

**AGENDA  
MUNICIPAL COUNCIL  
REGULAR MEETING  
Wednesday, April 28, 2010  
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 December 10, 2009, and posted in the Main Lobby of the Municipal Complex on the same date.
4. **APPROVAL OF MINUTES:**
  - a. Regular Meeting of March 24, 2010
  - b. Closed Session Meeting of April 14, 2010
5. **COUNCIL PRESIDENT'S REMARKS**
6. **RESOLUTIONS OF RECOGNITION:**  
R.212-042010 Edison Eighth Grade Travel Basketball
7. **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.1737-2010 AN ORDINANCE AMENDING SECTION 11-16 OF THE CODE OF THE TOWNSHIP OF EDISON REGARDING "PRECIOUS METAL AND GEM BUSINESS"  
  
O.1738-2010 AN ORDINANCE AUTHORIZING A TRAFFIC CONTROL SIGNAL AT THE INTERSECTION OF KILMER ROAD AND KILMER COURT/NJ TRANSIT DRIVEWAY
8. **NEW BUSINESS:**  
**PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR WEDNESDAY, MAY 12, 2010:**  
  
O.1739-2010 AN ORDINANCE AMENDING CHAPTER 33 OF THE CODE OF THE TOWNSHIP OF EDISON REGARDING FLOOD DAMAGE PREVENTION AND PROTECTION TO REFLECT THE NEW FLOOD INSURANCE RATE MAPS AND OTHER REGULATORY CHANGES REQUIRED BY FEMA

O.1740-2010 AN ORDINANCE REQUIRING THAT NEW PETROLEUM LIQUOR STORAGE TANKS BE INSTALLED ABOVE GROUND AND WAIVING PERMIT FEES FOR TWO YEARS

O.1741-2010 AN ORDINANCE REGULATING THE OPERATION OF 24 HOUR SERVICE/GAS STATIONS OPERATING WITHIN THE TOWNSHIP OF EDISON

O.1742-2010 AN ORDINANCE CREATING RESIDENTIAL PARKING ZONE #4 FOR PERMIT PARKING (Blossom Street)

9. **PUBLIC COMMENT ON THE RESOLUTIONS**

10. **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.213-042010 Resolution approving disbursements for the period ending April 22, 2010.

R.214-042010 Resolution confirming re-appointment of Helen Kenny as a member of the Health Advisory Board, term to expire April 20, 2013.

R.215-042010 Resolution confirming appointment of Dr. Steven Sitrin as a member of the Health Advisory Board, term to expire April 20, 2012.

R.216-042010 Resolution authorizing award of quote for an entertainment package for the Just for Us Festival to Fun Services, in an amount not to exceed \$6,100.00.

R.217-042010 Resolution authorizing award of State contract for EMS Turnout Gear to Skylands Fire Equipment c/o Total Fire Group, in an amount not to exceed \$8,469.65.

R.218-042010 Resolution authorizing an additional deferred compensation plan to be administered by Metropolitan Life Insurance Company.

R.219-042010 Resolution authorizing a contribution of \$1,000 for a matching Middlesex County grant to the "Edison High School Green Team".

R.220-042010 Resolution authorizing the Mayor to enter into a Community Movie Tour Book Agreement with CGI Communications Inc.

R.221-042010 Resolution authorizing award of bid for Contract No. 10-03-01, HVAC System Maintenance and Repair Libraries to Croat & Nap, Inc., in an amount not to exceed \$25,000.00.

R.222-042010 Resolution authorizing award of bid for Contract No. 10-02-09, Car Washing Services to Premier Car Care Center, in an amount not to exceed \$13,000.00.

R.223-042010 Resolution authorizing final acceptance of Contract No. 09-03-25, Indoor Lighting Retrofitting for Lighting Energy Conservation.

- R.224-042010 Resolution authorizing award of quote for an Automatic Collator with One Year Maintenance for the Health Department to GBC Office Products, in an amount not to exceed \$6,790.16.
- R.225-042010 Resolution authorizing award of quote for Neighborhood Housing Rehabilitation Program Grant Case Number 1142010 to JCB Construction, LLC, in an amount not to exceed \$16,300.00.
- R.226-042010 Resolution authorizing award of quote for Neighborhood Housing Rehabilitation Program Grant Case Number 3262010 to JCB Construction, LLC, in an amount not to exceed \$9,025.00.
- R.227-042010 Resolution authorizing award of quote for Neighborhood Housing Rehabilitation Program Grant Case Number 22010 to A-Plus Construction, in an amount not to exceed \$15,600.00.
- R.228-042010 Resolution authorizing award of quote for Neighborhood Housing Rehabilitation Program Grant Case Number 282010 to New Venture Construction, in an amount not to exceed \$13,330.00.
- R.229-042010 Resolution authorizing award of State Contract for Laptop Computers to Computer Systems and Methods, in an amount not to exceed \$11,113.50.
- R.230-042010 Resolution authorizing Change Order #1 for Contract No. 09-03-25, Indoor Lighting Retrofitting for Lighting Energy Conservation to Bricktown Electrical Contractors, in an additional amount of \$13,215.77.
- R.231-042010 Resolution authorizing refund in the amount of \$250,839.78 for redemption of tax sale certificates.
- R.232-042010 Resolution authorizing refunds for reductions in assessments, totaling \$196,087.89.
- R.233-042010 Resolution authorizing refund of tax overpayments, totaling \$1,283.84.
- R.234-042010 Resolution authorizing refund of Developer's Escrow Fee to Jai Shiv Shambhu, LLC.
- R.235-042010 Resolution authorizing disabled veteran's deduction to Vincent Dima, 63 Player Avenue.
- R.236-042010 Resolution authorizing Developer's Agreement to Toranco Oak Tree Associates, 2163 Oak Tree Road.
- R.237-042010 Resolution opposing the application of Generated Materials into the Middlesex County Solid Waste Management as a Class B Recycling Facility.
- R.238-042010 Resolution providing for a six month extension request to the New Jersey Department of Transportation for Aid for the Resurfacing of Roxy Avenue.
- R.239-042010 Resolution authorizing the acceptance of a donation of office furniture and related equipment/supplies from Numara Software.
- R.240-042010 Resolution authorizing the acceptance of donation of a portable stage from Tony Bongiovi Irrevocable Trust.
- R.241-042010 Resolution certifying the review of the comments and recommendations for the audit ending June 30, 2009.
- R.242-042010 Resolution waiving Building Permit Fees for the installation of a handicapped ramp for St. James Episcopal Church.

R.243-042010 Resolution authorizing Tax Appeal Settlement for 3920 Park Avenue Associates LP, 3920 Park Avenue.

R.244-042010 Resolution authorizing emergency temporary appropriations

R.245-042010 Resolution confirming re-appointment of Mary Briggs as Registrar of Vital Statistics

11. **COMMUNICATIONS:**

- a. Electronic Mail Message from Erica Heine regarding budget cuts – receive
- b. Electronic Mail Message from Marianne Haviland regarding school budget cuts – receive
- c. Electronic Mail Message from Rosemarie Pittenger regarding NPP Coordinator – receive
- d. Electronic Mail Message from John Davino regarding school budget - receive
- e. Electronic Mail Message from Ralph Bucci regarding school budget – receive
- f. Electronic Mail Message from Chris Weeks regarding Board of Education budget –receive
- g. Electronic Mail Message from Xin Yu regarding Kindergarten program and school budget - receive

12. **ORAL PETITIONS AND REMARKS**

13. **ADJOURNMENT**

**Explanation:** This Ordinance amends section 11-16 of the Township's Code entitled "Precious Metal and Gem Businesses".

EDISON TOWNSHIP  
ORDINANCE O.1737-2010

**BE IT ORDAINED**, by the Township Council of the Township of Edison, Middlesex County, State of New Jersey that Chapter.11 entitled "General Licensing and Business Regulations" is hereby amended as follows:

**SECTION I.** Section 11-16 of the Township's Code entitled "Precious Metal and Gem Businesses" is hereby amended to read as follows:

11-16.1 [Written Record of Purchases Required] **Definitions**

[Any person, partnership or corporation in the full-or part-time business of purchasing gold, silver, precious metals and gems in Edison Township shall maintain a written record of all purchases].

- a.* Pawnbroker shall mean any person, partnership, association or corporation lending money on deposit or pledge of personal property, other than choses in action, securities, or printed evidences of indebtedness; or purchasing personal property on condition of selling it back at a stipulated price; or doing business as furniture storage warehouseman and lending money on goods, wares or merchandise pledged or deposited as collateral security.
- b.* Person shall mean individual natural persons, partnerships, joint ventures, societies, associates, clubs, trustees, trusts, corporations or unincorporated groups or any officers, agents, employees, servants, factors or any kind of personal representatives of any thereof, in any capacity, acting either for himself or for any other person under either personal appointment or pursuant to law.
- c.* Pledge shall mean an article or articles deposited with a pawnbroker in the course of his business.
- d.* Pledger shall mean a person who delivers the pledge into the possession of a pawnbroker, unless such person discloses that he is or was acting for another, and in such an event "pledger" means the disclosed principal.
- e.* Precious metals and gems shall mean items comprised of gold, silver, platinum, palladium and alloys thereof, gems, coins, containing precious metals and all forms of previously owned jewelry which contain precious metals.
- f.* Precious metals and gems buyer shall mean a person engaged in the business of purchasing metals, gems, coins, containing precious metals and all forms of previously owned jewelry, either as a primary business or in connection with another business, from any person who is not in the business of selling precious metals as required under N.J.S.A. 51:6A-1 to 51:6A-8 including but not limited to businesses commonly referred to as "jewelry stores."
- g.* Secondhand goods shall mean all forms of previously owned goods, including but not

limited to: antiques, furniture, watches, china, crystal, paintings, precious metals and gems and goods containing precious metals and gems.

11-16.2 [Format of Record.] **Purpose and Intent**

[The record shall be in a book, non-loose-leaf form, with all pages numbered in sequence. All entries shall be made in pen or ink. There shall be no spaces between entries, and each entry shall be numbered in sequence.]

The purpose and intent of this Section, 11-16.1 et seq., is to provide licensing and regulation of individuals dealing in precious metals, gems, second hand goods and pawn brokering to protect the residents of Edison, and those transacting business in the Township of Edison as permitted, in part, by N.J.S.A. 51:6A-1 et seq. Further, the licensing and regulations of these individuals will further assist the Edison Police Department and others in recovering stolen goods. In addition, in regard to precious metals and gems, this Section, 11-16.1 et seq., shall be complied with in addition to the laws, rules and regulations as contained in N.J.S.A. 51:6A-1 et seq. and N.J.A.C. 13:47C-1.1 et seq.

11-16.3 [Contents of Record] **License Requirement.**

[The record shall contain the following information:

- a. The date of sale;
- b. The name and address of the seller;
- c. A detailed description of items purchased;
- d. The purchase price.]

Any person, partnership or corporation in the full-or part-time business of purchasing gold, silver, precious metals and gems in Edison Township shall maintain a written record of all purchases precious metals or jewels in the Edison Township must, prior to engaging in such business, be duly licensed by the Township. The licensing procedure is to be accomplished as follows.

11-16.4 [Identification of Seller.] **Registration Form.**

[The purchaser shall require that the seller present current, reliable identification. The record shall reflect the nature of the identification presented.]

- a. The business entity shall authorize a representative to complete a registration application.
- b. The registration application shall be made available to persons wishing to secure same through the Township Clerk's office.
- c. The registration shall thereafter be filed with the Chief of Police or his designee.
- d. The registration form shall be executed by that person or persons who are responsible for the day-to-day operation of the business. Where a corporation is involved, the president of the corporation shall sign same, and, where partnerships are involved, the managing partner shall sign same.
- e. The registration form shall contain the following information:
  1. The names and current addresses and telephone numbers of all principals of the business. If the business is a corporation, then the information shall include the names and current addresses and telephone numbers of all stockholders.
  2. The place or places where the business entity shall operate from, as well as a listing of the hours when the entity proposes to conduct business.
  3. The names and addresses of three (3) business references.

4. A statement by the applicant that no principal of the business entity has any arrests or convictions of any crimes. In cases of a corporation, the certification shall apply to all stockholders. If there is an arrest or conviction record, same must be disclosed.

5. A list of business and home addresses of all principals of the business for the past five (5) years.

6. The registration must also include a photograph of the person who will manage the day-to-day operation of the business,' and that individual must also agree to be fingerprinted by the Division of Police.

#### 11-16.5 [Inspection] Effect on Existing Business

[The purchaser shall make the record available for inspection to any law enforcement officer, upon demand, without the need for advance notice. The record shall be kept at the purchaser's business premises.]

As to those business entities which are governed by this section and who are already doing business in the Township prior to the effective date of this section, then the businesses shall be licensed within thirty (30) days of the effective date of this section.

#### 11-16.6 [Violations; Penalties.] Fee; Term.

[Any person who shall violate any provision of this section or shall fail to comply with any of the requirements thereof shall, upon conviction thereof, be liable to the penalty stated in Chapter I, Section 1-5. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.]

The annual fee for the license shall be one hundred (\$100.00) dollars. All such licenses shall be issued for a period of one (1) year commencing January 1 and expiring December 31 next following the date of issuance, and there shall be no rebate for any lesser time. The license shall be conspicuously exhibited upon the premises licensed thereunder.

#### 11-16.7 Record Required.

Any person, partnership or corporation in the business of buying precious metals or gems who buys, attempts to buy or offers to buy precious metals or gems on the basis of bulk value from any person who is not in the business of selling precious metals or gems in Edison Township shall maintain a written record of all purchases and shall be subject to this section

#### **11-16.8 Form of Record.**

The record shall be in a book, non-loose-leaf fowl, with all pages numbered in sequence. All entries shall be made in pen or ink. There shall be no spaces between entries, and each entry shall be numbered in sequence.

#### **11-16.9 Contents of Record.**

The record shall contain the following information:

- a. Date of sale.
- b. Name and address of seller, sex, date of birth, telephone number, social security number if available.
- c. Detailed description of items purchased including the weight of any precious metal purchased.
- d. Purchase price.

#### **11-16.10 Identification of Seller.**

The purchaser shall require that the seller present two (2) current and reliable forms of identification. One of the forms of identification shall bear a photograph of the seller. The record shall reflect the nature of the identifications presented.

#### **11-16.11 Availability of Record for Inspection**

The purchaser shall make the record available for inspection to any law enforcement officer, upon demand, without the need for advance notice. The record shall be kept at the purchaser's business premises. The records shall be maintained for two (2) years from the date of purchase

#### **11-16.12 Inspections**

Each dealer doing business in Edison Township shall deliver to the Chief of Police or his designee, on forms prescribed by the Edison Township Division of Police a description of all items purchased, received or sold, within twenty-four (24) hours of the completion of the transaction, except for transactions conducted on Saturday in which said list shall be delivered to the Police Department by no later than 12:00 noon of the Monday following.

#### **11-16.13 Prohibition.**

No dealer shall sell, melt, change the form of or dispose of any articles purchased or received for a period of ten (10) days from the date the notification is made to the Chief of Police or his designee. All such items shall remain on the premises where the purchase was made until the expiration of the time period set forth herein



11.16.14 **Violations; Penalties.**

Any person who shall violate any provision of this section or shall fail to comply with any of the requirements thereof shall, upon conviction thereof, be liable to the penalty stated in Chapter I, Section 1-5. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues

SECTION II. 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).

SECTION III. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Note to Codifier: Deleted provisions indicated by brackets [ New provision indicated in underline.

**EXPLANATION:** this Ordinance authorizes the Township of Edison to establish a Traffic Control Signal at the intersection of Kilmer Road and Kilmer Court / NJ Transit Driveway.

**EDISON TOWNSHIP**

**ORDINANCE O.1738-2010**

**BE IT ORDAINED** by the Township Council, of the Township of Edison, in the County of Middlesex and State of New Jersey as follows:

**SECTION 1.** That the intersection of Kilmer Road and Kilmer Court / NJ Transit Driveway shall be controlled by a Traffic Control Signal in accordance with the Traffic Signal Plan bearing the date of September 2008, and shown on the As-Built Plan dated January 2010, and inspected on the date of January 6, 2010 by Malini Swaminathan, P.E., and certified by Donald J. Mauer, Jr., P.E., NJ PE License No. 28231, of STV Incorporated.

**SECTION 2.** That the Traffic Control Signal shall be in accordance with the provisions of the Manual on Uniform Traffic Control Devices, Title 39 of the Revised Statutes and the New Jersey Administrative Code, AND SHALL BE OPERATED IN CONFORMANCE WITH THE DESIGNATED PLAN.

**SECTION 3.** That this ordinance shall take effect twenty (20) days after adoption and publication and approval by the Mayor in accordance with N.J.S.A. 40:69A:181(b) and upon the approval of the Commissioner of the Department of Transportation.

**SECTION 4.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 5.** That if any clause, section or provision of this ordinance is declared invalid by a Court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portion hereof.

**SECTION 6.** Per Jurisdictional Agreement made on May 20, 2009, between the Township of Edison and New Jersey Transit, the Township upon acceptance of said traffic signal, agrees to maintain the traffic signal and pay all utility charges for the operation of said traffic signal on an on-going basis.

EXPLANATION: This ordinance amends Chapter XXXIII – Flood Damage Prevention And Protection updates the ordinances to reflect the new Flood Insurance Rate Maps and other regulatory changes required by FEMA.

**EDISON TOWNSHIP**

**ORDINANCE O.1739-2010-2010**

WHEREAS, the Township of Edison desires to amend Chapter XXXIII – Flood Damage Prevention And Protection to update the ordinances to reflect the new Flood Insurance Rate Maps whose effective date is July 6, 2010 and to revise the ordinance to comply with the New Jersey Department of Environmental Protection, the Federal Emergency Management Agency “FEMA,” and the Federal Insurance Administration requirements.; and

BE IT ORDAINED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that Chapter XXXIII entitled “Flood Damage Prevention And Protection” is hereby amended as follows:

**SECTION I.** Existing Chapter XXXIII – Flood Damage Prevention And Protection shall be deleted in its entirety and replaced with the following:

**CHAPTER XXXIII –  
FLOOD DAMAGE PREVENTION AND PROTECTION**

**SECTION 33-1.0  
STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND  
OBJECTIVES**

**33-1.1 STATUTORY AUTHORIZATION**

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Mayor and the Municipal Council of the Township of Edison, Middlesex County, New Jersey does ordain as follows:

**33-1.2 FINDINGS OF FACT**

[1] The flood hazard areas of Township of Edison are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary

public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

[2] These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

### **33-1.3 STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- [1] Protect human life and health;
- [2] Minimize expenditure of public money for costly flood control projects;
- [3] Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- [4] Minimize prolonged business interruptions;
- [5] Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- [6] Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- [7] Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- [8] Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

### **33-1.4 METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- [1] Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- [2] Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- [3] Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- [4] Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- [5] Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

### **SECTION 33-2.0 DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**Appeal** — A request for a review of the Township Engineer's interpretation of any provision of this ordinance or a request for a variance.

**Area of Shallow Flooding** — A designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard** — The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

**Base Flood** — The flood having a one percent chance of being equaled or exceeded in any given year.

**Basement** — Any area of the building having its floor subgrade (below ground level) on all sides.

**Breakaway Wall** — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

**Development** — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

**Digital Flood Insurance Rate Map (DFIRM)** — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Elevated Building** — A non-basement building (i) built in the case of a building in an Area of Special Flood Hazard to have the top of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

**Flood or Flooding** — A general and temporary condition of partial or complete inundation of normally dry land areas from:

[1] The overflow of inland or tidal waters, and/or;

[2] The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Study (FIS)** — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

**Floodplain Management Regulations** — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodway** — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

**Highest Adjacent Grade** — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure** — Any structure that is:

[a] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

[b] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

[c] Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

[d] Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved State program as determined by the Secretary of the Interior; or

(2) Directly by the Secretary of the Interior in States without approved programs.

**Lowest Floor** — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

**Manufactured Home** — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

**Manufactured Home Park or Manufactured Home Subdivision** — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**New Construction** — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality.

**Recreational Vehicle** — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Start of Construction** for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and

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means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** — A walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

**Substantial Damage** — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50 percent (50 %) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

[1] Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

[2] Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**Variance** — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

## **SECTION 33-3.0 GENERAL PROVISIONS**

### **33-3.1 LANDS TO WHICH THIS ORDINANCE APPLIES**

{A0531192.DOC/MA}



This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of Edison, Middlesex County, New Jersey.

### **33-3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard for the areas of special flood hazard for the Township of Edison, Community No. 340261, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report “Flood Insurance Study, Middlesex County, New Jersey (All Jurisdictions)” dated July 6, 2010.
- b) Flood Insurance Rate Map for Middlesex County, New Jersey (All Jurisdictions) as shown on Map Index – Map Number 34023CIND0A and panel numbers 34023C0032F, 34023C0034F, 34023C0039F, 34023C0041F, 34023C0042F, 34023C0043F, 34023C0044F, 34023C0051F, 34023C0052F, 34023C0053F, 34023C0054F, 34023C0061F, 34023C0062F, 34023C0063F, 34023C0064F, 34023C0131F, 34023C0132F, 34023C0151F, 34023C0152F; whose effective date is July 6, 2010.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at the Office of the Township Engineer, 100 Municipal Blvd, Edison, New Jersey 08817-3302.

### **33-3.3 PENALTIES FOR NONCOMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements including violations of conditions and safeguards established in connection with conditions, shall constitute a misdemeanor.

Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be liable to the penalty stated in Chapter I, Section 1-5 and, in addition, shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Edison from taking such lawful action as is necessary to prevent or remedy any violation.

### **33-3.4 ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### **33-3.5 INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be:

- [1] Considered as minimum requirements;
- [2] Liberally construed in favor of the governing body; and,
- [3] Deemed neither to limit nor repeal any other powers granted under State statutes.

### **33-3.6 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Township of Edison, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

## **SECTION 33-4.0 ADMINISTRATION**

### **33-4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 33-3.2. Application for a Development Permit shall be made on forms furnished by the Township Engineer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- [1] Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- [2] Elevation in relation to mean sea level to which any structure has been floodproofed.
- [3] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 33-5.2-2; and,

[4] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

### **33-4.2 DESIGNATION OF THE LOCAL FLOODPLAIN ADMINISTRATOR**

The Township Engineer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

### **33-4.3 DUTIES AND RESPONSIBILITIES OF THE TOWNSHIP ENGINEER**

Duties of the Township Engineer, as the Local Floodplain Administrator, shall include, but not be limited to:

#### **33-4.3-1 PERMIT REVIEW**

- [1] Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- [2] Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- [3] Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of Section 33-5.3[1] are met.

#### **33-4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA**

When base flood elevation and floodway data has not been provided in accordance with Section 33-3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Township Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 33-5.2-1, SPECIFIC STANDARDS, Residential Construction, and 33-5.2-2, SPECIFIC STANDARDS, Nonresidential Construction.

#### **33-4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED**

- [1] Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- [2] For all new or substantially improved floodproofed structures:
  - [i] verify and record the actual elevation (in relation to mean sea level); and
  - [ii] maintain the floodproofing certifications required in Section 33-4.1 (3).

[3] Maintain for public inspection all records pertaining to the provisions of this ordinance.

#### **33-4.3-4 ALTERATION OF WATERCOURSES**

[1] Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

[2] Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

#### **33-4.3-5 INTERPRETATION OF FIRM BOUNDARIES**

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 33-4.4.

#### **33-4.3-6 ISSUANCE OF FLOOD ZONE LETTERS**

Flood Zone Letters will be prepared by the Office of the Township Engineer, Department of Planning and Engineering, Division of Engineering, when requested in writing and payment of an application fee in the amount of **\$25.00**, payable to the Township of Edison, is made by the applicant for each letter request made.

Flood Zone Letters will be issued based upon the review of the flood zone information identified under section 33-3.2.

### **33-4.4 VARIANCE PROCEDURE**

#### **33-4.4-1 APPEAL BOARD**

[1] The Zoning Board of Adjustment as established by the Township of Edison shall hear and decide appeals and requests for variances from the requirements of this ordinance.

[2] The Zoning Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Township Engineer in the enforcement or administration of this ordinance.

[3] Those aggrieved by the decision of the Zoning Board of Adjustment, or any taxpayer, may appeal such decision to the Municipal Council of the Township of Edison, as provided in this chapter.

[4] In passing upon such applications, the Zoning Board of Adjustment, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (i) the danger that materials may be swept onto other lands to the injury of others;
- (ii) the danger to life and property due to flooding or erosion damage;
- (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (iv) the importance of the services provided by the proposed facility to the community;
- (v) the necessity to the facility of a waterfront location, where applicable;
- (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (vii) the compatibility of the proposed use with existing and anticipated development;
- (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
- (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

[5] Upon consideration of the factors of Section 33-4.4-1 [4] and the purposes of this ordinance, the Zoning Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

[6] The Township Engineer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

### **33-4.4-2 CONDITIONS FOR VARIANCES**

[1] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in

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SECTION 33-4.4-1[4] have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

[2] Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

[3] Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

[4] Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

[5] Variances shall only be issued upon:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in SECTION 33-4.4- 1[4], or conflict with existing local laws or ordinances.

[6] Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

## **SECTION 33-5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **33-5.1 GENERAL STANDARDS**

In all areas of special flood hazards the following standards are required:

#### **33-5.1-1 ANCHORING**

[1] All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

[2] All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

### **33-5.1-2 CONSTRUCTION MATERIALS AND METHODS**

- [1] All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- [2] All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

### **33-5.1-3 UTILITIES**

- [1] All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- [2] New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- [3] On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- [4] Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

### **33-5.1-4 SUBDIVISION PROPOSALS**

- [1] All subdivision proposals shall be consistent with the need to minimize flood damage;
- [2] All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- [3] All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- [4] Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

### **33-5.1-5 ENCLOSURE OPENINGS**

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of

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floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one (1) foot above grade.
3. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

### **33-5.2 SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 33-3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 33-4.3-2, Use of Other Base Flood Data, the following standards are required:

#### **33-5.2-1 RESIDENTIAL CONSTRUCTION**

- [1] New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated to or above base flood elevation;
- [2] within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

#### **33-5.2-2 NONRESIDENTIAL CONSTRUCTION**

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:

**either**

- [1] Elevated to the level of the base flood elevation; and
- [2] Within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the



highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

**or**

- [1] Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- [2] Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- [3] Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in SECTION 33-4.3-3 [2] [ii].

### **33-5.2-3 MANUFACTURED HOMES**

- [1] Manufactured homes shall be anchored in accordance with Section 33-5.1-1 [2].
- [2] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

### **33-5.3 FLOODWAYS**

Located within areas of special flood hazard established in section 33-3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- [1] Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- [2] If section 33-5.3[1] is satisfied, all new construction and substantial improvements must comply with section 33-5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- [3] In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

SECTION II. This ordinance shall take effect twenty (20) days after adoption and approval by the Mayor in accordance with N.J.S.A. 40:69A:181(b).

SECTION III. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**EXPLANATION:** This ordinance requires that new petroleum liquid storage tanks be installed above ground and promotes the replacement of underground petroleum liquid storage tanks with above ground oil tanks by waiving any applicable municipal permit fees for a period of two (2) years from the date this ordinance is enacted.

**EDISON TOWNSHIP**

**ORDINANCE O.1740-2010**

**WHEREAS,** the Township of Edison in order to protect the public health, safety and welfare of the residents within the Township of Edison and to preserve the quality and quantity of the Township's groundwater supply will require that new petroleum liquid storage tanks be installed above ground and promotes the replacement of underground petroleum liquid storage tanks with above ground oil tanks by waiving any applicable municipal permit fees for a period of two (2) years from the date this ordinance is enacted.

**BE IT ORDAINED,** by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that Chapter XIV entitled "Building and Construction" is hereby amended as follows:

**SECTION I.** Chapter XIV entitled "Building and Construction" is hereby amended to create new Section 14-6 as follows:

**14-6 REMOVAL AND REPLACEMENT OF UNDERGROUND PETROLEUM LIQUID STORAGE TANKS**

14-6.1 Purpose and Intent.

The purpose of this ordinance is to protect the public health, safety and welfare of the residents within the Township of Edison and to preserve the quality and quantity of the Township's groundwater supply. Additionally, requiring new petroleum liquid storage tanks to be installed above ground will all facilitate the ability to inspect the tanks to determine if the tank needs replacement before the tank fails and creates an adverse environmental impact. This is accomplished by requiring that new petroleum liquid storage tanks be installed above ground and by promoting the replacement of underground petroleum liquid storage tanks on residential properties and the installation and maintenance of above ground petroleum liquid storage tanks.

14-6.2 Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated:

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Above Ground -- When referring to an interior or exterior Storage Tank, means that greater than 100% of the volumetric capacity of the Storage Tank is above the surface of the ground or located in a basement or crawl space.

Petroleum Liquid -- Oil or petroleum of any kind normally in liquid form, including but not limited to waste oils and distillation products such as fuel oil, kerosene, naphtha, gasoline and benzene.

Storage Tank -- Means any facility used for storing any Petroleum Liquid.

Underground -- When referring to a Storage Tank, means that any portion of the volumetric capacity of the Storage Tank is below the surface of the ground and that portion which is below the surface of the ground is not fully visible for inspection.

#### 14-6.3 Prohibition of Underground Petroleum Liquid Storage Tanks on Residential Properties.

Commencing on the effective date of this Ordinance and applied prospectively, on any property that is in whole or in part used for residential purposes, the installation of Underground Petroleum Liquid Storage Tanks intended for residential fuel oils or other Petroleum Liquids is prohibited. Any new or replacement Petroleum Liquid Storage Tanks shall be located above ground which may be located inside or outside of a structure and may be located in a basement or cellar with sufficient access to allow for routine inspection of the Storage Tank.

#### 14-6.4 Waiver of Municipal Permit Fees for Replacement of Existing Tanks.

- a. Beginning on the effective date of this Ordinance and continuing for a period of two (2) years, the Township of Edison will waive any and all applicable municipal permit fees for the replacement of any existing Underground Petroleum Liquid Storage Tank with an Above Ground Underground Petroleum Liquid Storage Tanks on any property that is in whole or in part used for residential purposes.
- b. The aforementioned waiver of permit fees by the Township of Edison does not apply to any fees that are required by the State of New Jersey and/or the Department of Community Affairs.

#### 14-6.5 Indemnification of the Township

In no event shall the Township of Edison's regulation of Petroleum Liquid Storage Tanks pursuant to this Ordinance constitutes a recommendation, approval, endorsement or warranty of a Petroleum Liquid Storage Tank. The Township shall not thereby be deemed to have acquired any special expertise with respect to any of the foregoing nor to have acquired or incurred any special duty, liability or standard of care concerning any of the foregoing. Accordingly, the Township shall not be responsible for or liable to any person or entity for any injury to person, property or the environment caused directly or indirectly by the leaking of any Underground or Above Ground Petroleum Liquid Storage Tanks or by anything else claimed to have been caused

or facilitated by the acts or omissions of the Township in regulating Petroleum Liquid Storage Tanks or undertaking to do so.

**SECTION II.** This ordinance shall take effect twenty (20) days after adoption and approval by the Mayor in accordance with N.J.S.A. 40:69A:181(b).

**SECTION III.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EXPLANATION: This ordinance, in order to preserve and enhance the public safety of Township residents and service/gas station employees, regulates the operation of 24 hour service/gas stations operating within the Township of Edison.

## **EDISON TOWNSHIP**

### **ORDINANCE O.1741-2010-2010**

**WHEREAS**, due to the recent increase of robberies of 24 hour service/gas stations in the Township of Edison and surrounding communities, the Township Council wishes to create regulations to preserve and enhance the public safety of Township residents and service/gas station employees and to assist the Police Department and other law enforcement agencies in investigating these crimes.

**BE IT ORDAINED**, by the Township Council of the Township of Edison, Middlesex County, State of New Jersey that Chapter.11 entitled "General Licensing and Business Regulations" is hereby amended as follows:

**SECTION I.** New Section 11-32 of the Township's Code entitled "Regulation of Service/Gas Stations" is hereby included in Chapter 11 entitled "General Licensing and Business Regulations" and shall read as follows:

#### **11-32 REGULATION OF SERVICE/GAS STATIONS**

##### **11-32.1 Purpose and Intent**

The purpose of this ordinance is to protect the public health, safety and welfare of the residents within the Township of Edison as well as the safety of employees working at 24-hour service/gas stations within the Township. This is accomplished by regulating the minimum number of employees during particular hours of the evening and requiring the use of video surveillance equipment.

##### **11-32.2 Definitions.**

For purposes of this ordinance, a service/gas station is an establishment that sells gasoline, diesel and automotive fuels to the public.

##### **11-32.3 Minimum Employee Requirement During Particular Times of Operation**

Commencing on the effective date of this Ordinance all 24 hour service/gas stations operating between the hours of 10:00 p.m. and 4:00 a.m. must be staffed with a minimum of two (2) employees from 10:00 p.m. through 4:00 a.m.

##### **11-32.4 Required Use of Video Camera Surveillance System**

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All service/gas stations operating between the hours of 10:00 p.m. and 4:00 a.m. shall be required to install and maintain a video camera security surveillance system that is approved by the Township of Edison Police Department. All service/gas station must post a conspicuous sign stating the property is under camera surveillance.

a. The video camera surveillance system must comport with the following minimum requirements:

1. All recording devices that must be capable of retrieving an image of sufficient quality to assist in offender identification;
2. Cameras must be placed to record the cash register/product payment area and all entry and exit doors to the convenience/gas station that are connected to or provide access to the cash register/product payment areas that are not normally locked and connected to a working alarm system;
3. Cameras installed to observe the entrances and exits must be placed and lenses fixed so that the entrances or exits are completely visible in the field of view;
4. Cameras must be installed so that the whole person is not less than seventy (70) percent of the field of view;
5. Cameras and other video recording equipment must be in good working order and any breakdowns of the equipment must be repaired expeditiously;
6. Cameras and other video security devices such as sequencers and multiplexers must be compatible with the recording device.
7. Camera activity must be recorded continuously.
8. All recording must have time and date stamp.
9. The recording media must be maintained in a secure environment, not accessible by the public or unauthorized store employees.
10. The technical specifications provided in this section are minimum standards and do not preclude a service/gas station from installing equipment that exceeds these standards.

b. In the event a service/gas station already has in place a VHS recorder for recording and storing images for its video camera surveillance system, then in addition to the requirements of the forgoing section, the recorder must comport with the following minimum requirements:

1. The recorder must be a commercial grade VHS deck.
2. Recording times must not exceed seventy-two (72) hours.

3. The recorder must have a minimum of 240 lines of resolution and four heads.
  4. The service/gas station must use a commercial grade VHS tape.
  5. An individual tape must not be used more than twenty (20) times.
  6. The recording device tapes or other recording media must be maintained in a secure environment, not accessible by the public or unauthorized store employees.
  7. The technical specifications provided in this section are minimum standards and do not preclude a service/gas station from installing equipment that exceeds these standards.
- c. All recordings no matter how recorded and/or stored (i.e., digital or tape) shall be maintained for thirty (30) days. All Video Camera Surveillance Systems, recordings and the like shall be available for inspection by the Edison Township Police Department and other law enforcement agencies upon request.

#### **11-32.5 Violations; Penalties.**

- a. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- b. Any violation of this section shall be punishable by a minimum fine of two-hundred fifty dollars (\$250.00) for the first offense. The second offense shall result in a fine of not less than one thousand (\$1,000.00) dollars and shall require a Court appearance. Third and subsequent offenses shall result in a fine of the maximum amount permitted by law, and in addition to a fine, in the discretion of the Court, imprisonment for a term not to exceed ninety (90) days and shall require a Court appearance.
- c. Violation of any part of this section may result in the revocation of the business owner's license pursuant to the rules and regulations of Chapter XI General Licensing and Business Regulations of this Code.

**SECTION II.** This ordinance shall take effect twenty (20) days after adoption and approval by the Mayor in accordance with N.J.S.A. 40:69A:181(b).

**SECTION III.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.



**EXPLANATION:** This Ordinance creates Residential Parking Zone #4 for permit parking in areas other than around the Edison Township Train Station.

**EDISON TOWNSHIP**

**ORDINANCE O.1742-2010**

**WHEREAS,** the Township of Edison wishes create Residential Parking Zone #4 for permit parking in areas other than around the Edison Township Train Station.; and

**WHEREAS,** the Township of Edison is permitted to adopt said ordinance without the approval of the Commissioner of Transportation pursuant to N.J.S.A. 39:4-197 and N.J.S.A. 39:4-8; and

**WHEREAS,** as required by N.J.S.A. 39:4-8 the Township Engineer has, provided the appropriate certification.

**BE IT ORDAINED,** by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that Chapter VII Traffic, Section 7-17 entitled “Residential Parking Permit” is hereby amended as follows:

**SECTION I.** Section 7-17 entitled “Residential Parking Permit” is hereby amended to include new Section 7-17(a)(4) as follows:

a. No person shall park a vehicle on streets or parts of streets as described within the following sections unless an appropriate and current parking permit as issued by the Township of Edison is displayed on said vehicle for those streets or parts of streets as described or listed within the following zones.

4. Zone # 4. The following streets will constitute residential permit parking Zone # 4. Only residents from Zone # 4 and their visitors are eligible to park in Zone # 4. Color-coded permit(s) will be issued to residents and their guests of Zone #4.

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>	<u>Hours</u>	<u>Days</u>
Blossom Street		2 parking stalls in front of 45 Blossom Street	7:00 a.m. - 6:00 p.m.	Mon. – Fri.

**SECTION II.** This ordinance shall take effect twenty (20) days after adoption and approval by the Mayor in accordance with N.J.S.A. 40:69A-181(b).

**SECTION III.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**RESOLUTION R.231-042010**

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF EDISON FOR THE PERIOD ENDING APRIL 22, 2010

**WHEREAS**, the Director of Finance of the Township of Edison has transmitted  
to the Township Council a Report of Disbursements made through April 22, 2010

FUND	AMOUNT
Affordable Housing	\$1,550.00
Capital	\$175,703.74
Cash Performance	\$0.00
CDBG	\$59,254.57
Current	\$11,534,844.37
Developer's Escrow	\$37,796.93
Dog (Animal Control)	\$1,941.15
Federal Forfeited	\$7,058.80
Grant Funds	\$79,424.44
Law Enforcement	\$0.00
Park Improvement	\$0.00
Payroll Deductions	\$391,691.11
Public Assistance	\$0.00
Sanitation Fund	\$137,872.10
Self Insurance	\$15,856.01
Sewer Utility	\$76,027.98
Tree Planting	\$0.00
Trust	\$301,286.67
<b>TOTAL</b>	<b>\$12,820,307.87</b>

/s/ Mark E. Acker  
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.214-042010  
TOWNSHIP OF EDISON  
COUNTY OF MIDDLESEX

WHEREAS, a recommendation was made by Mayor Antonia Ricigliano to reappoint Helene Kenny, RN, BSN, as a member of the Health Advisory Committee; and

WHEREAS, the Municipal Council wishes to confirm this appointment.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that Helene Kenny, 8 Merker Drive, Edison, New Jersey 08837 be appointed as a member of the Health Advisory Committee, for a term to expire April 20, 2013.

RESOLUTION R.215-042010  
TOWNSHIP OF EDISON  
COUNTY OF MIDDLESEX

WHEREAS, a recommendation was made by Mayor Antonia Ricigliano to appoint Dr. Steven Sitrin, as a member of the Health Advisory Committee; and

WHEREAS, the Municipal Council wishes to confirm this appointment.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that Dr. Steven Sitrin, 125 May Street, Suite 200, Edison, New Jersey 08837 be appointed as a member of the Health Advisory Committee, for a term to expire April 20, 2012.

**RESOLUTION R.216-042010**

**WHEREAS**, quotes were received for an ENTERTAINMENT PACKAGE FOR THE JUST FOR US FESTIVAL TO BE HELD ON JUNE 5, 2010; and

**WHEREAS**, after review of said quotes it has been recommended by the Business Administrator that this contract be awarded to Fun Services, 2-12 Main Street, Belleville, NJ 07109; and

**WHEREAS**, the maximum amount for this contract shall not exceed \$6,100.00; and

**WHEREAS**, funds for this purpose are available for the above contract in Account No. 0-01-28-0370-000-226.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with Fun Services, in an amount not to exceed \$6,100.00.

**RESOLUTION R.217-042010**

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT  
VENDORS FOR CONTRACTING UNITS  
PURSUANT TO N.J.S.A. 40A:11-12a  
\$8,469.65**

**Whereas**, the Township of Edison, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

**Whereas**, the Township of Edison, has the need on a timely basis to purchase goods or services utilizing State contracts; and

**Whereas**, the Township of Edison intends to enter into a contract with Skylands Fire Equipment C/O Total Fire Group, 1 Innovation Ct., Dayton, OH 45414, which has been awarded State Contract No. 76359 under T-0790/FIREFIGHTER PROTECTIVE CLOTHING AND EQUIPMENT;

**Now, Therefore, Be It Resolved**, that the Township of Edison authorizes the Business Administrator to purchase EMS TURNOUT GEAR from Skylands Fire Equipment C/O Total Fire Group, from the approved New Jersey State Contract Vendor through this resolution and properly executed contract, which shall be subject to all the conditions applicable to the current State Contracts; and

**Be It Further Resolved**, that the governing body of the Township of Edison pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

**Be It Further Resolved**, that the duration of the contracts between the Township of Edison and the Referenced State Contract Vendor shall be for a period of one (1) year.

**RESOLUTION R.218-042010**

**Authorizing the establishment of an additional Deferred Compensation Plan for the Township of Edison to be administered by the Metropolitan Life Insurance Company.**

**WHEREAS**, the Township of Edison desires to attract and retain qualified employees; and

**WHEREAS**, implementation of deferred compensation plans serves the interests of the Township by enabling it to work with employees to develop enhanced retirement planning with its employees at no additional cost to the taxpayer; and

**WHEREAS**, accrual of tax benefits to eligible employees through their participation in a Deferred Compensation plan established pursuant to Section 457 of the Internal Revenue Service code serves the above referenced objectives; and

**WHEREAS**, there is **no cost** to the Township of Edison to adopt and implement a Deferred Compensation Plan.

**NOW, THEREFORE BE IT RESOLVED** that the Township adopt an additional deferred compensation plan offered by the Metropolitan Life Insurance Company and that the Proper Officials representing the Township of Edison are hereby authorized to execute an agreement with the Metropolitan Life Insurance Company – Service Agreement Identifier 62-pd-Met Life-032106 and that any prior acts taken in conformity with this Resolution are hereby ratified and validated as if they had occurred subsequent to the adoption of this Resolution; and

**BE IT FURTHER RESOLVED** that the Business Administrator and his/her delegees in the Division of Human Resources are hereby designated as the Local Plan Administrator for the administration of this plan; and

**BE IT FURTHER RESOLVED** that there is no evidence or appearance of collusion between any local official and representatives of this contractor in the selection of a contractor for the administration of a service Agreement pursuant to N.J.A.C. 5:37-5.7.

**BE IT FURTHER RESOLVED**, that the Proper Township Officials are hereby authorized to submit all necessary documents to the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs for review and approval as required by law.

**RESOLUTION R.219-042010**

**Authorizing a matching contribution of \$1,000.00 to the “Edison High School Green Team” to match a grant obtained from Middlesex County to support recycling initiatives undertaken by them.**

**WHEREAS**, Public Works Director Jeff Roderman has met with Katie Fudacz who leads an “Edison High School Green Team” group; and

**WHEREAS**, the “Green Team” was successful in their efforts to obtain a grant from Middlesex County in the amount of \$1,000.00 to purchase recycling receptacles for their High School; and

**WHEREAS**, Mr. Roderman reports that as a result of his meeting with the teams representatives other initiatives have been discussed; and

**WHEREAS**, Mr. Roderman has recommended to Mayor Ricigliano that an additional grant of \$1,000.00 be made available to the “Green Team” from Edison Township Recycling Funds that Mr. Roderman has identified as being available to support these kinds of measures; and

**WHEREAS**, On behalf of the Administration, Mayor Ricigliano supports the recommendation made by Public Works Director Jeff Roderman and requests the approval of the Township Council in this matter.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF EDISON IN THE COUNTY OF MIDDLESEX, NEW JERSEY THAT:**

The proper Township Officials are hereby authorized to process a payment in an amount not to exceed \$1,000.00 to the Edison High School Green Team to match the grant funds they have obtained from the County of Middlesex to support their recycling initiatives undertaken in their school.



Resolution: This Resolution authorizes the Mayor to enter into a Community Movie Tour Book Agreement with CGI Communications Inc.  
Edison Township  
Resolution R.220-042010

WHEREAS, the Township of Edison desires to enter into a Community Movie Tour Book Agreement (annexed hereto) with CGI Communications, Inc. to produce video content for the Townships website; and

WHEREAS, the use of Community Movie Showcase will greatly enhance the capabilities of the Township's website; and

WHEREAS, The Township Attorney has reviewed and approved the term's and conditions of the Community Tour Agreement; and

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that The Mayor and Township Clerk are hereby authorized to execute the attached Agreement with CGI Communications, mc; and

**RESOLUTION R.221-042010**

**WHEREAS**, bids were received for Contract No. 10-03-01, HVAC SYSTEM MAINTENANCE AND REPAIR – LIBRARIES; and

**WHEREAS**, the Edison Township Public Library reviewed the bids and the Board of Trustees accepted the low bidder, Croat & Nap; and

**WHEREAS**, based on these actions, the Business Administrator has recommended that this contract be awarded to Croat & Nap Inc., 257 New Brunswick Avenue, Perth Amboy, NJ 08861; and

**WHEREAS**, the amount for this contract cannot be determined at this time, and the total amount of the award of this contract cannot be encumbered; 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)).

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with Croat & Nap Inc., in an amount not to exceed \$25,000.00.

**RESOLUTION R.222-042010**

**WHEREAS**, bids were received for Contract No. 10-02-09, CAR WASHING SERVICES; and

**WHEREAS**, after review of said bids it has been recommended by the Business Administrator that this contract be awarded to Premier Car Care Center LLC, 175 Essex Avenue, Metuchen, NJ 08840; and

**WHEREAS**, the amount for this contract cannot be determined at this time, and the total amount of the award of this contract cannot be encumbered; 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)).

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with Premier Car Care Center LLC, in an amount not to exceed \$13,000.00.

**EXPLANATION:** This resolution provides for Township acceptance of TSUJ'S portion of the completed contract work and authorizes Change Order and FINAL CONTRACT PAYMENT to TSUJ Corporation, Inc. for Contract # 09-03-25: Indoor Lighting Retrofitting for Lighting Energy Conservation.

**TOWNSHIP OF EDISON  
RESOLUTION R.223-042010**

**WHEREAS,** TSUJ Corporation, PO BOX 4621, Wayne, NJ 07474 was awarded a portion of Contract No. 09-03-25, Indoor Lighting Retrofitting for Lighting Energy Conservation on May 13, 2009 through resolution R.291-52009 in an amount not to exceed \$64,475.00 (purchase order # 09-06310); and

**WHEREAS,** The Architect for the project has found a change order in the amount of \$1,947.00 is necessary; and

**WHEREAS,** the Architect certifies that the work has been completed, and a two-year maintenance bond, effective from December 1, 2009, in an amount equivalent to 100% of the final as-built construction costs of \$66,422.00 has been received by the Township of Edison and posted with the Township Clerk; and

**WHEREAS,** the Business Administrator therefore recommends authorization of the required Change Order (# 1 & Final), and further recommends acceptance of TSUJ's portion of the project and that final payment, inclusive of the net plus change order amount, be made to TSUJ Corporation, in an amount not to exceed \$1,947.00 for a total contract as-built cost of \$66,422.00.

**NOW, THEREFORE BE IT RESOLVED** by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that TSUJ's portion of Contract No. 09-03-25: Indoor Lighting Retrofitting for Lighting Energy Conservation is deemed accepted by the Township of Edison, subject to the maintenance bond provisions, and that final payment, inclusive of a net plus change order amount of \$1,947.00, shall be made to TSUJ Corporation, in an amount not to exceed \$1,947.00 for a total contract as-built cost of \$66,422.00.

**RESOLUTION R.224-042010**

**WHEREAS**, quotes were received for an AUTOMATIC COLLATOR WITH ONE YEAR MAINTENANCE FOR THE HEALTH DEPARTMENT; and

**WHEREAS**, after review of said quotes it has been recommended by the Business Administrator that this contract be awarded to GBC Office Products, 1 GBC Plaza, Northbrook, IL 60062; and

**WHEREAS**, the maximum amount for this contract shall not exceed \$6,790.16; and

**WHEREAS**, funds for this purpose are available for the above contract in Account No. G-02-10-0330-742-000.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with GBC Office Products, in an amount not to exceed \$6,790.16.

**RESOLUTION R.225-042010**

**WHEREAS**, The Neighborhood Preservation Program grant funds are used to facilitate Clara Barton Amboy Avenue projects as outlined in the NPP Work Plan;

**WHEREAS**, part of the funding is for improvements to qualified, owner and/or occupied homes in the Clara Barton Amboy Avenue Neighborhood Preservation Program designated area;

**WHEREAS**, as part of said program, quotes for Case Number 3262010 were received;

**WHEREAS**, after review of said quotes, it has been recommended by the Business Administrator that this contract be awarded to JCB Construction, LLC, 26 Lynn Drive, Toms River, NJ 08753; and

**WHEREAS**, the maximum amount for this contract shall not exceed \$9,025.00; and

**WHEREAS**, funds for this purpose are available for the above contract in Account Number G-02-08-0195-770-000.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with JCB Construction, LLC, in an amount not to exceed \$9,025.00.

**RESOLUTION R.226-042010**

**WHEREAS**, The Neighborhood Housing Rehabilitation Program grant funds were made available to be administered in conjunction with the Clara Barton Amboy Avenue Neighborhood Preservation Program;

**WHEREAS**, part of the funding is for improvements to qualified, owner and/or occupied homes in the Clara Barton Amboy Avenue Neighborhood Preservation Program designated area;

**WHEREAS**, as part of said program, quotes for Case Number 1142010 were received;

**WHEREAS**, after review of said quotes, it has been recommended by the Business Administrator that this contract be awarded to JCB Construction, LLC, 26 Lynn Drive, Toms River, NJ 08753; and

**WHEREAS**, the maximum amount for this contract shall not exceed \$16,300.00; and

**WHEREAS**, funds for this purpose are available for the above contract in Account Number G-02-08-0195-770-000.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with JCB Construction, LLC, in an amount not to exceed \$16,300.00.

**RESOLUTION R.227-042010**

**WHEREAS**, The Neighborhood Housing Rehabilitation Program grant funds were made available to be administered in conjunction with the Clara Barton Amboy Avenue Neighborhood Preservation Program;

**WHEREAS**, part of the funding is for improvements to qualified, owner and/or occupied homes in the Clara Barton Amboy Avenue Neighborhood Preservation Program designated area;

**WHEREAS**, as part of said program, quotes for Case Number 22010 were received;

**WHEREAS**, after review of said quotes, it has been recommended by the Business Administrator that this contract be awarded to A-Plus Construction, 18 Station Rd., Lincoln Park, NJ 07035; and

**WHEREAS**, the maximum amount for this contract shall not exceed \$15,600.00; and

**WHEREAS**, funds for this purpose are available for the above contract in Account Number G-02-08-0195-770-000.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with A-Plus Construction, in an amount not to exceed \$15,600.00.



**RESOLUTION R.228-042010**

**WHEREAS**, The Neighborhood Preservation Program grant funds are used to facilitate Clara Barton Amboy Avenue projects as outlined in the NPP Work Plan;

**WHEREAS**, part of the funding is for improvements to qualified, owner and/or occupied homes in the Clara Barton Amboy Avenue Neighborhood Preservation Program designated area;

**WHEREAS**, as part of said program, quotes for Case Number 282010 were received;

**WHEREAS**, after review of said quotes, it has been recommended by the Business Administrator that this contract be awarded to New Venture Construction, LLC, 716 Old Post Road, Edison, NJ; and

**WHEREAS**, the maximum amount for this contract shall not exceed \$13,330.00; and

**WHEREAS**, funds for this purpose are available for the above contract in Account Number G-02-08-0195-770-000.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate township officials are hereby authorized to execute a contract with New Venture Construction, LLC, in an amount not to exceed \$13,330.00.

**RESOLUTION R.229-042010**

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE CONTRACT  
VENDORS FOR CONTRACTING UNITS  
PURSUANT TO N.J.S.A. 40A:11-12a  
\$11,113.50**

**Whereas**, the Township of Edison, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

**Whereas**, the Township of Edison, has the need on a timely basis to purchase goods or services utilizing State contracts; and

**Whereas**, the Township of Edison intends to enter into a contract with Computer Systems & Methods, 15 Maple Street, Somerville, NJ 08876, which has been awarded State Contract No. 75583 under M-0483/WSCA COMPUTER CONTRACT;

**Now, Therefore, Be It Resolved**, that the Township of Edison authorizes the Business Administrator to purchase LAPTOP COMPUTERS from Computer Systems & Methods, the approved New Jersey State Contract Vendor through this resolution and properly executed contract, which shall be subject to all the conditions applicable to the current State Contracts; and

**Be It Further Resolved**, that the governing body of the Township of Edison pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

**Be It Further Resolved**, that the duration of the contracts between the Township of Edison and the Referenced State Contract Vendor shall be for a period of one (1) year.

**EXPLANATION:** This resolution authorizes Change Order Number #1 for Bricktown Electrical Contractors, Inc. for Contract # 09-03-25, Indoor Lighting Retrofitting for Lighting Energy Conservation.

**TOWNSHIP OF EDISON  
RESOLUTION R.230-042010**

**WHEREAS,** Bricktown Electrical Contractors, 1103B Industrial Pkwy, Brick, NJ 08724 was awarded a portion of Contract No. 09-03-25, Indoor Lighting Retrofitting for Lighting Energy Conservation on May 13, 2009 through resolution R.293-52009 in an amount not to exceed \$121,419.12 (Purchase Order # 09-06309); and

**WHEREAS,** The Director of Public Works has found a change order in the amount of \$13,215.77 is necessary; and

**WHEREAS,** the Director of Public Works therefore recommends authorization of the required Change Order #1 be made to Bricktown Electrical Contractors in an amount not to exceed \$13,215.77 for a total contract amount of \$134,634.89.

**NOW, THEREFORE BE IT RESOLVED** by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Change Order #1 be awarded to Bricktown Electrical Contractors, in an amount not to exceed \$13,215.77 resulting in a total contract amount of \$134,634.89 for Contract No. 09-03-25, Indoor Lighting Retrofitting for Lighting Energy Conservation.

**RESOLUTION R.231-042010**

**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 \$250,839.78.

**RESOLUTION  
R.232-042010**

**WHEREAS, THE COLLECTOR OF TAXES** advises that the following Taxpayers

and/or their agents have successful judgments in the Tax Court of New Jersey and are

entitled to refunds of taxes already paid:

**REFUNDS**

<u>BLOCK</u>	<u>LOT</u>	<u>APPELLANT AND PAYABLE TO:</u>	<u>YEARS</u>	<u>AMOUNT</u>
123	11.G	<b>Edison Square, LP</b> Make check payable to: <b>Edison Square, LP</b> c/o Lasser Hochman, L.L.C. 75 Eisenhower Parkway - Suite No. 120 Roseland, NJ 07068-1694	2008 2009 <b>Total</b>	\$ 44,563.78 <u>\$ 66,249.00</u> <b>\$ 110,812.78</b>
265.BB	81	<b>Eurolux Partners</b> Make check payable to: <b>Eurolux Partners</b> c/o Carlet, Garrison, Klein & Zaretsky, L.L.P. 1135 Clifton Avenue, Suite 104 PO Box 2666 Clifton, NJ 07015-2666	2009	<b>\$ 9,309.50</b>
677	1.F	<b>Evergreen Meadows Associates</b> Make check payable to: <b>Evergreen Meadows Associates</b> c/o Lasser Hochman, L.L.C. 75 Eisenhower Parkway - Suite No. 120 Roseland, NJ 07068-1694	2008 2009 <b>Total</b>	\$ 10,454.25 <u>\$ 65,511.36</u> <b>\$ 75,965.61</b>
<b>Total of all Refunds</b>				<b>\$ 196,087.89</b>

**NOW, THEREFORE BE IT RESOLVED** by the Municipal Council of the Township of Edison

that the Municipal Comptroller be, and he is hereby authorized to issue checks as indicated above

and the Tax Collector can process credits against open tax balances.

**ADOPTED:**

***I HEREBY CERTIFY*** that the above is a true and exact copy  
of the Resolution adopted by the

Municipal Council of the Township of Edison at their Regular  
Meeting held on \_\_\_\_\_.

RESOLUTION R.233-042010

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 \$1,283.84 and

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

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.234-042010**

WHEREAS, the Township Planning Board Secretary advises that the Developer Escrow Fees posted by Jai Shiv Shambhu LLC for a project located at 1710 Oak Tree Road in Block: 546.I, Lot: 36 and Application #Concept; and

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

WHEREAS, on August 1, 2006, Jai Shiv Shambhu LLC posted fees on deposit with the Township of Edison in account #7200025173 for Developers Escrow fees; and

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

WHEREAS, it is in now in order that the sum of \$402.50 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Jai Shiv Shambhu LLC; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$402.50 plus accrued interest, if applicable, be refunded to Jai Shiv Shambhu LLC, 1710 Oak Tree Road, Edison, New Jersey 08820.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$402.50, plus accrued interest, if applicable, in account #7200025173 to the applicant.



**RESOLUTION R.235-042010**

**WHEREAS**, pursuant to N.J.S.A. 54:4.3-30, the dwelling of a disabled veteran shall be exempt from real property taxes; and

**WHEREAS**, Vincent Dima, is a veteran who has been determined to have suffered a 100% service-related disability; and

**WHEREAS**, the determination of said disability is retroactive to October 28, 2009; and

**WHEREAS**, real estate taxes on this property known as Block 318 Lot 13, 63 Player Avenue, have been billed for 2010; and

**WHEREAS**, pursuant to N.J.S.A. 54:4-32, the governing body of a municipality may by resolution cancel taxes due on a property which would have been exempt had the claim been made at the time they were due.

**NOW, THEREFOR, BE IT RESOLVED** by the Township Council of the Township of Edison that property taxes due on Block 318 Lot 13, assessed to Vincent Dima, be cancelled for the full year 2010 and also refunded for 2009 from his assignment date of October 28, 2009 through December 31, 2009; and

**BE IT FURTHER RESOLVED** that the Chief Financial Officer of the Township of Edison draw a check to the order of Vincent Dima for taxes he paid for this time period in the amount of \$1,980.13.

**EXPLANATION:** This Resolution authorizes the Mayor and Township Clerk to execute the attached Developer's Agreement with Toranco Oak Tree Associates in connection with the property identified as Block 555, Lots 2A, 3, 4-B and 4-C, as shown on the Edison Township tax map (the "Property").

**EDISON TOWNSHIP  
RESOLUTION NO. R. 236-042010**

**WHEREAS**, the Property was the subject of an application before the Planning Board of the Township of Edison (hereinafter the "Board"), for approval of a use variance, bulk variances together with preliminary and final site approval to construct a 3,555 square foot restaurant on the Property (the "Project"); and

**WHEREAS**, the Board granted the requested preliminary site plan and variance approval and memorialized the same by Resolution on August 18, 2009; and

**WHEREAS**, the Board granted the requested final site plan and variance approval and memorialized the same by Resolution adopted on September 15, 2009; and

**WHEREAS**, the Resolution and the code of the Township of Edison require the developer to enter into a Developer's Agreement with the Township of Edison in connection with the project; and

**WHEREAS**, the Developer's Agreement attached hereto has been prepared by the Township Attorney and has been reviewed and approved by the Township Engineer and by the attorney for the developer;

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

1. The Mayor and Township Clerk are hereby authorized to execute the Developer's Agreement with the Developer in the form annexed hereto.
2. The Township Clerk is hereby authorized to forward the original and certified copies of the Developer's Agreement to the Township Attorney for recording with the Clerk of the County of Middlesex.
3. The Township Clerk is also directed to forward a copy of this Resolution, **once adopted, to the Township Attorney and Township Engineer for their records.**

Explanation: This Resolution opposes the application of Generated Materials for inclusion of Block 366A, Lot 16 (located on Meadow Road) into the Middlesex County Solid Waste Management Plan as a Class B Recycling Facility.

## **EDISON TOWNSHIP**

### **RESOLUTION R.237-042010**

**WHEREAS**, Generated Materials, LLC (“Generated Materials”) possesses a Class B Recycling License to operate a facility at 327 Meadow Road, Block 376, Lot 2-B-1, and is now seeking to modify said license to add Block 366A, Lot 16 (located across Meadow Road) for inclusion in the Middlesex County Solid Waste Management Plan; and

**WHEREAS**, on March 10, 2010 the Edison Township Council adopted Memorializing Resolution R.119-022010 opposing the expansion of the Generated Materials facility to Block 366A, Lot 16 a copy of which is attached hereto; and

**WHEREAS**, the Middlesex County Department of Planning, Division of Solid Waste, has reviewed the Generated Materials application to expand its operations to Block 366A, Lot 16 and has referred the matter to the Middlesex County Freeholders for a final decision; and

**WHEREAS**, this Township Council desires to inform the County of the acrimonious relationship this Township has had with Generated Materials for the past years. The Township was forced to file an ejectment action against Generated Materials for illegally squatting on the Township’s property for approximately eight years, while operating a purported Class B Recycling Facility (attached hereto is a copy of the June 18, 2008 Order from the Honorable Frank Ciuffani, J.S.C. returning possession of Block 376, Lot 2-B-2 to Edison Township). To date, Generated Materials has failed to complete the remediation of the site as required by the NJDEP’s two (2) Administrative Orders attached to and made part of Judge Ciuffani’s ejectment Order; and

**WHEREAS**, in addition, the Township has sought to enlist assistance of the NJDEP to compel compliance with the terms of their two (2) Administrative Orders. Generated Materials has heretofore appealed the two (2) NJDEP Orders, thereby allowing Generated Materials to remain in business for the intervening two (2) years without abating any of the violations identified in said Administrative Orders; and

**WHEREAS**, the NJDEP entered into a new Administrative Consent Order which will, in essence, afford Generated Materials up to four (4) years to remove a substantial amount (but not all) of the wood and solid waste material deposited on the Township’s land during their illegal occupation of said land, a copy of that Administrative Consent Order executed on October 23, 2009 is attached hereto; and

**WHEREAS**, this Township Council would be remiss in its duties if it failed to advise the County of the problems it has encountered with Generated Materials over the past several years and believes that the County should make its own determination as to whether they desire to allow Generated Materials to have its Class B Recycling License modified to include Block 366A, Lot 16 into the Middlesex County Solid Waste Management Plan.

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

{A0531192.DOC/MA}

1. This Council opposes the application of Generated Materials to include Block 366A, Lot 16 into the Middlesex County Solid Waste Management Plan as part of its Class B Recycling License and requests that the Middlesex County Freeholders deny the application.
2. In the event the County desires to entertain the application of Generated Materials to include Block 366A, Lot 16 into the Middlesex County Solid Waste Management Plan, the Township requests that such approval be conditioned upon the following, however, if the following conditions are agreed upon and/or imposed by the County the Township still does not approve of the application:
  - (a) Generated Materials must adhere to any and all NJDEP Orders, including the Administrative Consent Order between the NJDEP and Generated Materials dated October 23, 2009, regarding remediation of the Township's land; and
  - (b) Generated Materials must appear before the Township's Planning Board for a courtesy site plan review prior to operating at the new location.
  - (c) Generated Materials shall provide to the Edison Township Clerk a copy of each quarterly Progress Report it is required to submit to the NJDEP pursuant to the Administrative Consent Order between the NJDEP and Generated Materials dated October 23, 2009.
  - (d) Generated Materials be required to negotiate and sign a Host Communications Benefit agreement with the Township of Edison, for the benefit of the Township of Edison and the Edison Board of Education, for at least the duration of the remediation of the Township's property (Block 376, Lot 2-B-2) by Generated Materials.
  - (e) The use of the Class B License on Block 366A, Lot 16 be limited to only the recycling of organic materials and "white wood" into mulch as Generated Materials has represented and assured that those are the only activities that they will use under the License at the proposed new location.
3. Upon adoption of this Resolution, the Township Clerk is directed to forward a certified copy of said resolution to: 1) Richard J. Hills, Division Head, County of Middlesex, Department of Planning, Division of Waste Management, 100 Bayard Street, Second Floor, New Brunswick, New Jersey 08901; 2) Keith McManus, Esq., Attorney for Generated Materials at the law firm of Farer Fersko at 600 South Avenue, P.O. Box 580, Westfield, New Jersey 07091 and to 3) Elaine Flynn, Middlesex County Clerk, for distribution to the Middlesex County Board of Chosen Freeholders at the County Administration Building, 75 Bayard Street, P.O. Box 1100, 4<sup>th</sup> Floor, New Brunswick, New Jersey 08901

**EXPLANATION:** This resolution provides for a 6-month time extension request to the NJDOT Bureau of Local Aid for the Township of Edison to award and construct the FY 2009 Municipal Aid contract for the Resurfacing of Roxy Avenue.

**TOWNSHIP OF EDISON  
RESOLUTION R.238-042010**

**WHEREAS,** the New Jersey Department of Transportation (NJDOT) Commissioner announced the Transportation Trust Fund Fiscal Year 2009 Municipal Aid Program; and

**WHEREAS,** the Township of Edison applied for funding for local municipal construction under the Transportation Trust Fund Fiscal Year 2009 Municipal Aid Program, for the Resurfacing of Roxy Avenue, from New Dover Road to Inman Avenue, in the Township of Edison, County of Middlesex, State of New Jersey; and

**WHEREAS,** the Township of Edison executed an Application/Agreement with the NJDOT and the Township of Edison received a municipal aid allotment in the amount of \$250,000.00, to be funded from the New Jersey Transportation Trust Fund Authority Act; and

**WHEREAS,** the NJDOT Bureau of Local Aid agreement stipulates that the project be awarded by June 19, 2010; and

**WHEREAS,** the Edison Township Engineer has stated that the project funding is to be incorporated into a Calendar Year 2010 Capital Improvements Budget, and that the project may potentially not be awarded by June 19, 2010, therefore a formal request for an extension of time is required to be made to the NJDOT Bureau of Local Aid; and

**WHEREAS,** the NJDOT Bureau of Local Aid requires the Township of Edison to formally adopt a resolution requesting an extension of time, and the Township of Edison is requesting a six-month extension of time, from June 19, 2010 to December 19, 2010, to award and construct the referenced FY 2009 Municipal Aid project, in order to insure that the \$250,000.00 municipal aid allotment remains available for the Roxy Avenue Resurfacing project;

**NOW, THEREFORE, BE IT RESOLVED,** by the Municipal Council of the Township of Edison that the Township of Edison is hereby requesting a six-month extension of time, from June 19, 2010 to December 19, 2010, from the NJDOT Bureau of Local Aid to award and construct the FY 2009 Municipal Aid project for the Resurfacing of Roxy Avenue, from New Dover Road to Inman Avenue, in the Township of Edison, County of Middlesex, State of New Jersey.

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**EXPLANATION:** This resolution authorizes the Township Council, to accept on behalf of the Township of Edison, donated office furniture and related equipment / supplies.

Total Value of the Donation: \$6,800.00

**RESOLUTION R.239-042010**

**WHEREAS**, Numara Software, Inc., of 517 Route One, Suite 1001, Iselin, NJ 08830 desires to donate to the Township of Edison, surplus office furniture and related equipment and supplies from their former business offices located at 2025 Lincoln Highway, Edison, NJ. The donation is made free and clear and is for use in any and all Township Offices. The estimated value of the donation is Six-Thousand Eight-Hundred Dollars (\$6,800.00) and encompasses over 130 pieces of furniture.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that the Township of Edison graciously accepts the donation of the surplus office furniture which will be utilized by the Township of Edison in its various municipal government operations.

**EXPLANATION:** This resolution authorizes the Township Council to accept, on behalf of the Township of Edison, the gift of a professional, portable stage from Tony Bongiovi Irrevocable Trust

**RESOLUTION R.240-042010**

WHEREAS, Tony Bongiovi Irrevocable Trust, 649 SW Whitmore Drive, Port St. Lucie, Florida 34984 has offered to donate a professional, portable stage; and

WHEREAS, the Township of Edison wishes to accept this donation, which will be used for Township events requiring a stage for entertainment purposes; such as, the Fall Family Spectacular, Concerts, Christmas Tree Lighting, etc.; and

WHEREAS, the Township of Edison is providing no benefits to Tony Bongiovi Irrevocable Trust.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the Township of Edison is hereby authorized to accept this donated item with an estimated value of \$10,000.00.

**RESOLUTION R.241-042010**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, The Annual Report of Audit for the year ending June 30, 2009 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the Governing Body; and

**WHEREAS**, The Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

**WHEREAS**, The Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

**GENERAL COMMENTS**

**RECOMMENDATIONS**

**WHEREAS**, the Members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

**GENERAL COMMENTS**

**RECOMMENDATIONS**

as evidenced by the group affidavit form of the Governing Body; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

**WHEREAS**, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB52 - to wit:

**R.S. 52:27BB-52** - "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office".

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of the Township of Edison, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.



**RESOLUTION R.242-042010**

**WHEREAS**, St. James Episcopal Church, 2136 Woodbridge Avenue, Edison, NJ, has requested a waiver of any and all building permit and/or application fees concerning the installation of a handicapped ramp; and

**WHEREAS**, under the building code, St. James Episcopal Church, as a non-profit tax exempt organization, is entitled to a waiver of fees due to the Township of Edison, except the DCA fee; and

**WHEREAS**, the Municipal Council of the Township of Edison feels that it would be appropriate to waive any applicable fees;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township of Edison, that it does hereby waive any application fees and/or building fees, except the DCA fee, due to the Township of Edison as a result of the application being submitted by St. James Episcopal Church.

**THIS RESOLUTION AUTHORIZES THE TOWNSHIP ATTORNEY TO ENTER INTO A STIPULATION OF SETTLEMENT RELATIVE TO THE TAX APPEALS CAPTIONED PARK AVENUE ASSOCIATES, LP VS. EDISON TOWNSHIP, TAX COURT OF NEW JERSEY, DOCKET NOS. 005257-2007 AND 004658-2009**

**RESOLUTION NO. R.243-042010**

**WHEREAS**, 3920 Park Avenue Associates, LP (the “Taxpayer”), the owner of a 63,000 square foot mixed use commercial building located at 3920 Park Avenue, Block 593, Lot 64 (the “Property”) on the Edison Township Tax Assessment Maps, filed an appeal of their 2007 and 2009 assessments in the Tax Court of New Jersey, Docket Nos. 005257-2007 and 004658-2009; and

**WHEREAS**, the average ratio of assessed to true value set by the New Jersey Division of Taxation for the Township (the “Average Ratio”) for the 2007 tax year is 52.93%, for the 2008 tax year is 47.67%, for the 2009 tax year is 45.79%, and for the 2010 tax year is 45.49%; and

**WHEREAS**, the Township obtained an appraisal from the Township’s expert, Sterling DiSanto & Associates (the “Township Appraiser”) opining that the true value of the property may be approximately \$5,860,000 for the 2007 tax year, which would reflect a 2007 assessment of \$3,101,700 (\$5,860,000 multiplied by the 2007 Average Ratio of 52.93%), a 2008 assessment of \$2,793,500 (\$5,860,000 multiplied by the 2008 Average Ratio of 47.67%), a 2009 assessment of \$2,683,300 (\$5,860,000 multiplied by the 2009 Average Ratio of 45.79%), and a 2010 assessment of \$2,665,700 (\$5,860,000 multiplied by the 2010 Average Ratio of 45.49%); and

**WHEREAS**, the Taxpayer obtained an appraisal report prepared by Nationwide Consulting Company, Inc. (the “Taxpayer’s Appraiser”) opining that the true value of the property may be only \$3,448,000 for the 2007 tax year, which would reflect a 2007

assessment of \$1,825,000 (\$3,448,000 multiplied by the 2007 Average Ratio of 52.93%), a 2008 assessment of \$1,643,700 (\$3,448,000 multiplied by the 2008 Average Ratio of 47.67%), a 2009 assessment of \$1,578,800 (\$3,448,000 multiplied by the 2009 Average Ratio of 45.79%), and a 2010 assessment of \$1,568,500 (\$3,448,000 multiplied by the 2010 Average Ratio of 45.49%);

**WHEREAS**, the total tax assessment for the Property was \$2,900,000 in the 2007, 2008 and 2009 tax years, which would result in an equalized true value of \$5,478,900 at the 2007 Average Ratio, of \$6,083,500 at the 2008 Average Ratio; and of \$6,333,300 at the 2009 Average Ratio; and

**WHEREAS**, the building is partially occupied by a office and electronics lab with nearly one third of the building historically vacant with parking limitations, and as a result the Township Appraiser opined and Counsel agreed that the assessment would have been difficult to defend at trial; and

**WHEREAS**, an acceptable settlement of the aforesaid tax appeals have been negotiated which results in an assessment of \$2,600,000 for the 2007 tax year, which assessment will remain the same for the 2008 tax year, pursuant to the Freeze Act (*N.J.S.A.54:57A-8*), an assessment of \$2,300,000 for the 2009 tax year, and an assessment of \$2,100,000 for the 2010 tax year; and

**WHEREAS**, the parties engaged in settlement negotiations which resulted in the settlements, subject to the Township Council's approval, memorialized in this resolution; and

**WHEREAS**, the Township Council of the Township of Edison met and discussed the aforesaid tax appeals and the recommendations of its Township Tax Assessor, Appraiser and Township Attorney; and

**WHEREAS**, the settlement further provides that the Taxpayer, its successors, assigns and parties in interest waive the right to appeal the 2010 adjusted assessment, and represent that they have not marketed the property for sale, and acknowledge that

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the Assessor would not have adjusted the 2010 assessment if there was a “change in value,” or a sale before the close of the assessor’s books at a price in excess of \$2,100,000 divided by the Chapter 123 ratio for 2010, which is 45.49%, in other words, more than \$4,616,400; and

**WHEREAS**, pursuant to the settlement, the taxpayer will waive prejudgment interest and accept credits in lieu of refunds; and

**WHEREAS**, the Township Council of the Township of Edison leaves the allocations between land and improvement of the aforesaid 2007, 2008, 2009 and 2010 tax assessments to the Edison Township Tax Assessor’s discretion with the direction that the same be set so as to be most beneficial to the Township; and

**WHEREAS**, the aforesaid settlements have no general application to other properties within the Township of Edison as a result of the aforesaid specific facts situation; and

**WHEREAS**, the Township Council of the Township of Edison will make these settlements with Taxpayer, without prejudice to its dealings with any other Edison Township taxpayer's request for tax assessment reduction;

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

1. The Township Attorney is hereby authorized to execute Stipulations of Settlement relative to the tax appeals of 3920 PARK AVENUE ASSOCIATES, LP, Docket Nos. 005257-2007 and 004658-2009, on Block 593, Lot 64, which reduces the 2007 assessment from 2,900,700 to \$2,600,000 and freezes that assessment reduction for the 2008 tax year, reduces the 2009 assessment from \$2,900,000 to \$2,300,000, and the 2010 tax assessment was set by the Township Tax Assessor at \$2,100,000; which further provides that the Taxpayer, its successors, assigns and parties in interest waive the right to appeal the 2010 adjusted assessment, and represent that they are not currently marketing the property for sale, and acknowledge that the Assessor would not have adjusted the 2010 assessment if there was a "change in value," or a sale before the close of the assessor's books at a price in excess of \$2,100,000 divided by the Chapter 123 ratio for 2010, which is 45.49%, in other words, more than \$4,616,400, all at allocations between land and improvements as established by the Edison Township Tax Assessor; which further provides that the taxpayer will waive prejudgment interest and accept credits in lieu of refunds.

2. The form of Stipulations of Settlement is annexed hereto, having been reviewed by Township Council of the Township of Edison.

3. The settlement outlined above shall be without prejudice to Edison Township's dealings with any other Township taxpayer's request for tax assessment reductions.

RESOLUTION R.244-  
042010

WHEREAS, an emergent condition has arisen in that the Township is expected to enter in contracts, commitments, or payments prior to the new budget and adequate provision has not made in the Temporary Budget, and

WHEREAS, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation, and

WHEREAS, the total emergency temporary appropriation resolutions adopted pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A 40A: 4-20) including this resolution total  
\$7,523,810  
.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Edison, in the County of Middlesex, State of New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A: 4-20:

Emergency temporary appropriations be and the same are hereby made in the amount of \$7,523,810 as follows:

SALARIES AND WAGES:

Business Administration	50,000.00
	0
Central Purchases	5,000.00
Township Council	4,000.00
Township Clerk	13,000.00
	0
Finance Department	20,000.00
	0
Div Accounts & Controls	20,000.00
	0
Div Disbursements	20,000.00
	0
Div Tax Assessment	16,000.00
	0
Div Engineering	80,000.00
	0
Rent Control Board	2,000.00
Construction Enforcing Agency	40,000.00
	0
Div Police	2,250,00
	0.00
Emergency Dispatch 911	110,000.
	00
Div Fire	2,090,00
	0.00
Div Streets	15,000.00
	0

Auto Impound	5,000.00
Street Clean, Refuse, Garbage	115,000. 00
Div Public Buildings	30,000.0 0
Police Vehicle Maintenance	25,000.0 0
Municipal Garage	60,000.0 0
Div Health	50,000.0 0
Div Human Services	3,000.00
Senior Citizen Services	10,000.0 0
Community Shuttle	7,000.00
Div Recreation	175,000. 00
Parks	65,000.0 0
Municipal Court	30,000.0 0
OTHER EXPENSES	
Planning Board	10,000.0 0
Group Insurance	1,600,00 0.00
Div Police	25,000.0 0
Emergency Dispatch 911	40,000.0 0
EMT Services	35,000.0 0
Div Fire	25,000.0 0
Div Streets	30,000.0 0
Div Public Buildings	35,000.0 0
Parks	20,000.0 0
Public Celebration	5,000.00
Div Public Buildings - Heat, Light & Power	35,000.0 0
Fuels & Lubricants	115,000. 00
Social Security	160,000. 00
Municipal Alliance	78,810.0 0

BE IT FURTHER RESOLVED that said emergency temporary appropriations will be provided for in the new budget.

BE IT FURTHER RESOLVED that one certified copy of this resolution be filed with the

Director, Division of Local Government Services.



TOWNSHIP OF EDISON  
COUNTY OF MIDDLESEX  
RESOLUTION R.245-042010

WHEREAS, Mary T. Briggs has been employed as an Information and Records Manager with the Edison Division of Health since November 2002; and

WHEREAS, Mary T. Briggs has served as Registrar of Vital Statistics since February 6, 2007 and has received and maintained the Certified Municipal Registrar credential as required by law; and

WHEREAS, Mary T. Briggs has been appointed by Mayor Antonia Ricigliano as the Registrar of Vital Statistics; and

WHEREAS, it is the desire of the Municipal Council to confirm this appointment.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that Mary T. Briggs is hereby appointed as Registrar of Vital Statistics in accordance with N.J.S.A. 26:8-11 for a term of three years to expire on February 6, 2013.