

**MINUTES OF A REGULAR MEETING
OF THE MUNICIPAL COUNCIL - TOWNSHIP OF EDISON**

September 23, 2020

A Regular Meeting of the Municipal Council was held via Zoom communication, Wednesday, September 23, 2020. The meeting was called to order at 7:02 p.m. by Council President Ship-Freeman followed by the Pledge of Allegiance.

Present were Councilmembers Brescher, Coyle, Diehl, Gomez, Joshi, Patil and Ship-Freeman.

Also present were Township Clerk Russomanno, Deputy Township Clerk McCray, Township Attorney Northgrave, Business Administrator Ruane, Health Director Elliott, Acting Recreation Director Fircha, Township Engineer O'Brien, Police Chief Bryan, Deputy Fire Chief Toth and Cameraman Cologna.

The Township Clerk advised that 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, Criterion Sentinel and News India Times on December 13, 2019 and posted in the Main Lobby of the Municipal Complex on the same date.

APPROVAL OF MINUTES:

On a motion made by Councilmember Diehl seconded by Councilmember Patl and duly carried, the Minutes of the Combined Meeting of June 24, 2020 and Special Meeting of June 29, 2020 accepted as submitted.

ADMINISTRATIVE AGENDA
MAYOR THOMAS LANKEY

September 16, 2020

Honorable Members of Council
c/o Cheryl Russomanno, Township Clerk
100 Municipal Boulevard
Edison, New Jersey 08817

Dear Members of Council:

Please be advised that I have appointed Mr. Keith Hahn, of 81 Fairview Avenue, Edison, New Jersey 08817, effective immediately, as 2nd Alternate Member of the Planning Board. His term expires on December 31, 2021.

Thank you.

Respectfully,

/s/ Thomas Lankey
Mayor

cc: Keith Hahn
Lillian Triola, Administrative Officer, Planning Board

September 17, 2020

Honorable Members of Council
c/o Cheryl Russomanno, Township Clerk
100 Municipal Boulevard
Edison, New Jersey 08817

Dear Members of Council:

Please be advised that I hereby make the following appointment to the Municipal Alliance Committee. All terms are for three years and will expire on June 30, 2023.

Jay Elliot

Thank you.

Respectfully,

/s/ Thomas Lankey
Mayor

Cc; Carol Varoney, Municipal Alliance Secretary
Jay Elliot, Director of Health

The above appointment was received on a motion made by Councilmember Diehl seconded by Councilmember Gomez , and duly carried.

COUNCIL PRESIDENT’S REMARKS

Council President Ship-Freeman announced this is Hispanic Heritage Month, South Edison Community Association is sponsoring a Food Drive at Edison High School on Saturday, September 26th from 12-4 pm for our Hands of Hope pantry. On Tuesday, September 29th at 3:00pm Mayor Lankey is presenting a Proclamation to Police Officer Joe Luistro under the portico in front of building.

Councilmember Diehl, update on raciest flyer the Committee of the Whole will be sharing additional information they received.

UNFINISHED BUSINESS
ORDINANCES FOR FURTHER CONSIDERATION AND PUBLIC HEARING

The following Ordinance, which was introduced by Title on September 9, 2020 passed on first reading, published according to law for further consideration at this meeting, was read by the Township Clerk:

O. 2082-2020 AN ORDINANCE AUTHORIZING A MONTH TO MONTH LEASE FOR STORAGE OF TOWNSHIP VEHICLES AND EQUIPMENT

(The above Ordinance O.2082-2020 can be found in its entirety in Ordinance Book #28)

Council President Ship-Freeman declared the Public Hearing opened for O.2082-2020.

None

Hearing no further comments, on a motion made by Councilmember seconded by Councilmember and duly carried, this Public Hearing was closed.

On a motion made by Councilmember Gomez, seconded by Councilmember Diehl, the Ordinance was adopted.

AYES - Councilmembers Brescher, Coyle, Diehl, Gomez, Joshi, Patil and Council President Ship-Freeman

NAYS - None

NEW BUSINESS:
PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR, WEDNESDAY, OCTOBER 14, 2020.

O.2083-2020 AN ORDINANCE AMENDING THE TOWNSHIP CODE CHAPTER 7, SECTION 7-25 TO PROHIBIT THE VEHICLES OVER FOUR (4) TONS FROM USING CERTAIN ROADS WITHIN THE TOWNSHIP DURING DESIGNATED TIMES.

On a motion made by Councilmember Coyle seconded by Councilmember Diehl this Ordinance was passed on first reading and ordered published according to law for further consideration and Public Hearing at the next Regular Meeting of the Township Council to be held on October 14, 2020.

AYES - Councilmembers Brescher, Coyle, Diehl, Gomez, Joshi, Patil and Council President Ship-Freeman

NAYS – None

PUBLIC COMMENTS AS TO PROPOSED RESOLUTIONS

Council President Ship-Freeman opened the meeting to the public for comments on Proposed Resolutions R.496-092020 through R.525-092020.

None

There were no other comments from the public regarding Proposed Resolutions. On a motion made by Councilmember Gomez seconded by Councilmember Diehl and duly carried, the public hearing was closed.

The following Resolutions R.496-092020 through R.524-092020 were adopted under the Consent Agenda on a motion made by Councilmember Gomez and seconded by Councilmember Diehl.

RESOLUTION R.496-092020

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING SEPTEMBER 17, 2020.

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through, September 17, 2020.

FUND	AMOUNT
Current	\$6,359,402.89
Affordable Housing	417,479.00
Capital	687,845.30
Cash Performance	0.00
CDBG	276.00
Developers Escrow	61,773.51
Dog (Animal Control)	28,342.92
Federal Forfeited	0.00
Grant Funds	0.00
Law Enforcement	0.00
Open Space	0.00
Park Improvements	8,075.00
Payroll Deduction	914,018.59
Sanitation Fund	288,543.36
Self Insurance	0.00
Sewer Utility	132,277.47
Tax Sale Redemption	0.00
Tree Fund	0.00
Tree Planting	11,400.00
Trust	1,065,559.41
Edison Water Utility	818,524.53
Edison Landfill Closure Trust	0.00
TOTAL	\$10,793,517.98

/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 R.497-092020

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 **\$353,600.60**.

RESOLUTION R.498-092020

**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 been awarded a grant in the amount of \$527,200.00 from State of New Jersey Department of Transportation and wishes to amend its CY 2020 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 CY 2020 in the amount of \$527,200.00 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 Aid Grove Avenue Rehabilitation Project Grant\$527,200.00

BE IT FURTHER RESOLVED that a like sum of \$527,200.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

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

FY 2019 Municipal Aid Grove Avenue Rehabilitation Project Grant\$527,200.00

BE IT FURTHER RESOLVED, that the Township Clerk forward one certified copy of this resolution to the Director of Local Government Services.

RESOLUTION R.499-092020

EXPLANATION: This Resolution increases the budget for legal fees to be paid Apruzzese, McDermott, Mastro & Murphy, P.C. for its professional services as Township Special Labor Counsel.

WHEREAS, the Municipal Council (“**Municipal Council**”) of the Township of Edison (“**Township**”) has entered a professional services contract (“**Contract**”) with Apruzzese, McDermott, Mastro & Murphy, P.C. (“**Special Labor Counsel**”) to act as the Township’s special labor counsel for the term of one (1) year, pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*; and

WHEREAS, the Resolution of the Municipal Council approving the Contract established a budget for legal services for calendar year 2020; and

WHEREAS, on July 22, 2020, the Municipal Council, pursuant to R.344-072020, increased the amount available for legal services by an additional amount not to exceed \$25,000.00, and authorized the payment to Special Labor Counsel for legal services under the Contract; and

WHEREAS, the Municipal Council finds that the services provided under the Contract are important to the Township and that Special Labor Counsel was required to commit more time to the performance of its legal services than initially expected; and

WHEREAS, the Municipal Council desires to increase the amount available for legal services by an additional amount not to exceed \$45,000.00 and authorizes the payment to Special Labor Counsel for legal services under the Contract.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Budgeted Amount to be paid Special Labor Counsel for its legal services pursuant to the terms of the Contract is hereby increased by an amount not to exceed \$45,000.00. The Chief Financial Officer or his designee is hereby authorized to make payments to Special Labor Counsel under the Contract up to said amount.
3. The Mayor is hereby authorized to execute any amendments to the Contract to memorialize the increase of the Budgeted Amount, as may be required, in a form acceptable to the Township Attorney.
4. A certificate showing the availability of funds for the Contract will be provided by the Chief Financial Officer of the Township and is incorporated herein by reference indicating that the appropriation for the within expenditure is charged to the applicable accounts.
5. A copy of this Resolution and the Contract, and any amendments thereto, shall be available for public inspection at the offices of the Township Clerk.
6. This resolution shall take effect immediately.

RESOLUTION R.500-092020

**ACCEPTING BID AND AWARDING CONTRACT TO P&A CONSTRUCTION INC., FOR
NJDOT MUNICIPAL AID PROGRAM FY2019 GROVE AVENUE ROADWAY
IMPROVEMENTS**

WHEREAS, bids were received by the Township of Edison on August 11, 2020 for Public Bid No. 20-30-03 NJDOT Municipal Aid Program FY2019 Grove Avenue Roadway Improvements; and

WHEREAS, P&A CONSTRUCTION INC., PO Box 28, Colonia, NJ 07067, submitted the lowest legally responsible, responsive bid; and

WHEREAS, the maximum amount of the purchase shall not exceed \$521,805.28; and

WHEREAS, funds in the amount of \$521,805.28 will be available in the FY 2019 Municipal Aid Gove Avenue Rehabilitation Project Grant; and

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

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

1. All bids have been reviewed, and the bid submitted by P&A CONSTRUCTION INC., PO Box 28, Colonia, NJ 07067, for NJDOT Municipal Aid Program FY2019 Grove Avenue Roadway Improvements is determined to be the lowest legally responsible, responsive bid.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$521,805.28 and any other necessary documents, with P&A CONSTRUCTION INC., as described herein.

- 3. The Purchasing Agent is hereby authorized to return any and all deposits and or bonds of the unsuccessful bidders.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$521,805.28** will be available in the FY 2019 Municipal Aid Grove Avenue Rehabilitation Project Grant.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.501-092020

EXPLANATION: Resolution Refunding Cash Performance Bond & Performance Bond to Markim Developers, LLC. Application # P 5196, Dylan Way Estates Performance Bond #43157 and Cash Performance Account #CP180606MA

WHEREAS, the Township Engineer advises that an inspection has been made of Dylan Estates Block:497 Lot 1,2,3,4,5,6,7,8,9,10,11,12,15, and said inspection indicates all site improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison;

WHEREAS, the Township Engineer, recommends the release of the balance Cash Performance Check posted on 6-6-2018 in the amount of **\$6,907.58**, plus accrued interest, if applicable, on deposit in account **#CP180606MA** with the Township of Edison, principal being Markim Developers, LLC having offices at 910 Amboy Avenue, Edison, NJ 08837., and acceptance of the subject improvements; and

BE IT FURTHER RESOLVED that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance balance in the amount of **\$6,907.58** plus accrued interest, if applicable, on deposit in account **#CP180606MA** to the applicant.

WHEREAS, the Township Engineer recommends release of balance of the performance bond **No. 43157** posted on March 15,2018 of the Service Insurance Company, Inc. in the amount of the balance **\$248,672.81**.

RESOLUTION R.502-092020

WHEREAS, on February 1, 2016, Hawkeye Development Company, posted Tree Maintenance Bond fees in the amount of \$300.00, with Check No.8085 on deposit with the Township of Edison in account #7763927547 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit, on the property identified as 22 Henry Street., Block 546.C, Lot 4.01, Edison, NJ, 08820;

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

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$300.00 be refunded to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$300.00 hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$300.00, plus any accrued interest as applicable, on deposit in Account #7763927547 to Hawkeye Development Company, 1862 Oak Tree Road, Edison, NJ 08820, for the referenced property at 22 Henry Street, Edison, NJ, 08820, Block 546.C, Lot 4.01

RESOLUTION R.503-092020

WHEREAS, on May, 12, 2011, Hawkeye Development Company, posted Tree Maintenance Bond fees in the amount of \$300.00, with Check No. 6475 on deposit with the Township of Edison in account #7760275121 to guarantee the installation of trees per the Municipal Code of the Township of

Edison for designated Tree Maintenance Bond Permit, on the property identified as 1089 New Dover Road., Block 545.R, Lot 13.Q2, Edison, NJ, 08820;

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

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$300.00 be refunded to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$300.00 hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$300.00, plus any accrued interest as applicable, on deposit in Account #7760275121 to Hawkeye Development Company, 1862 Oak Tree Road, Edison, NJ 08820, for the referenced property at 1089 New Dover Road, Edison, NJ, 08820, Block 545.R, Lot 13.Q2

RESOLUTION R.504-092020

WHEREAS, on November 10, 2011, Hawkeye Development Company, posted Tree Maintenance Bond fees in the amount of \$1,050.00, with Check No. 6608 on deposit with the Township of Edison in account #7761963565 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit, on the property identified as 21 Hillsdale Road., Block 556.F, Lot 17.01, Edison, NJ, 08820;

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

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$1,050.00 be refunded to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$1,050.00 hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$1,050.00, plus any accrued interest as applicable, on deposit in Account #771963565 to Hawkeye Development Company, 1862 Oak Tree Road, Edison, NJ 08820, for the referenced property at Hillsdale Road, Edison, NJ, 08820, Block 556.F, Lot 17.01

RESOLUTION R.505-092020

WHEREAS, on January 25, 2013, Hawkeye Developers, posted Tree Maintenance Bond fees in the amount of \$1,350.00, with Check No.7202 on deposit with the Township of Edison in account #7762575632 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit, on the property identified as 333 Rahway Road, Block 410.C, Lot 13, Edison, NJ, 08820;

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

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$1,350.00 be refunded to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$1.350.00 hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$1,350.00, plus any accrued interest as applicable, on deposit in Account #7762575632 to Hawkeye Development Company, 1862 Oak Tree Road, Edison, NJ 08820, for the referenced property at 333 Rahway Road, Edison, NJ, 08820, Block 410.C, Lot 13

RESOLUTION R.506-092020

WHEREAS, on May 4, 2015, Hawkeye Development Company, posted Tree Maintenance Bond fees in the amount of \$225.00, with Check No.7826 on deposit with the Township of Edison in account #7763396594 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit, on the property identified as 73 Bartha Avenue, Block 905, Lot 14.05, Edison, NJ, 08817;

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

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$225.00 be refunded to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$225.00 hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$225.00, plus any accrued interest as applicable, on deposit in Account #7763396594 to Hawkeye Development Company, 1862 Oak Tree Road, Edison, NJ 08820, for the referenced property at 73 Bartha Avenue, Edison, NJ, 08817, Block 905, Lot 14.05

RESOLUTION R.507-092020

WHEREAS, on August 20, 2014., Pagoda Homes LLC, posted Tree Maintenance Bond fees in the amount of \$75.00, with Check No. 1282 on deposit with the Township of Edison in account #7763091003 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit, on the property identified as 31 Oak Grove Lane, Block 557.G, Lot 9, Edison, NJ, 08820;

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

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$75.00 be refunded to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$75.00 hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$75.00, plus any accrued interest as applicable, on deposit in Account #7763091003 to Pagoda Homes LLC, 33 Wood Avenue South, Suite 66, Iselin, NJ 08830, for the referenced property at 31 Oak Grove Lane, Edison, NJ, 08820, Block 557.G P, Lot 9

RESOLUTION R.508-092020

WHEREAS, on October 19, 2016, Pagoda Homes LLC, posted Tree Maintenance Bond fees in the amount of \$150.00, with Check No.1663 on deposit with the Township of Edison in account #TP161018PA to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit, on the property identified as 37 Mary Ellen Drive, Block 410.D, Lot 3, Edison, NJ, 08820;

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

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

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

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$150.00, plus any accrued interest as applicable, on deposit in Account #TP161018PA to Pagoda Homes LLC, 33 Wood Avenue South, Suite 66, Iselin, NJ 08830, for the referenced property at 37 Mary Ellen Drive, Edison, NJ, 08820, Block 410.D, Lot 3

RESOLUTION R.509-092020

WHEREAS, on December 9, 2009, Hawkeye Development Company, posted Tree Maintenance Bond fees in the amount of \$450.00, with Check No.5981 on deposit with the Township of Edison in account #7760275097 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit, on the property identified as 243 Garfield Street., Block 920, Lot 3.03, Edison, NJ, 08820;

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

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$450.00 be refunded to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$450.00 hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$450.00, plus any accrued interest as applicable, on deposit in Account #7760275097 to Hawkeye Development Company, 1862 Oak Tree Road, Edison, NJ 08820, for the referenced property at 243 Garfield Street, Edison, NJ, 08820, Block 920, Lot 3.03

RESOLUTION R.510-092020

RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO PURCHASE ONE (1) JOHN DEERE 245G EXCAVATOR WITH ATTACHMENTS AND WARRANTY FROM JESCO, INC. THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) COOPERATIVE PRICING SYSTEM FOR THE DEPARTMENT OF PUBLIC WORKS

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 Educational Services Commission of New Jersey hereinafter referred to as the "Lead Agency" has offered voluntary participation in a cooperative pricing system for the purchase of goods and services; and

WHEREAS, JESCO, INC., 118 St. Nicholas Ave., South Plainfield, NJ 07080-1808 has been awarded ESCNJ 18/19-25 GROUNDS EQUIPMENT under NJ State approved coop #65MCESCCPS; and

WHEREAS, the Township of Edison intends to enter into a contract/purchase order with JESCO, INC., for the purchase of one (1) John Deere 245G Excavator with attachments and warranty at a total price of \$247,951.46 under this contract; and

WHEREAS, the total amount of this contract shall not to exceed \$247,951.46; and

WHEREAS, funds in the amount of \$247,951.46 have been certified to be available in the Acq of Public Works Equipment Account, Number **C-04-16-1948-104-000**; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$247,951.46, and any other necessary documents, with JESCO, INC., 118 St. Nicholas Ave., South Plainfield, NJ 07080-1808, the approved Educational Services Commission of New

Jersey 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.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$247,951.46** are available for the above in Account No. **C-04-16-1948-104-000**.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.511-092020

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO CHEMUNG SUPPLY CORP. FOR THE FURNISHING OF MATERIALS

WHEREAS, bids were received by the Township of Edison on July 29, 2020 for Public Bid No. 20-03-08-Materials; and

WHEREAS, CHEMUNG SUPPLY CORP., P.O. Box 527, Elmira, NY 14902, submitted the lowest legally responsible bid for various items as listed on the spreadsheet; and

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

WHEREAS, the total amount of the first year and any succeeding renewal year shall not exceed \$7,000.00, 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 CHEMUNG SUPPLY CORP., P.O. Box 527, Elmira, NY 14902 for Materials for the Township of Edison, is determined to be the lowest legally responsible, responsive bid for various items as listed on spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$7,000.00 for the first year and any succeeding renewal year and any other necessary documents, with CHEMUNG SUPPLY CORP. as described herein.
3. The Purchasing Agent is hereby authorized to rebid those items in the bid where no bids were received or bids were rejected.

RESOLUTION R. 512-092020

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO BRITTON INDUSTRIES, INC. FOR THE FURNISHING OF MATERIALS

WHEREAS, bids were received by the Township of Edison on July 29, 2020 for Public Bid No. 20-03-08-Materials; and

WHEREAS, BRITTON INDUSTRIES, INC., 227 Bakers Basin Rd., Lawrenceville, NJ 08648, submitted the lowest legally responsible bid for various items as listed on the spreadsheet; and

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

WHEREAS, the total amount of the first year and any succeeding renewal year shall not exceed \$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 BRITTON INDUSTRIES, INC., 227 Bakers Basin Rd., Lawrenceville, NJ 08648 for Materials for the Township of Edison, is determined to be the lowest legally responsible, responsive bid for various items as listed on 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 and any other necessary documents, with BRITTON INDUSTRIES, INC. as described herein.

RESOLUTION R.513-092020

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO FERGUSON ENTERPRISES, LLC FOR THE FURNISHING OF MATERIALS

WHEREAS, bids were received by the Township of Edison on July 29, 2020 for Public Bid No. 20-03-08-Materials; and

WHEREAS, FERGUSON ENTERPRISES, LLC, 190 Oberlin Ave., North, Lakewood, NJ 08701, submitted the lowest legally responsible bid for various items as listed on the spreadsheet; and

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

WHEREAS, the total amount of the first year and any succeeding renewal year shall not exceed \$95,000.00, 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 FERGUSON ENTERPRISES, LLC, 190 Oberlin Ave., North, Lakewood, NJ 08701 for Materials for the Township of Edison, is determined to be the lowest legally responsible, responsive bid for various items as listed on spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$95,000.00 for the first year and any succeeding renewal year and any other necessary documents, with FERGUSON ENTERPRISES, LLC as described herein.

RESOLUTION R.514-092020

RESOLUTION TO RELEASE STREET OPENING ESCROW

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

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

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Finance Department is hereby authorized to release Street Opening Escrow Funds, under reference number STO0000412, to the following:

Permit Number: DEV-0165

Opening Location: 86 PACIFIC ST

Block/Lot: 263/11.02

Applicant’s Name & Address:

**ELNASHAR GROUP
380 MILL RD
EDISON, NJ 08817**

Initial Deposit Date: 12/17/2019

Deposit Amount: \$3,440.00

Paid by & refunded to:

**ELNASHAR GROUP
380 MILL 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 R.515-092020

RESOLUTION TO RELEASE STREET OPENING ESCROW

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

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

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Finance Department is hereby authorized to release Street Opening Escrow Funds, under reference number STO0000438, to the following:

Permit Number: DEV- 20 - 0192

Opening Location: 20 WINDSOR RD

Block/Lot: 1134 / 38

Applicant's Name & Address:

**RN BUILDERS LLC
91 KENNEDY STREET
ISELIN, NJ 08830**

Initial Deposit Date: 03/04/2020

Deposit Amount: \$3,360.00

Paid by & refunded to:

**RN BUILDERS LLC
91 KENNEDY STREET
ISELIN, NJ 08830**

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 R.516-092020

RESOLUTION TO RELEASE STREET OPENING ESCROW

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

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

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Finance Department is hereby authorized to release Street Opening Escrow Funds, under reference number STO0000412, to the following:

Permit Number: DEV-0165

Opening Location: 86 PACIFIC ST

Block/Lot: 263/11.02

Applicant's Name & Address:

**ELNASHAR GROUP
380 MILL RD
EDISON, NJ 08817**

Initial Deposit Date: 12/17/2019

Deposit Amount: \$3,440.00

Paid by & refunded to:

**ELNASHAR GROUP
380 MILL 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 R.517-092020

RESOLUTION AWARDED CONTRACT/PURCHASE ORDER TO CDW-GOVERNMENT FOR THE PURCHASE OF TWO (2) PANASONIC TOUGHBOOKS WITH SERVICE AGREEMENTS FOR WATER UTILITY

WHEREAS, there is a need to purchase two (2) Panasonic Toughbooks with service agreements for Water Utility; and

WHEREAS, CDW-GOVERNMENT, 230 North Milwaukee Ave., Vernon Hills, IL 60061, has been awarded State Contract Number 89980 under M-0483/Computer Equipment, Peripherals & Related Services for this purchase; and

WHEREAS, the Township intends to purchase the Toughbooks and Extended Service Package in the total amount of \$8,500.00 (\$3,700.00 ea. for the toughbooks and \$550.00 each for the Extended Service Package); and

WHEREAS, the total amount of this purchase under CDW-GOVERNMENT for both the Toughbooks and Extended Service Package shall not exceed \$8,500.00 (\$4,250.00 ea.); 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, funds in the amount of \$8,500.00 have been certified to be available in the Water Computer Hardware & Software Account, No. 0-05-55-0501-000-059; 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 \$8,500.00 and any other necessary documents, with CDW-GOVERNMENT, 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, number 89980/M-0483.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$8,500.00** are available for the above in Account No. **0-05-55-0501-000-059**.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.518-092020

RESOLUTION AWARDING PAYMENT TO VARIOUS NON-PROFIT ORGANIZATIONS FOR LEAGUE RECREATIONAL SERVICES FUNDING SPORTS

WHEREAS, there exists an ordinance for the Township of Edison to provide for League Recreational Services Funding for sports activities sponsored by certain nonprofit sports organizations; and

WHEREAS, funds in the amount of \$203,490.00 have been certified to be available in the Recreation Other Professional Services Account Number 0-01-28-0370-000-028; and

WHEREAS, the below listed nonprofit sports organizations will be eligible for the amounts specified as their annual allotment, after complying with all requirements listed in the contracts between the Leagues and the Township of Edison:

Buddy Ball of Edison	\$ 4,050.00
Edison Angels Softball	\$20,880.00
Edison Boys Baseball	\$42,120.00
Edison Jets Football	\$ 9,720.00
Edison United Soccer Association	\$27,000.00
Edison Youth Basketball	\$15,390.00
Falcon’s Jr. Cricket Club	\$ 9,000.00
Fords/Clara Barton Little League	\$ 3,888.00
Little Eagles Wrestling	\$ 2,835.00
Midtown Little League	\$13,770.00
No. Edison Athletic Association-Shamrocks	\$ 9,720.00
No. Edison Baseball & Softball Asso.	\$42,282.00
No. Edison Rec Wrestling Club	\$ 2,835.00

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that authorization be given, to release said funds to these nonprofit sports organizations.

CERTIFICATION

I hereby certify that funds in the amount of \$203,490.00 are available for the above payment in Account 0-01-28-0370-000-028.

RESOLUTION R.519-092020

RESOLUTION AUTHORIZING THE 2019 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 2019 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 2019 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. **9-01-24-0230-000-028**.

/s/ Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.520-092020

WHEREAS, applications have be made for the renewal of Club Licenses, issued by the Municipal Council of the Township of Edison, expiring on September 30, 2020 and

WHEREAS, the proper applications and fees have been received; and

WHEREAS, no legally valid objections have been made as to why these applications should not be approved.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the following Club Licenses expiring on September 30, 2020, for which the required fee \$150.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be hereby renewed, effective September 23, 2020.

<u>LICENSE NUMBER</u>	<u>LICENSEE AND LOCATION</u>	<u>ADDRESS</u>
1205-31-068-001	Edison Township Memorial Post 3117 VFW, Inc 53-57 National Road	Edison, 08817

RESOLUTION R.521-092020

WHEREAS, applications have be made for the renewal of Plenary Retail Consumption Licenses, issued by the Municipal Council of the Township of Edison, expiring on September 30, 2020 ; and

WHEREAS, the proper applications and fees have been received; and

WHEREAS, no legally valid objections have been made as to why these applications should not be approved.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey, that the following Plenary Retail Consumption Licenses expiring on September 30, 2020, for which the required fees of \$2,500.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be the same hereby granted and renewed, effective September 23, 2020.

<u>LICENSE NUMBER</u>	<u>LICENSEE AND LOCATION</u>	<u>ADDRESS</u>
1205-33-005-006	Sondek, Inc. t/a Richie's Sports Bar & Liquors 52 Vineyard Road	Edison, 08817
1205-33-008-009	Deccan Spice Edison, LLC 153 Wood Avenue	Edison, 08820
1205-33-010-004	New Orleans Liquor, LLC t/a Skylark Diner 17 Wooding Avenue	Edison, 08817
1205-33-011-009	Pines Liquor License, LLC t/a Pines Manor	Edison, 08817
1205-33-015-016	TopGolf USA Edison LLC 1013 U.S. Route 1	Edison, 08817
1205-33-022-005	Aum Bar & Grill t/a Elixir Bar & Grill 2222 Woodbridge Avenue	Edison, 08817
1205-33-024-001	Plainfield Country Club 1591 Woodland Avenue	Edison, 08820
1205-33-029-005	Akbar Lounge, LLC 21 Courtland Street	Edison 08837
1205-33-031-004	Kamini, LLC 1689 Oak Tree Road	POCKET

RESOLUTION R.522-092020

WHEREAS, applications have be made for the renewal of Plenary Retail Distribution Licenses, issued by the Municipal Council of the Township of Edison, expiring on September 30, 2020; and

WHEREAS, the proper applications and fees have been received; and

WHEREAS, no legally valid objections have been made as to why these applications should not be approved.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the following Plenary Retail Distribution Licenses expiring on September 30, 2020 for which the required fee \$2,500.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be hereby renewed, effective September 23, 2020.

<u>LICENSE NUMBER</u>	<u>LICENSEE AND LOCATION</u>	<u>ADDRESS</u>
1205-44-033-003	Vince Donald t/a Vincz Food & Liquor 1066 Amboy Avenue	Edison, 08837
1205-44-071-002	Shreeji19, Inc. 6 Jacqueline Ct. Edison, NJ 08820	POCKET
1205-44-072-002	Liquor Land LLC 775 U.S. Route 1- Unit 8	Edison, 08817

RESOLUTION R.523-092020

WHEREAS, applications have be made for the renewal of Plenary Retail Consumption Licenses (Hotel/Motel) , issued by the Municipal Council of the Township of Edison, expiring on September 30, 2020; and

WHEREAS, the proper applications and fees have been received; and

WHEREAS, no legally valid objections have been made as to why these applications should not be approved.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey, that the following Plenary Retail Consumption Licenses [Hotel/Motel] expiring on September 30, 2020 for which the required fees of \$2,500.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be the same hereby granted and renewed, effective September 23, 2020.

<u>LICENSE NUMBER</u>	<u>LICENSEE AND LOCATION</u>	<u>ADDRESS</u>
1205-36-055-003	Raritan Hospitality, LLC 3050 Woodbridge Avenue	Edison, 08837
1205-36-056-003	Hersha Hospitality Management, LP t/a Hilton Garden Inn Edison-Raritan Center 50 Raritan Center Parkway	Edison, 08837
1205-36-065-001	Edison Hotel Operations, LLC t/a Sheraton 125 Raritan Center Parkway	Edison, 08837

RESOLUTION R.524-092020

WHEREAS, the Township of Edison (“**Township**”) has established local committees to serve as advisory bodies to the Municipal Council; and

WHEREAS, these committee shall be comprised of resident members to be appointed by the Municipal Council (the “**Appointments**”); and

WHEREAS, the Municipal Council desires to make the following Appointments:

Veterans Memorial Committee:

Vacancy David G. Tingle

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

- The aforementioned recitals are incorporated herein as though fully set forth at length.
- The Municipal Council hereby makes the above Appointments to the respective committees.
- This Resolution shall take effect immediately.

AYES - Councilmembers Brescher, Coyle, Diehl, Gomez, Joshi, Patil and Council President Ship-Freeman

NAYS - None

The following Resolutions will be voted upon separately:

Councilmember Diehl requested R.525-092020 to be pulled for separate vote.

Councilmember Diehl, as he stated at last meeting, he feels this is unnecessary until you have gone through all the avenues for the information. This is a waste of money, he will not be supporting this.

Councilmember Joshi, agrees with Councilmember Diehl he made his point clear, we didn't exhaust all avenues. He feels this attorney is not qualified she is a personal injury and litigation not experienced to Audit.

Councilmember Brescher, the Committee of the Whole on the raciest flyer it's a dog and pony show you only use it at Election time. This Committee is so the public can see this is about taxes.

Councilmember Joshi, the CARES ACT money for 1.5 million was added to budget which reduced the tax burden.

RESOLUTION R.525-092020

EXPLANATION: This Resolution authorizes the Township to retain Susan Schleck Kleiner of the law firm Vella Singer and Kleiner, P.C. to provide professional legal services to the Municipal Council in connection with the committee of the whole created on September 9, 2020.

WHEREAS, the Municipal Council ("**Municipal Council**") of the Township of Edison ("**Township**") has determined that it is in its best interests and those of Township residents to engage legal counsel, and the Township is authorized pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* ("**Local Contracts Law**") to contract for "professional services" as it may require; and

WHEREAS, pursuant to R.495-092020, adopted by the Municipal Council on September 9, 2020, a committee of the whole Municipal Council was established for the purpose of conducting an inquiry into Township finances and tax evaluations, pursuant to *N.J.S.A. 40:69A-36, N.J.S.A. 40:69A-37 and N.J.S.A. 40:48-25*; and

WHEREAS, the Municipal Council wishes to retain the services of Susan Schleck Kleiner of the law firm Vella Singer and Kleiner, P.C. ("**Counsel**") to provide legal services related to such matters; and

WHEREAS, for these reasons the Municipal Council seeks to enter a contract for legal services with Counsel in accordance with the terms set forth in the Agreement of Retention ("**Retention Agreement**," a copy of which is attached hereto as Exhibit A) to provide for the representation of the Municipal Council as a committee of the whole; and

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

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

WHEREAS, the Retention Agreement is not awarded through a "fair and open process" pursuant to *N.J.S.A. 19:44A-20.5, et seq.*; and

WHEREAS, compensation for the professional legal services included under the Retention Agreement shall be rendered at the hourly rate of \$175.00 per hour, payable monthly, not to exceed Twenty-Five Thousand Dollars (\$25,000) and as further set forth in the Retention Agreement; and

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

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council President is hereby authorized and directed to execute the Retention Agreement with Counsel for its representation of the Municipal Council in connection with the creation of a committee of the whole.
3. The Retention Agreement is awarded without competitive bidding as a "professional service" under the provisions of the Local Contracts Law, more specifically *N.J.S.A. 40A:11-5*, because the services in question are of a specialized, technical and professional nature.

4. A certificate showing the availability of funds for the Retention Agreement authorized hereby will be provided by the Chief Financial Officer of the Township and will be made a part hereof indicating that the appropriation for the within expenditure is charged to the applicable accounts and is contingent upon the adoption of a temporary and/or permanent budget for the 2020 calendar year.

5. No payments in excess of any amounts set forth in the Retention Agreement will be approved, unless such services or expenditures are negotiated and agreed upon in advance of service delivery.

6. Any modification to the Retention Agreement shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.

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

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

9. This Resolution shall take effect immediately.

A motion was made by Councilmember Coyle seconded by Councilmember Brescher adopt this Resolution.

AYES - Councilmember Brescher, Coyle, Patil and Council President Ship-Freeman

NAYS – Councilmembers Diehl, Gomez and Joshi

ORAL PETITIONS AND REMARKS

Council President Ship-Freeman opened the meeting for public comment.

Gloria Ditman, President of Edison Art Society presented to the council the project in which the Art Society would like to put a Gazebo at Papaiani Park which could be used for events, weddings, concerts, etc. It is 30 x 50 constructed by the Amish in Pennsylvania. They are looking to do this project Spring 2021.

Councilmember Diehl, commented this is a wonderful idea and location he whole heartily supports.

Council President Ship-Freeman, she has been meeting with the Engineers to place a bathroom at Papaiani Park. This park is the center of our town.

Councilmember Coyle, he thanked Gloria for all her work she has worked with five mayors. She is a pioneer. He is looking forward to this project.

Maria Orchid, 83 Jefferson Ave., where would this be put and do we have a location for the community garden.

Council President Ship-Freeman, we are researching places.

+

Hearing no further comments from the public Councilmember Diehl made a motion to close the public hearing, which was seconded by Councilmember Coyle and duly carried.

Having no further business to discuss, on a motion made by Councilmember Diehl seconded by Councilmember Gomez , the meeting was adjourned at 7:31p.m.

Joyce Ship-Freeman
Council President

Cheryl Russomanno, RMC
Municipal Clerk