AGENDA
MUNICIPAL COUNCIL
REGULAR MEETING
Thursday, February 24, 2011
7:00 p.m.

1. Call to Order and Pledge of Allegiance.

2. Roll Call.

3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on January 6, 2011, and posted in the Main Lobby of the Municipal Complex on the same date.

4. APPROVAL OF MINUTES:
   a. Regular Meeting of January 12, 2011
   b. Worksession Meeting of January 24, 2011
   c. Closed Session Meeting of January 31, 2011
   d. Closed Session meeting of February 9, 2011

5. COUNCIL PRESIDENT'S REMARKS

6. UNFINISHED BUSINESS:
   ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING AND FINAL ADOPTION:
   The following Ordinances have been published according to law, the affidavits are in the possession of the Township Clerk, and copies are posted in the Council Chambers:

   O.1764-2011 AN ORDINANCE AUTHORIZING ACCEPTANCE OF A SIGHT TRIANGLE EASEMENT FOR THE PROPERTY LOCATED AT 49 CHRISTIE STREET FROM FOX AND FOXX DEVELOPMENT

7. PUBLIC COMMENT ON THE RESOLUTIONS

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

Consent Agenda

R.096-022011 Resolution approving disbursements for the period ending February 17, 2011.
R.098-022011 Resolution supporting Senate Bill S2404 which caps attorney fees in litigation against public entities.
R.099-022011 Resolution supporting Assembly Bill A3431 which amends Title 59 by granting immunity to public entities for sidewalk injuries where the homeowner is responsible for sidewalk maintenance by Ordinance.
R.100-022011 Resolution supporting Assembly Bill A3430 which amends Title 59 by strengthening weather immunity.
R.101-022011 Resolution supporting Senate Bill S2333 and Assembly Bill A3432 which amends Title 59 to provide immunities for beaches, boardwalks and similar property.
R.102-022011 Resolution authorizing refund in the amount of $93,888.36 for redemption of tax sale certificates.
R.103-022011 Resolution authorizing refund of tax overpayments, totaling $10,154.06.
R.104-022011 Resolution authorizing transfer of funds.
R.105-022011 Resolution authorizing release of escrow funds to Panattoni Development Company, LLC, Application #P10-05/06
R.106-022011 Resolution authorizing release of escrow funds to Target, Application #P04-08/09
R.107-022011 Resolution authorizing the Municipal Alliance/Youth Services Commission Volunteer Awards Banquet at the Pines Manor, in an amount not to exceed $6,826.44.
R.108-022011 Resolution accepting a grant from the New Jersey Health Officers Association for H1N1 Emergency Preparedness Training and Educational Materials.
R.109-022011 Resolution authorizing engineering inspection fee refund for Fox and Foxx Development, LLC, 2 Peru Street, Application #P25-02/03
R.110-022011 Resolution authorizing construction permit fee refund to Ruth Garibotto, 678 New Dover Road, Permit #2010-2320.
R.111-022011 Resolution authorizing tree maintenance bond refund for Fox and Foxx Development, LLC, 351 Rahway Road, Permit #08-15.
R.112-022011 Resolution authorizing maintenance bond refund for Fox and Foxx Development, LLC, Beech Street and Western Avenue, Application #P5073.
R.113-022011 Resolution authorizing tree maintenance bond refund for Panattoni Construction (Shamrock Center LLC), 1133 Inman Avenue, Permit #07-128.
R.114-022011 Resolution authorizing engineering inspection fee refund to Fox and Foxx Development, LLC, 51 Philo Boulevard, Application #P4982.
R.115-022011 Resolution authorizing bond reduction for Seagis Edison 2170 LLC, Affinity Federal Credit Union, 2170 Route 27 & Vineyard Road, Application #Z36-08/09.
R.116-022011 Resolution authorizing bond reduction for Westbrook Estates, LLC, Tingley Lane, Application #P5115.
R.117-022011 Resolution authorizing tree maintenance bond refund for Churnder & Mingshan Chang, 40 Lamar Avenue, Permit #07-76.
R.118-022011 Resolution authorizing tree maintenance bond refund for Avtar S. Bamrah, 128 Harding Avenue, Permit #07-75.
R.119-022011 Resolution authorizing engineering inspection fee refund for Fox and Foxx Development, LLC, New Brooklyn Road, Application #P4907.
R.120-022011 Resolution authorizing engineering inspection fee refund for Fox and Foxx Development, LLC, 7 Porter Street.
R.121-022011 Resolution rejecting bids for Contract No. 10-10-23, Automotive Parts and Accessories.
R.122-022011 Resolution authorizing award of second year for Contract No. 09-05-19, Ford Car and Truck Parts and Chevrolet Car Parts to National Parts Supply Company, in an additional amount of $33,500.00.
R.123-022011 Resolution authorizing award of second year for Contract No. 09-05-19, Ford Car and Truck Parts and Chevrolet Car Parts to Freehold Ford, Inc., in an additional amount of $33,000.00.
R.124-022011 Resolution authorizing award of second year for Contract No. 09-05-19, Ford Car and Truck Parts and Chevrolet Car Parts to Ditschman Flemington Ford, in an additional amount of $10,500.00.
R.125-022011 Resolution authorizing award of quote for a reconditioned pump for the sewer division – National Road Pump Station to Pumping Services, Inc., in an amount not to exceed $10,951.00.
R.127-022011 Resolution authorizing additional funds for Contract No. 08-14-14, Remanufactured Automatic Transmissions – Police Division to Varga Enterprises t/a Varga Transmission Center, in an additional amount of $13,000.00.

R.128-022011 Resolution urging the Administration to continue moving forward to complete this closure in a timely fashion.

R.129-022011 Resolution appointing members to the Ethics Board.

R.130-022011 Resolution appointing Harish Verma as second alternate member of the Zoning Board of Adjustment.

R.131-022011 Resolution authorizing award of a non fair and open contract to Kimberly A. Procopio and John C. Hegarty of the Jasinski Law Firm to represent the Municipal Council as a Committee of the Whole, in an amount not to exceed $10,000.

9. **ORAL PETITIONS AND REMARKS**

10. **ADJOURNMENT**
**Explanation:** This Ordinance authorizes the Township of Edison to accept a Sight Triangle Easement at the property located at 49 Christie Street from Fox and Foxx Development.

**EDISON TOWNSHIP**

**ORDINANCE O.1764-2011**

**WHEREAS,** Fox and Foxx Development, LLC (“Grantor”) obtained an approval from the Edison Township Planning Board (“Planning Board”) by Resolution dated October 18, 2010 for the re-subdivision of Lots 5, 6 and 7 in Block 666 which created new Lots 5.01 and 7.01 (“Approval”); and,

**WHEREAS,** the Approval required the Grantor to provide to the Township of Edison (“Grantee”) a certain Sight Triangle Easement affecting portion of new Lot 7.01 in Block 666 which located in the southerly corner of the intersection of Christie Street and Jersey Avenue; and,

**WHEREAS,** the Township Council of the Township of Edison, desires to accept the above described Sight Triangle Easement; and,

**WHEREAS,** the purpose of this conveyance is to satisfy the conditions of preliminary and final minor subdivision approval, as set forth in the Planning Board’s Approval; and,

**WHEREAS,** the Township Attorney has reviewed and approves the above Sight Triangle Easement and finds it acceptable in all respects.

**NOW, THEREFORE, BE IT ORDAINED,** by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey, that it hereby authorizes acceptance of the above Sight Triangle Easement and conveyance attached hereto and authorizes the Mayor, Township Clerk, Township Attorney and other necessary Township Officials and Employees to execute and deliver the Easement and all other documents and undertake all actions reasonably necessary to effectuate and implement this Ordinance and the terms of the Easement as may be necessary.

**BE IT FURTHER ORDAINED,** that this ordinance shall take effect twenty (20) days after the adoption and approval by Mayor in accordance with N.J.S.A 40:69A:181(b).
RESOLUTION R.096-022011

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING FEBRUARY 17, 2011

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through February 17, 2011

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<td><strong>TOTAL</strong></td>
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/s/ Lawrence Pollex
Acting 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.097-022011

RESOLUTION REJECTING ALL BIDS FOR THE FURNISHING OF COLLISION REPAIRS

WHEREAS, the Township of Edison advertised for bids by public notice published in the Home News on October 27, 2010, for Public Bid No. 10-10-25, COLLISION REPAIRS for a bid opening date of November 10, 2010 and no bids were received; and

WHEREAS, the Township of Edison re-advertised for the above public bid (renamed 10-10-25R) by public notice published in the Home News on November 15, 2010; and

WHEREAS, on November 30, 2010, sealed bids were received for the above project and the lowest responsive, responsible bidder was Central Jersey Collision dba Elizabeth Truck Center, 878 North Avenue, Elizabeth, NJ 07201 in the amount of $58.00 per hour for labor and 10% discount for parts; and

WHEREAS, Section 40A:11-13.2a of the Local Public Contracts Law allows for the rejection of bids when the lowest bid substantially exceeds the cost estimate for goods or services; and

WHEREAS, pursuant to 40A:11-5(3) when bids have been advertised pursuant to 40A:11-4 et seq., on two occasions and have been rejected on both occasions, any such contract may then be negotiated and may be awarded upon adoption of a resolution by the governing body.

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

1. The bids for Public Bid No. 10-10-25R entitled “COLLISION REPAIRS” is hereby rejected pursuant to N.J.S.A 40A:11-13.2a.

2. The Township is hereby authorized to initiate negotiations of said project pursuant to 40A:11-5(3).
RESOLUTION SUPPORTING S-2404 CAPPING ATTORNEY FEES IN LITIGATION AGAINST PUBLIC ENTITIES

Whereas: Public Officials and Employment practices claims against municipalities have increased dramatically over the past few years

Whereas: According to a ten year closed claim study recently completed by the Municipality Excess Liability Joint Insurance Fund, the cost of employment practices liability per employee was $26 in the year 2000 and increased to $125 per employee for most of the decade

Whereas: According to the same study, it increased 175% to $354 per employee in just the past two years.

Whereas: 65% of these claims are for police and the 2011 projected cost of these claims is $7 per officer.

Whereas: Legal fees historically represent over 70% of the cost

Whereas: Provisions in various laws such as LAD and CEPA providing for fee shifting had encouraged attorneys to make unreasonable demands in otherwise minor cases.

Whereas: John Farmer, Dean of the Rutgers Law School and former NJ Attorney General, stated: "Even cases with marginal relevance are now being presented by plaintiffs' counsel having substantial settlement value."

Whereas: in a recent case, a NJ court awarded the plaintiff's attorney a fee of $450,000 even though the jury awarded his client only $20,000.

Whereas: The explosion of employment practices cases will continue until reasonable caps are placed on legal fee applications:

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF EDISON THAT: the legislature is urged to adopt S-2404 placing a cap on attorney fee awards in fee shifting cases against public entities as follows:

- For awards (compensatory and punitive damages combined) of $50,000 or less the maximum fee award should be $50,000, though a lower fee should be awarded if warranted based on considerations of reasonableness

- For awards over $50,000, the fee award should not exceed the verdict, though lower fee should be awarded if warranted based on considerations of reasonableness

A copy of this resolution shall be sent to the legislative delegation of the (number) district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.
RESOLUTION SUPPORTING A3431 TO AMEND TITLE 59 BY GRANTING IMMUNITY TO PUBLIC ENTITIES FOR SIDEWALK INJURIES WHERE THE HOMEOWNER IS RESPONSIBLE FOR SIDEWALK MAINTANCE BY ORDINANCE

Whereas: Injuries that occur on sidewalks that abut commercial property are the responsibility of the commercial property owner,

Whereas: In Lodato v. Evenham, the courts ruled that injuries that occur on sidewalks that abut residential property are not the responsibility of the homeowner even when the homeowner is responsible for the maintenance and repair of the sidewalk by municipal ordinance

Whereas: In the same case, the courts ruled that the town, not the homeowner was liable for accidents on defective sidewalks not withstanding the ordinance.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF EDISON THAT: the legislature is urged to adopt A3431 amending Title 59 so that a public entity is not responsible for sidewalk injuries where the homeowner is responsible for sidewalk maintenance by ordinance.

A copy of this resolution shall be sent to the legislative delegation of the (number) district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.
RESOLUTION SUPPORTING A-3430 TO AMEND TITLE 59 BY STRENGTHENING WEATHER IMMUNITY

Whereas: under the provisions of Title 59 public entities are immune from injury "caused solely by weather" on streets and sidewalks.

Whereas: despite this language, in many cases municipalities and other public entities still have been forced to pay large amounts of money in damages when judges ruled that because other factor contributed to the accident, the immunity didn't apply because the accident was not "solely" caused by weather.

Whereas: Municipalities and other public entities have also been forced to pay large amounts of money in damages for accidents occurring on other public property that were substantially caused by weather

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF EDISON THAT: the legislature is urged to adopt A-3430 amending Title 59 as follows:

1. Changing the word "solely" to "primarily, and"
2. Extending this provision to all public property including storm water and waste systems, dams, rivers and streams.

A copy of this resolution shall be sent to the legislative delegation of the (number) district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.
RESOLUTION SUPPORTING S-2333 AND A-3432 TO AMEND TITLE 59 TO PROVIDE IMMUNITIES FOR BEACHES, BOARDWALKS AND SIMILAR PROPERTY

Whereas: under the provisions of Title public entities are immune from injury "caused by a condition of any unimproved public property, including but not limited to any natural condition of any beach.

Whereas: despite this language, in many cases municipalities still have been forced to pay large amounts of money in damages for claims by swimmers injured in the ocean.

Whereas: S-2333 would provide that public entities are immune for these accidents regardless of the circumstances under which they occur.

Whereas: Public entities have also incurred large costs in defending lawsuits by persons injured while walking on municipal boardwalks.

Whereas: S-2333 provides that a public entity would be immune from such a suit if it can demonstrate that it was operating under an ongoing maintenance plan calling for periodically reviewing and repairing the boardwalk.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF EDISON THAT: the legislature is urged to amend S-2333 and A-3432 to include piers, wharves, docks and similar public properties and adopt the amended bill.

A copy of this resolution shall be sent to the legislative delegation of the (number) district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.
RESOLUTION R.102-022011

WHEREAS, 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 said tax sale certificates have been redeemed thereof, and 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 Director of Finance is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing, totaling $93,888.36.
RESOLUTION R.103-022011

Whereas, on various properties located within the Township of Edison, overpayments of real estate taxes have been made due to erroneous or duplicate payments: and

Whereas, applications have been made to the Tax Collector for refunds of said overpayments, totaling $10,154.06 and

Whereas, the attached listing is a detail of the requested refund.

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that the Director of Finance shall and is hereby authorized to draw checks to the parties in the amounts specified on the attached listing.
RESOLUTION R.104-022011

AUTHORIZING THE TRANSFER OF FUNDS BETWEEN CURRENT FUND APPROPRIATIONS

WHEREAS, N.J.S.A. 40A:4-58 and N.J.S.A. 40A:4-59 provide for transfers of funds during the last two months of the current fiscal year and the first three months of the succeeding fiscal year; and

WHEREAS, it has been determined that certain existing appropriations are insufficient to meet the needs for which they have been established; and

WHEREAS, it has been determined that certain other existing appropriations are sufficient to meet the needs for which they were established and it appears that surplus balances exist in these appropriations.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, in the County of Middlesex, New Jersey that there be transferred funds from those appropriations having surplus balances to those appropriations having insufficient balances to meet the requirements of the demands for payment made upon them, as indicated on the annexed spreadsheets.

IT IS FURTHER RESOLVED THAT the proper Township Officials are hereby authorized to make the necessary transfers between said appropriations (totaling $260,310) as authorized in the foregoing Resolution and the annexed spreadsheets (two spreadsheets annexed hereto).
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RESOLUTION R.105-022011

RESOLUTION TO RELEASE ESCROW FUNDS
WHEREAS, the Township Planning Board Secretary advises the following applicant has deposited Escrow Funds for Developer Escrow Fees, pursuant to Township Ordinance; and
WHEREAS, the applicant has requested the return of the unused portion of Developers Escrow Fees, as provided by law; and
NOW THEREFORE, IT IS RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the proper Township Officials are hereby authorized to release said unused Developers Escrow Fees, under account number 7200025099, to the following:

Developer’s Name & Address: Panattoni Dev Company LLC
180 Raritan Center Pkwy, 1st Floor
Edison, NJ 08837

Application Number: P10-05/06
Project Location: Inman Avenue
Block/Lot: 431/1.A.1
Amount to be Refunded, plus accrued interest, if applicable: $393.15
RESOLUTION R.106-022011

RESOLUTION TO RELEASE ESCROW FUNDS

WHEREAS, the Township Planning Board Secretary advises the following applicant has deposited Escrow Funds for Developer Escrow Fees, pursuant to Township Ordinance; and

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

NOW THEREFORE, IT IS RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the proper Township Officials are hereby authorized to release said unused Developers Escrow Fees, under account number 7760295962, to the following:

Developer’s Name & Address: Target
1000 Nicolet Mall
TPN-13A
Minneapolis, MN 55403

Application Number: P04-08/09

Project Location: Parsonage Road

Block/Lot: 686-688/2.A-5.A

Amount to be Refunded, plus accrued interest, if applicable: $451.96
RESOLUTION

WHEREAS, the Township of Edison through the Edison Municipal Alliance/Youth Services Commission holds a Volunteer Awards Banquet every two years to honor those that have given of their time and financial support; and

WHEREAS, the Edison Municipal Alliance/Youth Services Commission wishes to hold such event at the Pines Manor, Edison, New Jersey; and

WHEREAS, The Pines Manor, 2085 Rte. 27, Edison, NJ 08817 has agreed to supply catering services for a fee in the amount of $6,826.44; and

WHEREAS, funds for this contract in an amount of $6,826.44 are available in Account T-01-55-0279-000 as certified by Chief Financial Officer.

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

The Mayor and Township Clerk are hereby authorized to execute a contract with The Pines Manor, 2085 Rte. 27, Edison, NJ 08817, in an amount NOT TO EXCEED $6,826.44, subject to agreement and approval of the attached contract by the Director of Law.

CERTIFICATION

I hereby certify that funds in the amount of $6,826.44 are available in Account T-01-55-0279-000 for the above contract.

[Signature]
Larry Pellex
Chief Financial Officer
RESOLUTION R.108-022011

RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF $10,000 FROM THE NEW JERSEY HEALTH OFFICERS ASSOCIATION FOR H1N1 EMERGENCY PREPAREDNESS TRAINING AND EDUCATIONAL MATERIALS

WHEREAS, the Township of Edison has been approved to receive a grant of $10,000.00 from the New Jersey Health Officers Association through the local public health emergency preparedness funding; and

WHEREAS, the Edison Department of Health and Human Services wishes to accept said grant from the New Jersey Health Officers Association to continue to provide public health emergency preparedness and awareness activities to the staff and residents of Edison; and

WHEREAS, these services provide a significant benefit to the residents of the Township by providing public health emergency preparedness training, exercises and educational materials to the staff and residents of the Township of Edison.

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

1. The appropriate fiscal officer shall accept the funds in connection with said project from the New Jersey Health Officers Association and make disbursements in accordance with said application.

2. The Mayor is hereby authorized to execute an agreement and any and all documents pertaining to said grant.
WHEREAS, the Township Engineer recommends the refund of Inspection Fees for Fox & Foxx Development, LLC, Application #P25-02/03 located at 2 Peru St, Block: 559 and Lot:28.02; and

WHEREAS, the Cash Performance Bond and the Performance Bond were released on December 2, 2005, Resolution #R562-122005; and

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

WHEREAS, on November 21, 2003, Fox & Foxx Development posted a check #7772 in the amount of $78.25 on deposit with the Township of Edison in account #7200024933 for engineering fees; and

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

WHEREAS, it is in now in order that the sum of $78.25, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Fox & Foxx Development, LLC.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of $78.25, plus accrued interest, if applicable, be refunded to Fox & Foxx Development, LLC having offices at 940 Amboy Avenue-Suite 101, Edison, N.J. 08837; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of $78.25, plus accrued interest, if applicable, in account #7200024933 to the applicant.
EXPLANATION: This resolution provides for a Resident refund of the construction permit fee posted for residential conversions from UST to other fuel sources which do not require tanks.

TOWNSHIP OF EDISON
RESOLUTION R.110-022011

WHEREAS, on July 21, 2010, a Construction (Building) Permit fee, check #944, permit #2010-2320, was posted in the total amount of $75.00; by the homeowner, Ruth Garibotto; residing at 678 New Dover Rd;

WHEREAS, the application was submitted for the removal of an oil tank at 678 New Dover Rd by the hired contractor; Oil Tank Services, Inc.; where the homeowner paid the permit fees after the date which the ordinance stating that the municipal fees will be waived for oil to gas heating conversions, per the Edison Municipal Ordinance No. O.1753-2010; and

WHEREAS, it is therefore appropriate that the municipal permit fee in the amount of $75.00, to be refunded to the applicant; and

WHEREAS, based upon legal advise on the amended ordinance, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #2010-2320, in the amount of $75.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed $75.00 on construction permit fees posted by the homeowner, Ruth Garibotto residing at 678 New Dover Road;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of $75.00 from the Refund of Revenue Fund to the homeowner, Ruth Garibotto; Township of Edison Resident.
WHEREAS, Fox & Foxx Development, LLC posted a Tree Maintenance Bond check #19683 in the amount of $45.00, principal being Fox & Foxx Development, LLC to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #08-15 located at 351 Rahway Road, Block: 410-C and Lot: 9-B; and

WHEREAS, the Certificate of Occupancy date is October 10, 2008; and

WHEREAS, a Tree Maintenance Bond was posted on February 11, 2008 in the amount of $45.00, on deposit in account #7760275050; and

WHEREAS, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that the trees planted have remained alive for 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 of $45.00, plus accrued interest, if applicable, 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 $45.00, plus accrued interest, if applicable, 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 $45.00, plus accrued interest, if applicable, on deposit in Account #7760275050 to Fox & Foxx Development, LLC having offices at 940 Amboy Avenue-Suite 101, Edison, N.J. 08837.
WHEREAS, the Township Engineer advises that an inspection has been made of Fox & Foxx Development, LLC, Application #P5073 located at Beech Street & Western avenue in Block:277 Lots:8.01, 9.01 & 14.01, and said inspection indicates all improvements are complete and in accordance with the Municipal Standards of the Township of Edison; and

WHEREAS, on January 29, 2008, Fox & Foxx Development, LLC., posted a Maintenance Bond Check #1155347 in the amount of $2,366.40 on deposit in Account #7760013329 to guarantee the integrity of the site improvements with the Township of Edison. The maintenance period has elapsed with no defects developing; and

WHEREAS, the Township Engineer, recommends the release of the Maintenance Bond, Check #1155347 in the amount of $2,366.40 plus accrued interest, if applicable, on deposit in account #7760013329 with the Township of Edison, principal being Fox & Foxx Development, LLC having offices at 940 Amboy Avenue, Suite 101, Edison, N.J. 08837 and acceptance of the subject improvements; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the aforementioned improvements are hereby complete and satisfactory and the Township Clerk be and is hereby authorized to return the aforesaid Maintenance Bond in the amount of $2,366.40, plus accrued interest, if applicable, to the applicant; and

BE IT FURTHER RESOLVED that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Maintenance Bond in the amount of $2,366.40, plus accrued interest, if applicable, on deposit in account #7760013329 to the applicant.
WHEREAS, on September 26, 2007 Panattoni Construction posted a Tree Maintenance Bond check #6054 in the amount of $8,145.00, principal being Panattoni Construction to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #07-128 located at 1133 Inman Avenue, Block: 431 and Lot: 1-A-1; and

WHEREAS, a Tree Maintenance Bond was posted on September 26, 2007 in the amount of $8,145.00, on deposit in account #7760237747 with the Township of Edison; and

WHEREAS, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that most of the trees have remained alive for the required two year maintenance period, except for three (3) trees which are dead; and

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount of $8,010.00 be refunded to the applicant, leaving a balance of $135.00 for the three (3) dead trees, to be transferred to the proper account; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of $8,010.00, plus accrued interest, if applicable, 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 $8,010.00, plus accrued interest, if applicable, on deposit in Account #7760237747 to Panattoni Construction having offices at 8775 Folsom Blvd., Suite 100, Sacramento, Ca. 95826.
RESOLUTION R-114-022011

WHEREAS, the Township Engineer advises that a final inspection was done of Fox & Foxx Development, LLC located at 51 Philo Blvd. in Block: 789, Lots: 29-32, Application #P4982; and

WHEREAS, the Cash Performance and Performance Bond were released on July 11, 2006, Resolution #378-082006; and

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

WHEREAS, on July 8, 2002, Fox & Foxx Development, LLC posted a check #1003678 in the amount of $630.00 on deposit with the Township of Edison in account #7200024800 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 $325.09; and

WHEREAS, it is in now in order that the sum of $304.91, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Fox & Foxx Development, LLC; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of $304.91, plus accrued interest, if applicable, be refunded to Fox & Foxx Development, LLC having offices at 940 Amboy Avenue, Suite 101, Edison, N.J. 08837; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of $304.91, plus accrued interest, if applicable, in account #7200024800 to the applicant.
WHEREAS, Seagis Edison 2170 LLC posted a Performance Bond Letter of Credit No.S202992 on July 19, 2010 of Bank of America, in the amount of $447,096.24, to guarantee the installation of improvements for the project known as Seagis Edison 2170 LLC (Affinity Federal Credit Union) located at 2170 Rt. 27 & Vineyard Road in Block: 1120 and Lot: 63 and designated Application #Z36-08/09; and

WHEREAS, a Cash Performance Bond check #500219967-6 was posted on July 15, 2010 by Seagis Edison 2170 LLC in the amount of $49,677.36, on deposit in account #7761416945; and

WHEREAS, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that, based upon the improvements completed to date, a bond reduction is in order; and

WHEREAS, it is the recommendation of the Township Engineer that the Performance Bond be reduced by 30% from $447,096.24 to $312,967.36, or 70% of the original amount; therefore refunding the amount of $134,128.88; and

WHEREAS, it is further the recommendation of the Township Engineer that the Cash Performance Bond check #500219967-6, be reduced by 30%, from $49,677.36 to $34,774.15, or 70% of the original amount, therefore refunding the amount of $14,903.21, plus accrued interest, if applicable; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Performance Bond hereinabove mentioned be reduced to $312,967.36, by virtue of a substitute bond or endorsement to the Performance Bond presently in place, until such time as Final Acceptance is granted.

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of $14,903.21, plus accrued interest, if applicable on deposit in Account #7761416945 to Seagis Edison 2170 LLC having offices at 100 Front Street-Suite 1370, Conshohocken, Pa. 19428 with the sum of $34,774.15 remaining on deposit until such time as Final Acceptance is granted.
RESOLUTION R.116-022011

WHEREAS, Westbrook Estates LLC posted a Performance Bond No.1909984 on July 13, 2010 of The Hanover Insurance Company, in the amount of $294,337.26, to guarantee the installation of improvements for the project known as Westbrook Estates LLC located at Tinley Lane in Block: 425 and Lot: 71.03 and designated Application #P5115; and

WHEREAS, a Cash Performance Bond check #035505 was posted on July 16, 2010 by Westbrook Estates LLC in the amount of $32,704.14, on deposit in account #7761416937; and

WHEREAS, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that, based upon the improvements completed to date, a bond reduction is in order; and

WHEREAS, it is the recommendation of the Township Engineer that the Performance Bond be reduced by 60% from $294,337.26 to $117,734.90, or 40% of the original amount; therefore refunding the amount of $176,602.36; and

WHEREAS, it is further the recommendation of the Township Engineer that the Cash Performance Bond check #035505, be reduced by 60%, from $32,704.14 to $13,081.65, or 40% of the original amount, therefore refunding the amount of $19,622.49, plus accrued interest, if applicable; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Performance Bond hereinabove mentioned be reduced to $117,734.90, by virtue of a substitute bond or endorsement to the Performance Bond presently in place, until such time as Final Acceptance is granted.

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of $19,622.49, plus accrued interest, if applicable on deposit in Account #7761416937 to Westbrook Estates LLC having offices at 635 Wood Glen Road, Glen Gardner, N.J. 08826 with the sum of $13,081.65 remaining on deposit until such time as Final Acceptance is granted.
WHEREAS, Churnder & Mingshan Chang posted a Tree Maintenance Bond check #118 in the amount of $360.00, principal being Churnder & Mingshan Chang to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #07-76 located at 40 Lamar Avenue, Block: 545-W and Lot: 28-31; and

WHEREAS, a Tree Maintenance Bond was posted on May 23, 2007 in the amount of $360.00, on deposit in account #7760237712; and

WHEREAS, the Certificate of Occupancy was issued on November 6, 2008; and

WHEREAS, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that the trees planted have remained alive for 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 of $360.00, plus accrued interest, if applicable, 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 $360.00, plus accrued interest, if applicable, 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 $360.00, plus accrued interest, if applicable, on deposit in Account #7760237712 to Churnder & Mingshan Chang having offices at 40 Lamar Avenue, Edison, N.J. 08820.
WHEREAS, on July 18, 2007, Avtar S. Bamrah posted a Tree Maintenance Bond check #156 in the amount of $1,530.00, principal being Avtar S. Bamrah to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #07-75 located at 128 Harding Avenue, Block: 556-B and Lot: 52 & 53; and

WHEREAS, a Tree Maintenance Bond was posted on July 18, 2007 in the amount of $1,530.00, on deposit in account #7760237726 with the Township of Edison; and

WHEREAS, the Certificate of Occupancy was issued on June 26, 2008; and

WHEREAS, an inspection by the Division of Engineering, under the supervision of the Township Engineer, has revealed that most of the trees have remained alive for the required two year maintenance period, except for fifteen (15) trees that are missing; and

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount of $855.00 be refunded to the applicant, leaving a balance of $675.00 for the fifteen (15) trees that are missing, to be transferred to the proper account; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of $855.00, plus accrued interest, if applicable, 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 $855.00, plus accrued interest, if applicable, on deposit in Account #7760237726 to Avtar S. Bamrah having offices at 33 Kane Avenue, Spotswood, N.J. 08884.
WHEREAS, the Township Engineer advises that a final inspection was done of Fox & Foxx Development, LLC located at New Brooklyn Road in Block: 20-H, Lots: 31, 32, Application #P4907; and

WHEREAS, the Cash Performance and Performance Bond were released on April 10, 2002, Resolution #267-042002; and

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

WHEREAS, on September 15, 2000 Fox & Foxx Development, LLC posted inspection fees in the amount of $1,699.44 on deposit with the Township of Edison in account #7200024592 for engineering fees; and

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

WHEREAS, the sum expended for engineering inspections totals $1,628.33; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of $71.11, plus accrued interest, if applicable, be refunded to Fox & Foxx Development, LLC having offices at 940 Amboy Avenue, Suite 101, Edison, N.J. 08837; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of $71.11, plus accrued interest, if applicable, in account #7200024592 to the applicant.
WHEREAS, the Township Engineer advises that a final inspection was done of Fox & Foxx Development, LLC located at 7 Porter St in Block: 97-B, Lot: 1-02 Application #none; and

WHEREAS, the Cash Performance Bond was released on July 23, 2003 Resolution #455-082003 and the Performance Bond was released on January 2, 2004, Resolution #014-012004; and

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

WHEREAS, on March 11, 2002, Fox & Foxx Development, LLC posted a check #2645469 in the amount of $284.68 on deposit with the Township of Edison in account #7200025246 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 $226.23; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of $58.45, plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Fox & Foxx Development, LLC; and

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of $58.45, plus accrued interest, if applicable, in account #7200025246 to the applicant.
RESOLUTION R.121-022011

RESOLUTION REJECTING ALL BIDS FOR THE FURNISHING OF AUTOMOTIVE PARTS AND ACCESSORIES

WHEREAS, the Township of Edison advertised for bids by public notice published in the Home News on December 2, 2010, for Public Bid No. 10-10-23, AUTOMOTIVE PARTS AND ACCESSORIES; and

WHEREAS, on December 16, 2010, sealed bids were received for the above project and after review of said bids, it was decided that the specifications should be revised; and

WHEREAS, Section 40A:11-13.2d of the Local Public Contracts Law allows for the rejection of bids when the township wants to substantially revise the specifications for the goods and services; and

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

3. The bids for Public Bid No. 10-10-23 entitled “AUTOMOTIVE PARTS AND ACCESSORIES” is hereby rejected pursuant to N.J.S.A 40A:11-13.2d.

4. The Township Purchasing Agent is hereby authorized to re-advertise and re-bid said project.
RESOLUTION AUTHORIZING SECOND YEAR CONTRACT TO NATIONAL PARTS SUPPLY COMPANY FOR THE FURNISHING OF FORD CAR AND TRUCK PARTS AND CHEVROLET CAR PARTS

WHEREAS, bids were received by the Township of Edison on June 9, 2009 for Contract No. 09-05-19, FORD CAR AND TRUCK PARTS AND CHEVROLET CAR PARTS; and

WHEREAS, NATIONAL PARTS SUPPLY COMPANY, 535 Milltown Road, North Brunswick, NJ 08902 submitted the lowest legally responsible bid for various items of the bid; and

WHEREAS, resolution R.467-082009 awarded NATIONAL PARTS SUPPLY COMPANY $35,000.00 the first year of a two year contract effective October 15, 2009 and the first year allotment has been depleted; and

WHEREAS, the maximum amount of the purchase is $33,500.00 and funds have been certified to be available in the following accounts contingent upon appropriation of sufficient funds in the 2011 budget:

<table>
<thead>
<tr>
<th>Account Description</th>
<th>Account Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streets and Roads Motor Vehicle Parts Account</td>
<td>1-01-26-0290-000-034</td>
</tr>
<tr>
<td>Sewer Motor Vehicle Parts and Accessories Account</td>
<td>1-07-55-0501-000-034</td>
</tr>
<tr>
<td>Parks and Trees Motor Parts Account</td>
<td>1-01-28-0375-000-034</td>
</tr>
<tr>
<td>Buildings and Grounds Motor Vehicle Parts Account</td>
<td>1-01-26-0310-000-034</td>
</tr>
<tr>
<td>Sanitation Operating Equipment Maintenance Account</td>
<td>1-09-55-0800-001-216</td>
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<tr>
<td>Municipal Garage Motor Vehicle Parts Account</td>
<td>1-01-26-0315-001-034</td>
</tr>
<tr>
<td>Fire Firefighting Maintenance Motor Vehicle Account</td>
<td>1-01-25-0265-001-034</td>
</tr>
<tr>
<td>Police Vehicle Motor Vehicle Parts and Accessories Account</td>
<td>1-01-26-0315-002-034</td>
</tr>
</tbody>
</table>

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

1. The Mayor, or her designee, is hereby authorized to execute the second year of the two year contract in the amount not to exceed $33,500.00 and any other necessary documents, with NATIONAL PARTS SUPPLY COMPANY, 535 Milltown Road, North Brunswick, NJ 08902 as described herein.
RESOLUTION R.123-022011

RESOLUTION AUTHORIZING SECOND YEAR CONTRACT TO NATIONAL PARTS SUPPLY COMPANY FOR THE FURNISHING OF FORD CAR AND TRUCK PARTS AND CHEVROLET CAR PARTS

WHEREAS, bids were received by the Township of Edison on June 9, 2009 for Contract No. 09-05-19, FORD CAR AND TRUCK PARTS AND CHEVROLET CAR PARTS; and

WHEREAS, NATIONAL PARTS SUPPLY COMPANY, 535 Milltown Road, North Brunswick, NJ 08902 submitted the lowest legally responsible bid for various items of the bid; and

WHEREAS, resolution R.467-082009 awarded NATIONAL PARTS SUPPLY COMPANY $35,000.00 the first year of a two year contract effective October 15, 2009 and the first year allotment has been depleted; and

WHEREAS, the maximum amount of the purchase is $33,500.00 and funds have been certified to be available in the following accounts contingent upon appropriation of sufficient funds in the 2011 budget:

- Streets and Roads Motor Vehicle Parts Account, Number 1-01-26-0290-000-034
- Sewer Motor Vehicle Parts and Accessories Account, Number 1-07-55-0501-000-034
- Parks and Trees Motor Parts Account, Number 1-01-28-0375-000-034
- Buildings and Grounds Motor Vehicle Parts Account, Number 1-01-26-0310-000-034
- Sanitation Operating Equipment Maintenance Account, Number 1-09-55-0800-001-216
- Municipal Garage Motor Vehicle Parts Account, Number 1-01-26-0315-001-034
- Fire Firefighting Maintenance Motor Vehicle Account, Number 1-01-25-0265-001-034
- Police Vehicle Motor Vehicle Parts and Accessories Account, Number 1-01-26-0315-002-034

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

1. The Mayor, or her designee, is hereby authorized to execute the second year of the two year contract in the amount not to exceed $33,500.00 and any other necessary documents, with NATIONAL PARTS SUPPLY COMPANY, 535 Milltown Road, North Brunswick, NJ 08902 as described herein.
RESOLUTION R.124-022011
RESOLUTION AUTHORIZING SECOND YEAR CONTRACT TO
DITSCHMAN FLEMINGTON FORD FOR THE FURNISHING OF
FORD CAR AND TRUCK PARTS AND CHEVROLET CAR
PARTS

WHEREAS, bids were received by the Township of Edison on June 9, 2009 for Contract No. 09-05-19, FORD CAR AND TRUCK PARTS AND CHEVROLET CAR PARTS; and

WHEREAS, DITSCHMAN FLEMINGTON FORD, 215 Route 31/202 Flemington, NJ 08822 submitted the lowest legally responsible bid for various items of the bid; and

WHEREAS, resolution R.465-082009 awarded DITSCHMAN FLEMINGTON FORD $10,000.00 for the first year of a two year contract effective October 15, 2009 and that first year allotment has been depleted; and

WHEREAS, the maximum amount of the purchase is $10,500.00 and funds have been certified to be available in the following accounts contingent upon appropriation of sufficient funds in the 2011 budget:

- Streets and Roads Motor Vehicle Parts Account, Number 1-01-26-0290-000-034
- Sewer Motor Vehicle Parts and Accessories Account, Number 1-07-55-0501-000-034
- Parks and Trees Motor Parts Account, Number 1-01-28-0375-000-034
- Buildings and Grounds Motor Vehicle Parts Account, Number 1-01-26-0310-000-034
- Sanitation Operating Equipment Maintenance Account, Number 1-09-55-0800-001-216
- Municipal Garage Motor Vehicle Parts Account, Number 1-01-26-0315-001-034
- Fire Firefighting Maintenance Motor Vehicle Account, Number 1-01-25-0265-001-034
- Police Vehicle Motor Vehicle Parts and Accessories Account, Number 1-01-26-0315-002-034

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

1. The Mayor, or her designee, is hereby authorized to execute the second year of the two year contract in the amount not to exceed $10,500.00 and any other necessary documents, with DITSCHMAN FLEMINGTON FORD, 215 Route 31/202 Flemington, NJ 08822 as described herein.
RESOLUTION R. 125-022011

RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT TO PUMPING SERVICES INCORPORATED FOR A RECONDITIONED PUMP FOR THE SEWER DIVISION-NATIONAL ROAD PUMP STATION

WHEREAS, quotes were solicited by the Township of Edison for a reconditioned pump for the Sewer Division-National Road Pump Station; and

WHEREAS, PUMPING SERVICES INCORPORATED, 201 Lincoln Boulevard, Middlesex, NJ 08846, submitted the lowest quote in the amount of $10,951.00; and

WHEREAS, funds in the amount of $10,951.00 have been certified to be available in the Sewers-Materials and Supplies Account, No. 1-07-55-0501-000-030 subject to and contingent upon appropriation of sufficient funds in the 2011 budget.

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

1. All quotes have been reviewed, and the quote as submitted by PUMPING SERVICES INCORPORATED, 201 Lincoln Boulevard, Middlesex, NJ 08846 for a reconditioned pump for the Sewer Division-National Road Pump Station, is determined to be the lowest quote.

2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount of $10,951.00, and any other necessary documents, with PUMPING SERVICES INCORPORATED.
RESOLUTION R.126-022011

RESOLUTION REJECTING ALL BIDS FOR THE FURNISHING OF REMANUFACTURED AUTOMATIC TRANSMISSIONS – POLICE DIVISION

WHEREAS, the Township of Edison advertised for bids by public notice published in the Home News on December 29, 2010, for Public Bid No. 10-04-14, REMANUFACTURED AUTOMATIC TRANSMISSIONS-POLICE DIVISION; and

WHEREAS, on January 12, 2011, sealed bids were received for the above project and after review of said bids, it was decided that the specifications should be clarified and revised; and

WHEREAS, Section 40A:11-13.2d of the Local Public Contracts Law allows for the rejection of bids when the township wants to substantially revise the specifications for the goods and services; and

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

1. The bids for Public Bid No. 10-04-14 entitled “REMANUFACTURED AUTOMATIC TRANSMISSIONS-POLICE DIVISION” is hereby rejected pursuant to N.J.S.A 40A:11-13.2d.

2. The Township Purchasing Agent is hereby authorized to re-advertise and re-bid said project.
RESOLUTION R.127-022011

RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE REMANUFACTURED AUTOMATIC TRANSMISSIONS CONTRACT WITH VARGA ENTERPRISES T/A VARGA TRANSMISSION CENTER FOR THE POLICE DIVISION IN AN AMOUNT NOT TO EXCEED $13,000.00

WHEREAS, VARGA ENTERPRISES T/A VARGA TRANSMISSION CENTER, 937 Joyce Kilmer Avenue, North Brunswick, NJ 08902 was awarded Contract No. 08-14-14, REMANUFACTURED AUTOMATIC TRANSMISSIONS-POLICE DIVISION on November 28, 2008 through Resolution R.601-1120108 for a two year period effective January 28, 2009 in the amount of $15,000.00 and that amount has been depleted; and

WHEREAS, the Purchasing Agent is in the process of rebidding this contract; and

WHEREAS, in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-15, a contract may be extended when a contracting unit has commenced rebidding prior to the time the contract expires; and

WHEREAS, the Business Administrator recommends that this contract in the amount not to exceed $13,000.00 be renewed on a month to month basis expiring April 31, 2011 with the price as well as all terms and conditions to remain the same; and

WHEREAS, funds in the amount of $13,000.00 have been certified to be available in the Police Vehicle Maintenance of Motor Vehicles Account, Number 1-01-26-0315-002-025, subject to and contingent upon appropriation of sufficient funds in the 2011 budget.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison the Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed $13,000.00, and any other necessary documents, with VARGA ENTERPRISES T/A VARGA TRANSMISSION CENTER, 937 Joyce Kilmer Avenue, North Brunswick, NJ 08902, as described herein.
RESOLUTION R.128-022011

WHEREAS, The Township has been working on the landfill closure for many decades; and

WHEREAS, the Township Council feels it is important to continue moving forward on plans to complete this closure; and

WHEREAS, the Township Council feels it is necessary to urge the Administration to pursue meetings with the DEP to continue the closure at a rapid pace and to prepare a timeline for execution of the closure;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that they do hereby urge the Administration to continue moving forward to complete this closure in a timely fashion.
RESOLUTION R.129-022011

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

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

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Norman Gene Blick, 95 College Drive, Edison, NJ 08817</td>
<td>December 12, 2015</td>
</tr>
<tr>
<td>Robert Kearstan, Sr., 37 Carlton Street South, Edison, NJ 08837</td>
<td>December 12, 2015</td>
</tr>
<tr>
<td>Deborah Stevens, 50 Cedar Street, Edison, NJ 08820</td>
<td>December 12, 2015</td>
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NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that the abovementioned individuals be appointed as members of the Ethics Board.
RESOLUTION R.130-022011

WHEREAS, it is the duty of the Municipal Council to appoint a Second Alternate member to the Zoning Board of Adjustment; and

WHEREAS, the Municipal Council has selected Harish Verma to be appointed to said Board.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Harish Verma, 29 Prestwick Way, Edison, New Jersey 08820 be and he is hereby appointed as the Second Alternate member of the Zoning Board of Adjustment, said term to expire December 31, 2012.
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO KIMBERLY A. PROCOPIO AND JOHN C. HEGARTY OF THE JASINSKI LAW FIRM TO REPRESENT THE MUNICIPAL COUNCIL AS A COMMITTEE OF THE WHOLE

WHEREAS, the Township Council of the Township of Edison created a Committee of the Whole on January 26, 2011 by Resolution R.066-012011; and

WHEREAS, the Township Council recommends Kimberly A. Procopio and John C. Hegarty of the Jasinski Law Firm, for the position of Counsel to the Committee of the Whole; and

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

WHEREAS, the total amount of this contract shall not exceed $10,000.00; and

WHEREAS, Kimberly A. Procopio and John C. Hegarty of the Jasinski Law Firm, has 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 Kimberly A. Procopio and John C. Hegarty of the Jasinski Law Firm, from making any reportable contributions through the term of this one year contract; and

WHEREAS, compensation for the professional services shall be at a rate of $140 per hour, in an amount not to exceed Ten Thousand ($10,000.00) dollars; and

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

1. The Township Council is hereby authorized to execute a contract and any other necessary documents, in the amount of $10,000.00, with Kimberly A. Procopio and John C. Hegarty of the Jasinski Law Firm, 8025 Black Horse Pike, West Atlantic, NJ 08232 as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 19:44A-20.5 et. seq, and without competitive bidding.
3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.