a complete record of inspections made thereof.

b. The Police Department shall keep a register of each towing agency licensed under this section, together with photographs of the vehicle storage area and the customer waiting room, and the date and a complete record of inspections made thereof.

(1999 Code § 5.72.110)

11-28.12 Revocation and Suspension of Licenses Authorized.

Licenses granted under the preceding subsections of this section may be revoked or suspended at any time by the Business Administrator, if a tow truck or storage facility shall not be in a safe and sanitary condition and kept in conformity with the terms of this section, or for the violation of any of the provisions of this section or any of the rules and regulations made by the Director of Public Safety. (1999 Code § 5.72.120)

11-28.13 Duties of the Towing Agency.

a. The towing agency must operate a legitimate towing agency business premises within the Township of Edison, or within five (5) miles of [the border of the Township of Edison.] Edison Township Municipal Complex located at 100 Municipal Boulevard, Edison, New Jersey. The towing agency must respond to a call for service from the Edison Police Department within the following time parameters:

1. 6:00 a.m. to 8:00 p.m. - light-medium duty tow trucks must be on location within twenty (20) minutes from receipt of the call and heavy-duty tow trucks must be on location within thirty (30) minutes from receipt of the call. This requirement applies every day of the year, regardless of holidays, unless such response time is prevented by extraordinary conditions of weather or other extraordinary circumstances resulting in obstruction of general access to the scene.
2. 8:01 p.m. to 5:59 a.m. - light-medium duty tow trucks must be on location within twenty-five (25) minutes from receipt of the call and heavy duty tow trucks must be on location within thirty-five (35) minutes from receipt of the call. This requirement applies every day of the year, regardless of holidays, unless such response time is prevented by extraordinary conditions of weather or other extraordinary circumstances resulting in obstruction of general access to the scene.
1. 6:00 a.m. to 8:00 p.m. – must be on location within twenty (20) minutes from receipt of the call. This requirement applies every day of the year, regardless of holidays, traffic, weather or any other issue.

2. 8:01 p.m. to 5:59 a.m. – must be on location within twenty-five (25) minutes from receipt of the call. This requirement applies every day of the year, regardless of holidays, unless such response time is prevented by extraordinary conditions of weather or other extraordinary circumstances resulting in obstruction of general access to the scene.

b. In the event that towing agency fails to arrive within the prescribed time from receipt of a call from the Edison Police Department, the Edison Police Department shall be permitted to secure the services of an alternate towing agency. In the event of said circumstance, the first called towing agency shall not be entitled to any fee for their late response or costs and expenses incurred as a result thereof.

c. In the event that a towing agency is called by the Edison Police Department, and prior to the towing agency actually hooking a vehicle or providing any type of service at scene to which it was called. The Edison Police Department shall be permitted to change the towing agency due to findings and/or procedure in a police investigation. The first called towing agency shall be placed as next to be called on the towing list. The first called towing agency shall not be entitled to any fee for their response or costs and expenses incurred as a result thereof.

(1999 Code § 5.72.130)


a. Each towing agency shall maintain storage facilities, conforming to the following standards and requirements:

1. Towing agency shall have sufficient space to accommodate at least fifteen (15) vehicles, adequately safe-guarded against vandalism and theft, in which to hold towed vehicles of absent drivers or owners, until such time as said vehicles are claimed or are disposed of in accordance with the law.

2. All storage facilities shall be owned, operated and/or under the control of the operator, and shall be located within the Township of Edison, or no more than five (5) miles from the [border of the Township of Edison.] Edison Township Municipal Complex located at 100 Municipal Boulevard, Edison, New Jersey.

3. No towed vehicle may be stored upon a public street, sidewalk, public right-of-way or alley. All towed vehicles must be stored by the towing agency within the storage area as described within this section.

4. Customer service waiting area shall be neat and clean. A restroom facility shall be available during normal business hours.

(1999 Code § 5.72.140)
11-28.15 Equipment.

a. Tow trucks shall be equipped and of sufficient size, weight and configuration to safely tow all makes of domestic and foreign automobiles, light duty trucks and vans.

b. Tow trucks shall be equipped with sufficient emergency warning lights.

c. The name, address and telephone number of the operator shall be permanently affixed to the left and right sides of each tow truck.

d. All operators on the rotating list shall provide and maintain the following minimum equipment: two (2) light duty towing vehicles (one (1) of which may be a flat-bed, roll back vehicle), with a gross vehicle weight rating (GVWR) of eleven thousand (11,000) pounds, and a lifting device with a minimum capacity of four (4) tons.

e. Tow trucks will be equipped with tow sling type bars, with rubber straps, and wheel lifts, with safety straps for lifting, to prevent damage to towed vehicles, and steering locks for towing vehicles from the rear.

f. Jumper cables and/or Jump Box

g. A minimum of one (1) five (5) pound CO2 dry powder fire extinguisher.

h. One (1) reflective traffic safety vest for each employee at an incident location.

i. A minimum of one (1) broom, one (1) shovel and one (1) debris/refuse container.

j. A wireless telephone for communication with the Police Communications Center.

k. A minimum of five (5) gallons of Absorbent material on each towing vehicle at all times.

l. Jack (for changing tires)

m. A minimum of one (1) Tire Chock

n. Lock out Kit (for making entry into locked vehicles).

o. A minimum of two (2) Snatch Blocks

p. Towing lights

q. A minimum of two (2) Tire Skates

r. Ratchet Straps for proper tie down (flatbed/rollback)


t. Assorted tools, hand or power for road service, changing tires etc.

(1999 Code § 5.72.150)
11-28.16   Minimum Operation Standards.

a. Towing agency shall, at all times, employ a sufficient number of employees to comply with the minimum operational requirements.

b. All drivers of the operator shall be not less than the age of eighteen (18) years and must have a valid, current New Jersey State Driver's License and shall be in good health and of high moral character.

c. All employees shall be clean, neat, and make a good appearance. Smoking shall not be permitted in any tow truck or in the customer service area of any storage facility without the permission of the customer.

d. The towing agency shall be responsible for the towing of vehicles, from all streets, alleys, public easements, thoroughfares, public, quasi-public places, and private property, including parks, playgrounds, including rivers, lakes and streams, anywhere within the Township of Edison.

e. In all underwater recoveries of a non-emergent nature (threats to life or public safety), it shall be the responsibility of the towing agency to be either certified or assisted by a New Jersey certified underwater specialist for the proper towing of such vehicles.

f. The operator shall be responsible to clean up all broken glass and debris at the scene of accidents and remove same from the scene. All vehicles must be equipped with a broom, shovel and container to remove debris. Clean up shall be performed in accordance with N.J.S.A. 39:4-56.8. "Definitions: removal of disabled motor vehicles by towing services under contract; failure to remove debris surrounding vehicle; penalty."

g. The towing agency is not required to remove any debris or material which may be hazardous, such as oil, gasoline, kerosene, or other petroleum or chemical products, or debris material which the service is not equipped to remove. When the towing agency is equipped to remove such debris, it shall dispose of said debris in full accordance with all applicable State and Federal Statutes. The towing agency shall be entitled to an additional hazardous debris disposal fee when this service is properly performed.

h. The towing agency shall verbally detail the anticipated expense to the vehicle operator prior to rendering any service. This regulation may be waived when the vehicle operator is unable to speak with the towing agency employee at the scene due to a medical condition, or when the operator has been removed from the scene prior to the towing agency's arrival.

1. When the towing agency was unable to provide this notification at the scene, they must attempt to contact the vehicle owner, operator or lessee by telephone within twenty-four (24) hours of the tow. If the towing agency encounters an answering machine, a detailed message left on the machine shall constitute compliance.

2. In the event telephone contact is unsuccessful, the towing agency shall send written notification of the towing and storage charges and information on how to obtain release of the vehicle to the registered owner. This notification shall be sent by Certified Mail with Return Receipt Requested. A copy of the notice shall be sent via regular mail to the Edison Police Department Traffic Bureau.

3. Failure of the towing agency to comply with this provision shall restrict their storage fees to the first twenty-four (24) hours.
i. Towing agency must ensure that all its authorized agents agree to follow the instruction and/or order of the Police Officer at the towing scene.
(1999 Code § 5.72.160)

11-28.17 Rotating Lists; Districts; Specific Needs.

a. The Chief of Police [Director of Public Safety] shall create towing districts within the Township. The Chief of Police or his/her designee shall have sole discretion as to district boundaries. Changes to boundary lines shall only be permitted at the commencement of the license year.

b. The Chief of Police [Director of Public Safety] is authorized to create lists for specific towing needs such as heavy duty tow trucks.

c. The Chief of Police [Director of Public Safety] shall create rotating towing lists to be utilized by the Communications Personnel. The list shall be created by district, by specific need at the commencement of each license year. Communications Personnel shall always use the appropriate rotation list when a tow truck is requested under this section. Communications Personnel shall record each tow by date, time, location and towing agency.

1. Any towing agency that fails to/or is unable to respond shall be recorded as non-respondent and the Communications Personnel shall advance to the next towing agency on the list.

2. Exception to the rotation list shall only occur when the customer specifically requests the use of their own towing service, and this request shall not place an undue burden upon any roadway of the Township. Communications Personnel shall record each customer request tow by date, time, location and towing agency.


11-28.18 Subcontracting.

Towing agency shall not assign calls to other tow companies not on the Township of Edison’s Tow list. Subcontracting of any services under this section is allowed when a towing agency is in a temporary need of an additional tow vehicle or extraordinary circumstances require specialized and unique recovery and transport services. A copy of the subcontractors invoice must be provided to the patron at the time the vehicle is released. The towing agency shall require the subcontractor to abide by all minimum operation standards established in Subsection 11-28.16. The subcontractor must also follow the fees established in subsection 11-28.19 If a vehicle needs to be stored that vehicle must be towed to the originally called towing agency’s storage lot.

[Towing agency shall not assign calls to other tow companies. Subcontracting of any services under this section is prohibited except when extraordinary circumstances require specialized and unique recovery and transport services. In this case, the fee charged to the patron shall be no more than ten (10%) percent above the invoiced cost for the service or rented unit. A copy of the subcontractor invoice must be provided to the patron at the time the vehicle is released. The towing agency shall require the subcontractor to abide by all minimum operation standards established in subsection 11-28.16.] (1999 Code § 5.72.180)


a. Roadside Service (Tire change, Deliver Gas, Jump Start or Lock Out) (No Tow)
1. Road service between 0800 hours to 1700 hours – Monday through Friday, Holidays excluded: [$45.00] $60.00
2. Road service at all other times: [$55.00] $70.00
3. Tow agency may add .75 cents per gallon of fuel delivered on a Road service call. Fuel receipts must be kept with copy of invoice and on file at towing agency.
4. Axel and/or Drive shaft removal and reinstall $55.00
5. Air up brake system: $45.00

b. Towing.
1. Standard towing and flatbed service under 10,000 lbs. between 0800 hours to 1700 hours – Monday through Friday, Holidays excluded: [$70.00] $90.00
2. Standard towing and flatbed service under 10,000 lbs. at all other times: [$87.50] $110.00
3. Standard towing – 10,000 lbs [- 26,000 lbs] – 32,000 lbs between 0800 hours to 1700 hours – Monday through Friday, Holidays excluded: [$175.00] $210.00
4. Standard towing – 10,000 lbs – [26,000 lbs] -32,000 lbs at all other times: [$225.00] $250.00
5. Standard towing – More than [26,000 lbs] -32,000 lbs between 0800 hours to 1700 hours – Monday through Friday, Holidays excluded: [$250.00] $375.00
6. Standard towing – More than 26,000 lbs at all other times: [$275.00] $425.00

c. Vehicle up righting/crane/winching, in addition to any roadside service, towing, and waiting fees associated with the following New Jersey Traffic Report (NJTRI) Sequence of Event Codes shall be billed as follows:

Non-Collision
  Fire/Explosion
  Other Non-Collision

Collision w/Non-Fixed Object
  Pedalcycle
  Pedestrian
  Deer
  Other Animal
  Parked MV
  Other Object [Non-Fixed]

Collision with Fixed Object
  Impact/Attenuator
  Guide Rail
  Median Barrier
  Traffic Sign Post
Overhead Sign Support
Light Standard
Utility Pole
Other Post
Curb
Fence
Tree
Unknown

1. Under 10,000 lbs: [$50.00] $80.00
2. 10,000 lbs – [26,000 lbs] – 32,000 lbs: [$100.00] $150.00
3. More than [26,000 lbs: -] 32,000 lbs: [$150.00] $200.00

Uprighting/Crane/Winching services in addition to any roadside service, towing and waiting fees associated with the following New Jersey Traffic Report (NJTRI) Sequence of Event Codes shall be billed at a rate of $20.00 per one-quarter (1/4) hour per man:

Non-Collision
Overturn [Rollover]
Immersion
Jackknife
Ran Off Road
Downhill Runaway
Cargo Loss or Shift
Separation of Units

Collision w/Non-Fixed Object
Railway Train
MV in Transport
MV in Transport, Other Roadway

Collision with Fixed Object
Bridge/Pier/Abutment
Bridge Parapet End
Bridge Rail
Culvert
Ditch
Embarkment
Other Fixed Object

d. Waiting Time. In addition to any Roadside Service, Towing, and Vehicle Up Righting/Crane/Winching:

1. Under 10,000 lbs: $40.00 per hour, billable in quarter hour increments.
2. 10,000 lbs – [26,000 lbs: -] 32,000 lbs: [$65.00] $80.00 per hour, billable in quarter hour increments.
3. More than [26,000 lbs:] 32,000 lbs: [$85.00] $120.00 per hour, billable in quarter hour increments.

e. **Mileage.** There shall be no mileage fees added to any tow when the vehicle is towed within the Township of Edison or to the towing agency's storage facility. Otherwise, vehicles will be assessed the following charges, measured from the point of vehicle pickup to customer site or storage facility.

   1. Under 10,000 lbs: [$2.00] $3.50 per mile
   2. 10,000 lbs – [26,000 lbs:] - 32,000 lbs: [$3.00] $4.50 per mile
   3. More than [26,000 lbs:] 32,000 lbs: [$4.00] $5.50 per mile

   Vehicles towed in excess of twenty-five (25) miles from point of vehicle pickup to customer site or storage facility shall be charged at a negotiated predetermined rate between the towing agency and customer.

   f. **Debris Clean Up.** When site cleanup is required, the following fees shall be assessed to each vehicle(s) that the debris emanated from:

   1. Under 10,000 lbs: [$20.00] $35.00
   2. 10,000 lbs – [26,000 lbs:] 32,000 lbs: [$35.00] $50.00
   3. More than [26,000 lbs:] 32,000 lbs: [$45.00] $65.00

   g. **Storage.** Storage Fees can only be assessed for days when the facility is open and staffed for processing the release of vehicles for not less than seven and one-half (7.5) hours per day except Saturday. Tower shall be open for at least four (4) hours on Saturday for the release of vehicles. All other days shall be non-fee days unless the tower is open and staffed for processing the release of vehicles for at least four (4) hours.

   1. No storage fee shall be assessed when the vehicle is retrieved within six (6) hours of the tow.
   2. Under 10,000 lbs: [$30.00] $40.00 per day, billable in 6-hour increments.

   3. 10,000 lbs to 32,000 lbs $50.00 per day, billable in 6 hour increments.
   4. 32,001 lbs and above: [10,000 lbs and above: $60.00] $80.00 per day, billable in 6-hour increments.

   h. **Hazardous Debris Disposal Fees.** The towing agency may assess the costs for hazardous debris disposal fees when this service is provided under this section. When applicable, these fees shall be assessed at a direct cost plus five (5%) percent handling expense.

   i. **Certified Mail Return Receipt Requested.** The towing agency may assess the costs for sending Certified Mail Return Receipt Requested for providing notification of towing and storage fees to the vehicle owner, operator or lessee when required under this section. When applicable, these fees shall be assessed at direct cost.

   j. There shall be no fees imposed other than those specified in this section.
k. Towing agencies shall accept cash, major credit cards, and in-state personal and in-state business checks (starter and third party checks excluded) as payment for any and all services provided under this section. (1999 Code § 5.72.190)

11-28.20 Holidays Established.

The following days shall be recognized as holidays under this section: New Year’s Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day. (1999 Code § 5.72.200)


Prior to payment in full for all services rendered by the towing agency, the towing agency shall permit a customer access to their towed vehicle to retrieve important personal papers and effects, including but not limited to wallets, purses, insurance documents, identification and banking documents. Customers shall not be permitted to remove vehicle parts, license plates, or other physical property stored in or on the vehicle. All tow agencies must also allow insurance company representatives and or adjusters access to stored vehicles during normal business hours without charge. (1999 Code § 5.72.210)

11-28.22 Towing Agency Record Keeping.

a. Each towing agency shall maintain a record keeping system as required by the Township of Edison and the laws of the State of New Jersey; at a minimum, the record keeping system shall include:

1. The date and time of request for towing.
2. The date and time the vehicle was towed.
3. The address from where the vehicle was towed and address to where the vehicle was towed.
4. The name of the towing operator performing service[,] , complete breakdown of charges (winching, man hours, clean up etc.)

5. Complete dates of storage of said vehicle, and all charges assessed to or paid by the owner of each vehicle.
6. The date of release of said vehicle, including by whose authorization, and the name and address of the person obtaining said vehicle from storage. (It shall be required that the towing operator obtain a signed release for said vehicle from storage).

b. Records shall be maintained for two (2) calendar years.

c. The Police Department shall inspect these records prior to every license renewal application, and not less than one (1) additional inspection during each license term. The Police Department shall not be required to provide more than twenty-four (24) hours notice of any such inspection. (1999 Code § 5.72.220)
11-28.23 Changes of Ownership to Revoke License.

Changes in ownership or title to any towing agency or vehicle licensed under this section shall automatically revoke the license for such tow trucks. (1999 Code § 5.72.230)

11-28.24 Refusal to Pay Fees Prohibited.

It is unlawful for a vehicle owner; operator or bailee of any vehicle referred to herein to refuse or fail to pay his/her fees as established in this section. (1999 Code § 5.72.240)


No vehicle covered by the terms of this section shall be licensed whose color scheme, or name, monogram or insignia to be used thereon, shall be in conflict with or, in the opinion of the Director of Public Safety, imitate any color scheme, monogram, name or insignia, used by any other person, firm, municipality or corporation operating a tow truck or towing agency, in such manner as to be misleading or tend to deceive or defraud the public. (1999 Code § 5.72.250)

11-28.26 Violations; Penalties.

Any person not having been duly licensed as a tow truck, or any person whose license as such driver has been revoked or suspended and who, during the time such revocation or suspension is in effect, identifies himself upon the streets of this Township, or who shall violate any other provision of this section, shall, upon conviction thereof, be liable to the penalty stated in Chapter I, Section 1-5. (1999 Code § 5.72.260)"

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

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

2. The Municipal Council hereby amends Chapter XI, Section 28 of the Code pertaining to Towing Regulations, to read as follows:

“11-28 TOWING REGULATIONS.

11-28.1 Purpose

This section shall set forth the non-discriminatory and non-exclusionary regulations governing towing agencies engaged in the business of removing and storing motor vehicles at the request of any Township of Edison employee in the performance of his/her duties. This section shall apply to any property, whether public or private. This section is in accordance and as authorized by N.J.S.A. 40:48-2.49 entitled "Regulation of operators engaged in removal of motor vehicles." This section shall regulate the following, but not be limited to:

a. A schedule of fees or other charges which a towing agency may charge vehicle owners for towing services, storage services, recovery services, clean up services, and any other towing related services as required/requested by the Township of Edison, or any combination thereof;
b. Minimum standards of a towing agency performance, including but not limited to standards concerning the adequacy of equipment and facilities, availability and response time, and the security of the vehicles towed or stored;

c. The designation of the Municipal Officers and divisions to enforce the provisions of this section in accordance with due process of law;

d. The requirement that such regulations and fee schedules of individual towing agencies shall be made available to the public during normal business hours of the Municipality and the towing agency.

e. Exception: This section shall not apply to the following:

1. Towing services requested by the Division of Police when such services shall result in a Police Impoundment;

2. Towing services rendered to any vehicle owned, leased, or operated by the Township of Edison.

f. This section shall only apply to towers acting in the capacity of towing agencies for the Township of Edison.

(1999 Code § 5.72.010)

11-28.2 Definitions.

As used in this section:

*Business Administrator* means the Business Administrator of the Township of Edison, or his/her designee.

*Chief of Police* shall mean the Chief of the Township of Edison's Division of Police, or his/her designee.

*Communications personnel* means any on-duty 9-1-1 Telecommunicator/Dispatcher of the Edison Division of Police.

*Cruising* means the driving of an empty tow truck to and fro along a public street at a slow rate of speed for the obvious purpose of soliciting tows; and/or the unsolicited response to any Police incident of a motor vehicle accident or disabled vehicle.

*Director of Public Safety* means the Director of the Department of Public Safety of the Township of Edison as defined by the Municipal Code of the Township of Edison, or his/her designee.

*Garage keeper's legal liability* means the protection of customers' vehicles and property under various conditions pertaining to specific garage functions.

*Heavy-duty* means a gross weight of at least thirty-two thousand (32,000) pounds

*Medium duty* means a gross weight of over ten-thousand (10,000) pounds but less than thirty-two thousand (32,000) pounds.

*Light-duty* means a gross weight up to ten-thousand (10,000) pounds.
Persons means and includes a firm, co-partnership, association and corporation, and the singular or plural and the masculine, feminine or neuter thereof, unless the contrary is clearly expressed.

Police Officer means any on-duty sworn officer of the Edison Division of Police.

Towing agency means any person or entity owning or operating a tow truck service for compensation.

Tow truck means a motor vehicle equipped with a boom or booms, winches, slings, tilt beds or similar equipment designed for the towing or recovery of vehicles and other objects.

Waiting time means the additional time a tow operator spends at the scene other than the time required for the actual tow and/or recovery. Examples of waiting time may include but are not limited to EMS services which must be performed and/or police investigations.

Winching means the process of moving a motor vehicle by the use of additional chains, nylon slings, snatch blocks and/or additional lengths of winch cable from a position that is not on a roadway or not in a position for direct hook up by conventional means for loading onto a tow vehicle. Winching is not pulling a vehicle onto a tilt bed or carrier, nor lifting a motor vehicle with a conventional tow sling. Winching fees shall be billed per quarter hour per man.

(1999 Code § 5.72.020)

11-28.3 Administering and Enforcing Agencies.

a. General jurisdiction and responsibility shall be the Chief of Police or his/her designee. The Chief of Police shall have jurisdiction and responsibility of:

1. Inspection of tow trucks operating under this section;
2. Examination, investigation and recommendation of approval or rejection of applications for tow trucks requesting to operate under this section;
3. Enforcement of the provisions of this section.

b. General Jurisdiction and Responsibility of Collector of Revenue. The Municipal Clerk shall have jurisdiction and responsibility of issuing of applications, finger print forms and collection of fees. The Business Administrator shall issue such license approval after the satisfactory compliance by the applicant with the requirements of this section, and the recommendation of approval by the Chief of Police.

11-28.4 Tow Truck License Required; Expiration; Fee; Application Amendments.

a. No towing agency or person, while acting as an official towing agency for the Township of Edison shall operate a tow truck upon or along any property in the Township of Edison, until the owner thereof shall obtain a license therefor.

b. Nothing in this subsection or other subsections of this section shall be construed to require the licensing of any tow truck to perform any services other than those governed by this section.
c. All towing agency and tow truck licenses shall be issued by the Collector of Revenue and shall be issued to expire June 30th, next exceeding the date of issuance unless it is sooner suspended or revoked by the Business Administrator.

d. The annual fee to be paid for such license shall be the sum of six hundred ($600.00) dollars for up to the first two (2) light-medium duty tow trucks or one (1) heavy-duty tow truck per agency, and an additional one hundred fifty ($125.00) per light-medium duty tow truck and/or three hundred ($250.00) per heavy-duty tow truck thereafter. No portion of said fee shall be prorated for any portion of a year.

e. Licenses shall be for a three-year period commencing on July 1 and terminating three (3) years thereafter.

f. During the term of any license, a licensee shall file an update for any changes in vehicles and or employees. The amended application shall include a copy of the current license, and detail the reason for the amendment. Changes in vehicles shall require an application amendment fee of forty five (45.00) dollars. Changes in employee-drivers shall require an application amendment fee of twenty-five ($25.00) dollars per employee-driver added. The licensee shall not permit a new vehicle or new employee to operate any tows authorized under this license until the amendment has been filed and approved. Changes in towing agency ownership shall be ineligible for amendment applications.

(1999 Code § 5.72.040)

11-28.5 Applications for Licenses.

a. Applications for tow truck licenses shall be filed with the Township Clerk not later than April 1 of the pre-licensure year

b. Applications for licenses for tow trucks shall be made by the owner, lessee or bailee thereof, upon forms to be furnished by the Township Clerk, and such application shall contain the name, business address, and telephone number of the applicant. If the application is made on behalf of a corporation, it shall state the name and address of the officers and directors thereof and the name and address of its registered agent, including a listing of the names and addresses of every stockholder holding more than ten (10%) percent of the stock of the corporation; the application shall have affixed thereto an affidavit to be sworn to by the applicant.

c. Each application shall also contain the following information:

1. The year, make, type and model number of each tow truck used in said business, its vehicle identification number (VIN), New Jersey registration number (license plate) and the name and address of the registered owner and operator;

2. The address(es) where the tow truck(s) is/are regularly garaged.

3. The names, addresses and New Jersey driver license numbers of all employee-drivers of the vehicles identified. An abstract of each employee-driver's New Jersey driver's license, not more than sixty (60) days old at time of submission;

4. each employee operating under this license is able to read and write the English language and is a resident of the United States;
5. Each employee operating under this license is not addicted to the use of narcotics or intoxicating liquors;

6. Any and all convictions which the owner, agent or any employee-driver thereof has been convicted and, if the corporation, or any officer thereof has been convicted, stating the name, if any, and location of the courts and the dates on which such convictions were had and the penalties imposed therefor.

7. Any and all successful civil complaints filed against the owner, agent thereof, the corporation, or any officer thereof for deceptive business practices, including but not limited to insurance fraud, price gouging, or other similar complaint or offense. This shall not be construed to be limited to substantiated complaints with regard to towing services.

8. An original Letter of Authorization for the Edison Police Department to conduct a full and complete criminal and driver license background check on each owner, agent thereof, and employee-driver. The owner(s) and the corporation shall also include an Authorization for the Edison Police Department to an investigation into the insurance coverage for the corporation, as it applies to this license. Each employee must execute his own Letter of Authorization. Blanket authorizations are not permitted.

9. The experience of the owner, the employee-drivers, and the corporation in the towing of vehicles for hire; including all relevant employment history.

10. The location, size and security features of the storage lot or space in which towed vehicles will be stored, including the number of vehicle spaces available;

11. The name and address of the operator's insurance carrier(s) and the policy numbers of all insurance policies issued for the business, the business premises and the vehicles identified in the application.

12. A certification signed by the owner (or agent thereof) that a document detailing the towing and storage services and fees supplied under this license will be posted in the public area of the towing agency's premises in plain view for the duration of this license, in compliance with this section.

13. A certification granting permission to the Chief of Police or his/her designee to conduct inspections of the tow trucks and towing agency for the purpose of determining compliance with this section.

14. Any other information as the Township of Edison shall deem appropriate and necessary to properly evaluate the towing agency for this license.


11-28.6 Investigation of Applicants; Administering Official Authorized to Grant or Refuse Licenses.

a. The Chief of Police or his/her designee shall conduct or cause to be conducted such investigation as he/she deems necessary to determine the truth and accuracy of the information contained in the application, and the applicant's compliance with this section. This investigation may include a full and complete criminal and driver license background check on each owner, agent thereof, and employee-driver.
At the discretion of the Chief of Police or his/her designee, applicants and/or their employee-drivers may be required to submit fingerprints to complete the background investigation(s). Any fees relating to the fingerprint checks shall be borne by the applicant.

b. The applicant, or an employee-driver, may be refused if such investigation reveals any of the following, or if the applicant or any employee refuses to permit such investigation:

1. Conviction of any crime of the fourth degree or higher, possession or use of a controlled dangerous substance; and other crimes against the person or crimes involving moral turpitude. Any plea arrangement which results in Pre-Trial Intervention, Conditional Discharge, or any other similar diversionary trial settlement may be viewed as a conviction to the original charge/offense.

2. Conviction of operating a motor vehicle under the influence of an intoxicating liquor or drug (N.J.S.A. 39:4-50); leaving the scene of an accident (N.J.S.A. 39:4-129); failure to report an accident (N.J.S.A. 39:4-130); reckless driving (N.J.S.A. 39:4-96) and possession of a controlled dangerous substance in an automobile (N.J.S.A. 39:4-49.1).

3. Successful civil complaints filed against the owner, agent thereof, the corporation, or any officer thereof for deceptive business practices, including but not limited to insurance fraud, price gouging, or other similar complaint or offense.

c. Upon completion of the background checks, the Chief of Police shall render a decision on the applicant.

1. A decision to grant the license shall be forwarded, in writing, to the Business Administrator.

2. A decision to refuse the license shall be forwarded, in writing, to the applicant and Business Administrator. The Chief of Police shall document the reasons thereof. The denial may be as narrow as to restrict any one employee from performing tows under this license, to a total denial for the entire applicant.

d. Only one (1) approval shall be granted to a towing agency or its affiliate. For the purpose of this section, "affiliate" shall mean any towing agency in which there is a common ownership of more than ten (10%) percent or any common officer or director.


11-28.7 Appeal of Application Denial.

a. Upon receipt of a denial of a license, or partial denial, the applicant may file an appeal with the Business Administrator. The appeal must be filed within fourteen (14) days of receipt of the decision. Such appeal shall be submitted in writing and shall document the applicant's position for approval of the license.

b. Upon receipt of the appeal, the Business Administrator shall review all documentation relating to this application. Such review may include interviews with the interested parties. The Business Administrator shall issue a final decision within thirty (30) business days of receipt of the appeal. The decision of the Business Administrator is final and binding. No further appeals are permitted.

(1999 Code § 5.72.070)
11-28.9 Inspection of Tow Trucks and Facilities.

a. No tow truck or towing agency covered by the terms of this section shall be licensed until it has been thoroughly and carefully inspected and examined by the Chief of Police, or someone delegated by him or her to conduct such examination, and found to be in compliance with NJ Title 39 statues and in a sanitary condition. Any tow truck or towing agency found to be in violation of Title 39 or unsanitary shall not be licensed. The Chief of Police is authorized and empowered to establish reasonable rules and regulations for the inspection of tow trucks and towing agencies.

b. The Police Department shall maintain due vigilance over all tow trucks and towing agencies licensed under this section and see that they are kept in a condition of safety and sanitation, and to this end shall have the right, at any and all times, to inspect any and all such licensed vehicles and storage facilities and shall maintain a record in writing of the report of all such inspections.


11-28.9 Issuance of License; Posting Required.

a. The Edison Police Department, upon approval of the tow truck license, shall issue a Certificate of License to the applicant. The licensee shall prominently display the Certificate of License in the public portion of his/her business premises. The license shall remain displayed for the entire duration of the license term. Replacement Certificate of License shall be provided upon written application of the licensee and payment of twenty-five ($25.00) dollars.

b. The Township of Edison shall provide one (1) vehicle decal for each tow truck authorized to operate under the applicant's license. The licensee shall prominently display the vehicle decal on each authorized tow truck in a location to be determined by the Director of Public Safety. The decal shall remain displayed for the entire duration of the license term. Replacement vehicle decals shall be provided upon written application of the licensee and payment of twenty-five ($25.00) dollars for each decal.

c. Any license issued under this section is nontransferable. Changes in ownership shall require an entire new application filing.

d. The towing agency must provide to all vehicle owners at the scene of an accident a rate card with information on claiming a vehicle, the name of the business, its owner, tower's license number, the business location, telephone numbers and hours of operation to the public. The card shall also state the rates for towing services. The towing agency may use a standard business card with the required additional information.

(1999 Code § 5.72.090)

11-28.10 Insurance Requirements; Indemnity.

a. Each towing agency shall maintain, during the term of their license, the following minimum insurance coverage, naming the Township of Edison as an additional insured:

1. Automobile Liability Insurance, in an amount not less than one million ($1,000,000.00) dollars combined single limit, covering each vehicle utilized by the operator in his business.
2. Workmen's Compensation Insurance, as required by the State of New Jersey, including employer's liability coverage with a limit of at least one hundred thousand ($100,000.00) dollars.

3. Comprehensive, General Liability Insurance, in an amount of not less than one million ($1,000,000.00) dollars for personal injuries, per occurrence, and one million ($1,000,000.00) dollars for property damage, per occurrence, including premises operations and products/completed operations.

4. Garage Keepers and Garage Liability Insurance, in an amount not less than one hundred thousand ($100,000.00) dollars.

5. All policies of insurance shall contain an endorsement providing for collision coverage for vehicles in tow.

b. All policies of insurance shall contain an endorsement requiring that at least fifteen (15) days’ notice shall be given to the Township of Edison in the event of any material change in or cancellation of the policy.

c. The operator shall indemnify and hold harmless the Township of Edison from any claims for injury or property damage arising out of, or in any way related to, the operation of any tow truck, towing service or storage yard, pursuant to this section. The towing agency shall further defend the Township of Edison at the operator's expense, in connection with any claim, suit or action, brought against the Township of Edison, and arising out of the operation of any tow truck, towing service or towing yard, pursuant to this section.

d. All policies of insurance shall be issued by insurance companies authorized to do business in the State of New Jersey, and shall remain in full force and effect during the entire term of the license. The Township of Edison shall be named as additional insured on all policies of liability insurance.

e. No license shall be issued until an approved applicant files insurance certificates verifying all of the above requirements. The Insurance Certificates shall be filed with the Collector of Revenue.

f. Any licensee who has a lapse in any insurance policy, for any reason whatsoever, shall have his/her license immediately suspended. Upon notice of lapse of coverage, the Collector of Revenue shall immediately serve notice of suspension upon the licensee, with copy of said notice provided to the Business Administrator and the Director of Public Safety. The suspension shall remain in effect until such time as the insurance is restored.

(1999 Code § 5.72.100)

11-28.11 Resister of Vehicles.

a. The Police Department shall keep a register of each tow truck licensed under this section, together with the license number and description, make and dimensions of such vehicles and the date and a complete record of inspections made thereof.

b. The Police Department shall keep a register of each towing agency licensed under this section, together with photographs of the vehicle storage area and the customer waiting room, and the date and a complete record of inspections made thereof.

(1999 Code § 5.72.110)
11-28.12 Revocation and Suspension of Licenses Authorized.

Licenses granted under the preceding subsections of this section may be revoked or suspended at any time by the Business Administrator, if a tow truck or storage facility shall not be in a safe and sanitary condition and kept in conformity with the terms of this section, or for the violation of any of the provisions of this section or any of the rules and regulations made by the Director of Public Safety. (1999 Code § 5.72.120)

11-28.13 Duties of the Towing Agency.

a. The towing agency must operate a legitimate towing agency business premises within the Township of Edison, or within five (5) miles of Edison Township Municipal Complex located at 100 Municipal Boulevard, Edison, New Jersey. The towing agency must respond to a call for service from the Edison Police Department within the following time parameters:

2. 6:00 a.m. to 8:00 p.m. - light-medium duty tow trucks must be on location within twenty (20) minutes from receipt of the call and heavy-duty tow trucks must be on location within thirty (30) minutes from receipt of the call. This requirement applies every day of the year, regardless of holidays, unless such response time is prevented by extraordinary conditions of weather or other extraordinary circumstances resulting in obstruction of general access to the scene.

b. 8:01 p.m. to 5:59 a.m. - light-medium duty tow trucks must be on location within twenty-five (25) minutes from receipt of the call and heavy duty tow trucks must be on location within thirty-five (35) minutes from receipt of the call. This requirement applies every day of the year, regardless of holidays, unless such response time is prevented by extraordinary conditions of weather or other extraordinary circumstances resulting in obstruction of general access to the scene.


a. Each towing agency shall maintain storage facilities, conforming to the following standards and requirements:

1. Towing agency shall have sufficient space to accommodate at least fifteen (15) vehicles, adequately safe-guarded against vandalism and theft, in which to hold towed vehicles of absent

(1999 Code § 5.72.130)
drivers or owners, until such time as said vehicles are claimed or are disposed of in accordance with the law.

2. All storage facilities shall be owned, operated and/or under the control of the operator, and shall be located within the Township of Edison, or no more than five (5) miles from the Edison Township Municipal Complex located at 100 Municipal Boulevard, Edison, New Jersey.

3. No towed vehicle may be stored upon a public street, sidewalk, public right-of-way or alley. All towed vehicles must be stored by the towing agency within the storage area as described within this section.

4. Customer service waiting area shall be neat and clean. A restroom facility shall be available during normal business hours.

(1999 Code § 5.72.140)

11-28.15 Equipment.

a. Tow trucks shall be equipped and of sufficient size, weight and configuration to safely tow all makes of domestic and foreign automobiles, light duty trucks and vans.

b. Tow trucks shall be equipped with sufficient emergency warning lights.

c. The name, address and telephone number of the operator shall be permanently affixed to the left and right sides of each tow truck.

d. All operators on the rotating list shall provide and maintain the following minimum equipment: two (2) light duty towing vehicles (one (1) of which may be a flat-bed, roll back vehicle), with a gross vehicle weight rating (GVWR) of eleven thousand (11,000) pounds, and a lifting device with a minimum capacity of four (4) tons.

e. Tow trucks will be equipped with tow sling type bars, with rubber straps, and wheel lifts, with safety straps for lifting, to prevent damage to towed vehicles, and steering locks for towing vehicles from the rear.

f. Jumper cables and/or Jump Box

g. A minimum of one (1) five (5) pound CO2 dry powder fire extinguisher.

h. One (1) reflective traffic safety vest for each employee at an incident location.

i. A minimum of one (1) broom, one (1) shovel and one (1) debris/refuse container.

j. A wireless telephone for communication with the Police Communications Center.

k. A minimum of five (5) gallons of Absorbent material on each towing vehicle at all times.

l. Jack (for changing tires)

m. A minimum of one (1) Tire Chock

n. Lock out Kit (for making entry into locked vehicles.

o. A minimum of two (2) Snatch Blocks
p. Towing lights

q. A minimum of two (2) Tire Skates

r. Ratchet Straps for proper tie down (flatbed/rollback)


t. Assorted tools, hand or power for road service, changing tires etc.

(1999 Code § 5.72.150)

11-28.16 Minimum Operation Standards.

a. Towing agency shall, at all times, employ a sufficient number of employees to comply with the minimum operational requirements.

b. All drivers of the operator shall be not less than the age of eighteen (18) years and must have a valid, current New Jersey State Driver's License and shall be in good health and of high moral character.

c. All employees shall be clean, neat, and make a good appearance. Smoking shall not be permitted in any tow truck or in the customer service area of any storage facility without the permission of the customer.

d. The towing agency shall be responsible for the towing of vehicles, from all streets, alleys, public easements, thoroughfares, public, quasi-public places, and private property, including parks, playgrounds, including rivers, lakes and streams, anywhere within the Township of Edison.

e. In all underwater recoveries of a non-emergent nature (threats to life or public safety), it shall be the responsibility of the towing agency to be either certified or assisted by a New Jersey certified underwater specialist for the proper towing of such vehicles.

f. The operator shall be responsible to clean up all broken glass and debris at the scene of accidents and remove same from the scene. All vehicles must be equipped with a broom, shovel and container to remove debris. Clean up shall be performed in accordance with N.J.S.A. 39:4-56.8. "Definitions: removal of disabled motor vehicles by towing services under contract; failure to remove debris surrounding vehicle; penalty."

g. The towing agency is not required to remove any debris or material which may be hazardous, such as oil, gasoline, kerosene, or other petroleum or chemical products, or debris material which the service is not equipped to remove. When the towing agency is equipped to remove such debris, it shall dispose of said debris in full accordance with all applicable State and Federal Statutes. The towing agency shall be entitled to an additional hazardous debris disposal fee when this service is properly performed.

h. The towing agency shall verbally detail the anticipated expense to the vehicle operator prior to rendering any service. This regulation may be waived when the vehicle operator is unable to speak with the towing agency employee at the scene due to a medical condition, or when the operator has been removed from the scene prior to the towing agency's arrival.
1. When the towing agency was unable to provide this notification at the scene, they must attempt to contact the vehicle owner, operator or lessee by telephone within twenty-four (24) hours of the tow. If the towing agency encounters an answering machine, a detailed message left on the machine shall constitute compliance.

2. In the event telephone contact is unsuccessful, the towing agency shall send written notification of the towing and storage charges and information on how to obtain release of the vehicle to the registered owner. This notification shall be sent by Certified Mail with Return Receipt Requested. A copy of the notice shall be sent via regular mail to the Edison Police Department Traffic Bureau.

3. Failure of the towing agency to comply with this provision shall restrict their storage fees to the first twenty-four (24) hours.

   i. Towing agency must ensure that all its authorized agents agree to follow the instruction and/or order of the Police Officer at the towing scene.

(1999 Code § 5.72.160)

11-28.17 Rotating Lists; Districts; Specific Needs.

   a. The Chief of Police shall create towing districts within the Township. The Chief of Police or his/her designee shall have sole discretion as to district boundaries. Changes to boundary lines shall only be permitted at the commencement of the license year.

   b. The Chief of Police is authorized to create lists for specific towing needs such as heavy duty tow trucks.

   c. The Chief of Police shall create rotating towing lists to be utilized by the Communications Personnel. The list shall be created by district, by specific need at the commencement of each license year. Communications Personnel shall always use the appropriate rotation list when a tow truck is requested under this section. Communications Personnel shall record each tow by date, time, location and towing agency.

   1. Any towing agency that fails to/or is unable to respond shall be recorded as non-respondent and the Communications Personnel shall advance to the next towing agency on the list.

   2. Exception to the rotation list shall only occur when the customer specifically requests the use of their own towing service, and this request shall not place an undue burden upon any roadway of the Township. Communications Personnel shall record each customer request tow by date, time, location and towing agency.


11-28.18 Subcontracting.

   Towing agency shall not assign calls to other tow companies not on the Township of Edison's Tow list. Subcontracting of any services under this section is allowed when a towing agency is in a temporary need of an additional tow vehicle or extraordinary circumstances require specialized and unique recovery and transport services. A copy of the subcontractors invoice must be provided to the patron at the time the vehicle is released. The towing agency shall require the subcontractor to abide by all minimum operation standards established in Subsection 11-28.16. The subcontractor must also follow the fees established in
subsection 11-28.19 If a vehicle needs to be stored that vehicle must be towed to the originally called towing agency's storage lot.
(1999 Code § 5.72.180)

**11-28.19 Fees Established.**

a. *Roadside Service* (Tire change, Deliver Gas, Jump Start or Lock Out) (No Tow)

1. Road service between 0800 hours to 1700 hours – Monday through Friday, Holidays excluded: $60.00
2. Road service at all other times: $70.00
3. Tow agency may add .75 cents per gallon of fuel delivered on a Road service call. Fuel receipts must be kept with copy of invoice and on file at towing agency.
4. Axel and/or Drive shaft removal and reinstall $55.00
5. Air up brake system: $45.00

b. *Towing.*

1. Standard towing and flatbed service under 10,000 lbs. between 0800 hours to 1700 hours – Monday through Friday, Holidays excluded: $90.00
2. Standard towing and flatbed service under 10,000 lbs. at all other times: $110.00
3. Standard towing – 10,000 lbs–32,000 lbs between 0800 hours to 1700 hours – Monday through Friday, Holidays excluded: $210.00
4. Standard towing – 10,000 lbs – 32,000 lbs at all other times: $250.00
5. Standard towing – More than -32,000 lbs between 0800 hours to 1700 hours – Monday through Friday, Holidays excluded: $375.00
6. Standard towing – More than 26,000 lbs at all other times: $425.00

c. Vehicle up righting/crane/winching, in addition to any roadside service, towing, and waiting fees associated with the following New Jersey Traffic Report (NJTRI) Sequence of Event Codes shall be billed as follows:

- Non-Collision
- Fire/Explosion
- Other Non-Collision
- Collision w/Non-Fixed Object
- Pedalcycle
- Pedestrian
- Deer
- Other Animal
- Parked MV
Other Object [Non-Fixed]

Collision with Fixed Object
  Impact/Attenuator
  Guide Rail
  Median Barrier
  Traffic Sign Post
  Overhead Sign Support
  Light Standard
  Utility Pole
  Other Post
  Curb
  Fence
  Tree
  Unknown

1. Under 10,000 lbs: $80.00
2. 10,000 lbs — 32,000 lbs: $150.00
3. More than 32,000 lbs: $200.00

Uprighting/Crane/Winching services in addition to any roadside service, towing and waiting fees associated with the following New Jersey Traffic Report (NJTRI) Sequence of Event Codes shall be billed at a rate of $20.00 per one-quarter (1/4) hour per man:

Non-Collision
  Overturn [Rollover]
  Immersion
  Jackknife
  Ran Off Road
  Downhill Runaway
  Cargo Loss or Shift
  Separation of Units

Collision w/Non-Fixed Object
  Railway Train
  MV in Transport
  MV in Transport, Other Roadway

Collision with Fixed Object
  Bridge/Pier/Abutment
  Bridge Parapet End
  Bridge Rail
  Culvert
  Ditch
  Embankment
  Other Fixed Object
d. **Waiting Time.** In addition to any Roadside Service, Towing, and Vehicle Up Righting/Crane/Winching:

1. Under 10,000 lbs: $40.00 per hour, billable in quarter hour increments.
2. 10,000 lbs - 32,000 lbs: $80.00 per hour, billable in quarter hour increments.
3. More than 32,000 lbs: $120.00 per hour, billable in quarter hour increments.

e. **Mileage.** There shall be no mileage fees added to any tow when the vehicle is towed within the Township of Edison or to the towing agency's storage facility. Otherwise, vehicles will be assessed the following charges, measured from the point of vehicle pickup to customer site or storage facility.

1. Under 10,000 lbs: $3.50 per mile
2. 10,000 lbs - 32,000 lbs: $4.50 per mile
3. More than 32,000 lbs: $5.50 per mile

Vehicles towed in excess of twenty-five (25) miles from point of vehicle pickup to customer site or storage facility shall be charged at a negotiated predetermined rate between the towing agency and customer.

f. **Debris Clean Up.** When site cleanup is required, the following fees shall be assessed to each vehicle(s) that the debris emanated from:

1. Under 10,000 lbs: $35.00
2. 10,000 lbs - 32,000 lbs: $50.00
3. More than 32,000 lbs: $65.00

g. **Storage.** Storage Fees can only be assessed for days when the facility is open and staffed for processing the release of vehicles for not less than seven and one-half (7.5) hours per day except Saturday. Tower shall be open for at least four (4) hours on Saturday for the release of vehicles. All other days shall be non-fee days unless the tower is open and staffed for processing the release of vehicles for at least four (4) hours.

1. No storage fee shall be assessed when the vehicle is retrieved within six (6) hours of the tow.
2. Under 10,000 lbs: $40.00 per day, billable in 6-hour increments.

3. 10,000 lbs to 32,000 lbs $50.00 per day, billable in 6 hour increments.
4. 32,001 lbs and above: $80.00 per day, billable in 6-hour increments.

h. **Hazardous Debris Disposal Fees.** The towing agency may assess the costs for hazardous debris disposal fees when this service is provided under this section. When applicable, these fees shall be assessed at a direct cost plus five (5%) percent handling expense.
i. **Certified Mail Return Receipt Requested.** The towing agency may assess the costs for sending Certified Mail Return Receipt Requested for providing notification of towing and storage fees to the vehicle owner, operator or leasee when required under this section. When applicable, these fees shall be assessed at direct cost.

j. There shall be no fees imposed other than those specified in this section.

k. Towing agencies shall accept cash, major credit cards, and in-state personal and in-state business checks (starter and third party checks excluded) as payment for any and all services provided under this section. (1999 Code § 5.72.190)

11-28.20 **Holidays Established.**

The following days shall be recognized as holidays under this section: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day. (1999 Code § 5.72.200)

11-28.21 **Customer Access to Towed Vehicles.**

Prior to payment in full for all services rendered by the towing agency, the towing agency shall permit a customer access to their towed vehicle to retrieve important personal papers and effects, including but not limited to wallets, purses, insurance documents, identification and banking documents. Customers shall not be permitted to remove vehicle parts, license plates, or other physical property stored in or on the vehicle. All tow agencies must also allow insurance company representatives and or adjusters access to stored vehicles during normal business hours without charge. (1999 Code § 5.72.210)

11-28.22 **Towing Agency Record Keeping.**

a. Each towing agency shall maintain a record keeping system as required by the Township of Edison and the laws of the State of New Jersey; at a minimum, the record keeping system shall include:

1. The date and time of request for towing.

2. The date and time the vehicle was towed.

3. The address from where the vehicle was towed and address to where the vehicle was towed.

4. The name of the towing operator performing service, complete breakdown of charges (winching, man hours, clean up etc.)

5. Complete dates of storage of said vehicle, and all charges assessed to or paid by the owner of each vehicle.

6. The date of release of said vehicle, including by whose authorization, and the name and address of the person obtaining said vehicle from storage. (It shall be required that the towing operator obtain a signed release for said vehicle from storage).

b. Records shall be maintained for two (2) calendar years.
c. The Police Department shall inspect these records prior to every license renewal application, and not less than one (1) additional inspection during each license term. The Police Department shall not be required to provide more than twenty-four (24) hours notice of any such inspection. (1999 Code § 5.72.220)

11-28.23 Changes of Ownership to Revoke License.

Changes in ownership or title to any towing agency or vehicle licensed under this section shall automatically revoke the license for such tow trucks. (1999 Code § 5.72.230)

11-28.24 Refusal to Pay Fees Prohibited.

It is unlawful for a vehicle owner; operator or bailee of any vehicle referred to herein to refuse or fail to pay his/her fees as established in this section. (1999 Code § 5.72.240)


No vehicle covered by the terms of this section shall be licensed whose color scheme, or name, monogram or insignia to be used thereon, shall be in conflict with or, in the opinion of the Director of Public Safety, imitate any color scheme, monogram, name or insignia, used by any other person, firm, municipality or corporation operating a tow truck or towing agency, in such manner as to be misleading or tend to deceive or defraud the public. (1999 Code § 5.72.250)

11-28.26 Violations; Penalties.

*Any person not having been duly licensed as a tow truck, or any person whose license as such driver has been revoked or suspended and who, during the time such revocation or suspension is in effect, identifies himself upon the streets of this Township, or who shall violate any other provision of this section, shall, upon conviction thereof, be liable to the penalty stated in Chapter I, Section 1-5.* (1999 Code § 5.72.260)

3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance, into the Code. All of the remaining provisions in Chapter XI, Section 28 of the Code shall remain unchanged, and have full force and legal effect. All other resolutions and ordinances governing the provisions of Chapter XI, Section 28 of the Code heretofore enacted and inconsistent herewith, are hereby modified pursuant to the terms of this Ordinance.

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

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

6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.
EXPLANATION: A Resolution authorizing the execution of an Interlocal Services Agreement with the Middlesex County Improvement Authority for the provision of yard waste and recycling services.

WHEREAS, the Township of Edison ("Township") has a need for yard waste recycling and marketing services ("Services"); and

WHEREAS, the Middlesex County Improvement Authority ("Authority") has contracted with a private operator through public bidding process for the provision of such yard waste recycling and marketing services, and the Township desires to permit the Authority to assume responsibility for such Services within the Township;

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. ("Act"), municipalities with the State of New Jersey are permitted to enter into agreements with other local units to provide or receive any service that each local unit is otherwise empowered to provide or receive within its own jurisdiction; and

WHEREAS, both the Township and Authority are desirous of entering into an agreement with respect to the provision of such Services under the parameters of the Act; and

WHEREAS, the Township and the Authority have negotiated the terms of an interlocal services agreement entitled "Agreement for the Provision of Yard Waste Recycling and Marketing Services" ("Agreement," attached hereto as Exhibit A) for the provision of the Services and have determined that the provision of such Services under the Agreement are fair and equitable and will best serve the interests of each of the respective local units.

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 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.

3. A copy of the Agreement and the Resolution shall be available for public inspection at the offices of the Township Clerk. The Township Clerk shall file a copy of the Agreement with the Division of Local Government Services in the Department of Community Affairs.

4. This Resolution shall take effect immediately.
EXPLANATION: A RESOLUTION CONSENTING TO THE PROPOSED LOWER RARITAN/MIDDLESEX COUNTY WATER QUALITY MANAGEMENT PLAN AMENDMENT FOR THE RG EDISON WAREHOUSE REDEVELOPMENT PROJECT.

WHEREAS, the Township of Edison (the “Township”) desires to provide for the orderly development of wastewater facilities within the Township; and

WHEREAS, the New Jersey Department of Environmental Protection (the “NJDEP”) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, conform with an approved water quality management (“WQM”) plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure through the WQMP rules at N.J.A.C. 7:15-3.5 as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on March 9, 2018 for the RG Edison Warehouse Redevelopment Project has been prepared by Langan Engineering and Environmental Services, Inc.

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 Township hereby consents to the RG Edison Warehouse Redevelopment Project amendment, publicly noticed on March 9, 2018 and prepared by Langan Engineering and Environmental Services, Inc., for the purpose of its incorporation into the applicable WQM plan(s).

3. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.5(g) 6.

4. This Resolution shall take effect immediately.
EXPLANATION: An Ordinance amending Township Code Chapter 4-8 and Chapter 4-11 with respect to the award of public contracts to political contributors.

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 desires to amend Township Code Chapter 4-8 and Chapter 4-11 to ensure further regulation of political contributions made to elected Township officials; and

WHEREAS, the Municipal Council has determined that Chapter 4-8 and Chapter 4-11 of the Township Code, as currently constructed, have caused confusion among those seeking or performing business within the Township; and

WHEREAS, the Municipal Council has determined that it would be in the best interest of the Township to amend Chapters 4-8 and 4-11 of the Township Code, entitled “Public Contracts to Certain Contributors,” as follows:

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

4-8 [PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS] RESTRICTIONS ON POLITICAL CONTRIBUTIONS.

4-8.1 Prohibition on Awarding Public Contracts to Certain Contributors.

a. Any other provision of law to the contrary notwithstanding, the municipality or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure professional, banking, insurance coverage services or any other consulting services, from any professional business entity, as defined in subsection d. below, if that entity has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to any Edison Township municipal candidate or holder of the public office having ultimate responsibility for the award of contract, or campaign committee supporting such candidate or officeholder, or to any Edison Township or Middlesex County party committee, or to any political action committee that regularly engages in the support of municipal elections and/or municipal parties (PAC) in excess of the thresholds specified in paragraph c. within one (1) calendar year before [preceeding] the date of the contract or agreement and for one year after termination.

b. No professional business entity, as defined in subsection d. below, which enters into negotiations for, or agrees to, any contract or agreement with the municipality or any department or agency thereof or of its independent authorities for the rendition of professional, banking or insurance coverage services or any other consulting service shall
solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions, to any Edison Township municipal candidate or holder of the public office having ultimate responsibility for the award of the contract, or campaign committee supporting such candidate of officeholder, or to any Edison Township or Middlesex County party committee, or to any PAC that regularly engages in the support of municipal elections and/or municipal parties [between] for one (1) year from the time of first communications between that business entity and the Township regarding a specific professional services agreement, [and the later of the termination of negotiations or the completion of the contract or agreement.]

c. 1. Subject to the limitations in 2. any entity meeting the definition of "professional business entity" in subsection d. below, as well as any PAC as referenced in this section, may annually contribute a maximum of three hundred fifty [four hundred] ($350.00) ($(400.00)) dollars for any purpose to each candidate for Mayor, Council, or Edison Township Board of Education, four hundred ($400.00) dollars for any candidate for the Middlesex County Board of Chosen Freeholders, and five hundred ($500.00) dollars to each Edison Township or Middlesex County party committees, or to a PAC referenced in this section, without violating paragraph a. However, 2. any entity meeting the definition of "professional business entity" under this section, including such principals, partners, and officers of the entity in the aggregate, as well as any PAC as referenced in this section, may not annually contribute for any purpose in excess of a total of [two] one thousand [five] four hundred ($(2,500.00)) ($(1,400.00)) dollars to all Edison Township candidates and officeholders with ultimate responsibility for the award of the contract and all Edison Township, Edison Township Board of Education, Middlesex County Board of Chosen Freeholders or Middlesex County political parties and PACs referenced in this section combined, without violating paragraph a.

d. For purposes of this section, a "professional business entity" is an entity seeking or performing a public contract for professional, banking or insurance coverage services, any other consulting services, and any other businesses, builders, planners, consultants, developers, engineers or employees of an engineering firm, and attorneys representing persons doing business in the Township, which may be an individual, including the individual’s spouse, if any, and any child living at home; a person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a business entity includes all principals who own five (5%) percent or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.

e. For the purpose of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:

1. The Township of Edison Council and the Mayor of the Township of Edison, if the contract requires approval or appropriation from the Council.

2. The Mayor of the Township of Edison, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of the contract is appointed by the Mayor.
4-8.2 Contributions Made Prior to the Effective Date.

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any municipal candidate for Mayor or Council, or municipal or County party committee or PAC referenced in this section shall be deemed a violation of this section, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity prior to the effective date of this section.

4-8.3 Contribution Statement by Professional Business Entity.

a. Prior to awarding any contract or agreement to procure professional services, or banking or insurance coverage services or any other consulting services, with any professional business entity, the township or any of its purchasing agents or agencies, as the case may be, shall receive a sworn statement from the professional business entity made under penalty of perjury that the bidder or offer has not made a contribution within one year from the first communication about the contract, in violation of subsection 4-8.1.

b. The professional business entity shall have a continuing duty to report any violations of this section that may occur during the negotiation or duration of a contract. The certification required under this section shall be made prior to entry into the contract or agreement with the Township and shall be in addition to any other certifications that may be required by any other provision of law.

4-8.4 Return of Excess Contributions.

A professional business entity or Township candidate or officeholder or municipal or county party committee or PAC referenced in this section may cure a violation of subsection 4-8.1, if, within sixty (60) days after the contribution, the professional business entity notifies the Township Council in writing and seeks and receives reimbursement of a contribution from the Township candidate or municipal or County political party or PAC referenced in this section.

4-8.5 Penalty.

a. It shall be a breach of the terms of the Edison Township professional service agreement for a business entity to 1. make or solicit a contribution in violation of this section; 2. knowingly conceal or misrepresent a contribution given or received; 3. make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; 4. make or solicit any contribution on the condition or with the agreement that it will be contributed to campaign committee of any candidate or holder of the public office of Edison Township; 5. engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of this section; 6. fund contributions
made by third parties, including consultants, attorneys, family members, and employees; 7. engage in any exchange of contributions to circumvent the intent of this section; or 8. directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this section.

b. Furthermore, any professional business entity who violates paragraph a. above shall be disqualified from eligibility for future Edison Township contracts for a period of four (4) calendar years from the date of the violation.

4-8.6 Contributions in Any Amount Prohibited.

a. Contributions in any amount are prohibited from the following individuals:

1. Any active member of a Township Board or Commission; and
2. Any current employee of the Township.

b. Any contribution made in violation of this section 4-8.6 shall subject the contributor to fine not to exceed the amount of the contribution.

4-11 REDEVELOPMENT PAY-TO-PLAY REFORM.

4-11.1 Prohibition of Entering into or Amending Redevelopment Agreements with Certain Contributors.

a. Any other provision of law to the contrary notwithstanding, the Township of Edison or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement, amend an agreement, or otherwise contract with any redeveloper, as defined in subsection d. below, for the planning, replanning, construction or undertaking of any redevelopment project, including the acquisition or leasing of any public property in conjunction with the redevelopment of any area within the Township of Edison pursuant to the Local Redevelopment and Housing Law, if that redeveloper has made any contribution of money or pledge of a contribution, including in-kind contributions, during the applicable time period as [specified below] defined in subsection b. below, to a campaign committee of any Edison Township candidate or holder of public office within the Township of Edison having responsibility for arranging, entering into, or approving the redevelopment agreement, or for appointing those who enter into the agreement on behalf of the Township of Edison or; to any municipal political campaign committee, or to any County party committee, or to any political action committee which regularly engages in the support of municipal elections and/or municipal parties or which engages in the support of Edison Township municipal campaigns (PAC).

b. For purposes of this section, the "applicable time period" shall be defined as the time period between the date that the property which is the subject of the redevelopment project has been included in a memorializing resolution adopted by the Governing Body
directing the Planning Board to conduct a preliminary investigation to determine if the site is in need of redevelopment pursuant to and in accordance with the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1 et seq., and the date of entering into the redevelopment agreement, or the twelve (12) months prior to entering into the agreement,[, whichever is shorter.]

[b.] c. All redevelopment agreements or amendments thereto entered into by the Township of Edison shall contain a provision prohibiting redevelopers as defined in paragraph c. to solicit or make any contribution of money or pledge of a contribution including in-kind contributions, to any Edison Township candidate or holder of public office within the Township of Edison having responsibility for arranging, entering into, or approving the redevelopment agreement, or for appointing those who enter into the agreement on behalf of the Township of Edison or; to any Edison Township political campaign committee, or to any Edison Township or Middlesex County Party Committee, or to any political action committee which regularly engages in the support of municipal elections and/or municipal parties or which engages in the support of Edison Township municipal campaigns (PAC), between the time of first communication between that redeveloper and the municipality regarding a redevelopment project and the later of the termination of negotiations or the completion of all matters specified in the redevelopment agreement.

c. As defined in N.J.S.A. 40A:12A-3, a "redeveloper" means any person, firm, corporation or public body that shall enter into or propose to enter into a contract with a municipality or other redevelopment entity for the redevelopment or rehabilitation of an area in need of redevelopment, or an area in need of rehabilitation, or any part thereof, under the provisions of this section, or for any construction or other work forming part of a redevelopment or rehabilitation project. For the purposes of this section the definition of a redeveloper includes all principals who own [ten] five [(10%)] (5%) percent or more of the equity in the corporation or business trust, partners and officers in the aggregate employed by the provider as well as any affiliates or subsidiaries directly controlled by the redeveloper. Spouses and adult children at home shall also be included.

d. For the purposes of this section, the office that is considered to have responsibility for arranging and entering into the redevelopment agreement under the Act shall be:

1. The Township of Edison Council if the redevelopment agreement requires approval or appropriation from the Council or a public officer who is responsible for arranging and entering into the redevelopment agreement if that public officer is appointed by Council; or

2. The Mayor of Edison Township if the redevelopment agreement requires the approval of the Mayor or a public officer who is responsible for arranging and entering into the redevelopment agreement if that public officer is appointed by the Mayor; or

3. A designated redevelopment entity, if the redevelopment agreement requires the approval of the redevelopment entity.
4-11.2 Contributions Made Prior to the Effective Date.

No contribution of money or any other thing of value, including in-kind contributions, made by a redeveloper to any Edison Township candidate for Mayor or Edison Township Council or Edison Township political campaign committee shall be deemed a violation of this section nor shall an agreement for redevelopment projects of any kind whatsoever be disqualified thereby if that contribution or agreement was made by the redeveloper prior to the effective date of this section.

4-11.3 Notice Given by Municipality; Sworn Statement of Redeveloper.

a. It shall be the municipality's continuing responsibility to give notice of this section when the municipality gives notice of redevelopment pursuant to N.J.S.A. 40A:12A-6 and when the municipality adopts a resolution directing the Planning Board to prepare a redevelopment plan and at the time that the municipality adopts the ordinance to implement the redevelopment plan.

b. Prior to arranging and entering into the redevelopment agreement with any redeveloper, the Township of Edison or any of its purchasing agents or agencies or independent authorities, as the case may be, shall receive a sworn statement from the redeveloper that the redeveloper has not made any contribution in violation of subsection 4-11.1a. above. Furthermore, the redeveloper shall have a continuing duty to report any violations of this section that may occur while arranging and entering into the redevelopment agreement, and until all specified terms of the agreement have been completed. The sworn statement required under this section shall be made prior to entry into the agreement with the municipality and shall be in addition to any other certifications that may be required by any other provision of law.

4-11.4 Contribution Restrictions and Disclosure Requirement; Applicability to Consultants.

a. The contribution and disclosure requirements in this section shall apply to all redevelopers as well as professionals, consultants or lobbyists contracted or employed by the [business entity ultimately designated as] the redeveloper, as defined in 4-11.1(d), to provide services related to the:

1. Lobbying of government officials in connection with the examination of an area and its designation as an area in need of redevelopment or in connection with the preparation, consultation and adoption of the redevelopment plan;

2. Obtaining the designation or appointment as redeveloper;

3. Negotiating the terms of a redevelopment agreement or any amendments or modifications thereof; and/or

4. Performing the terms of a redevelopment agreement.
b. It shall be a breach of the consultant's contract, and shall require immediate termination, for a consultant to violate the contribution limits and/or disclosure requirements in this section.

c. A redeveloper who participates in, or facilitates, the circumvention of the contribution restrictions through consultants or professionals shall be deemed to be in breach.

4-11.5 Return of Excess Contributions.

A redeveloper or municipal candidate or officeholder or municipal or County party committee or PAC referenced in this section may cure a violation of subsection 4-11.1 and deemed not to be in breach, if, within thirty (30) days after the cited violation, the redeveloper notifies the Municipal Council in writing and seeks and receives reimbursement of a contribution from the municipal candidate or municipal or County political party or PAC referenced in this section.

4-11.6 Penalty.

a. It shall be a breach of the terms of the Township of Edison redevelopment agreement for a redeveloper to: 1. make or solicit a contribution in violation of this section; 2. knowingly conceal or misrepresent a contribution given or received; 3. make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; 4. make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee of any candidate or holder of the public office of Edison Township; 5. engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the redeveloper itself, would subject that entity to the restrictions of this section; 6. fund contributions made by third parties, including consultants, attorneys, family members, and employees; 7. engage in any exchange of contributions to circumvent the intent of this section; or 8. directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this section.

b. Furthermore, any redeveloper who violates paragraph a.1. through a.8. above shall be disqualified from eligibility for future Edison Township redevelopment agreements for a period of four (4) calendar years from the date of the violation.

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

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Township of Edison, as follows:
1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Municipal Council hereby amends Chapter 4-8 and Chapter 4-11 of the Code to read as follows:

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

4-8 RESTRICTIONS ON POLITICAL CONTRIBUTIONS.

4-8.1 Prohibition on Awarding Public Contracts to Certain Contributors.

a. Any other provision of law to the contrary notwithstanding, the municipality or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure professional, banking, insurance coverage services or any other consulting services, from any professional business entity, as defined in subsection d. below, if that entity has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to any Edison Township municipal candidate or holder of the public office having ultimate responsibility for the award of contract, or campaign committee supporting such candidate or officeholder, or to any Edison Township or Middlesex County party committee, or to any political action committee that regularly engages in the support of municipal elections and/or municipal parties (PAC) in excess of the thresholds specified in paragraph c. within one (1) calendar year before the date of the contract or agreement and for one year after termination.

b. No professional business entity, as defined in subsection d. below, which enters into negotiations for, or agrees to, any contract or agreement with the municipality or any department or agency thereof or of its independent authorities for the rendition of professional, banking or insurance coverage services or any other consulting service shall solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions, to any Edison Township municipal candidate or holder of the public office having ultimate responsibility for the award of the contract, or campaign committee supporting such candidate of officeholder, or to any Edison Township or Middlesex County party committee, or to any PAC that regularly engages in the support of municipal elections and/or municipal parties for one (1) year from the time of first communications between that business entity and the Township regarding a specific professional services agreement.

c. 1. Subject to the limitations in 2. any entity meeting the definition of "professional business entity" in subsection d. below, as well as any PAC as referenced in this section, [under this section] may annually contribute a maximum of three hundred fifty ($350.00) dollars for any purpose to each candidate for Mayor, Council, or Edison Township Board of Education, four hundred ($400.00) dollars for any candidate for the
Middlesex County Board of Chosen Freeholders, and five hundred ($500.00) dollars to each Edison Township or Middlesex County party committees, or to a PAC referenced in this section, without violating paragraph a. However, 2. any entity meeting the definition of "professional business entity" under this section, including such principals, partners, and officers of the entity in the aggregate, as well as any PAC as referenced in this section, may not annually contribute for any purpose in excess of a total of one thousand four hundred ($1,400.00) dollars to all Edison Township candidates and officeholders with ultimate responsibility for the award of the contract and all Edison Township, Edison Township Board of Education, Middlesex County Board of Chosen Freeholders or Middlesex County political parties and PACs referenced in this section combined, without violating paragraph a.

d. For purposes of this section, a "professional business entity" is an entity seeking or performing a public contract for professional, banking or insurance coverage services, any other consulting services, and any other businesses, builders, planners, consultants, developers, engineers or employees of an engineering firm, and attorneys representing persons doing business in the Township, and which may be an individual, including the individual’s spouse, if any, and any child living at home; a person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a business entity includes all principals who own five (5%) percent or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.

e. For the purpose of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:

1. The Township of Edison Council and the Mayor of the Township of Edison, if the contract requires approval or appropriation from the Council.

2. The Mayor of the Township of Edison, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of the contract is appointed by the Mayor.

4-8.2 Contributions Made Prior to the Effective Date.

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any municipal candidate for Mayor or Council, or municipal or County party committee or PAC referenced in this section shall be deemed a violation of this section, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity prior to the effective date of this section.

4-8.3 Contribution Statement by Professional Business Entity.

a. Prior to awarding any contract or agreement to procure professional services, or banking or insurance coverage services or any other consulting services, with any professional business entity, the township or any of its purchasing agents or agencies, as the case may be, shall receive a sworn statement from the professional business entity
made under penalty of perjury that the bidder or offer or has not made a contribution within one year from the first communication about the contract, in violation of subsection 4-8.1.

b. The professional business entity shall have a continuing duty to report any violations of this section that may occur during the negotiation or duration of a contract. The certification required under this section shall be made prior to entry into the contract or agreement with the Township and shall be in addition to any other certifications that may be required by any other provision of law.

4-8.4 Return of Excess Contributions.

A professional business entity or Township candidate or officeholder or municipal or county party committee or PAC referenced in this section may cure a violation of subsection 4-8.1, if, within sixty (60) days after the contribution, the professional business entity notifies the Township Council in writing and seeks and receives reimbursement of a contribution from the Township candidate or municipal or County political party or PAC referenced in this section.

4-8.5 Penalty.

a. It shall be a breach of the terms of the Edison Township professional service agreement for a business entity to 1. make or solicit a contribution in violation of this section; 2. knowingly conceal or misrepresent a contribution given or received; 3. make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; 4. make or solicit any contribution on the condition or with the agreement that it will be contributed to campaign committee of any candidate or holder of the public office of Edison Township; 5. engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of this section; 6. fund contributions made by third parties, including consultants, attorneys, family members, and employees; 7. engage in any exchange of contributions to circumvent the intent of this section; or 8. directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this section.

b. Furthermore, any professional business entity who violates paragraph a. above shall be disqualified from eligibility for future Edison Township contracts for a period of four (4) calendar years from the date of the violation.

4-8.6 Contributions in Any Amount Prohibited.

a. Contributions in any amount are prohibited from the following individuals:

1. Any active member of a Township Board or Commission; and
2. Any current employee of the Township.
b. Any contribution made in violation of this section 4-8.6 shall subject the contributor to fine not to exceed the amount of the contribution.

4-11 REDEVELOPMENT PAY-TO-PLAY REFORM.

4-11.1 Prohibition of Entering into or Amending Redevelopment Agreements with Certain Contributors.

a. Any other provision of law to the contrary notwithstanding, the Township of Edison or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement, amend an agreement, or otherwise contract with any redeveloper, as defined in subsection d. below, for the planning, re-planning, construction or undertaking of any redevelopment project, including the acquisition or leasing of any public property in conjunction with the redevelopment of any area within the Township of Edison pursuant to the Local Redevelopment and Housing Law, if that redeveloper has made any contribution of money or pledge of a contribution, including in-kind contributions, during the applicable time period as defined in subsection b. below, to a campaign committee of any Edison Township candidate or holder of public office within the Township of Edison having responsibility for arranging, entering into, or approving the redevelopment agreement, or for appointing those who enter into the agreement on behalf of the Township of Edison or; to any municipal political campaign committee, or to any County party committee, or to any political action committee which regularly engages in the support of municipal elections and/or municipal parties or which engages in the support of Edison Township municipal campaigns (PAC).

b. For purposes of this section, the "applicable time period" shall be defined as the time period between the date that the property which is the subject of the redevelopment project has been included in a memorializing resolution adopted by the Governing Body directing the Planning Board to conduct a preliminary investigation to determine if the site is in need of redevelopment pursuant to and in accordance with the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1 et seq., and the date of entering into the redevelopment agreement, or the twelve (12) months prior to entering into the agreement.

c. All redevelopment agreements or amendments thereto entered into by the Township of Edison shall contain a provision prohibiting redevelopers as defined in paragraph c. to solicit or make any contribution of money or pledge of a contribution including in-kind contributions, to any Edison Township candidate or holder of public office within the Township of Edison having responsibility for arranging, entering into, or approving the redevelopment agreement, or for appointing those who enter into the agreement on behalf of the Township of Edison or; to any Edison Township political campaign committee, or to any Edison Township or Middlesex County Party Committee, or to any political action committee which regularly engages in the support of municipal elections and/or municipal parties or which engages in the support of Edison Township
municipal campaigns (PAC), between the time of first communication between that redeveloper and the municipality regarding a redevelopment project and the later of the termination of negotiations or the completion of all matters specified in the redevelopment agreement.

d. As defined in N.J.S.A. 40A:12A-3, a "redeveloper" means any person, firm, corporation or public body that shall enter into or propose to enter into a contract with a municipality or other redevelopment entity for the redevelopment or rehabilitation of an area in need of redevelopment, or an area in need of rehabilitation, or any part thereof, under the provisions of this section, or for any construction or other work forming part of a redevelopment or rehabilitation project. For the purposes of this section the definition of a redeveloper includes all principals who own five (5%) percent or more of the equity in the corporation or business trust, partners and officers in the aggregate employed by the provider as well as any affiliates or subsidiaries directly controlled by the redeveloper. Spouses and adult children at home shall also be included.

e. For the purposes of this section, the office that is considered to have responsibility for arranging and entering into the redevelopment agreement under the Act shall be:

1. The Township of Edison Council if the redevelopment agreement requires approval or appropriation from the Council or a public officer who is responsible for arranging and entering into the redevelopment agreement if that public officer is appointed by Council; or

2. The Mayor of Edison Township if the redevelopment agreement requires the approval of the Mayor or a public officer who is responsible for arranging and entering into the redevelopment agreement if that public officer is appointed by the Mayor; or

3. A designated redevelopment entity, if the redevelopment agreement requires the approval of the redevelopment entity.

**4-11.2 Contributions Made Prior to the Effective Date.**

No contribution of money or any other thing of value, including in-kind contributions, made by a redeveloper to any Edison Township candidate for Mayor or Edison Township Council or Edison Township political campaign committee shall be deemed a violation of this section nor shall an agreement for redevelopment projects of any kind whatsoever be disqualified thereby if that contribution or agreement was made by the redeveloper prior to the effective date of this section.

**4-11.3 Notice Given by Municipality; Sworn Statement of Redeveloper.**

a. It shall be the municipality's continuing responsibility to give notice of this section when the municipality gives notice of redevelopment pursuant to N.J.S.A. 40A:12A-6 and when the municipality adopts a resolution directing the Planning Board to prepare a redevelopment plan and at the time that the municipality adopts the ordinance to implement the redevelopment plan.
b. Prior to arranging and entering into the redevelopment agreement with any redeveloper, the Township of Edison or any of its purchasing agents or agencies or independent authorities, as the case may be, shall receive a sworn statement from the redeveloper that the redeveloper has not made any contribution in violation of subsection 4-11.1a. above. Furthermore, the redeveloper shall have a continuing duty to report any violations of this section that may occur while arranging and entering into the redevelopment agreement, and until all specified terms of the agreement have been completed. The sworn statement required under this section shall be made prior to entry into the agreement with the municipality and shall be in addition to any other certifications that may be required by any other provision of law.

4-11.4 Contribution Restrictions and Disclosure Requirement; Applicability to Consultants.

a. The contribution and disclosure requirements in this section shall apply to all developers as well as professionals, consultants or lobbyists contracted or employed by the redeveloper, as defined in 4-11.1(d), to provide services related to the:

1. Lobbying of government officials in connection with the examination of an area and its designation as an area in need of redevelopment or in connection with the preparation, consultation and adoption of the redevelopment plan;

2. Obtaining the designation or appointment as redeveloper;

3. Negotiating the terms of a redevelopment agreement or any amendments or modifications thereof; and/or

4. Performing the terms of a redevelopment agreement.

b. It shall be a breach of the consultant's contract, and shall require immediate termination, for a consultant to violate the contribution limits and/or disclosure requirements in this section.

c. A redeveloper who participates in, or facilitates, the circumvention of the contribution restrictions through consultants or professionals shall be deemed to be in breach.

4-11.5 Return of Excess Contributions.

A redeveloper or municipal candidate or officeholder or municipal or County party committee or PAC referenced in this section may cure a violation of subsection 4-11.1 and deemed not to be in breach, if, within thirty (30) days after the cited violation, the redeveloper notifies the Municipal Council in writing and seeks and receives reimbursement of a contribution from the municipal candidate or municipal or County political party or PAC referenced in this section.

4-11.6 Penalty.

a. It shall be a breach of the terms of the Township of Edison redevelopment agreement for a redeveloper to: 1. make or solicit a contribution in violation of this
section; 2. knowingly conceal or misrepresent a contribution given or received; 3. make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; 4. make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee of any candidate or holder of the public office of Edison Township; 5. engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the redeveloper itself, would subject that entity to the restrictions of this section; 6. fund contributions made by third parties, including consultants, attorneys, family members, and employees; 7. engage in any exchange of contributions to circumvent the intent of this section; or 8. directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this section.

b. Furthermore, any redeveloper who violates paragraph a.1. through a.8. above shall be disqualified from eligibility for future Edison Township redevelopment agreements for a period of four (4) calendar years from the date of the violation.

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

3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 4 of the Code shall remain unchanged and have full force and legal effect.

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

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

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

EXPLANATION: A Resolution authorizing the entering of a Shared Services Agreement with Piscataway Township for legal services regarding the condemnation of certain parcels of land and/or obtaining temporary construction, permanent roadway and/or permanent drainage easements of certain parcels of land situated on Brotherhood Street in both the Township of Edison and Piscataway Township.

WHEREAS, the Township of Edison (the “Township”) is a municipal corporation of the State of New Jersey authorized under the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. (“Shared Services Act”) to enter into an agreement with other local units to provide jointly (or through the agency of one of them on behalf of the other) any service which such entity may legally perform for itself; and

WHEREAS, in the spirit of mutual cooperation, the Township has the capacity to and seeks to receive from Piscataway Township (“Piscataway”) (together with the Township, the “Parties”), legal services with regard to the acquisition of certain parcels of land and/or obtaining temporary construction, permanent roadway and/or permanent drainage easements and, if necessary, fee simple interests in properties designated on the Piscataway tax maps as Block 8705, Lot 23; Block 8705, Lot 22.01; Block 20-A, Lot 6; Block 20-B; Lot 1-A; Block 20-B, Lot 1-B; and Block 8802, Lot 4, that are situated on Brotherhood Street in both the Township and Piscataway, for the purpose of promoting efficiency in government and reducing each Party’s respective expense for such services; and

WHEREAS, in furtherance, the Parties desire to enter a Shared Services Agreement (the “Agreement”), in the form attached hereto as Exhibit A, pursuant to the Shared Services Act to establish the terms of Piscataway’s provision of legal services to the Township for a term beginning August 22, 2018 and ending August 22, 2019; and

WHEREAS, the municipal council of the Township (the “Municipal Council”) further authorizes James F. Clarkin III, Esq., counsel for Piscataway, to negotiate the purchase of and, if necessary, fee simple interests, temporary construction, permanent roadway and/or permanent drainage easements of properties on the Piscataway tax maps as, designated as Block 8705, Lot 23; Block 8705, Lot 22.01; Block 20-A, Lot 6; Block 20-B; Lot 1-A; Block 20-B, Lot 1-B; and Block 8802, Lot 4, that are situated on Brotherhood Street in both the Township and Piscataway, to be paid by the Township on either a full or pro-rata basis, as more fully described in the Memorandum of James F. Clarkin III, Esq., dated August 8, 2016 and which will be attached to the Agreement; and

WHEREAS, the Agreement provides for and shall be subject to cancellation by either Party upon thirty (30) days’ written notice; and

WHEREAS, the Municipal Council of the Township (“Municipal Council”) seeks to hereby authorize the Township’s entering and execution of the Agreement.

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 form of the Agreement is hereby approved, and the Municipal Council hereby authorizes and directs the Mayor 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 on behalf of the Township. A copy of this Resolution and the executed Agreement shall be maintained on file with the Township Clerk.

Section 3. The Township Clerk is hereby instructed to forward a copy of the signed Agreement to the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, for informational purposes, in accordance with the Shared Services Act.

Section 4. This Resolution shall take effect immediately.
EXPLANATION: An Ordinance amending the Township Code Chapter 37, “Zoning,” Schedule A, “Schedule of Yard, Area and Building Requirements” to reflect changes to floor area ratio requirements, and repealing O.1629-2008 to ensure legislative consistency with the amended requirements.

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 Township Code of General Ordinances (the “Code”) provides rules, regulations and standards to conserve the value of property and encourage the most appropriate use of land in the Township, pursuant to Chapter 37 of the Code; and

WHEREAS, the Township desires to amend Schedule A to Chapter 37 of the Code, entitled “Schedule of Yard, Area and Building Requirements,” to reflect changes to floor area ratio requirements; and

WHEREAS, the Township further desires to repeal Ordinance O.1629-2008, which also previously amended Schedule A to Chapter 37 of the Code, to ensure that the zoning regulations for each delineated zone remain consistent; and

WHEREAS, prior to the Municipal Council hearing on the adoption of this Ordinance it shall be referred to the Planning Board as required by N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26 of the Municipal Land Use Law; and

WHEREAS, the Municipal Council of the Township (“Municipal Council”) has determined to amend Schedule A to Chapter 37 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

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

<table>
<thead>
<tr>
<th>ZONE DISTRICT</th>
<th>MAXIMUM FLOOR AREA RATIO</th>
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</thead>
<tbody>
<tr>
<td>R-A and R-A (PRD)</td>
<td>[.25] .20</td>
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<tr>
<td>R-BB</td>
<td>[.35] .32</td>
</tr>
<tr>
<td>R-B</td>
<td>[.44] .35</td>
</tr>
</tbody>
</table>

… [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] …
NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Edison, Middlesex County, State of New Jersey, as follows:

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

2. The Municipal Council hereby amends Schedule A to Chapter 37 of the Code, entitled “Schedule of Yard, Area and Building Requirements” to read as follows:

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

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<td>R-B</td>
<td>.35</td>
</tr>
</tbody>
</table>

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

3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 37 of the Code shall remain unchanged and have full force and legal effect.

4. Township Ordinance O.1629-2008 is hereby repealed.

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.

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 Township Code of General Ordinances (the “Code”) provides rules, regulations and standards to conserve the value of property and encourage the most appropriate use of land in the Township, pursuant to Chapter 37 of the Code; and

WHEREAS, the Township desires to amend Chapter 37-21 of the Code, entitled “G-B and G-BH General Business Districts,” to reflect changes to permitted floor area ratio; and

WHEREAS, subsection 37-21.5 of the Code, entitled “Conditional Uses,” provides for certain conditional uses in GB-H Zones; and

WHEREAS, prior to the Municipal Council hearing on the adoption of this Ordinance it shall be referred to the Planning Board as required by N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26 of the Municipal Land Use Law; and

WHEREAS, the Municipal Council of the Township (“Municipal Council”) has determined to amend Subchapter 37-21.5 (a) (4) of the Code to read as follows (additions are underlined and deletions are in [brackets]):

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

4. Village Center. This conditional use would apply only to those properties currently zoned G-BH which have a minimum frontage of six hundred fifty (650) feet along the Route 27 right-of-way, subject to compliance with all of the following additional conditions:

   (a) Permitted uses within a "Village Center" include all permitted uses in the G-BH zone district, excluding new and used automobile dealerships and motels.

   (b) Permitted accessory uses within a "Village Center" include all permitted accessory uses in the G-BH zone district.

   (c) All existing bulk requirements of the G-BH zone district shall apply except as follows:
(1) The maximum permitted floor area ratio shall be [increased from] 0.25 [to 0.35]; and

(2) The minimum required front yard setback shall be [decreased from] fifty (50) feet [to ten (10) feet].

(d) On-site parking shall be required at a rate of one (1) space per two hundred fifty (250) square feet of floor area.

(e) Pedestrian connectivity between buildings.

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

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

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

2. The Municipal Council hereby amends Chapter 37-21.5 of the Code, entitled “Conditional Uses” to read as follows:

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

4. Village Center. This conditional use would apply only to those properties currently zoned G-BH which have a minimum frontage of six hundred fifty (650) feet along the Route 27 right-of-way, subject to compliance with all of the following additional conditions:

(a) Permitted uses within a "Village Center" include all permitted uses in the G-BH zone district, excluding new and used automobile dealerships and motels.

(b) Permitted accessory uses within a "Village Center" include all permitted accessory uses in the G-BH zone district.

(c) All existing bulk requirements of the G-BH zone district shall apply except as follows:

(1) The maximum permitted floor area ratio shall be 0.25; and

(2) The minimum required front yard setback shall be fifty (50) feet.

(d) On-site parking shall be required at a rate of one (1) space per two hundred fifty (250) square feet of floor area.

(e) Pedestrian connectivity between buildings.

… [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] …
3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 37-21 of the Code shall remain unchanged and have full force and legal effect.

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

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

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

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 Township Code of General Ordinances (the “Code”) provides rules, regulations and standards to conserve the value of property and encourage the most appropriate use of land in the Township, pursuant to Chapter 37 of the Code; and

WHEREAS, the Township desires to amend Chapter 37-30 of the Code, entitled “O-S, O-S-1 and O-S-2 Service Districts,” to remove single family detached dwellings from the list of permitted uses in these districts; and

WHEREAS, subsection 37-30.2 of the Code, entitled “Permitted Uses,” permits single family detached dwellings to be constructed in these districts; and

WHEREAS, prior to the Municipal Council hearing on the adoption of this Ordinance it shall be referred to the Planning Board as required by N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26 of the Municipal Land Use Law; and

WHEREAS, the Municipal Council of the Township (“Municipal Council”) has determined to amend Subchapter 37-30.2 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

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

37-30 O-S, O-S-1 AND O-S-2 SERVICE DISTRICTS.

37-30.1 Purpose.

These districts are differentiated one from the other by the schedule of development and use. The purpose of these districts is to provide a reasonable use of land for nonresidential purposes, but at the same time maintain a residential presence.

37-30.2 Permitted Uses.

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

a. Medical and dentistry and related professional services;
b. Business and professional offices and banks;

c. In the O-S and O-S-1 districts only, barbershops, beauty shops and similar service establishments;

d. In the O-S and O-S-1 districts only, retail sales of books, stationery sales, arts and craft sales, antique stores, photography sales and supplies and recreational equipment sales. In no case shall any use be permitted which involves the sale of food, inclusive of candy, ice cream, etc.;

[ e. Single-family detached dwelling.]

37-30.3 Accessory Uses.

Use customary and incidental to the principal use and located within the principal building(s).

37-30.4 Conditional Uses.

Dwelling unit as an accessory use, subject to the following:

a. The dwelling unit shall be accessory to the principal use at the site and shall be located in the same building.

b. A dwelling unit shall have an exterior entrance separate from that of the principal business use at the site.

37-30.5 Height, Area and Yard Requirements.

Height, area and yard requirements are as specified in the schedule, Section 37-63.

37-30.6 Other Requirements.

Same as specified for the L-B district.

37-30.7 Off-Street Parking and Loading Requirements.

Off-street parking and loading requirements are as specified in Section 37-60.

37-30.8 Signs.

Signs shall be subject to the sign regulations of Section 37-62.

37-30.9 Architectural Regulation.

The development character of these districts in most instances was or is residential in appearance. Most buildings were originally constructed as single-family homes. In this context, any new, altered or enlarged construction shall be designed to maintain a residential appearance.
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 37-30.2 of the Code, entitled “Permitted Uses” to read as follows:

37-30 O-S, O-S-1 AND O-S-2 SERVICE DISTRICTS.

37-30.1 Purpose.

These districts are differentiated one from the other by the schedule of development and use. The purpose of these districts is to provide a reasonable use of land for nonresidential purposes, but at the same time maintain a residential presence.

37-30.2 Permitted Uses.

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses:

a. Medical and dentistry and related professional services;

b. Business and professional offices and banks;

c. In the O-S and O-S-1 districts only, barbershops, beauty shops and similar service establishments;

d. In the O-S and O-S-1 districts only, retail sales of books, stationery sales, arts and craft sales, antique stores, photography sales and supplies and recreational equipment sales. In no case shall any use be permitted which involves the sale of food, inclusive of candy, ice cream, etc.

37-30.3 Accessory Uses.

Use customary and incidental to the principal use and located within the principal building(s).

37-30.4 Conditional Uses.

Dwelling unit as an accessory use, subject to the following:

a. The dwelling unit shall be accessory to the principal use at the site and shall be located in the same building.
b. A dwelling unit shall have an exterior entrance separate from that of the principal business use at the site.

37-30.5 **Height, Area and Yard Requirements.**

Height, area and yard requirements are as specified in the schedule, Section 37-63.

37-30.6 **Other Requirements.**

Same as specified for the L-B district.

37-30.7 **Off-Street Parking and Loading Requirements.**

Off-street parking and loading requirements are as specified in Section 37-60.

37-30.8 **Signs.**

Signs shall be subject to the sign regulations of Section 37-62.

37-30.9 **Architectural Regulation.**

The development character of these districts in most instances was or is residential in appearance. Most buildings were originally constructed as single-family homes. In this context, any new, altered or enlarged construction shall be designed to maintain a residential appearance.

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

3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 37-30 of the Code shall remain unchanged and have full force and legal effect.

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

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

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

EXPLANATION: THIS RESOLUTION PROVIDES FOR THE REFUND OF THE UNUSED PORTION OF DEVELOPERS ESCROW FEES POSTED BY HOGAN AUTOMOTIVE FOR THE ZONING BOARD APPLICATION NO #Z3-2016

WHEREAS, The Township Planning Board Secretary advises that the Developer Escrow Fees posted by Hogan Automotive, a project located at 2011 Lincoln Highway, Edison, N.J. 08817 in Block 122, Lot 1-7 and Application #Z3-2016; and

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

WHEREAS; on September 15, 2015, Hogan Automotive posted fees on deposit with the Township of Edison in the account # 7763595443 for Developers Escrow Fees; and

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

WHEREAS; it is now in order that the sum $1,475.00 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to 913 Middlesex Avenue Suite 1. Metuchen, NJ 08840; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of $1,475.00 plus accrued interest, if applicable be refunded to Hogan Automotive, 913 Middlesex Avenue, Suite 1, Metuchen, NJ 08840

BE IF FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund the sum of $1,475.00 plus accrued interest, if applicable, in account # 7763595443 to the applicant.
RESOLUTION

EXPLANATION: THIS RESOLUTION PROVIDES FOR A REFUND OF THE CONSTRUCTION PERMIT FEE, LESS THE DCA FEE, POSTED FOR A RESIDENTIAL CONSTRUCTION PERMIT AS THE WORK APPLIED FOR WAS NEVER DONE.

WHEREAS, on June 28, 2018, a Construction Permit fee, check #2319, permit #2018-2579, was posted in the total amount of $2855.00 by the contractor, MC Home Improvement, having offices at 242 Lehigh Ave. Roselle Park, NJ-07204; and

WHEREAS, the application was submitted for interior alterations at 696 Amboy Ave., by the hired contractor; MC Home Improvement, however the work was never performed and a refund is being requested; and

WHEREAS, appropriate documents have been submitted to the Township indicating that the work was not done it is therefore appropriate that the municipal permit fee in the amount of $2850.00, derived from the $2855.00 total construction permit fee less the $5.00 DCA fee, be refunded to the contractor MC Home Improvement; and

WHEREAS, the Township Construction Official recommends the refund of the municipal permit fee, on Construction Permit #2018-2579, in the amount of $2850.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed $2850.00 on construction permit fees posted by MC Home Improvement for 696 Amboy Ave. be refunded to the contractor;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of $2850.00 from the Refund of Revenue Fund to the Contractor, MC Home Improvement, having offices at 242 Lehigh Ave. Roselle Park, NJ-07204.
RESOLUTION

WHEREAS, the Division of Engineering Services advises that an inspection has been made of Mila Estates at 702 Denver Blvd, Application # P5157 located in Block #498 Lot #12.A,13.A,15.A; and

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

WHEREAS, on September 24, 2015, Inc., posted a check in the amount of $13,354.16, for engineering fees; and

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

WHEREAS, the sum expended for engineering inspections totals $4,175.85; and

WHEREAS, it is in now in order that the sum of $9,178.31 which represents the amount due and owing the applicant, be returned to Kimmar Developers; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of $9,178.31 plus interest be refunded to Kimmar Developers, 910 Amboy Avenue, Edison, N.J. 08837; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of $9,178.31 plus interest in account # 7763595477 to the applicant.
RESOLUTION

WHEREAS, the Division of Engineering Services advises that an inspection has been made of Cinder II, at 42 Cinder Road, Application # P5164 located in Block #427 Lot #8.09,8.10,8.11,8.12; and

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

WHEREAS, on January 7, 2015, Inc., posted a check in the amount of $29,412.31, for engineering fees; and

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

WHEREAS, the sum expended for engineering inspections totals $4,922.72; and

WHEREAS, it is in now in order that the sum of $24,490.30 which represents the amount due and owing the applicant, be returned to Kimmar Developers; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of $24,490.30 plus interest be refunded to Kimmar Developers, 910 Amboy Avenue, Edison, N.J. 08837; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of $24,490.30 plus interest in account # EI170110KI to the applicant.
RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT TO NEW VENTURE CONSTRUCTION FOR HOME IMPROVEMENTS AS PART OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, The Community Development Block Grant (CDBG) funds are used to facilitate various projects throughout the community as outlined in the Program Year 2015 Consolidated Annual Action Plan; and

WHEREAS, part of the funding is for improvements to qualified single family, owner occupied dwellings located in Edison; and

WHEREAS, quotes were solicited by the Township of Edison for Case Number 0118; and

WHEREAS, NEW VENTURE CONSTRUCTION, 716 Old Post Road, Edison, NJ 08817, submitted the lowest quote in the amount of $14,330.00 and funds in the amount of $14,330.00 have been certified to be available in the CDBG Housing Rehabilitation Account Number T-14-15-0510-000-001; and

WHEREAS, for the year 2017, the Township expended $23,670.00 with NEW VENTURE CONSTRUCTION, and the current contract in the amount of $14,330.00 will make a combined total amount of $38,000.00 in a twelve month period; and

WHEREAS, this amount exceeds $17,500.00 and therefore needs authorization through the provisions of N.J.S.A. 19:44A-20.5 et. seq.; and

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

WHEREAS, prior to contract/Purchase order, NEW VENTURE CONSTRUCTION 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 NEW VENTURE CONSTRUCTION from making any reportable contributions through the term of the contract; and

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

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

1. Quotes have been reviewed and the quote in the amount of $14,330.00 by NEW VENTURE CONSTRUCTION, 716 Old Post Road, Edison, NJ 08817 for home improvements (Case #0118) has been reviewed and is determined to be the lowest quote.

2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount of $14,330.00 and any other necessary documents, with NEW VENTURE CONSTRUCTION.

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

4. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of $14,330.00 are available for the above contract in Account No. T-14-15-0510-000-001.

_____________________________
Nicholas C. Fargo
Chief Financial Officer
RESOLUTION ACCEPTING BID WITHDRAWAL FROM MBE MARK III ELECTRIC, INC.
FOR EVERGREEN PUMP STATION PRIORITY REPAIRS

WHEREAS, bids were received by the Township of Edison on July 17, 2018 for Public Bid No. 18-06-11-Evergreen Pump Station Priority Repairs; and

WHEREAS, MBE MARK III ELECTRIC, INC., 213 Main St., Madison, NJ 07940 submitted a bid in the total amount of $888,597.00; and

WHEREAS, on July 18, 2018 MBE MARK III ELECTRIC, INC., submitted the attached letter requesting withdrawal of said bid; and

WHEREAS, Local Public Contracts Law 40A:11-23.3 allows for withdrawal of bid due to a mistake on the part of the bidder within five business days after a bid opening upon evidence of mistake; and

WHEREAS, after review of said request and additional requested information, MBE MARK III ELECTRIC, INC. has met the requirements of 40A:11-23.3 for bid withdrawal under this statute and the Township recommends accepting withdrawal of bid; and

WHEREAS, pursuant to 40A:11-23.3 withdrawal of bid includes disqualification from future bidding on the same project; 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 bid submitted by MBE MARK III ELECTRIC, INC., 213 Main St., Madison, NJ 07940 is hereby withdrawn in accordance with 40A:11-23.3.

2. MBE MARK III ELECTRIC, INC. is disqualified from future bidding on this project pursuant to 40A:11-23.3(f).

3. The purchasing agent is hereby authorized to return the bid guarantee pursuant to 40A:11-23.3(e).
RESOLUTION TO RELEASE STREET OPENING APPLICATION FEE

WHEREAS, the Township of Edison Department of Public Works advises the following have paid the Street Opening application fees; and

WHEREAS, notification has been received from the Department of Engineering stating that the work shown does not encroach on public road; and

WHEREAS, the Department of Public Works and the Department of Engineering recommends refund of the Road Opening Application Fee to Keeri Keich, resident of 239 Old Post Rd, Edison, NJ in the amount of $200.00;

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Finance Department is hereby authorized to release Street Opening Application Fee:

Permit Number: DEV-0024
Opening Location: 239 Old Post Rd
Block/Lot: 265.G/10
Applicant’s Name & Address: Kerri Keich
239 Old Post Rd
Edison, NJ 08817
Initial Deposit Date: 7/20/2018
Deposit Amount: $200.00
Paid by & refunded to: Kerri Keich
239 Old Post Rd
Edison, NJ 08817

BE IT FURTHER RESOLVED that the Township Council of the Township of Edison forwards a certified true copy of the resolution to the Director of Finance.
RESOLUTION AWARDED THREE EMERGENCY CONTRACTS/PURCHASE ORDERS TO MONTANA CONSTRUCTION FOR FORCE MAIN REPAIRS AT FORDS PUMP STATION, PLAINFIELD AVENUE AND 62 CLIFTON STREET

WHEREAS, emergencies occurred on February 5, 2018 at the Fords Pump Station, April 11, 2018 on 62 Clifton St. and on April 30, 2018 on Plainfield Ave.; and

WHEREAS, upon investigation it was determined there was a need for force main repairs at those three locations at the above dates and times; 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, MONTANA CONSTRUCTION CORPORATION INC., 80 Contant Avenue, Lodi, NJ submitted quotes to Public Works for the force main repair for Fords Station in the amount of $22,714.07, 62 Clifton Street in the amount of $12,664.84 and Plainfield Avenue in the amount of $15,826.96; and

WHEREAS, funds in the amount of $51,205.87 have been certified to be available in the Sewer – Other Contractual Items Account, Number 8-07-55-0501-000-029; and

WHEREAS, prior to contract/Purchase order, MONTANA CONSTRUCTION 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 MONTANA CONSTRUCTION from making any reportable contributions through the term of the contract; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount of $51,205.87, and any other necessary documents, with MONTANA CONSTRUCTION CORPORATION INC., 80 Contant Avenue, Lodi, NJ 07644, as described herein.

2. This contract is awarded pursuant to N.J.S.A. 40A:11-6 et seq.

3. The Determination of Value shall be placed on file with this resolution.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of $51,205.87 are available for the above in Account No. 8-07-55-0501-000-029.

___________________________________________
Nicholas C. Fargo
Chief Financial Officer

___________________________
Date
RESOLUTION AWARDING REIMBURSEMENT TO VARIOUS ADULT FALL SOFTBALL TEAMS
FOR ENDING THE SEASON IN GOOD STANDING

WHEREAS, there exists an ordinance for sports teams to pay entrance fees prior to playing in Edison Township’s Recreation leagues.

WHEREAS, the ordinance further states that a “Good Standing Refund” in the amount of $75.00 shall be made payable to each softball team finishing the season in good standing with the league, and

WHEREAS, fees in the amount of $525.00 have been certified to be available in the Township Trust Account, Number T-13-00-0000-000-014.

WHEREAS, the below listed adult softball teams eligible for a good standing refund are as follows:

<table>
<thead>
<tr>
<th>REFUND NAME</th>
<th>TEAM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jack Miranda</td>
<td>JFK</td>
</tr>
<tr>
<td>Anthony Peterson</td>
<td>South Sliders</td>
</tr>
<tr>
<td>Jonathan Suydam</td>
<td>Inglourious Batters</td>
</tr>
<tr>
<td>Bob Mnich</td>
<td>Liberty Tavern Mookdawgs</td>
</tr>
<tr>
<td>Rodolfo L. Aninipot</td>
<td>Atmos Softball</td>
</tr>
<tr>
<td>Anthony LaGrasso</td>
<td>Port Pirates</td>
</tr>
<tr>
<td>Jason Rios</td>
<td>Stingerz</td>
</tr>
</tbody>
</table>

NOW, THEREFORE, IT IS RESOLVED by the Municipal Council of the Township of Edison that authorization be given to release said funds to these teams.

CERTIFICATION

I hereby certify that funds in the amount of $525.00 are available for the above teams in Account No.T-13-00-1000-000-048.

Q: sb fall ball resolution
7/27/18
RESOLUTION AWARDING REIMBURSEMENT TO VARIOUS OVER 50 MEN’S FALL
SOFTBALL TEAMS
FOR ENDING THE SEASON IN GOOD STANDING

WHEREAS, there exists an ordinance for sports teams to pay entrance fees prior to playing in
Edison Township’s Recreation leagues.

WHEREAS, the ordinance further states that a “Good Standing Refund” in the amount of $75.00
shall be made payable to each softball team finishing the season in good standing with the league, and

WHEREAS, fees in the amount of $450.00 have been certified to be available in the Township
Trust Account, Number T-13-00-0000-000-014.

WHEREAS, the below listed adult softball teams eligible for a good standing refund are as
follows:

<table>
<thead>
<tr>
<th>REFUND NAME</th>
<th>TEAM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crane, Tonelli, Rosenberg &amp; Co., LLP</td>
<td>AJ Jersey</td>
</tr>
<tr>
<td>John Garced</td>
<td>Preferred Freezer</td>
</tr>
<tr>
<td>VanDemark Plumbing &amp; Heating</td>
<td>Plumbers</td>
</tr>
<tr>
<td>Robert Greco</td>
<td>Top Line</td>
</tr>
<tr>
<td>Johnnie Jordan</td>
<td>Perth Amboy Panthers</td>
</tr>
<tr>
<td>Kenneth Zeidner</td>
<td>Bad Brains</td>
</tr>
</tbody>
</table>

NOW, THEREFORE, IT IS RESOLVED by the Municipal Council of the
Township of Edison that authorization be given to release said funds to these teams.

CERTIFICATION

I hereby certify that funds in the amount of $450.00 are available for the above teams in
Account No.T-13-00-1000-000-048.

Q: sb over 50 resolution
7/27/18
RESOLUTION AUTHORIZING A REIMBURSEMENT TO
ARUNA PATEL FOR THE SUMMER

WHEREAS Aruna V. Patel made payment in the amount of $80.00 for her two children to
participate in the summer playground program; and

WHEREAS, the family moved out of town prior to attending the program.

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 $80.00 to Aruna V.
Patel, 105 Briarwood Dr., North Brunswick, NJ 08902, which amount represents the payment for the
summer playground program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of $80.00 are available in Account #8-01-55-0291-000-000.
RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO S&S WORLDWIDE
FOR THE FURNISHING OF ART SUPPLIES AND HANDICRAFTS

WHEREAS, bids were received by the Township of Edison on June 27, 2018 for Public Bid No. 18-03-05-Art Supplies and Handicrafts; and

WHEREAS, S&S WORLDWIDE, 75 Mill Road, Colchester, CT 06415 submitted the lowest legally responsible bid for a percentage off their catalog prices as listed on the spreadsheet; and

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

WHEREAS, the amount of the first year and any succeeding renewal year shall not exceed $20,000.00, and cannot be encumbered at this time; and

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

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

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

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

6. All bids have been reviewed, and the bid submitted by S&S WORLDWIDE, 75 Mill Street, Colchester, CT 06415 for Art Supplies and Handicrafts is determined to be the lowest legally responsible bid for a percentage off their catalog prices as listed on the spreadsheet.

7. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed $20,000.00, for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents with S&S WORLDWIDE as described herein.
RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO ACE EDUCATIONAL SUPPLIES FOR THE FURNISHING OF ART SUPPLIES AND HANDICRAFTS

WHEREAS, bids were received by the Township of Edison on June 27, 2018 for Public Bid No. 18-03-05-Art Supplies and Handicrafts; and

WHEREAS, ACE EDUCATIONAL SUPPLIES, 5595 South University Dr., Davie, Fl 33325 submitted the lowest legally responsible bid for a percentage off their catalog and website prices as listed on the spreadsheet; and

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

WHEREAS, the amount of the first year and any succeeding renewal year shall not exceed $2,000.00, and cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid submitted by ACE EDUCATIONAL SUPPLIES, 5595 South University Dr., Davie, Fl 33325 for Art Supplies and Handicrafts is determined to be the lowest legally responsible bid for a percentage off their catalog prices as listed on the spreadsheet.

2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed $2,000.00, for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other documents with ACE EDUCATIONAL SUPPLIES.
RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO LAKESHORE LEARNING MATERIALS FOR THE FURNISHING OF ART SUPPLIES AND HANDICRAFTS

WHEREAS, bids were received by the Township of Edison on June 27, 2018 for Public Bid No. 18-03-05-03-Art Supplies and Handicrafts; and

WHEREAS, LAKESHORE LEARNING MATERIALS, 2695 E. Dominquez St., Carson, CA 90895, submitted the lowest legally responsible bid for a percentage off their catalog and website prices as listed on the spreadsheet; and

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

WHEREAS, the amount of the first year and any succeeding renewal year shall not exceed $2,000.00, and cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid submitted by LAKESHORE LEARNING MATERIALS, 2695 E. Dominquez St., Carson, CA 90895, for Art Supplies and Handicrafts is determined to be the lowest legally responsible bid for a percentage off their catalog prices as listed on the spreadsheet.

2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed $2,000.00, for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other documents with LAKESHORE LEARNING MATERIALS.
RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO NASCO EDUCATION
FOR THE FURNISHING OF ART SUPPLIES AND HANDICRAFTS

WHEREAS, bids were received by the Township of Edison on June 27, 2018 for Public Bid No. 18-03-05-Art Supplies and Handicrafts; and

WHEREAS, NASCO EDUCATION, 901 Janesville Ave., Fort Atkinson, WI 53538, submitted the lowest legally responsible bid for a percentage off their catalog and website prices as listed on the spreadsheet; and

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

WHEREAS, the amount of the first year and any succeeding renewal year shall not exceed $2,000.00, and cannot be encumbered at this time; and

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

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

WHEREAS, the Township Council accepts Edison Township’s recommendations as described herein 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 NASCO EDUCATION, 901 Janesville Ave., Fort Atkinson, WI 53538, for Art Supplies and Handicrafts is determined to be the lowest legally responsible bid for a percentage off their catalog prices as listed on the spreadsheet.

2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed $2,000.00, for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other documents with NASCO EDUCATION.
RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO SCHOOL SPECIALTY, INC. 
FOR THE FURNISHING OF ART SUPPLIES AND HANDICRAFTS

WHEREAS, bids were received by the Township of Edison on June 27, 2018 for Public Bid No. 18-03-05-
Art Supplies and Handicrafts; and

WHEREAS, SCHOOL SPECIALTY, INC., 140 Marble Dr., Lancaster, PA 17601, submitted the lowest 
legally responsible bid for a percentage off their catalog and website prices as listed on the spreadsheet; and

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

WHEREAS, the amount of the first year and any succeeding renewal year shall not exceed $5,000.00, and 
cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid submitted by SCHOOL SPECIALTY, INC., 140 Marble Dr., 
Lancaster, PA 17601, for Art Supplies and Handicrafts is determined to be the lowest legally 
responsible bid for a percentage off their catalog prices as listed on the spreadsheet.

2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed 
$5,000.00, for the first year and any succeeding renewal year contingent upon appropriation of 
sufficient funds each renewal year and any other documents with SCHOOL SPECIALTY, INC.
RESOLUTION AWARDING CONTRACT TO KENNEDY EVENT SERVICES INC. FOR TOWNSHIP OF EDISON 2018 EVENT SERVICES FALL SPECTACULAR

WHEREAS, the Township of Edison advertised on the Township website a request for proposals on July 16, 2018 for RFP 18-02R EVENT SERVICES with a bid opening date of August 1, 2018 and two (2) proposals were received; and

WHEREAS, after review and evaluation of the proposals, it has been recommended by the Township that the contract be awarded to KENNEDY EVENT SERVICES INC., 24 Cokesbury Road, Suite 12, Lebanon, NJ 08833 in the amount not to exceed $15,628.15; and

WHEREAS, for the prior twelve months, the Township expended $3,894.18 with KENNEDY EVENT SERVICES and the award of this contract in the amount of $15,628.15 will make a combined total amount of $19,522.33 in a twelve month period; and

WHEREAS, this amount exceeds $17,500.00 and therefore needs authorization through the provisions of N.J.S.A. 19:44A-20.5 et. seq.; and

WHEREAS, this Contract was awarded through a “fair and open process” pursuant to N.J.S.A. 19:44A-20.5, et seq.; and

WHEREAS, funds in the amount of $15,628.15 have been certified to be available in the Celebration of Public Events Expense account number 8-01-30-0420-000-020; 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. The proposals have been reviewed, and the proposal submitted by KENNEDY EVENT SERVICES INC., 24 Cokesbury Road, Suite 12, Lebanon, NJ 08833 for Township 2018 event services for the Fall Spectacular, is determined to be the lowest, legally responsible, responsive 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 $15,628.15, and any other necessary documents, with KENNEDY EVENT SERVICES INC. as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **$15,628.15** are available for the above in account number **8-01-30-0420-000-020**.

__________________________________________
Nicholas C. Fargo
Chief Financial Officer
RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT/PURCHASE ORDER TO STALKER RADAR FOR RADAR TRAILERS FOR THE DIVISION OF POLICE

WHEREAS, quotes were solicited by the Township of Edison for two radar trailers with lights and light bars for the Division of Police; and

WHEREAS, STALKER RADAR, 855 E. Collins Blvd, Richardson, TX 75081 submitted the lowest quote in the amount of $16,796.00 for two; and

WHEREAS, for the prior twelve months, the Township expended $6,450.00 with STALKER RADAR and the purchase of these trailers in the amount of $16,796.00 will make a combined total amount of $23,246.00 in a twelve month period; and

WHEREAS, this amount exceeds $17,500.00 and therefore needs authorization through the provisions of N.J.S.A. 19:44A-20.5 et. seq.; and

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

WHEREAS, funds in the amount of $16,796.00 have been certified to be available in the Acquisition of Emergency Management Equipment Account, number C-04-05-1468-392-003; and

WHEREAS, prior to contract/Purchase order, STALKER RADAR 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 STALKER RADAR from making any reportable contributions through the term of the contract; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed $16,796.00 and any other necessary documents STALKER RADAR, 855 E. Collins Blvd, Richardson, TX 75081 for two radar trailers with lights and light bars for the Division of Police as described herein.

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

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

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of $16,796.00 are available for the above contract in Account No. C-04-05-1468-392-003.

______________________________
Nicholas C. Fargo
Chief Financial Officer

______________________________
Date
RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO PURCHASE POLICE VEHICLES FROM BEYER FORD THROUGH THE CRANFORD POLICE COOPERATIVE PRICING SYSTEM

WHEREAS, N.J.S.A. 40A:11-11 et seq., authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Township of Edison is a member of the Cranford Police Cooperative Pricing System #47-CPCPS; and

WHEREAS, BEYER FORD, 170 Ridgedale Avenue, Morristown, NJ 07962 has been awarded Contract 17-01- Police and Administrative Vehicles, through this Cooperative Pricing System; and

WHEREAS, the Township of Edison intends to enter into a contract/purchase order with BEYER FORD for three (3) 2018 or newer Ford Utility Police Interceptors (Black) at a total price of $79,260.00 ($26,420.00 each), one (1) 2018 or newer Ford Utility Police Interceptor (Black) at a price of $26,106.00, and four (4) 2018 or newer Ford Sedan Police Interceptors (Black) at a total price of $97,916.00 ($24,479.00 each) under the Cranford Police Cooperative Pricing System; and

WHEREAS, funds for this purchase, in the total amount of $203,282.00 are available in the Police Department Purchase of Vehicles Account, Number 8-01-25-0240-000-051; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order and any other necessary documents, in the amount of $203,282.00 with BEYER FORD, 170 Ridgedale Avenue, Morristown, NJ 07962 the approved Cranford Police Cooperative Pricing System vendor through this resolution, which shall be subject to all the conditions applicable to the current Cranford Police Cooperative Pricing System Contract as set forth above.

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

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of $203,282.00 are available for the above in Account No. 8-01-25-0240-000-051.

__________________________
Nicholas C. Fargo
Chief Financial Officer

__________________________
Date
RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO HART HALSEY LLC DBA EXTRA DUTY SOLUTIONS FOR THE MANAGEMENT AND ADMINISTRATION OF THE POLICE OFF DUTY DETAIL

WHEREAS, in conformance with N.J.S.A 40A:11-4.1 et seq, Resolution R.310-062018 authorized the use of competitive contracting for the Management and Administration of the Edison Police Division’s Off Duty Detail; and

WHEREAS, bids were received by the Township of Edison on July 25, 2018 for RFP No. 18-07-05, Police Off-Duty Detail Management System; and

WHEREAS, after review and evaluation of said bids, it has been recommended by the Evaluation Committee that this contract be awarded to HART HALSEY LLC DBA EXTRA DUTY SOLUTIONS, 101 Merritt Blvd, Suite 21, Trumbull, CT 06611; and

WHEREAS, compensation to HART HALSEY LLC DBA EXTRA DUTY SOLUTIONS for these services shall be from the companies requesting extra duty detail in the form of 7.75 percent on the gross salary; and

WHEREAS, the initial contract term shall be for two (2) years from execution with three (3), one (1) year renewals at the sole discretion of the Township at the same prices, conditions, requirements and terms of the contract; 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:

4. All bids have been evaluated and the bid submitted by HART HALSEY LLC DBA EXTRA DUTY SOLUTIONS, 101 Merritt Blvd, Suite 21, Trumbull, CT 06611 for the Edison Police Division’s Off Duty Detail Management System has been recommended by the evaluation committee through the competitive contracting process.

5. The Mayor, or his designee, is hereby authorized to execute a contract with HART HALSEY LLC DBA EXTRA DUTY SOLUTIONS for a period of two (2) years with the option of there (3) one year renewals as described herein.

6. Notice of the award shall be published in the official newspaper, as required by law, and shall be on file and available for public inspection in the office of the Edison Township Municipal Clerk.
RESOLUTION R.

EXPLANATION: A Resolution authorizing and approving the Person-to-Person transfer of the Plenary Retail Distribution License held by Surandar R. Pareddy to Liquor Land, LLC with respect to business premises to be located at 775 Route 1, Unit #8, Edison.

WHEREAS, an application has been filed with the Township of Edison (“Township”) for a Person-to-Person transfer of the Plenary Retail Distribution Liquor License No. 1205-44-072-001 (“License”), issued to Surandar R. Pareddy, (“Seller”) to Liquor Land, LLC (“Applicant”) to be used at Applicant’s business location at 775 Route 1, Unit #8, 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 775 Route 1, Unit #8, effective August 22, 2018.

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 Liquor Land, LLC at business premises at 775 Route 1, Unit #8, Edison, NJ 08817.

4. This Resolution shall take effect immediately.

(New License No. 1205-44-072-002)
RESOLUTION R.

EXPLANATION: A Resolution authorizing and approving the Person-to-Person transfer of the Plenary Retail Consumption License (Hotel/Motel Exception) held by BPG Hotel XXII Owner, LLC d/b/a/Sheraton Edison Raritan Center to Edison Hotel Operations, LLC d/b/a Sheraton Edison Raritan Center with respect to business premises to be located at 125 Raritan Center Parkway, Edison, NJ.

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 (Hotel/Motel Exception) No. 1205-36-065-001 ("License"), issued to BPG Hotel XXII Owner, LLC ("Seller") to Edison Hotel Operations, LLC ("Applicant") to be used at Applicant’s business location at 125 Raritan Center Parkway.

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:

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

6. 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 125 Raritan Center Parkway, effective August 22, 2018.

7. 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 Edison Hotel Operations, LLC at business premise to be located at 125 Raritan Center Parkway, Edison, NJ 08837.

8. This Resolution shall take effect immediately.

(New License No. 1205-36-065-002)
RESOLUTION

EXPLANATION: A resolution waiving Building Permit Fees for the Our Lady of Peace School (Middle School) for construction work to be performed at Block 715, Lot 40 (Franklin Avenue & Amboy Avenue, Edison, New Jersey).

WHEREAS, Our Lady of Peace School (Middle School), in connection with certain construction and improvements to be made in the Township of Edison (the “Township”) at Block 715, Lot 40 (Franklin Avenue & Amboy Avenue) (the “Project”) has requested a reduction of certain construction and building permit fees; and

WHEREAS, the Project requires various construction and building permit fees pursuant to the New Jersey State Uniform Construction Code, N.J.S.A. 52:27D-119 et seq. and N.J.A.C. 5:23-1.1 et seq., (the “Building Permit Fees”); and

WHEREAS, the Project is being undertaken by, and will eventually be leased from, Our Lady of Peace School to the Perth Amboy Board of Education, a governmental entity and body politic of this State; and

WHEREAS, as a result thereof, the Municipal Council of the Township desires to waive fees regarding Alarm System of the Building Permit Fees, since the waiver of said Building Permit Fees will serve a public educational purpose and promote the public health, safety and general welfare; and

WHEREAS, aside from the fees waived hereby, Our Lady of Peace School shall remain responsible for all other escrow fees and/or any New Jersey Department of Community Affairs fees required for the Project beyond those waived by the Township hereunder.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Edison, that it does hereby waive the following fees and costs:

1. The Township’s portion of the various construction permit and inspection fees pursuant to the New Jersey State Uniform Construction Code, N.J.S.A. 52:27D-119 et seq. and N.J.A.C. 5:23-1.1 et seq., and, Township Ordinance Section 14-1, not to include any other escrow fees and/or any New Jersey Department of Community Affairs fees required for the Project, are hereby waived.

2. Our Lady of Peace School shall remain responsible for all other escrow fees and/or any New Jersey Department of Community Affairs fees required for the Project.

3. This Resolution shall take effect immediately.
RESOLUTION

WHEREAS, American Legion Post #435 has requested a waiver of any and all permit and/or application fees for upgrade Electrical Panel at 43 Oakland Avenue.

WHEREAS, under the building code, American Legion Post #435 as a non-profit tax exempt organization, is entitled to a waiver of fees due to the Township of Edison, except the DCA fee; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township of Edison, that it does hereby waive of any application fees for upgrade Electrical Panel except the DCA fee, due to the Township of Edison as a result of the application being submitted by American Post Legion #435, 43 Oakland Avenue, Edison, NJ 08817.
ORDINANCE O.2015-2018

EXPLANATION: An Ordinance requiring local restaurants to identify on their menu foods that contain or are prepared with common ingredients that trigger food allergies.

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

WHEREAS, the Township Code of General Ordinances (the “Code”) currently regulates certain operations of local food establishments as related to the health and safety of patrons, pursuant to Chapter 12 of the Code; and

WHEREAS, the Township desires to amend Chapter 12 of the Code, entitled “Health Regulations and Licensing,” to create subsection 12-29, which would require local restaurants to identify on their menu foods that contains or are prepared with common food allergens; and

WHEREAS, the Municipal Council of the Township (“Municipal Council”) has determined to amend Chapter 12 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

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

12-29 FOOD ALLERGY INFORMATION REQUIRED TO BE POSTED

12-29.1 Definitions.

In this section:
“Allergen” is defined as “any of the eight (8) foods required by the Food and Drug Administration (the “FDA”) to be listed by food manufacturers as common ingredients that trigger food allergies, as well as monosodium glutamate (“MSG”) and commercial sulfites used as a food preservative or additive. The eight (8) foods are: milk, eggs, peanuts, tree nuts, fish, shellfish, soy and wheat.”
“Nut” is defined as “tree nuts, including, but not limited to, almonds, brazil nuts, cashews, hazelnuts, filberts, macadamia nuts, pecans, pistachios, and walnuts.”
“Peanut” is defined as “the oval seed of a tropical South American plant in the legume family, often roasted and salted and eaten as a snack or used to make oil or animal feed.”
“Shellfish” is defined as “an aquatic shelled mollusk, such as an oyster or clam, or crustacean, such as a crab or shrimp.”
“Restaurant” is defined as “an establishment in which the principal business is the sale of food or beverages for consumption on the premises, and for the purposes of this section, includes any commercial establishments that cook, prepare, or serve food or beverages intended for immediate consumption either on or off the premises.”
“Contract Caterer” is defined as “a caterer that delivers prepared food to a customer, whether at a fixed location or at an off-site function.”
12-29.2 Identification of Foods Containing or Prepared with Nuts

a. The local health officer, or her designee, shall furnish to all Restaurants at the time of inspection a fact sheet, prepared by the state Commissioner of Health, designed to explain food allergies and the health-related consequences to persons with food allergies who are exposed to food items that contain or are prepared with Allergens.
b. All Restaurants operating within the Township as of October 1, 2018 must identify on a menu all food items that contain or are prepared with specified Allergens, and must indicate on their public display menu sign no later than April 1, 2019 that such menus are available.
c. All Contract Caterers operating at a fixed location within the Township as of October 1, 2018 must identify on their menus and/or food display signs all food items that contain or are prepared with Allergens. Contract Caterers must specify the Allergen on the display sign or menu, and all Contract Caterers delivering food to an off-site function within the Township as of October 1, 2018 must provide menus indicating all food items that contain or are prepared with Allergens at the location of the function.
d. All establishments operating with a plenary retail consumption license, as defined pursuant to Chapter VI herein, are required to post a display sign no smaller than 8 ½ x 11 inches for the purpose of indicating any food or beverage item that contain or are prepared with Allergens.
e. Any Restaurant or Contract Caterer found in to be in violation of any provision of this section shall be subject to penalty as set forth in Section 12-3 of this Chapter 12.

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

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

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

2. The Municipal Council hereby amends Chapter 12 of the Code, entitled “Health Regulations and Licensing” to read as follows:

12-29 FOOD ALLERGY INFORMATION REQUIRED TO BE POSTED

12-29.1 Definitions.

In this section:
“Allergen” is defined as “any of the eight (8) foods required by the Food and Drug Administration (the “FDA”) to be listed by food manufacturers as common ingredients that trigger food allergies, as well as monosodium glutamate (“MSG”) and commercial sulfites used as a food preservative or additive. The eight (8) foods are: milk, eggs, peanuts, tree nuts, fish, shellfish, soy and wheat.”

"Nut" is defined as “tree nuts, including, but not limited to, almonds, brazil nuts, cashews, hazelnuts, filberts, macadamia nuts, pecans, pistachios, and walnuts.”
“Peanut” is defined as “the oval seed of a tropical South American plant in the legume family, often roasted and salted and eaten as a snack or used to make oil or animal feed.”
“Shellfish” is defined as “an aquatic shelled mollusk, such as an oyster or clam, or crustacean, such as a crab or shrimp.”
“Restaurant” is defined as “an establishment in which the principal business is the sale of food or beverages for consumption on the premises, and for the purposes of this section, includes any commercial establishments that cook, prepare, or serve food or beverages intended for immediate consumption either on or off the premises.”
“Contract Caterer” is defined as “a caterer that delivers prepared food to a customer, whether at a fixed location or at an off-site function.”

12-29.2 Identification of Foods Containing or Prepared with Nuts

a. The local health officer, or her designee, shall furnish to all Restaurants at the time of inspection a fact sheet, prepared by the state Commissioner of Health, designed to explain food allergies and the health-related consequences to persons with food allergies who are exposed to food items that contain or are prepared with Allergens.
b. All Restaurants operating within the Township as of October 1, 2018 must identify on their menus all food items that contain or are prepared with specified Allergens, and must indicate on their public display menu sign no later than April 1, 2019 that such menus are available.
c. All Contract Caterers operating at a fixed location within the Township as of October 1, 2018 must identify on their menus and/or food display signs all food items that contain or are prepared with Allergens. Contract Caterers must specify the Allergen on the display sign or menu, and all Contract Caterers delivering food to an off-site function within the Township as of October 1, 2018 must provide menus indicating all food items that contain or are prepared with Allergens at the location of the function.
d. All establishments operating with a plenary retail consumption license, as defined pursuant to Chapter VI herein, are required to post a display sign no smaller than 8 ½ x 11 inches for the purpose of indicating any food or beverage item that contain or are prepared with Allergens.
e. Any Restaurant or Contract Caterer found in to be in violation of any provision of this section shall be subject to penalty as set forth in Section 12-3 of this Chapter 12.

3. It is the intent of the Municipal Council to incorporate the additions and supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 12 of the Code shall remain unchanged and have full force and legal effect.

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

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

6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.
ORDINANCE O.2016-2018


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

WHEREAS, the Township Code of General Ordinances (the “Code”) provides rules, regulations and standards to regulate the use, maintenance and installation of smoke detectors in dwellings within the Township, pursuant to Chapter 16-3 of the Code; and

WHEREAS, the Township desires to amend section 16-3.4, entitled “Responsibility for Installation and Maintenance,” to ensure compliance with applicable state regulations; and

WHEREAS, the Municipal Council of the Township (“Municipal Council”) has determined to amend section 16-3.4 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

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

16-3 SMOKE DETECTORS.

16-3.4 Responsibility for Installation and Maintenance.

a. It shall be the responsibility of the owner of each dwelling unit to comply with this section. It shall be unlawful for any owner to fail or refuse to install such detectors in accordance with this section or fail to maintain the detectors in proper working order.

b. It shall be the duty of the tenant or occupant of a dwelling unit, at his or her own cost and expense, to maintain and replace all batteries of battery-operated smoke detector devices installed by the owner in the dwelling unit. Any tenant who fails to so maintain and replace such batteries shall be guilty of violating this section.

c. The duty of the tenant to maintain the batteries shall not relieve the owner of the duty to maintain the detector unit in proper operating order other than the batteries in the dwelling unit, as well as the duty to maintain both the batteries and the unit installed in the common areas of the dwelling.

d. [Upon compliance with this section and the Uniform Fire Code, N.J.A.C. 5:70-1 et seq., by any owner by resale or change in occupancy of a single-family dwelling, a CO and a certificate of smoke detector compliance shall be issued by the Fire Code Official in charge of enforcement. Requests ten (10) business days prior to issuance, forty-five ($45.00) dollars. Requests four (4) to ten (10) business days prior, seventy-five ($75.00) dollars. Requests
fewer than four (4) business days prior, one hundred twenty-five ($125.00) dollars. Should a reinspection be required due to a failure to show up for appointment or failure to comply, an additional twenty ($20.00) dollar fee shall be applied.]

Upon compliance with this section and the Uniform Fire Code, N.J.A.C. 5:70-1 et seq., by any owner by resale or change in occupancy of a single-family dwelling, a CO and a certificate of smoke detector compliance shall be issued by the Fire Code Official in charge of enforcement. Requests ten (10) business days prior to issuance, sixty ($60.00) dollars. Requests four (4) to ten (10) business days prior, ninety ($90.00) dollars. Requests fewer than four (4) business days prior, one hundred forty ($140.00) dollars. Should a reinspection be required due to a failure to appear for an appointment a fifty ($50.00) dollar fee shall be applied. Should a reinspection be required due to a failure to comply with the conditions set forth within the uniform fire code a twenty ($20.00) dollar fee shall be applied.

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

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

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

2. The Municipal Council hereby amends Township Code section 16-3.4, entitled “Responsibility for Installation and Maintenance,” to read as follows:

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

16-3  SMOKE DETECTORS.

16-3.4  Responsibility for Installation and Maintenance.

a. It shall be the responsibility of the owner of each dwelling unit to comply with this section. It shall be unlawful for any owner to fail or refuse to install such detectors in accordance with this section or fail to maintain the detectors in proper working order.

b. It shall be the duty of the tenant or occupant of a dwelling unit, at his or her own cost and expense, to maintain and replace all batteries of battery-operated smoke detector devices installed by the owner in the dwelling unit. Any tenant who fails to so maintain and replace such batteries shall be guilty of violating this section.

c. The duty of the tenant to maintain the batteries shall not relieve the owner of the duty to maintain the detector unit in proper operating order other than the batteries in the dwelling unit, as well as the duty to maintain both the batteries and the unit installed in the common areas of the dwelling.

d. Upon compliance with this section and the Uniform Fire Code, N.J.A.C. 5:70-1 et seq., by any owner by resale or change in occupancy of a single-family dwelling, a CO and a
certificate of smoke detector compliance shall be issued by the Fire Code Official in charge of
enforcement. Requests ten (10) business days prior to issuance, sixty ($60.00) dollars. Requests
four (4) to ten (10) business days prior, ninety ($90.00) dollars. Requests fewer than four (4)
business days prior, one hundred forty ($140.00) dollars. Should a reinspection be required due
to a failure to appear for an appointment a fifty ($50.00) dollar fee shall be applied. Should a
reinspection be required due to a failure to comply with the conditions set forth within the
uniform fire code a twenty ($20.00) dollar fee shall be applied.

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

3. It is the intent of the Municipal Council to incorporate the additions, amendments
and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in
Chapter 16-3 of the Code shall remain unchanged and have full force and legal effect.

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

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

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

(CORRECTED FINAL)
ORDINANCE O.2017-2018 (Pulled off agenda at meeting)

EXPLANATION: An Ordinance prohibiting the utilization of single-use plastic bags and plastic straws within the Township.

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

WHEREAS, the Township Code of General Ordinances (the “Code”) currently regulates certain operations of local establishments as related to the health and safety of patrons, pursuant to Chapter 12 of the Code; and

WHEREAS, the Township desires to amend Chapter 12 of the Code, entitled “Health Regulations and Licensing,” to create subsection 12-30, which would prohibit the utilization of single-use plastic bags and plastic straws throughout the Township; and

WHEREAS, the Municipal Council of the Township (“Municipal Council”) has determined to amend Chapter 12 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

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

12-30 SINGLE-USE PLASTIC BAGS AND PLASTIC STRAWS

a. Definitions.
   As used in this section:
   “Effective Date” means August 1, 2018.
   “Business or Store” means any retail establishment that engages in the retail sale of goods and products. The definition includes, but is not limited to, pharmacies, supermarkets, grocery stores, convenience stores, clothing stores, surf shops, food marts, and food service establishments.
   “Food Service Establishment” means any establishment which serves made-to-order food for dine-in, takeout, or delivery.
   "Reusable Bag" means any bag with handles that is specifically designed and manufactured for multiple, long term reuse, (i) made of cloth or other machine or hand washable fabric, or (ii) made of other durable material, including plastic that is at least 2.25 ml thick.
   "Single-Use Bag" means any plastic bag that is provided to customers at point of sale for carryout purchases by a commercial establishment. Single-use bags do not include Reusable Bags or any carryout bags that are a maximum of 11 inches by 17 inches, without handles provided for the customer (i) to transport produce, bulk food, meat, or seafood from a produce, bulk food, meat or seafood department within a store to the point of sale; or (ii) to hold prescription medication dispensed from a pharmacy.
   "Single-use Straws" are used only once before they are thrown away or recycled. These items include plastic straws and coffee stirrers, and exclude straws or stirrers made from recyclable or easily degradable materials such as wood or paper, or a material such as stainless steel, glass,
silicone or some other material that can be cleaned, does not leach chemicals or interact with the product being consumed.

b. It shall be unlawful for any person, Food Service Establishment, Business or Store located within the Township to utilize Single-use Bags or Single-use Straws, as defined in section 12-30(a) above, in any area of the Township.

c. In order to allow time to educate the general public as to the provisions of this Ordinance, during the first six (6) months following the Effective Date of this Ordinance, the Township will issue a written notice of warning to those who carry or utilize single-use plastic bags or single-use plastic straws, and no penalty shall be imposed during this initial year following the Effective Date.

d. After the expiration of the warning period on February 1, 2019, the Township shall issue penalties for violations of this section which shall involve the imposition of penalties in accordance with section 12-3 above.

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

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

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

2. The Municipal Council hereby amends Chapter 12 of the Code, entitled “Health Regulations and Licensing” to read as follows:

12-30 SINGLE-USE PLASTIC BAGS AND PLASTIC STRAWS

a. Definitions.

As used in this section:

“Effective Date” means August 1, 2018.

“Business or Store” means any retail establishment that engages in the retail sale of goods and products. The definition includes, but is not limited to, pharmacies, supermarkets, grocery stores, convenience stores, clothing stores, surf shops, food marts, and food service establishments.

“Food Service Establishment” means any establishment which serves made-to-order food for dine-in, takeout, or delivery.

"Reusable Bag" means any bag with handles that is specifically designed and manufactured for multiple, long term reuse, (i) made of cloth or other machine or hand washable fabric, or (ii) made of other durable material, including plastic that is at least 2.25 ml thick.

"Single-Use Bag" means any plastic bag that is provided to customers at point of sale for carryout purchases by a commercial establishment. Single-use bags do not include Reusable Bags or any carryout bags that are a maximum of 11 inches by 17 inches, without handles provided for the customer (i) to transport produce, bulk food, meat, or seafood from a produce, bulk food, meat or seafood department within a store to the point of sale; or (ii) to hold prescription medication dispensed from a pharmacy.

"Single-use Straws" are used only once before they are thrown away or recycled. These items include plastic straws and coffee stirrers, and exclude straws or stirrers made from recyclable or easily degradable materials such as wood or paper, or a material such as stainless steel, glass,
silicone or some other material that can be cleaned, does not leach chemicals or interact with the product being consumed.

b. It shall be unlawful for any person, Food Service Establishment, Business or Store located within the Township to utilize Single-use Bags or Single-use Straws, as defined in section 12-30(a) above, in any area of the Township.

c. In order to allow time to educate the general public as to the provisions of this Ordinance, during the first six (6) months following the Effective Date of this Ordinance, the Township will issue a written notice of warning to those who carry or utilize single-use plastic bags or single-use plastic straws, and no penalty shall be imposed during this initial year following the Effective Date.

d. After the expiration of the warning period on February 1, 2019, the Township shall issue penalties for violations of this section which shall involve the imposition of penalties in accordance with section 12-3 above.

7. It is the intent of the Municipal Council to incorporate the additions and supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 12 of the Code shall remain unchanged and have full force and legal effect.

8. 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.

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

10. 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.

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

WHEREAS, the Township Code of General Ordinances (the “Code”) provides rules, regulations and standards to regulate fire prevention and protection measures, pursuant to Chapter 16-1 of the Code; and

WHEREAS, the Township desires to amend sections 16-1.3, “Inspection of Life Hazard Uses,” 16-1.4 “Inspection of Non-Life Hazard Uses,” and 16-1.5, “Permit Fees; Fire Code Status Requests,” to ensure compliance with applicable state regulations; and

WHEREAS, the Municipal Council of the Township (“Municipal Council”) has determined to amend sections 16-1.3, 16-1.4 and 16-1.5 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

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

16.1.3 Inspection of Life Hazard Uses

The local enforcing agency established in this section shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.

a. Registration Fees. All life hazard uses are subject to a one time registration fee. This fee is to be submitted along with the Business Registration form prior to opening and or conducting business within the Township. The form and fee are to be submitted to the Fire Prevention Bureau. Listed below is the fee schedule that is based on the square footage of building and or structure.

[1. Up to five thousand (5,000) square feet of occupiable space: forty-five ($45.00) dollars.]

1. Up to four hundred and ninety-nine (499) square feet of occupiable space: twenty-five ($25.00) dollars.

[2. Five thousand one (5,001) square feet to ten thousand (10,000) square feet of occupiable space: sixty ($60.00) dollars.]
2. Five hundred (500) square feet to nine hundred and ninety nine (999) square feet of occupiable space: fifty ($50.00) dollars.

3. Ten thousand one (10,001) square feet to twenty thousand (20,000) square feet of occupiable space: eighty-five ($85.00) dollars.

3. One thousand (1000) square feet to two thousand four hundred ninety nine (2499) square feet of occupiable space: one hundred ($100.00) dollars.

4. Twenty thousand one (20,001) square feet to fifty thousand (50,000) square feet of occupiable space: one hundred ten ($110.00) dollars.

4. Two thousand five hundred (2500) square feet to four thousand nine hundred ninety nine (4999) square feet of occupiable space: one hundred fifty ($150.00) dollars.

5. An additional fifteen ($15.00) dollars for each thousand (1,000) square feet over fifty thousand (50,000) square feet of occupiable space to be inspected.

5. Five thousand (5000) square feet to eleven thousand nine hundred and ninety nine (11,999) square feet of occupiable space: two hundred ($200.00) dollars.

6. Twelve thousand (12,000) square feet to fifty thousand (50,000) square feet of occupiable space: two hundred seventy five (275.00) dollars.

7. An additional fifteen dollars ($15.00) for each thousand (1,000) square feet over fifty thousand (50,000) square feet of occupiable space to be inspected.

b. The owner(s) of businesses, occupancies, buildings, structures, or premises to be inspected shall submit an owner registration application for each space to be inspected.

It shall be a violation of this subsection for an owner to fail to return such forms within thirty (30) days. If the ownership is transferred whether by sale, gift, reorganization, receivership, foreclosure or execution of process, the new owner shall file with the local enforcement agency within thirty (30) days of transfer.

Applications shall be accompanied by fees in accordance with the subsection.

16-1.4 Inspection of Non-Life Hazard Uses.

A non-life hazard use shall include any use that is not a life hazard use under the Uniform Fire Code.

a. Inspections. The local enforcing agency shall inspect all non-life hazard buildings, structures or premises other than one- and two-family dwellings during a two-year cycle for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with fire operations, endanger life, or any conditions constituting violation of the provision or intent of the Uniform Fire Code.

b. Registration Fees. [The owner(s) of all businesses, occupancies, buildings, structures or premises to be inspected in paragraph a. shall be subject to the following bi-annual fee schedule.]
The owner(s) of all businesses, occupancies, buildings, structures or premises to be inspected in paragraph a. shall be subject to the following annual fee schedule.

1. [Up to five thousand (5,000) square feet of occupiable space: forty five ($45.00) dollars.]

1. Up to four hundred ninety nine (499) square feet of occupiable space: twenty five ($25.00) dollars.

2. [Five thousand one (5,001) square feet to then thousand (10,000) square feet of occupiable space: sixty ($60.00) dollars.]

2. Five hundred (500) to nine hundred ninety nine (999) square feet of occupiable space: one hundred ($100.00) dollars.

3. [Ten thousand one (10,001) square feet to twenty thousand (20,000) square feet of occupiable space: eighty five ($85.00) dollars.]

3. One thousand (1,000) square feet to two thousand four hundred ninety nine (2,499) square feet of occupiable space: one hundred ($100.00) dollars.

4. [Twenty thousand one (20,001) square feet to fifty thousand (50,000) square feet of occupiable space: one hundred ten ($110.00) dollars.]

4. Two thousand five hundred (2,500) square feet to four thousand nine hundred ninety nine (4,999) square feet of occupiable space: one hundred fifty ($150.00) dollars.

5. [An additional fifteen dollars ($15.00) for each thousand (1,000) square feet over fifty thousand (50,000) square feet of occupiable space to be inspected.]

5. Five thousand (5,000) square feet to eleven thousand nine hundred ninety nine (11,999) square feet of occupiable space: two hundred ($200.00) dollars.

6. Twelve thousand (12,000) square feet to fifty thousand (50,000) square feet of occupiable space: two hundred seventy five ($275) dollars.

7. An additional fifteen dollars ($15.00) for each thousand (1,000) square feet over fifty thousand (50,000) square feet of occupiable space to be inspected.

c. The owner(s) of businesses, occupancies, buildings, structures or premises to be inspected shall submit an owner registration application for each space to be inspected.

It shall be a violation of this section for an owner to fail to return such forms within thirty (30) days. If the ownership is transferred whether by sale, gift, reorganization, receivership, foreclosure or execution of process, the new owner shall file with the local enforcement agency within thirty (30) days of transfer.
Applications shall be accompanied by fees in accordance with the section.

### 16-1.5 Permit Fees; Fire Code Status Requests.

a. *Permit Fees.* The application fee for a permit shall be as follows:

<table>
<thead>
<tr>
<th>Permit</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type 1</td>
<td>$42.00, $54.00</td>
</tr>
<tr>
<td>Type 2</td>
<td>$166.00, $214.00</td>
</tr>
<tr>
<td>Type 3</td>
<td>$331.00, $427.00</td>
</tr>
<tr>
<td>Type 4</td>
<td>$497.00, $641.00</td>
</tr>
<tr>
<td>Type 5</td>
<td>$1,380.00</td>
</tr>
</tbody>
</table>

**Special Event Permit Fees:**

<table>
<thead>
<tr>
<th>Duration Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per special event, up to 3 days duration, including setup and takedown</td>
<td>$100.00</td>
</tr>
<tr>
<td>Per special event, 4 days to 6 days of duration, including setup and takedown</td>
<td>$150.00</td>
</tr>
<tr>
<td>Per special event, 7 days to 10 days of duration, including setup and takedown</td>
<td>$200.00</td>
</tr>
<tr>
<td>Per special event, 10 days of duration or longer, including setup and takedown</td>
<td>$250.00</td>
</tr>
</tbody>
</table>

**Tent Permit Fees:**

<table>
<thead>
<tr>
<th>Area Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per tent up to 900 square feet in area</td>
<td>$25.00</td>
</tr>
<tr>
<td>Per tent from 900-16,800 square feet in area</td>
<td>$42.00</td>
</tr>
<tr>
<td>Per tent 16,800 square feet in area and greater</td>
<td>$250.00</td>
</tr>
</tbody>
</table>

**Storage of Solid or Liquid Oxidizing Agent Permit Fees:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pool chlorine storage fee</td>
<td>$250.00</td>
</tr>
</tbody>
</table>

b. *Permits Required.*

1. Type 1, 2, 3, 4 and 5 permits are required per N.J.A.C. 570-1.1 et seq., of the Uniform Fire Code.
2. Special Event Permits shall be required for short-term special events, including but not limited to concerts, conferences, conventions, demonstrations, exhibits, expositions, fairs and sports events, wherein an unusual mass assembly of persons is expected to occur. This permit shall apply to convention centers, cultural centers and exhibition halls. Public buildings are excluded. This permit shall be required for each special event and shall be in addition to any other permits or approvals required by law.

3. Tent Permits shall be required for the erection, operation, or maintenance of any tent, tensioned membrane structure, or canopy, excluding those used for recreational camping purposes. This permit shall be required for each tent erected and shall be in addition to any other permits or approvals required by law.

4. Storage of Solid or Liquid Oxidizing Agent Permits shall be required for the seasonal storage of chlorine in solid or liquid forms. This permit shall also be required for any building used for the storage or distribution of solid or liquid oxidizing agents.

c. Request for Fire Code Status. Request for Fire Code Status, as required in N.J.A.C. 5:70-1.1 et seq., shall be obliged only after the completion of a fire safety inspection, the fee for which shall be fifty ($50.00) dollars.

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

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

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

2. The Municipal Council hereby amends Township Code sections 16-1.3, “Inspection of Life Hazard Uses,” 16-1.4 “Inspection of Non-Life Hazard Uses,” and 16-1.5, “Permit Fees; Fire Code Status Requests,” to read as follows:

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

16-1.3 Inspection of Life Hazard Uses

The local enforcing agency established in this section shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs.

   a. Registration Fees. All life hazard uses are subject to a one time registration fee. This fee is to be submitted along with the Business Registration form prior to opening and or conducting business within the Township. The form and fee are to be submitted to the Fire Prevention Bureau. Listed below is the fee schedule that is based on the square footage of building and or structure.

   1. Up to four hundred and ninety-nine (499) square feet of occupiable space: twenty-five ($25.00) dollars.
2. Five hundred (500) square feet to nine hundred and ninety nine (999) square feet of occupiable space: fifty ($50.00) dollars.

3. One thousand (1000) square feet to two thousand four hundred ninety nine (2499) square feet of occupiable space: one hundred ($100.00) dollars.

4. Two thousand five hundred (2500) square feet to four thousand nine hundred ninety nine (4999) square feet of occupiable space: one hundred fifty ($150.00) dollars.

5. Five thousand (5000) square feet to eleven thousand nine hundred and ninety nine (11,999) square feet of occupiable space: two hundred ($200.00) dollars.

6. Twelve thousand (12,000) square feet to fifty thousand (50,000) square feet of occupiable space: two hundred seventy five (275.00) dollars.

7. An additional fifteen dollars ($15.00) for each thousand (1,000) square feet over fifty thousand (50,000) square feet of occupiable space to be inspected.

b. The owner(s) of businesses, occupancies, buildings, structures, or premises to be inspected shall submit an owner registration application for each space to be inspected.

It shall be a violation of this subsection for an owner to fail to return such forms within thirty (30) days. If the ownership is transferred whether by sale, gift, reorganization, receivership, foreclosure or execution of process, the new owner shall file with the local enforcement agency within thirty (30) days of transfer.

Applications shall be accompanied by fees in accordance with the subsection.

16-1.4 Inspection of Non-Life Hazard Uses.

A non-life hazard use shall include any use that is not a life hazard use under the Uniform Fire Code.

a. Inspections. The local enforcing agency shall inspect all non-life hazard buildings, structures or premises other than one- and two-family dwellings during a two-year cycle for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with fire operations, endanger life, or any conditions constituting violation of the provision or intent of the Uniform Fire Code.

b. Registration Fees. The owner(s) of all businesses, occupancies, buildings, structures or premises to be inspected in paragraph a. shall be subject to the following annual fee schedule.

1. Up to four hundred ninety nine (499) square feet of occupiable space: twenty five ($25.00) dollars.

2. Five hundred (500) to nine hundred ninety nine (999) square feet of occupiable space: one hundred ($100.00) dollars.
3. One thousand (1,000) square feet to two thousand four hundred ninety nine (2,499) square feet of occupiable space: one hundred ($100.00) dollars.

4. Two thousand five hundred (2,500) square feet to four thousand nine hundred ninety nine (4,999) square feet of occupiable space: one hundred fifty ($150.00) dollars.

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Applications shall be accompanied by fees in accordance with the section.

16-1.5 Permit Fees; Fire Code Status Requests.

a. Permit Fees. The application fee for a permit shall be as follows:

<table>
<thead>
<tr>
<th>Permit</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type 1</td>
<td>$54.00</td>
</tr>
<tr>
<td>Type 2</td>
<td>$214.00</td>
</tr>
<tr>
<td>Type 3</td>
<td>$427.00</td>
</tr>
<tr>
<td>Type 4</td>
<td>$641.00</td>
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<td>Type 5</td>
<td>$1,380.00</td>
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</tbody>
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Special Event Permit Fees:

<table>
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<tr>
<th>Description</th>
<th>Fee</th>
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</thead>
<tbody>
<tr>
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<tr>
<td>Per special event, 10 days of duration or</td>
<td>$250.00</td>
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</table>
longer, including setup and takedown

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<tr>
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<td>Pool chlorine storage fee</td>
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c. **Request for Fire Code Status.** Request for Fire Code Status, as required in N.J.A.C. 5:70-1.1 et seq., shall be obliged only after the completion of a fire safety inspection, the fee for which shall be fifty ($50.00) dollars.

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

3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 16-1 of the Code shall remain unchanged and have full force and legal effect.
4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

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

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