

**AGENDA
MUNICIPAL COUNCIL
COMBINED MEETING
MONDAY, SEPTEMBER 9, 2019
6:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on December 1, 2018 and posted in the Main Lobby of the Municipal Complex on the same date.
4. **REVIEW OF MINUTES:**
 - a. Special Meeting of May 14, 2019
 - b. Special Meeting of May 23, 2019
 - c. Special Meeting of July 8, 2019
 - d. Worksession Meeting of August 26, 2019
5. **2019 CALENDAR YEAR BUDGET:**
 - a. Final Adoption
6. **2019 SOLID WASTE BUDGET:**
 - a. Final Adoption
7. **REPORTS FROM ALL COUNCIL COMMITTEES:**
8. **POINTS OF LIGHT**
9. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Resolution authorizing Mott MacDonald to provide additional engineering services in connection water and sewer systems (\$45,000.00) (Resolution R.450-092019)
 - b. Resolutions awarding two year contracts for furnishing of Printing Services (8 Vendors - \$241,500.00) (Resolutions R.451-092019 through R.458-092019)
 - c. Resolution authorizing additional funds for the furnishing of Printing Services to Concept Printing Corp., in the amount of \$10,000.00. (Resolution R.459-092019)
 - d. Resolution awarding a Contract to US GOVBID/Auction Liquidation Services for Auctioneer Services (Resolution R.460-092019)
 - e. Resolution awarding a Contract/Purchase Order to CDW Government, LLC for the purchase of computers with software for the Township (\$90,607.68) (Resolution R.461-092019)
10. **FROM THE DEPARTMENT OF FINANCE:**

- a. Report of Disbursements through September 5, 2019 (Resolution R.446-092019)
- b. Resolution authorizing refund in the amount of \$132,310.79 for redemption of tax sale certificates (Resolution R.447-092019)
- c. Resolution authorizing refund for tax Overpayments totaling, \$1,816.00 (Resolution R.448-092019)
- d. Resolution authorizing refund for Sewer Charge Overpayments totaling, \$1,054.81 (Resolution R.449-092019)

11. FROM THE DEPARTMENT OF HEALTH:

- a. Resolution of Support from the Municipal Council of the Township of Edison, authorizing the development and submission of a viable application to the 2019 Sustainable Jersey Gardinier Environmental Fund Grants Program, for an award amount not to exceed \$30,000.00 (Resolution R.474-092019)

12. FROM THE DEPARTMENT OF LAW:

- a. Resolution authorizing the Township Planning Board to investigate whether the property commonly known on the Township tax maps as Block 266, Lot 49 and Block 198, Lot 29 (aka in the area of 1000 U.S Route 1) satisfies the criteria to be designated 'an area in need of redevelopment' pursuant to Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (Resolution R.462-092019)
- b. Resolution referring the Ray Catena Automotive Properties Redevelopment Plan (Block 198, Lots 23.E1, 27 and 28; and Block 199, Lots 16-R, 16-S, 16-T, 16-U, 16-V-2, 16-C-1, 16-D, 16-E-1, 16-F-1, 16-G-1, 17-D-1, 17-D-2 and 34) in the Township, to the Township Planning Board for review and comment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (Resolution R.464-092019)
- c. Ordinance amending Chapter XI, "General Licensing and Business Regulations," Section 28 ("Towing Regulations") of the Township Code of General Ordinances to address certain mileage and distance requirements, and other corrective numeric changes. (Ordinance O.2051-2019)
- d. Ordinance amending Chapter XXV, "Trees," Section 25-13 ("Tree Fund") of the Township Code of General Ordinances, to expand permitted uses of the Township Tree Fund to include plantings on private property in accordance with the limitations to be set forth therein. (Ordinance O.2052-2019)
- e. Resolution increases the budget for legal fees to be paid to Apruzzese, McDermott, Mastro & Murphy, P.C. for its professional services as Township Special Labor Counsel (not to exceed \$35,000.00) (Resolution R.482-092019)
- f. Resolution authorizing and accepting the purchase of the property identified as Block 415, Lot 5.N on the tax maps of the Township of Edison (a/k/a 1665 Woodland Avenue), in a coordinated effort with the Board of Chosen Freeholders of the County of Middlesex, New Jersey, with the intention to preserve same as open space (Resolution R.463-092019).

13. FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:

- a. Resolution authorizing a subsidy grant of \$50,000 from the Township's Affordable Housing Market To Affordable Program for the purchase of a home from market rate to affordable. (Resolution R. 465-092019)
 - b. Resolution authorizing a grant of \$10,000 from the Township's Affordable Housing Down Payment/Closing Cost Affordability Assistance Program for the purchase of an *affordable* housing unit by an income certified buyer. (Resolution R.466-092019)
 - c. Resolutions provide for Senior Residents refund of Construction Permit fees (2) (Resolution R.467-092019 & R.468-092019)
 - d. Resolution releasing of Performance Bond (Resolution R.469-092019)
 - e. Resolution authorizing the grant of \$12,500. from the Township's Affordable Housing Emergency Repairs Program to New Jersey Institute for Disabilities for replacement of the roof at 785 New Dover Road (group home). (Resolution R.475-092019)
14. **FROM THE DEPARTMENT OF PUBLIC WORKS:**
- a. Resolution to release Street Opening Application fee (Resolution R.470-092019)
 - b. Awarding of Contract for Public Bid No. 19-01-05 Emergency Pump Station Repairs (not to exceed \$100,000.00) (Resolution R.471-092019)
 - c. Awarding Contract/Purchase Order for the furnishing of Snow Plow Parts (not to exceed \$20,000.00) (Resolution R.472-092019)
 - d. Awarding Contract/Purchase Order for the Furnishing of Replacement Swing Seats at Various Township Parks (\$4,932.63) (Resolution R.473-092019).
 - e. Awarding of Contract for Public Bid No. 19-05-31 – Maintenance and Repair of Fuel Dispensing Pumps and Fuel Storage Tanks (not to exceed \$65,000.00) (R.481-092019)
 - f. This resolution enables the Township of Edison to develop and submit a viable application to the Middlesex County Department of Planning Division of Solid Waste Management 2020 Municipal Recycling Enhancement Grant Program for a maximum amount of \$7,500.00 in awarded grant funds to support the design, purchase and installation of informational signage at the Township of Edison EDPW Municipal Recycling Centers (Resolution R.485-092019)
15. **FROM THE DEPARTMENT OF RECREATION:**
- a. Resolution authorizing a reimbursement for the ABC Program (Resolution R.476-092019)
16. **FROM THE CHIEF OF FIRE:**
- a. Resolution authorizes the Township Council to grant permission to Fireworks Extravaganza to discharge fireworks for the Indo American Festival DBA Dushahra Festival taking on the grounds of Lake Papaiani, scheduled for October 5, 2019 with a rain date of October 12, 2019 (Resolution R.477-092019)
17. **FROM THE CHIEF OF POLICE:**

- a. Resolution Awarding Contract/Purchase Order to the New Jersey State Association of Chiefs of Police for Written Entrance Examination of Police (not to exceed \$20,000.00) (Resolution R.478-092019)
- b. Resolution Awarding Contract/Purchase Order for the furnishing of Firearm Accessories (not to exceed \$60,000.00) (Resolution R.479-092019)

18. **FROM THE TOWNSHIP CLERK:**

- a. Resolutions authorizing a waving of permit fee (Resolution R.480-092019 & R.483-0920189)

19. **FROM THE COUNCIL MEMBER TO THE PLANNING BOARD:**

20. **UNFINISHED BUSINESS:**

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

O.2048-2019 ORDINANCE AUTHORIZING A MONTH TO MONTH LEASE FOR STORAGE OF TOWNSHIP VEHICLES AND EQUIPMENT.

O.2049-2019 ORDINANCE AMENDING VARIOUS SECTIONS OF THE TOWNSHIP CODE TO ESTABLISH A DEPARTMENT OF WATER AND SEWER FOR THE TOWNSHIP.

O.2050-2019 ORDINANCE AMENDING CHAPTER II OF THE CODE OF THE TOWNSHIP OF EDISON, SETTING FORTH PROCEDURES REGARDING THE ESTABLISHMENT AND ADMINISTRATION OF A SET-ASIDE PROGRAM FOR QUALIFIED MINORITY, WOMEN AND VETERAN BUSINESSES PURSUANT TO THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1 *ET SEQ.*, IN CONNECTION WITH TOWNSHIP PURCHASING AND PROCUREMENT.

21. **DISCUSSION ITEMS:**

Council President Gomez

- a. None

Councilmember Coyle

- a. None

Councilmember Diehl

- a. None

Councilmember Joshi

- a. None

Councilmember Lombardi

- a. None

Councilmember Patil

- a. None

Councilmember Sendelsky

- a. None

22. APPROVAL OF MINUTES:

- a. Special Meeting of May 14, 2019
- b. Special Meeting of May 23, 2019
- c. Special Meeting of July 8, 2019
- d. Worksession Meeting of August 26, 2019

23. 2019 CALENDAR YEAR BUDGET:

- a. Final Adoption

24. 2019 SOLID WASTE BUDGET:

- a. Final Adoption

25. COUNCIL PRESIDENT'S REMARKS

26. UNFINISHED BUSINESS:

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

O.2048-2019 ORDINANCE AUTHORIZING A MONTH TO MONTH LEASE FOR STORAGE OF TOWNSHIP VEHICLES AND EQUIPMENT.

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27. **NEW BUSINESS:**
PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR
WEDNESDAY, SEPTEMBER 25, 2019.

O.2051-2019 **ORDINANCE AMENDING CHAPTER XI, "GENERAL LICENSING AND BUSINESS REGULATIONS," SECTION 28 ("TOWING REGULATIONS") OF THE TOWNSHIP CODE OF GENERAL ORDINANCES TO ADDRESS CERTAIN MILEAGE AND DISTANCE REQUIREMENTS, AND OTHER CORRECTIVE NUMERIC CHANGES.**

O.2052-2019 **ORDINANCE AMENDING CHAPTER XXV, "TREES," SECTION 25-13 ("TREE FUND") OF THE TOWNSHIP CODE OF GENERAL ORDINANCES, TO EXPAND PERMITTED USES OF THE TOWNSHIP TREE FUND TO INCLUDE PLANTINGS ON PRIVATE PROPERTY IN ACCORDANCE WITH THE LIMITATIONS TO BE SET FORTH THEREIN.**

28. **PUBLIC COMMENT ON THE RESOLUTIONS**

29. **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.446-092019 Resolution approving disbursements for the period ending September 5, 2019.

R.447-092019 Resolution authorizing refund in the amount of \$132,310.79 for redemption of tax sale certificates.

R.448-092019 Resolution authorizing refund of tax overpayments, totaling \$1,816.00.

R.449-092019 Resolution authorizing refund of sewer overpayments, totaling \$1,054.81.

R.450-092019 Resolution authorizing Mott MacDonald to provide additional engineering services in connection water and sewer systems in the amount of \$45,000.00.

R.451-092019 Resolution awarding two year contracts for furnishing of Printing Services To Centurion Printing in an amount not to exceed \$15,000.00.

R.452-092019 Resolution awarding two year contracts for furnishing of Printing Services to Ridgewood Press in an amount not to exceed \$32,000.00.

R.453-092019 Resolution awarding two year contracts for furnishing of Printing Services to Concept Printing in an amount not to exceed \$95,000.00.

R.454-092019 Resolution awarding two year contracts for furnishing of Printing Services to Consortium Companies in an amount not to exceed \$55,000.00.

- R.455-092019 Resolution awarding two year contracts for furnishing of Printing Services to Envelopes & Printing Products, Inc. in an amount not to exceed \$30,000.00.
- R.456-092019 Resolution awarding two year contracts for furnishing of Printing Services to Premier Printing Solutions, Inc. in an amount not to exceed \$3,000.00.
- R.457-092019 Resolution awarding two year contracts for furnishing of Printing Services to W.B. Mason Co., Inc. in an amount not to exceed \$4,500.00.
- R.458-092019 Resolution awarding two year contracts for furnishing of Printing Services to Stuyvesant Press, Inc. in an amount not to exceed \$7,000.00.
- R.459-092019 Resolution authorizing additional funds for the furnishing of Printing Services to Concept Printing Corp., in the amount of \$10,000.00.
- R.460-092019 Resolution awarding a Contract to US GOVBID/Auction Liquidation Services for Auctioneer Services.
- R.461-092019 Resolution awarding a Contract/Purchase Order to CDW Government, LLC for the purchase of computers with software for the Township in the amount of \$90,607.68.
- R.462-092019 Resolution authorizing the Township Planning Board to investigate whether the property commonly known on the Township tax maps as Block 266, Lot 49 and Block 198, Lot 29 (aka in the area of 1000 U.S Route 1) satisfies the criteria to be designated 'an area in need of redevelopment' pursuant to Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*
- R.463-092019 Resolution authorizing and accepting the purchase of the property identified as Block 415, Lot 5.N on the tax maps of the Township of Edison (a/k/a 1665 Woodland Avenue), in a coordinated effort with the Board of Chosen Freeholders of the County of Middlesex, New Jersey, with the intention to preserve same as open space.
- R.464-092019 Resolution referring the Ray Catena Automotive Properties Redevelopment Plan (Block 198, Lots 23.E1, 27 and 28; and Block 199, Lots 16-R, 16-S, 16-T, 16-U, 16-V-2, 16-C-1, 16-D, 16-E-1, 16-F-1, 16-G-1, 17-D-1, 17-D-2 and 34) in the Township, to the Township Planning Board for review and comment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*
- R.465-092019 Resolution authorizing a subsidy grant of \$50,000 from the Township's Affordable Housing Market To Affordable Program for the purchase of a home from market rate to affordable.
- R.466-092019 Resolution authorizing a grant of \$10,000 from the Township's Affordable Housing Down Payment/Closing Cost Affordability Assistance Program for the purchase of an *affordable* housing unit by an income certified buyer.
- R.467-092019 Resolution provide for Senior Residents refund of Construction Permit fees for Permit #2019-2440, 34 Dale Drive in the amount of \$95.00.
- R.468-092019 Resolution provide for Senior Residents refund of Construction Permit fees for Permit#2019-2570, 45 Richard Road, in the amount of \$320.00.
- R.469-092019 Resolution releasing of Performance Bond for Application #P1-2017, Block 390.DD, Lot 1 & 8.2, Bond No. CMS0102548.

- R.470-092019 Resolution to release Street Opening Application fee for Permit # DEV-0101, 2136 Woodbridge Avenue, in the amount of \$200.00.
- R.471-092019 Awarding of Contract for Public Bid No. 19-01-05 Emergency Pump Station Repairs to Clearwater Services in an amount to exceed \$100,000.00.
- R.472-092019 Awarding Contract/Purchase Order for the furnishing of Snow Plow Parts to A & K Equipment Company, Inc. in an amount not to exceed \$20,000.00.
- R.473-092019 Awarding Contract/Purchase Order to JJ Ryan, Inc. for the Furnishing of Replacement Swing Seats at Various Township Parks, in the amount of \$4,932.63.
- R.474-092019 Resolution of Support from the Municipal Council of the Township of Edison, authorizing the development and submission of a viable application to the 2019 Sustainable Jersey Gardiner Environmental Fund Grants Program, for an award amount not to exceed \$30,000.00.
- R.475-092019 Resolution authorizing the grant of \$12,500. from the Township's Affordable Housing Emergency Repairs Program to New Jersey Institute for Disabilities for replacement of the roof at 785 New Dover Road (group home).
- R.476-092019 Resolution authorizing a reimbursement for the ABC Program to Jessica Torres in the amount of \$130.00.
- R.477-092019 Resolution authorizes the Township Council to grant permission to Fireworks Extravaganza to discharge fireworks for the Indo American Festival DBA Dushahra Festival taking on the grounds of Lake Papaiani, scheduled for October 5, 2019 with a rain date of October 12, 2019.
- R.478-092019 Resolution Awarding Contract/Purchase Order to the New Jersey State Association of Chiefs of Police for Written Entrance Examination of Police not to exceed \$20,000.00.
- R.479-092019 Resolution Awarding Contract/Purchase Order for the furnishing of Firearm to Wilmer Public Safety Group, Inc. in an amount not to exceed \$60,000.00.
- R.480-092019 Resolution authorizing a waving of permit fee to St. James Episcopal Church, 2136 Woodbridge Avenue.
- R.481-092019 Awarding of Contract for Public Bid No. 19-05-31 – Maintenance and Repair of Fuel Dispensing Pumps and Fuel Storage Tanks to T. Slack Environmental Services, Inc. in an amount not to exceed \$65,000.00.
- R.482-092019 Resolution increases the budget for legal fees to be paid to Apruzzese, McDermott, Mastro & Murphy, P.C. for its professional services as Township Special Labor Counsel in an amount not to exceed \$35,000.00.
- R.483-092019 Resolution authorizing a waving of permit fee for Our Lady of Peace, Parish Center Boiler.

R.484-092019 This resolution enables the Township of Edison to develop and submit a viable application to the Middlesex County Department of Planning Division of Solid Waste Management 2020 Municipal Recycling Enhancement Grant Program for a maximum amount of \$7,500.00 in awarded grant funds to support the design, purchase and installation of informational signage at the Township of Edison EDPW Municipal Recycling Centers.

30. **ORAL PETITIONS AND REMARKS**

31. **ADJOURNMENT**

ORDINANCE O. 2048-2019

EXPLANATION: An Ordinance authorizing a month to month lease for storage of Township vehicles and equipment

**ORDINANCE OF THE TOWNSHIP OF EDISON
AUTHORIZING A MONTH TO MONTH LEASE OF CERTAIN PREMISES
LOCATED AT 212 DURHAM AVENUE, IN THE BOROUGH OF
METUCHEN, NEW JERSEY, FOR STORAGE OF
MUNICIPAL VEHICLES AND EQUIPMENT, AND AUTHORIZING THE
EXECUTION
OF A LEASE AGREEMENT ASSOCIATED THEREWITH**

WHEREAS, Metuchen Acquisition Realty, LLC is the owner of certain premises located at 212 Durham Avenue, in the Borough of Metuchen (the “Premises”); and

WHEREAS, the Premises consists of approximately 9,975 square feet of space; and

WHEREAS, the Township of Edison (the “Township”) has an immediate, emergent need of temporary storage for its vehicles and equipment during the winter season, and wishes to acquire an interest in the Premises by way of a month to month lease agreement with Metuchen Acquisition Realty, LLC, effective on or about December 1, 2019 in order to provide for storage for such vehicles and equipment; and

WHEREAS, the Lease Agreement shall be on a month to month basis, not to exceed four (4) months, at a monthly rental amount of \$8,911.00 gross for the Premises, which includes all utilities; and

WHEREAS, the New Jersey Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., and specifically, N.J.S.A. 40A:12-5(a)(1), authorizes a municipality, by ordinance, to provide for the acquisition of any real property by purchase or lease; and

WHEREAS, consistent with the foregoing, the Mayor and Township Council wish to authorize the execution of a Lease Agreement, effective on or about December 1, 2019, with Metuchen Acquisition Realty, LLC, on behalf of the Township, for the public purposes set forth above, in a form satisfactory to the Township Attorney.

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

1. That the Mayor is hereby authorized and directed to execute, and the Township Clerk to attest, a Lease Agreement between the Township of Edison and Metuchen Acquisition Realty, LLC regarding the Premises, so that the Township may rent the Premises for the public purposes referenced above. Said Lease Agreement shall be consistent with the representations referenced above, and shall be in a form satisfactory to the Township Attorney.

2. The Lease Agreement shall be effective on or about December 1, 2019.
3. That this Ordinance shall take effect in accordance with all applicable laws.

ORDINANCE O.2049-2019

EXPLANATION: An Ordinance amending various sections of the Township Code to establish a Department of Water and Sewer for the Township.

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

WHEREAS, the Township Code of General Ordinances (the “**Code**”) provides for the establishment and organization of the Township government; and

WHEREAS, the Township desires to amend Chapter 2 of the Code, entitled “Administration,” and Chapter 27 of the Code, entitled “Water and Sewer,” to establish a Department of Water and Sewer within the Township; and

WHEREAS, the Municipal Council of the Township (“**Municipal Council**”) has determined to amend Chapter 2 and Chapter 27 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

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

2-77.2 Divisions; Duties of Director.

The Department of Public Works shall be organized into seven (7) divisions: streets, [water supply], sanitation, [sewers], public buildings and grounds, parks and shade trees and vehicle maintenance. The Director of the Department, through such divisions and otherwise, and among other things, shall:

- a. Direct and supervise the preparation of plans and specifications and performance of the contracts of all Township public works and improvements;
- b. Provide all mechanical services required by any department, office or agency of the Township, except as otherwise directed by the Mayor or Business Administrator.

. . .

2-81 DIVISION OF SEWERS.

[2-81.1 Supervisor of Sewers; Duties of Division.]

[The head of the Division of Sewers shall be the Supervisor of Sewers. His or her salary shall be set according to union contract or fixed by ordinance. The Division shall construct, reconstruct, operate and maintain the Township's sanitary and storm sewerage systems and administer the Township's ordinances relating to sewers and drains. It shall also be responsible to assist in snow removal on all Township streets if so assigned that function by the Director of Public Works.] The

Division of Sewers shall be incorporated into the Department of Water and Sewer, as set forth in Chapter 27 herein.

CHAPTER XXVII DEPARTMENT OF WATER AND SEWER

[Article I Water]

27-1 DEPARTMENT [DIVISION] OF WATER AND SEWER [SUPPLY].

27-1.1 Department [Division] of Water and Sewer [Supply] Established.

There shall be created and established in and for the Township, a municipally owned public utility [division of] for water and sewer, to be known as the Edison Department [Division] of Water and Sewer [Supply], hereinafter referred to as the "Water and Sewer Utility." The authorized operations of the Water and Sewer Utility shall consist of the operation, management, control and maintenance of the water and sewer systems and all extensions and improvements hereafter made thereto, together with all services relating to such purposes, including the billing and collection of user fees and connection fees.

27-1.2 Water Supply; Control and Supervision.

Water used for the usual domestic and manufacturing purposes and supplied by the Township to the inhabitants thereof shall be under the supervision of the Department. [Division, subject to the ultimate control of the Municipal Council].

27-1.3 Director [Supervisor]; Appointment, Compensation and Vacancy.

There shall be appointed by [resolution of the Municipal Council] the Mayor, a [Supervisor of the Division of Water Supply] Director of the Department of Water, who shall receive such compensation as may be fixed annually by ordinance of the Municipal Council. The term of the Director [Supervisor] shall be for four (4) years. If any vacancy occurs in the office of the Director [Supervisor], his or her successor shall be appointed for the unexpired time only. Additional help may also be employed from time to time as may be required.

The Director will report directly to the Business Administrator. The Director is responsible for organizing, directing, and coordinating the employees of the Department. The Director has overall responsibility for determining major departmental policies, planning long- and short-range programs, budget preparation, personnel management and professional growth of staff, and deals with major technical and administrative matters with other departments, the Mayor, Business Administrator, City Council, various commissions, outside agencies, and the public at large. The Director shall have five (5) years of experience involving managing water distribution and sewer collection systems in New Jersey.

27-2 WATER USE REGULATIONS.

27-2.1 Regulations to Be Part of Contracts.

The following regulations shall be considered a part of the contract, with every person who uses water, and the fact of using water shall be considered as expressing assent on the part of the user to be bound thereby.

27-2.2 Application for Use of Water.

All applications for the use of water must be made at the office of the [Supervisor of the Division of Water Supply] Director of the Department of Water and Sewer and in the form prescribed, and must state fully and truly the various uses to which the water is to be applied; should it subsequently be required for other purposes, notice must be given before the desired charge is made.

27-2.3 Installation and Furnishing of Water Service Lines.

The Township will furnish and install all water service lines between the water mains and the curblines upon the proper application therefor by the property owner or his or her agent and the receipt of payment therefor.

27-2.4 Service Lines Specifications.

Copper pipe shall be used for all service lines ranging in sizes from three-fourths (3/4) inch to two (2) inches inclusive, and cast-iron pipe shall be used for all service lines and fire lines ranging in sizes from three (3) inches to eight (8) inches inclusive. Taps shall be made of the following sizes: three-fourths (3/4) inch, one (1) inch, one and one-half (1 1/2) inches, two (2) inches, three (3) inches, four (4) inches, six (6) inches and eight (8) inches.

27-2.5 Costs of Furnishing and Installing Service Lines.

The applicant shall pay Edison Water Company for the cost of furnishing and installing the water service line between the water main and the curbline based upon the Edison Water Company tapping fee schedule in effect at the time of the application.

27-2.6 Maintenance and Costs of Portions of Service Lines.

All water service lines between the water main and the curb cock shall be maintained by the Department of Water and Sewer [Division of Water Supply], at the expense of the property owner.

27-2.7 Opening and Closing of Curb Cocks.

The curb cock shall be opened and closed only by the Director of the Department of Water and Sewer [Supervisor of the Division of Water Supply], or his or her assistant, or by special permit granted in writing by the Director [Supervisor]. Any person or persons turning on the water after it has been turned off at the curb shall be fined the sum of twenty-five (\$25.00) dollars. The Township shall not be liable for any damage resulting from failure to observe this regulation.

27-2.8 Special Permit Required to Leave Water Running.

The water in no case shall be left running without a special permit from the Director of the Department of Water and Sewer [Supervisor of the Division of Water Supply].

27-2.9 Multiple Service from Single Service Pipes; Discontinuance of Service.

If written permission should be granted by the Director of the Department of Water and Sewer [Supervisor of the Division of Water Supply] for two (2) or more parties to take water through one (1) service pipe, the provision in regard to the cutting off of the supply pipe shall be applicable to all the parties although one (1) or more of them shall be innocent of any cause of offense.

27-2.10 Owners Responsible for Water Bills of Tenants.

Owners of premises will be held responsible for the water bills of their tenants.

27-2.11 Water Supply by Consumers to Others Restricted.

No consumer shall supply water to other persons not entitled to its use except upon written permission from the Supervisor, under penalty of a fine of twenty-five (\$25.00) dollars for each and every offense.

27-2.12 Nonliability of Township for Interruptions in Service.

Consumers shall not be entitled to damages, nor will any part of a payment be refunded, for any stoppage of supply occasioned by an accident to any portion of the works, nor for stoppage for the purpose of additions or repairs. The Director [Supervisor] shall have the right to shut off the water to make extensions, alterations or repairs.

27-2.13 Accessibility for Inspections.

All apparatus and places supplied with water must be accessible and open to the inspection of the Director [Supervisor] or his or her agents at all times, and all pipes and fixtures shall be subject to rejection by the Director [Supervisor] if considered unsuitable for the purpose.

27-2.14 Use of Fire Hydrants.

Fire hydrants shall be used only by members of the Fire Department or other authorized officials, except upon written permission having been secured from the Director of the Department of Water and Sewer [Supervisor of the Division of Water Supply].

27-2.15 Service Connections to be Metered.

a. All service connections shall be metered except for construction purposes, when temporary service may be allowed by permission of the Supervisor. All water meters, except for new construction, shall be furnished and set by the Department of Water and Sewer [Division of Water Supply]. All meters remain the property of the Township. Meters may be required to be

set either within the lines of the building to be supplied or in a specially constructed box at the curb, as may be directed by the Director [Supervisor].

b. Before water shall be turned on for construction purposes, an advance payment of eight (\$8.00) dollars shall be made for a one-family frame house for each service and twelve (\$12.00) dollars for a one-family house constructed more than fifty (50%) percent of any other material. In case of larger buildings or apartments, the charge shall be determined by the Director [Supervisor]. After the completion of the construction the water shall be turned off at the curb and not turned on again until application is received for a meter. Owners shall be liable for the minimum charge per quarter or any fraction thereof that the water is left turned on prior to installation of a meter.

27-2.16 Repair and Protection of Water Pipes and Fixtures; Tampering or Damaging Meter.

All persons using water shall keep their water pipes and fixtures within their properties and to the curb cock in good repair, and protect the same from frost at their own expense. They shall be held liable for all damage and loss which may result from their failure to do so. All water which passes through a meter will be charged for, whether used or wasted. Any person who tampers with a meter seal or the meter itself or causes any damage thereto shall be liable, upon conviction, to the penalty stated in Chapter I, Section 1-5.

27-2.17 Notification of Defect in Service Pipe; Failure to Remedy.

Whenever it shall be found that the service pipe between the meter and the curb cock is not in serviceable condition, the owner or consumer shall be notified at once, and should he, she or they fail to remedy the defect within a reasonable time, the water will be shut off and not turned on until the necessary repairs have been made and a charge for shutting off and turning on the water has been paid.

27-2.18 Protection of Meters.

Consumers shall take all proper precaution to protect the meter from any injury including but not limited to injury from frost, hot water or steam. The owners of the premises will be held liable for all damage or loss to the Township for failure to properly care for and protect the meters.

27-2.19 Defective Meter.

In case of damage to a meter or the failure to register properly, the consumer or owner shall notify the Director of the Department of Water and Sewer [Supervisor of the Division of Water Supply] at once in order that the meter may be repaired or replaced by an accurate one. The charges for water during such period will be on the basis of ordinary use under similar conditions before the meter became defective. The consumer or owner shall cooperate with the Department of Water and Sewer [Division of Water Supply] in granting access to the meter for replacement. The failure to cooperate or to prevent the replacement of a damaged meter will result in water service being shut off until such meter is replaced. The Department of Water and Sewer [Division of Water Supply] will inspect and test any meter owned by the Department of Water and Sewer [Division of Water Supply] when requested to do so by the property owner or

consumer. If such inspection and test proves the accuracy of the meter, there shall be a charge to the person requesting the test as follows:

3/4" × 5/8" disc	\$ 15.00
Straight 5/8" disc	15.00
Straight 3/4" disc	15.00
1" disc	20.00
1-1/2" disc	35.00
2" disc	35.00
2" turbine	35.00
3" disc	150.00
3" turbine	150.00
3" compound	175.00
4" turbine	175.00
4" compound	175.00
6" turbine	175.00
6" compound	200.00
8" turbine	175.00
8" compound	175.00
10" turbine	175.00
10" compound	175.00

27-2.20 Vacant Buildings; Owners to Notify Supervisor.

Owners of vacant buildings must give notice in writing of such vacancy to the Director of the Department of Water and Sewer [Supervisor of the Division of Water Supply] so that the water may be turned off.

27-2.21 Notice to Discontinue Service.

Any consumer wishing to discontinue water from the Township water supply system must give notice thereof in writing to the Director of the Department of Water and Sewer [Supervisor of the Division of Water Supply]. He or she will be charged for the use of water until such notice is given, when the water will be shut off.

27-2.22 Responsibility for Water Service Charges.

All charges in connection with the water supply are made against the owner of the premises where the water is used, and all bills will be so made out. All water rents or other fees and expenses incurred by the installation of service, or fines imposed, are a lien on the property, and owners are made responsible for any delinquency in the matter of payments by tenants or others.

27-2.23 Rates.

The following schedule of rates shall apply for the use of water:

a. A minimum charge for general metered service shall be charged quarterly and shall be based on the size of the meter in service with the amount of water allowance within the minimum charge.

Size of Meter (inches)	Water Allowance per Quarter (cubic feet)		Charge per Quarter
5/8 to 3/4	950	\$	18.66
1	3,000		84.22
1 1/2	5,000		140.37
2	8,000		224.58
3	18,000		467.55
4	30,000		747.79
6	57,000		1,378.34
8	90,000		2,148.99
10	120,000		2,849.58
12	170,000		4,017.24

b. Water delivered shall be charged at the following rates:

Rate:

\$23.15/per thousand cubic feet.

c. For fire protection, the Department of Water and Sewer [Division of Water Supply] shall be paid an annual charge of four hundred twenty-four dollars and thirty-seven (\$424.37) cents per fire hydrant on private property.

d. Fire Line Service.

1. There shall be a charge for metered fire line service based on the size of the meter and unmetered fire line service based on the size of the service, without hose or hydrant connected to them according to the following table:

Size of Service (inches)	Charge per Quarter
2	\$ 129.64
4	467.45
6	839.58
8	1,261.20
10	1,680.99
12	2,100.77

2. There shall be a quarterly charge for metered fire line service based on the size of the meter and unmetered fire line service based on the size of the service, with hose or hydrant connected to them according to the following table:

Size of Service (inches)	Charge per Quarter
-----------------------------	-----------------------

4	\$ 630.60
6	1,050.39
8	1,680.99
10	2,284.09
12	2,740.54

e. For installation of meter with remote read out register (residential), the charge shall be forty-two (\$42.00) dollars.

f. The rates charged to any resident of the Township, who shall have attained the age of sixty-five (65) years old, on their primary residence in accordance with paragraphs a. and b. above shall be those rates in effect for calendar year 1996. In order to be eligible for the senior citizen rate for any year, the resident must have obtained the age of sixty-five (65) as of January 1 of that year. The resident must notify the Water Company prior to January 1 to be eligible for the billing year beginning July 1. In accordance with the provision of the contract between Edison Township and the Edison Water Company, the rates contained in this section shall be in effect as of July 1, 2005.

27-2.24 Time for Payment.

All water rents are due and payable at the office of the Department of Water and Sewer [Division of Water Supply], quarterly, on the first day of each quarter, for users with consumption under two hundred thousand (200,000) cubic feet per quarter. For all users with normal or estimated use in excess of two hundred thousand (200,000) cubic feet per quarter, such bills shall be due and payable monthly. The Township does not guarantee the delivery of water bills. The owner is required to call at the office of the Department of Water and Sewer [Division of Water Supply] and pay or tender the amount due, whether the bill is received or not.

27-2.25 Penalties for Delinquent Payments.

A penalty of eight (8%) percent will be added to all bills not paid within thirty (30) days. The water will be shut off if bills remain unpaid sixty (60) days after they become due, after five (5) days' notice has been previously given, and will not be turned on again until all charges, including fifteen (\$15.00) dollars for shutting off and turning on the water, are paid.

27-2.26 Water Emergencies.

In case of emergency occasioned by drought or other shortage or stoppage of water supply, the Department of Water and Sewer [Division of Water Supply] may adopt necessary temporary measures or restriction and conservation. After public notice has been given and until the restrictions have been lifted, any person or corporation violating the provisions of this section shall be subject, upon conviction for violation thereof, to the penalty stated in Chapter I, Section 1-5. Continuing violations will subject the person or corporation committing the same to a discontinuance of water supply during the period of the emergency.

27-2.27 Backflow Protective Devices Required in Cases of Cross-Connections.

When a cross-connection exists between the public water supply and an unapproved water supply, a backflow protective device with double check valve must be installed to prevent unapproved water from mixing with the public water supply.

27-3-27-5 RESERVED.

[Article II Sewer Service System]

27-6 SEWER [CONNECTIONS] REGULATIONS

...

[27-10 SEWER UTILITY.

27-10.1 Establishment; Purpose.

There is created and established upon the effective date of this section a municipally owned public utility to be known as the Edison Township Sewer Utility, hereinafter referred to as the "Sewer Utility." The authorized operations of the Sewer Utility shall consist of the operation, management, control and maintenance of the sewer system and all extensions and improvements hereafter made thereto, together with all services relating to such purposes, including the billing and collection of sewer user fees and connection fees.

27-10.2 Administration; Personnel.

The Mayor is authorized to appoint an individual who shall be responsible for the day-to-day administrative operations of the sewer utility, including proposing the annual budget for the sewer utility and making recommendations to the Municipal Council regarding sanitary sewer service rates and charges, the classification of users, general policy oversight of sewer utility administration and operations and the review and investigation of grievances. All personnel of the sewer utility shall be municipal employees; however, the salaries of the employees or appointments of the sewer utility shall be paid from the sewer utility fund.

27-10.3 Sewer Utility Fund.

All moneys derived from the operations of the sewer utility and other moneys applicable to its support shall be segregated and kept in a separate fund, known as the sewer utility fund, and treated as moneys held in trust for the purposes for which the sewer utility was created. Moneys in the sewer utility fund shall be applied only to costs of the sewer utility or as otherwise permitted by law and shall be accounted for in accordance with the local budget law and the local bond law.

27-10.4 Budget.

The budget of the sewer utility and the appropriations and disbursements from the sewer utility fund shall be in compliance with the local budget law and other applicable law.

27-10.5 Fees.

The charges and rents for connection to and use of the sewer system shall be fixed by ordinance and shall not be altered, amended or repealed by the provisions of this section.

27-10.6 Effect on Other Provisions.

To the extent that any previous ordinance or resolution is inconsistent with or contradictor hereto, said ordinance or resolution is amended or repealed to the extent necessary to make it consistent herewith. In all other respects, this article shall be a supplement to other ordinances and resolutions heretofore adopted relating to sewer system purposes.]

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

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

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

2. The Municipal Council hereby amends Chapter 2 and Chapter 27 of the Code to read as follows:

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

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

3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 2 and Chapter 27 of the Code shall remain unchanged and have full force and legal effect.

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

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

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

ORDINANCE O.2050-2019

EXPLANATION: An ordinance amending Chapter II of the Code of the Township of Edison, setting forth procedures regarding the establishment and administration of a set-aside program for qualified minority, women and veteran businesses pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, in connection with Township purchasing and procurement.

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

WHEREAS, the Township's Code of General Ordinances (the "Code") currently sets forth provisions pertaining to Township purchase and procurement, all in accordance with State law governing the same; and

WHEREAS, the municipal council of the Township ("Municipal Council") has determined to update Chapter II of the Code, to establish and administer a set-aside program for qualified minority, women and veteran businesses pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, and specifically, pursuant to the authority conferred by *N.J.S.A. 40A:11-42* to do so, all in connection with Township purchasing and procurement.

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

SECTION 2.24.6 SET-ASIDE PROGRAM FOR QUALIFIED MINORITY, WOMEN AND/OR VETERAN BUSINESSES

(a) TITLE:

The title of this Ordinance shall be "An Ordinance Establishing a Qualified Minority, Women, and Veteran-Owned Business Set-Aside Program" (hereinafter collectively referred to the "Set Aside Program"). This Ordinance is being enacted pursuant to and in accordance with the provisions of *N.J.S.A. 40A:11-42 et seq.*

(b) DEFINITIONS:

For the purposes of this Chapter, the following definitions shall apply:

CONSTRUCTION CONTRACT:

Any agreement for the erection, repair or alteration of any building, structure, bridge, roadway or other improvement to real property.

CONTRACT:

Any agreement for the sale of goods or for the provision of services to the Township of Edison.

SUBCONTRACT:

A contract by which one agrees to render services or to provide materials necessary for the performance of another contract.

QUALIFIED MINORITY BUSINESS ENTERPRISE:

A business which has its principal place of business in this State, is independently owned and operated, is at least fifty one percent (51%) owned and controlled by minority group members and is certified as such through and with the State of New Jersey Division of Revenue.

QUALIFIED WOMEN'S BUSINESS ENTERPRISE:

A business which has its principal place of business in this State, is independently owned and operated, is at least fifty one percent (51%) owned and controlled by women and is certified as such through and with the State of New Jersey Division of Revenue.

MINORITY GROUP MEMBERS:

Persons who are African-American, Hispanic, Portuguese, Asian Americans, American Indians or Alaskan natives.

NJSAVI:

New Jersey Selective Assistance Vendor Information, a database that identifies businesses that are registered and/or certified as a Minority/Women/Veteran Owned Business Enterprise with the State of New Jersey, through the Division of Revenue.

QUALIFIED BUSINESS:

A minority-owned enterprise, or a women-owned enterprise, or veteran-owned enterprise, as defined herein and certified as such through and with the State of New Jersey Division of Revenue, OR a general contractor who hires as a subcontractor, a minority-owned, woman-owned, and/or veteran-owned business enterprise, as part of a contract award by the Township.

QUALIFIED VETERAN BUSINESS ENTERPRISE:

A business which has its principal place of business in this State, is independently owned and operated, is at least fifty one percent (51%) owned and controlled by a veteran.

SET-ASIDE CONTRACTS:

(1) A contract for goods, equipment, construction, or services, inclusive of sub-contracts, which is designated as a contract for which bids are invited and accepted only from qualified veteran business enterprises, qualified minority business enterprises or qualified women's

business enterprises, as appropriate, (2) a portion of a contract when that portion has been so designated, or (3) any other purchase or procurement so designated;

THOSE PROCUREMENTS:

All purchases, contracts, or acquisitions by the Township which are permitted by law.

TOWNSHIP ADMINISTRATOR:

Shall mean the Township Administrator and/or his or her designee.

TOWNSHIP PURCHASING AGENT:

Shall meant the Township Purchasing Agent and/or his or her designee.

VETERAN:

Any citizen and resident of this State now or hereafter honorably discharged or released under honorable circumstances who served in any branch of the Armed Forces of the United States or a Reserve component thereof for at least 90 days and shall include disabled veterans.

WOMEN'S BUSINESS ENTERPRISE:

A business which has its principal place of business in this State, is independently owned and operated, is at least fifty one percent (51%) owned and controlled by women and is and certified as such through and with the State of New Jersey Division of Revenue.

(c) Applicability:

These provisions concerning qualified businesses' participation in the Township of Edison's purchasing set-aside program shall apply to contracts for goods, services and/or construction awarded by or through the Township Purchasing Department.

(d) Purpose:

The purpose of this program of implementing the provisions of the Township of Edison's qualified business set-aside program is to set aside, or otherwise allocate five percent (5%) of the dollar value, utilizing the prior fiscal year as a baseline, of all of the Township's goods, services and construction contracts, to be utilized for qualified business enterprises.

(e) Goals; Revisions:

A. For the fiscal year beginning January 1, 2020, and for every fiscal year thereafter, the following goals for qualified business participation shall serve as the initial goals for the Township of Edison to pursue. Of the five percent (5%) there shall be:

(1) Thirty three percent (33%) Township contract participation for qualified minority-owned businesses.

(2) Thirty three percent (33%) Township contract participation for women-owned businesses.

(3) Thirty three percent (33%) Township contract participation for veteran owned business.

B. The Mayor and Township Council may revise the goals established herein by subsequent ordinance.

C. The above-stated percentages relate to the total dollar value, measured from the prior fiscal year, of all Township contracting departments and contracting agencies to be set aside for qualified businesses, as appropriate, as goals for Township departments and contracting agencies to achieve by the end of each fiscal year.

D. The monetary value of subcontracts awarded pursuant to this Ordinance shall be taken into account when reviewing whether the goals established by this Ordinance have been achieved.

(f) Good faith efforts:

A. Efforts which are merely *pro forma* shall not be deemed the good faith efforts necessary to generate a level of qualified business participation sufficient to meet the goals' requirements of the program.

B. Actions that demonstrate a good faith effort on the part of the Township's contracting departments and agencies may include but are not limited to:

(1) Notices to qualified businesses soliciting their participation in the set-aside program.

(2) The Purchasing Agent's provision of plans, specifications and requirements of the contract(s) to interested qualified businesses.

(3) The Purchasing Agent's provision of an annual list of anticipated Township purchases (approximate) by item category, dollar amount and month of bid.

(g) Effect on provisions:

If a Township contract for goods, services, or construction, which would otherwise be subject to the provisions of this chapter, is or becomes subject to federal or state laws which conflict with this program or actions thereof, federal or state law shall apply, and the contract shall be interpreted and enforced accordingly.

(h) Role of Township Administrator :

In the implementation of the Township's minority, women, and veteran owned business enterprise set-aside program and pursuant to the provisions of *N.J. S.A. 40A:11-49*, the Township Administrator or Purchasing Agent, if so designated by the Township Administrator, shall be responsible to do the following:

A. Make a good faith effort to attain the goals established by the Township's governing body pursuant to this program.

B. Designate a contract, subcontract or other means of procurement as a set-aside contract if it is likely to receive bids from at least two qualified businesses at a fair and reasonable price, to be determined by the Purchasing Agent and considering, without limit, the budget determined to be necessary for the procurement.

C. If it is determined by the Purchasing Agent that two bids cannot be obtained or that acceptance of the low responsible bid will result in the payment of an unreasonable price, the Purchasing Agent may recommend to the Township Administrator that the bids be resolicited on an unrestricted basis.

D. Designate contracts and/or subcontracts as set-aside contracts prior to advertisement, and notice of such designation shall be included in the advertisement.

(i) **Certification & Compliance Officer:**

The Township Administrator shall designate a Certification & Compliance Officer in the Purchasing Department to realize the intent of this Ordinance as set forth herein.

With respect to all contracts and procurements, it shall be the Certification & Compliance Officer's authority and responsibility to:

A. Maintain a list of eligible businesses; interact with the Department of Finance and Purchasing Department, to determine which Township contracts should be set aside for participation herein; oversee outreach to the qualified business enterprises; and to oversee and co-ordinate seminars for qualified business enterprises to expand the number of qualified businesses eligible to participate in this set aside program.

B. Maintain a listing of qualified businesses in the Edison Township Area for use by the Township's Departments and Offices.

C. Submit semi-annual reports to the Township Administrator to document the percentage of set-aside contracts which have been awarded to qualified businesses pursuant to the Township's set-aside program.

D. Have access to all records and files of all Township contracting agencies and departments that relate to construction, goods and services contracts in order to monitor and review compliance.

E. Make a written annual report to the Township Administrator indicating the good faith effort made by the Purchasing Department to attain the set-aside goals set forth in this program. Such report shall be submitted to the Township Administrator, Mayor and Council not later than January 31st of each year, of the previous year's activity. The Township shall publish a list of the Township's attainments (goals) for the immediate preceding local fiscal year, in two newspapers circulating in Middlesex County, by March 1st of each year pursuant to *N.J.S.A. 40A:11-48*.

F. Ascertain, with the assistance of the Purchasing Agent, the identity of qualified businesses in the Edison Township Area.

G. Classify each business according to contract types in which the business represents itself to have capabilities, place all classified businesses on a solicitation list and distribute the list to the Purchasing Agent. This list shall also include businesses within the area of Edison Township.

H. Survey all businesses placed on the solicitation list to determine their past and current participation level in Township contracts. The results may be used to ascertain the contracting agency's good faith effort to attain the goals as established by the Township.

(j) Implementation:

A. The Township's Certification & Compliance Officer shall make such findings, recommendations and proposals as are necessary and appropriate to the implementation of the Township's set-aside program. If, as a result of his or her monitoring activities, the Certification & Compliance Officer determines that the goals set forth in this chapter are not being met by the Township, the Certification & Compliance Officer may recommend any or all of the following actions listed in Subsection B(1) through (3).

B. The Certification & Compliance Officer shall submit a report to the Township Administrator setting forth the nature of the problem(s) and any suggestions for better implementation of the program. If the Township Administrator concludes that the Township's qualified minority, women, and veteran-owned business enterprise set-aside plan is unlikely to produce the participation goals, he or she may recommend that the Certification & Compliance Officer revise the Township's plan to provide additional opportunities for qualified business participation, such as, but shall not be limited to, the following:

(1) Recommendations as to stronger solicitation efforts to identify more qualified minority, women, and veteran-owned businesses as potential sources of supply.

(2) Recommendations as to the elimination of extended experience or capitalization requirements, when programmatically feasible, to permit participation of qualified businesses in the set-aside program.

(3) Recommendations as to publication of advertisements for bids in more than one newspaper, e.g., minority-oriented newspapers.

(k) Certification:

A. To ensure that only qualified businesses that are owned and controlled in both form and substance by minorities, women and veterans, which are counted towards the goals' requirements set forth in this chapter and the Township's minority business enterprise/women's business enterprise/veteran's business enterprise program(s), any minority or women, or veteran-owned business, including a joint venture, desiring to participate in the Township's set-aside program must be certified as a legitimate minority business enterprise/women's business enterprise/veteran business enterprise. Such certification shall follow the State of New Jersey's rules for being included in the NJSAVI database as set forth herein, and/or any other New Jersey governmental entity or agency that has qualified and certified a business as a qualified business enterprise described herein and throughout using the same criteria for determining a business' qualifications, and registration therein shall constitute certification for the purposes of the Township's set-aside program.

B. Each qualified business owner shall submit a fully executed certification affirming that his or her business meets all the requirements to be a qualified business by January first of each year.

C. The Certification & Compliance Officer will evaluate the submitted information to determine whether the applicant meets the criteria for qualified minority, women, and/or veteran-owned business enterprises. Prior to making a certification recommendation to the Township Administrator, the Certification & Compliance Officer may, in his/her discretion, request an interview with the applicant. Failure of an applicant to comply with requests for information or documentation may result in a determination of certification status based on the information supplied or a suspension of the application for certification.

D. Following certification, the Certification & Compliance Officer may require the business to furnish additional information from time to time in order to establish its continued eligibility for certification.

E. Upon becoming certified, a business shall notify the Certification and Compliance Officer if there is a change in the business that affects its status as a qualified business, including changes in the business that affect its status as a qualified business, including changes in ownership, control or management.

If a business is denied certification, the Township Administrator or his or her designee shall notify the business, in writing, of the reasons for its determination. The business may appeal the denial to the Township, which shall conduct a hearing at which the business shall have the opportunity to present witnesses and documents in support of its application for certification. The business must file its request for a hearing with the Township. No appeals will be considered if filed later than 15 days from the date of the notice. Businesses that are denied

certification may not reapply for certification for a period of six months from the date of denial.

Businesses that have been previously certified through programs considered by the Certification & Compliance Officer to be similar or in concert with the Township's goals and objectives for qualified business contractors may be granted certifications pursuant to this plan upon approval by the Township Administrator.

The right of the Township Director of Finance to evaluate a bidder or contractor's ability to satisfy financial, technical or other criteria, separate and apart from the certification process provided for in this program, is not altered by this chapter.

The certification granted pursuant to this section shall entitle a business to participate in any category of contract or procurement for which it qualifies. The certification shall not be considered contract- or project-specific. The Township may, but shall not be required to, delay the award of any contract pending the appeal of the Township Administrator's decision to deny certification.

(1) De-certification:

A. Any qualified business enterprise may be decertified for the following reasons:

(1) For providing false or misleading information to the Certification & Compliance Officer during the certification process.

(2) If the qualified business enterprise is no longer an ongoing business entity.

(3) If the business entity has changed to the extent that it is no longer owned and controlled by minorities, or women, or veterans pursuant to the requirements of this program.

(4) For failure to report to the Township of Edison, within 10 days, any determination of the federal government or any state government, municipality or school board, or any department, subdivision, agency or authority of the federal government or any state government, municipality or school board denying or revoking the certification of the business as a minority, or women, or veteran-owned business enterprise.

(5) For failure to maintain registration with the State of New Jersey's SAVI database, or any other accepted certifier.

B. Upon review of the documentation concerning decertification, the Certification & Compliance Officer shall make a recommendation promptly to the Township Administrator concerning decertification, whereby the Township Administrator shall determine whether the business shall be decertified, and shall notify the business of such decision in writing. The business may appeal the decision to the Township in accordance with the provisions above. Reasons for decertifying a business shall be expressed by certified mail. The decertified business may not reapply for certification for a period of time to be determined by the

Township Administrator and/or his or her designee, but in no event longer than a period of one year.

(m) Re-certification:

On a yearly basis, a qualified business shall submit any information requested by the Certification & Compliance Officer annually, to ascertain whether such business is still a qualified business pursuant to this program. If it is determined that the annual submission of information has changed to such an extent that the qualified business' status has changed, affecting the certified status, the Certification & Compliance Officer may recommend that the business be required to reapply for certification.

(n) Certification standards:

The Certification and Compliance Officer shall undertake the efforts necessary to educate businesses that wish to be certified as a minority, women, veteran owned business that in order to be certified the business must be able to comply with the following conditions:

A. Eligible minority business enterprises, women's business enterprises, or veteran business enterprises, under this program shall be independent businesses. There shall be conclusive evidence that the ownership and control of such business is real, substantial and continuing and shall go beyond the *pro forma* ownership of the business as reflected in its ownership documents. The minority business enterprise/women business enterprise/veteran business enterprise owners shall enjoy the customary interests of ownership. They shall share in the risks and profits commensurate with their interest of ownership. Recognition of the business as a separate entity for tax or corporate purposes is not necessarily sufficient for recognition as a minority business enterprise/women's business enterprise/veteran's business enterprise. To determine the legitimacy of an independent minority business enterprise/women's business enterprise/veteran business enterprise, the Certification & Compliance Officer shall consider all relevant factors concerning ownership and control of business assets, including but not limited to the date the business was established, whether its resources for the work of the contract are adequate and the degree to which financial, equipment-leasing and other relationships with nonminority firms vary from industry practice.

B. The minority business enterprise/women's business enterprise/veteran business enterprise owners shall have the power to direct or cause management and policy directions of the firm/business, as well as make major decisions on matters of management, policy and operations. The firm shall not be subject to any restrictions limiting the customary discretions of the minority or women or veteran owners. This shall include provisions in bylaws, partnership agreements or charter requirements for cumulative voting rights or otherwise that prevent the minority or women or veteran owners, without the cooperation or vote of any owner who is not a minority or woman or veteran, from making a business decision of the firm.

C. Where non-minority owners of the firm are disproportionately responsible for the firm's operation, then, by the standards of this program, the firm is not controlled by minorities or women or veterans, and shall not be considered a qualified business within the program's meaning.

D. In establishing a status of a legitimate minority and/or women-owned and/or veteran owned business, all securities which constitute ownership and/or control of a corporation shall be held directly by minorities or women or veterans. Securities held in trust or by any guardian for a minor shall not be considered as held by a minority and/or woman and/or veteran in determining the ownership and/or control of a corporation.

E. Capital or expertise contributed by minority and/or women and/or veteran owners to acquire their interest in the firm shall be real and substantial. A promise to contribute capital, a note payable to the firm or its owners who are not minorities, or the mere participation as an employee, rather than as a manager, shall be examples of insufficient contributions.

F. In determining eligibility as a minority business enterprise/women's business enterprise/veteran business enterprise business, in addition to the above standards, the Certification & Compliance Officer shall give special consideration to the following circumstances:

(1) Minority business enterprises/women's business enterprises/veteran business enterprises which are newly formed and whose ownership and/or control have changed since the date and/or time of the advertisement of the contract, shall be closely monitored to determine the reasons and the relationship between the timing, formation and/or change in the firm.

(2) Careful scrutiny and review of previous and/or continuing employer/employees relationships between or among present owners shall be conducted to ensure that the employer/owner has the management responsibilities pursuant to this program.

(3) Any relationship between a minority business enterprise/ women's business enterprise/veteran business enterprise and a non-minority-owned business having interest in the minority/women/veteran-owned business, shall be carefully monitored to determine if the interest of the minority/women/veteran-owned business enterprise conflicts with the ownership and control requirements of this program.

G. Joint ventures may be eligible to compete as minority/women's/veteran-owned business enterprises under this program, provided that the qualified business enterprise partner of the joint venture meets the eligibility standards of a minority/women's/veteran-owned business enterprise set forth herein, and the qualified partner shares in the ownership, control and management responsibilities, the risks and profits of the joint venture and the qualified business enterprise partner is responsible for a clearly defined portion of the work to be performed.

(o) Violations and penalties:

When the Township determines, after hearing, that a business has been classified as a qualified business enterprise on the basis of false information knowingly supplied by the business and has been awarded a contract to which it would not otherwise have been entitled, the Township may, in accordance with the provisions afforded to it by *N.J.S.A. 40A:11-47*:

A. Assess against the business any difference between the contract and what the Township's cost would have been if the contract had not been awarded in accordance with the provisions of this ordinance;

B. In addition to the amount due under subsection (a), assess against the business a penalty in an amount of not more than 10% of the amount of the contract involved; and

C. Order the business ineligible to transact any business with the Township for a period to be determined by the Township, which shall not exceed five (5) years, per *N.J.S.A. 40A:11-4*. Prior to any final determination, assessment or order under this section, the Township shall afford the business an opportunity for a hearing on the reasons for the imposition of the penalties set forth in subsections (a), (b) or (c) of this section.

The Township may file an action to enforce a civil penalty imposed by this ordinance providing for its collection or enforcement by a civil proceeding, which action shall be brought as a summary action in the Law Division of the Superior Court pursuant to New Jersey Court Rule 4:67. Severability. If a court of competent jurisdiction shall declare any section, paragraph, subsection, clause or provision of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof, and the remaining provisions shall be construed to give effect to the intent thereof.

Inconsistency. All ordinances or parts of ordinances of the Township of Edison heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Effectiveness. This Ordinance shall take effect on January 1, 2020, the beginning of the Township's next fiscal year.

ORDINANCE O.2051-2019

EXPLANATION: An Ordinance amending Chapter XI, “General Licensing and Business Regulations,” Section 28 (“Towing Regulations”) of the Township Code of General Ordinances to address certain mileage and distance requirements, and other corrective numeric changes.

WHEREAS, the Township of Edison (“**Township**”) has previously adopted and codified, within the Township’s Code of General Ordinances (the “**Code**”), Chapter XI, Section 28 and as amended from time to time, which provides for among other things, various rules and regulations governing rotational towing within the Township; and

WHEREAS, the municipal council of the Township (“**Municipal Council**”) has determined it is reasonable and desirable to amend Chapter XI, Section 28 of the Code, to make various changes thereto with respect to the provision of rotational towing services within the Township and specifically, to address both certain mileage and distance requirements to improve the timely provision of rotational towing services, including without limit the provision of retrieval and recovery services to the general public, and also, to address numeric inconsistencies within **Section 11-28.19** pertaining to the fees charged for standard towing for vehicles with a weight of more than 32,000 pounds; and

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

“11-28.13 Duties of the Towing Agency.

a. The towing agency must operate a legitimate towing agency business premises **[within the Township of Edison, or]** within **[five (5)] six (6)** miles of Edison Township Municipal Complex located at 100 Municipal Boulevard, Edison, New Jersey. The towing agency must respond to a call for service from the Edison Police Department within the following time parameters:

[BALANCE OF 11-28.13 REMAINS UNCHANGED]

11-28.14 Storage Facilities.

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

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

2. All storage facilities shall be owned, operated and/or under the control of the operator, and shall be located **[within the Township of Edison, or]** no more than **[five (5)]**

six (6) miles from the Edison Township Municipal Complex located at 100 Municipal Boulevard, Edison, New Jersey.

[BALANCE OF 11-28.14 REMAINS UNCHANGED]

11-28.19 Fees Established.

- a. *Roadside Service* (Tire change, Deliver Gas, Jump Start or Lock Out) (No Tow)
 1. Road service between 0800 hours to 1700 hours – Monday through Friday, Holidays excluded: \$60.00
 2. Road service at all other times: \$70.00
 3. Tow agency may add .75 cents per gallon of fuel delivered on a Road service call. Fuel receipts must be kept with copy of invoice and on file at towing agency.
 4. Axel and/or Drive shaft removal and reinstall \$55.00
 5. Air up brake system: \$45.00
- b. *Towing.*
 1. Standard towing and flatbed service under 10,000 lbs. between 0800 hours to 1700 hours – Monday through Friday, Holidays excluded: \$90.00
 2. Standard towing and flatbed service under 10,000 lbs. at all other times: \$110.00
 3. Standard towing – 10,000 lbs – 32,000 lbs between 0800 hours to 1700 hours – Monday through Friday, Holidays excluded: \$210.00
 4. Standard towing – 10,000 lbs – 32,000 lbs at all other times: \$250.00
 5. Standard towing – More than - 32,000 lbs between 0800 hours to 1700 hours – Monday through Friday, Holidays excluded: \$375.00
 6. Standard towing – More than **[26]** 32,000 lbs at all other times: \$425.00

[BALANCE OF 11-28.19 REMAINS UNCHANGED]”

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

1. The aforementioned Recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Chapter XI, Section 28 of the Code pertaining to Towing Regulations, to read as follows:

“11-28.13 Duties of the Towing Agency.

a. The towing agency must operate a legitimate towing agency business premises within six (6) miles of Edison Township Municipal Complex located at 100 Municipal Boulevard, Edison, New Jersey. The towing agency must respond to a call for service from the Edison Police Department within the following time parameters:

[BALANCE OF 11-28.13 REMAINS UNCHANGED]

11-28.14 Storage Facilities.

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

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

2. All storage facilities shall be owned, operated and/or under the control of the operator, and shall be located no more than six (6) miles from the Edison Township Municipal Complex located at 100 Municipal Boulevard, Edison, New Jersey.

[BALANCE OF 11-28.14 REMAINS UNCHANGED]

11-28.19 Fees Established.

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

1. Road service between 0800 hours to 1700 hours – Monday through Friday, Holidays excluded: \$60.00

2. Road service at all other times: \$70.00

3. Tow agency may add .75 cents per gallon of fuel delivered on a Road service call. Fuel receipts must be kept with copy of invoice and on file at towing agency.

4. Axel and/or Drive shaft removal and reinstall \$55.00

5. Air up brake system: \$45.00

b. *Towing.*

1. Standard towing and flatbed service under 10,000 lbs. between 0800 hours to 1700 hours – Monday through Friday, Holidays excluded: \$90.00

2. Standard towing and flatbed service under 10,000 lbs. at all other times: \$110.00

3. Standard towing – 10,000 lbs – 32,000 lbs between 0800 hours to 1700 hours – Monday through Friday, Holidays excluded: \$210.00
4. Standard towing – 10,000 lbs – 32,000 lbs at all other times: \$250.00
5. Standard towing – More than - 32,000 lbs between 0800 hours to 1700 hours – Monday through Friday, Holidays excluded: \$375.00
6. Standard towing – More than 32,000 lbs at all other times: \$425.00

[BALANCE OF 11-28.19 REMAINS UNCHANGED]”

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

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

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

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

ORDINANCE O.2052-2019

EXPLANATION: An Ordinance amending Chapter XXV, “Trees,” Section 25-13 (“Tree Fund”) of the Township Code of General Ordinances, to expand permitted uses of the Township Tree Fund to include plantings on private property in accordance with the limitations to be set forth therein.

WHEREAS, the Township of Edison (“**Township**”) has previously adopted and codified, within the Township’s Code of General Ordinances (the “**Code**”), Chapter XXV, Section 25-13 and as amended from time to time, which provides for, among other things, the establishment of the Township’s Tree Fund, and the uses to which such funds may be put in planting replacement trees and other landscaping within the Township; and

WHEREAS, the municipal council of the Township (“**Municipal Council**”) has determined it is reasonable and desirable to amend Chapter XXV, Section 25-13 (“Tree Fund”) of the Code, to make various changes thereto with respect to expanding the permitted uses of the Township Tree Fund to include plantings of trees and other landscaping on private property, all in accordance with the limitations to be set forth therein pursuant to this ordinance; and

WHEREAS, the Municipal Council of the Township has determined that it is in accord with applicable law, as well as the spirit and public policy underpinning Chapter XXV, to expand the uses of the Township Tree Fund to include plantings on private property, where the private property owner has granted consent to do so, and all under the terms and conditions set forth herein; and

WHEREAS, to effectuate the foregoing, the Municipal Council has determined to amend Chapter XXV, Section 25-13 (“Tree Fund”) of the Code, to read as follows (additions are **underlined** and deletions are in **[brackets]**):

“25-13 TREE FUND.

a. There shall be established by this chapter a Township Tree Fund for the purposes set forth in this chapter.

b. All funds collected as contribution in lieu of replanting trees shall be made out to the "Edison Tree Fund" and deposited into an escrow account clearly designated as the "Edison Tree Fund." Funds so deposited shall be used solely for the following purposes:

1. Park improvements, including landscape improvements, retaining walls, landscape irrigation systems, park benches, bollards, landscape lighting, site lighting (excluding sport event lighting) pathways and playground equipment; provided, however, that at no time shall more than thirty (30%) percent of the outstanding account balance on an annual basis be utilized for such park improvements; **[and]**

2. The planting of trees or other landscaping in public parks, property surrounding public buildings and rights-of-way~~[.]~~; **and,**

3. The planting of trees or other landscaping on private property, *provided that*:

i. The private property owner consents thereto in writing;

ii. That in consideration of the Township planting such trees or other landscaping, the private property owner agrees in writing to assume all maintenance and other responsibility for such trees or other landscaping following planting by the Township, and to hold the Township harmless with respect to such plantings;

iii. Application and request for any such private planting shall be made on a form to be developed by the Tree Fund Commission;

iv. Any request for any such private planting shall be approved by both the Tree Fund Commission and the Township Business Administrator or his/her designee confirming the availability in the Tree Fund for any such private planting; and,

v. Any such private planting must be made within plain, unobstructed view of a public right-of-way.

c. The Edison Tree Fund shall be administered by the Director of Finance. The Director of Finance shall report (listing by date for the report period) to the Township Council, the Planning Board, and the Environmental Commission, on a quarterly basis, the amount in the Fund as of the end of each quarter, the amount deposited by each development application or other contribution, and all amounts dedicated from the Fund for use for the purposes described in Section 25-13b. for that period. Such reports for any period shall be filed with the Township Clerk and made available as a public record to residents who request them in writing pursuant to the Open Public Records Act.

d. Any and all appropriations from the Edison Tree Fund shall be made by the Township Council of the Township of Edison, upon recommendation and report from the Environmental Commission as to the inventory of locations needing remediation based upon the removal of trees at those locations nearest the site which had generated the funds. The planting of more than ten (10) trees at any one location shall be reviewed and commented upon by the Environmental Commission.”

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

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

2. The Municipal Council hereby amends Chapter XXV, Section 25-13 (“Tree Fund”) of the Code pertaining to uses to which the Township Tree Fund may be put, to read as follows:

“25-13 TREE FUND.

a. There shall be established by this chapter a Township Tree Fund for the purposes set forth in this chapter.

b. All funds collected as contribution in lieu of replanting trees shall be made out to the "Edison Tree Fund" and deposited into an escrow account clearly designated as the "Edison Tree Fund." Funds so deposited shall be used solely for the following purposes:

1. Park improvements, including landscape improvements, retaining walls, landscape irrigation systems, park benches, bollards, landscape lighting, site lighting (excluding sport event lighting) pathways and playground equipment; provided, however, that at no time shall more than thirty (30%) percent of the outstanding account balance on an annual basis be utilized for such park improvements;

2. The planting of trees or other landscaping in public parks, property surrounding public buildings and rights-of-way; and,

3. The planting of trees or other landscaping on private property, provided that:

i. The private property owner consents thereto in writing;

ii. That in consideration of the Township planting such trees or other landscaping, the private property owner agrees in writing to assume all maintenance and other responsibility for such trees or other landscaping following planting by the Township, and to hold the Township harmless with respect to such plantings;

iii. Application and request for any such private planting shall be made on a form to be developed by the Tree Fund Commission;

iv. Any request for any such private planting shall be approved by both the Tree Fund Commission and the Township Business Administrator or his/her designee confirming the availability in the Tree Fund for any such private planting; and,

v. Any such private planting must be made within plain, unobstructed view of a public right-of-way.

c. The Edison Tree Fund shall be administered by the Director of Finance. The Director of Finance shall report (listing by date for the report period) to the Township Council, the Planning Board, and the Environmental Commission, on a quarterly basis, the amount in the Fund as of the end of each quarter, the amount deposited by each development application or other contribution, and all amounts dedicated from the Fund for use for the purposes described in Section 25-13b. for that period. Such reports for any period shall be filed with the Township Clerk and made available as a public record to residents who request them in writing pursuant to the Open Public Records Act.

d. Any and all appropriations from the Edison Tree Fund shall be made by the Township Council of the Township of Edison, upon recommendation and report from the Environmental Commission as to the inventory of locations needing remediation based upon the removal of trees at those locations nearest the site which had generated the funds. The planting of more than ten (10) trees at any one location shall be reviewed and commented upon by the Environmental Commission."

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

effect. All other resolutions and ordinances governing the provisions of Chapter XXV, Section 25-13 of the Code heretofore enacted and inconsistent herewith, are hereby modified pursuant to the terms of this Ordinance.

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

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

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

RESOLUTION R.446-092019

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING SEPTEMBER 5, 2019.

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through September 5, 2019.

FUND	AMOUNT
Current	\$9,331,398.30
Affordable Housing	0.00
Capital	79,111.15
Cash Performance	0.00
CDBG	0.00
Developers Escrow	0.00
Dog (Animal Control)	740.58
Federal Forfeited	0.00
Grant Funds	512.46
Law Enforcement	0.00
Open Space	0.00
Park Improvements	0.00
Payroll Deduction	484,661.87
Sanitation Fund	93,553.96
Self Insurance	0.00
Sewer Utility	2,467,667.23
Tax Sale Redemption	263,638.34
Tree Fund	49,427.78
Tree Planting	0.00
Trust	95,430.99
Edison Landfill Closure Trust	0.00
TOTAL	\$12,866,142.66

/s/ Nicholas C. Fargo
Chief Financial Officer

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

RESOLUTION R.447-092019

Authorizing refund for redemption of tax sale certificates

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

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

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

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison, that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing, totaling **\$132,310.79.**

RESOLUTION R.448-092019

Authorizing refund for tax overpayments

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

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

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

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing totaling **\$1,816.00.**

RESOLUTION R.449-092019

Authorizing the refund of sewer charge overpayments

WHEREAS, the Tax Collector of the Township of Edison, Lina Vallejo, reports and advises that on various property discharging disposable water into Township of Edison sewer lines, we have received overpayment for sewer use charges due to erroneous or duplicate payments totaling amounts greater than that value billed to their sewer accounts for the indicated year and period; and

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

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

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

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison that the appropriate official of the Township is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing in satisfaction of sewer charge overpayments totaling **\$1,054.81**, and that this Resolution shall take effect immediately.

RESOLUTION R.450-092019

EXPLANATION: A Resolution authorizing Mott MacDonald to provide additional engineering services in connection water and sewer systems

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

WHEREAS, the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, (the “**LPCL**”) authorizes the award of contracts for “Professional Services” without competitive bids; and

WHEREAS, pursuant to the LPCL, the Township issued a Request for Proposals for Engineering Services, RFP 16-09, and by way of Resolution R.066-022017 authorized Mott MacDonald (“**Engineer**”) to provide engineering services in connection with the Township’s solicitation of proposals for a concession agreement for the Township’s water and sewer systems (the “**Engineering Services**”) in the amount of \$286,800.00 and additional funds by way of Resolution R. 060-012019 in the amount of \$20,000.00; and

WHEREAS, the Township desires to authorize an additional forty five thousand dollars (\$45,000.00) to address prior and continued consulting services for water and sewer concession issues as well as other engineering issues related to water and sewer; and

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

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Township desires to authorize the Engineering Services in the amount of \$45,000.00.

Section 3. The Mayor or his designee are hereby authorized and directed to execute a contract with Mott MacDonald, 111 Wood Avenue, South, Iselin, NJ 08830 for its Engineering Services in the amount of \$45,000.00.

Section 4. Notice of this Resolution shall be published in the designated official newspaper as required by law within ten (10) days of passage.

RESOLUTION R.451-092019

**RESOLUTION ACCEPTING BID AND AWARDING A TWO YEAR CONTRACT TO CENTURION
PRINTING FOR THE FURNISHING OF PRINTING SERVICES**

WHEREAS, bids were received by the Township of Edison on July 16, 2019 for Public Bid No. 19-08-02-Printing Services; and

WHEREAS, CENTURION PRINTING, 352 Market St., Kenilworth, NJ 07033, submitted the lowest legally responsible bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$15,000.00, cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid by CENTURION PRINTING, 352 Market St., Kenilworth, NJ 07033, for Printing Services is determined to be the lowest legally responsible bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a two year contract in the amount not to exceed \$15,000.00, and any other necessary documents, with CENTURION PRINTING.

RESOLUTION R.452-092019

RESOLUTION ACCEPTING BID AND AWARDING A TWO YEAR CONTRACT TO RIDGEWOOD PRESS FOR THE FURNISHING OF PRINTING SERVICES

WHEREAS, bids were received by the Township of Edison on July 16, 2019 for Public Bid No. 19-08-02-Printing Services; and

WHEREAS, RIDGEWOOD PRESS, 609 Franklin Turnpike, Ridgewood, NJ 07450, submitted the lowest legally responsible bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$32,000.00, cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid by RIDGEWOOD PRESS, 609 Franklin Turnpike, Ridgewood, NJ 07450, for Printing Services is determined to be the lowest legally responsible bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a two year contract in the amount not to exceed \$32,000.00, and any other necessary documents, with RIDGEWOOD PRESS.

RESOLUTION R.453-092019

**RESOLUTION ACCEPTING BID AND AWARDING A TWO YEAR CONTRACT TO CONCEPT
PRINTING FOR THE FURNISHING OF PRINTING SERVICES**

WHEREAS, bids were received by the Township of Edison on July 16, 2019 for Public Bid No. 19-08-02-Printing Services; and

WHEREAS, CONCEPT PRINTING, 40 Lydecker St., Nyack, NY 10960, submitted the lowest legally responsible bid for various items of the bid as listed on the spreadsheet; and

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

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

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

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

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

1. All bids have been reviewed, and the bid by CONCEPT PRINTING, 40 Lydecker St., Nyack, NY 10960, for Printing Services is determined to be the lowest legally responsible bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a two year contract in the amount not to exceed \$95,000.00, and any other necessary documents, with CONCEPT PRINTING.

RESOLUTION R.454-092019

RESOLUTION ACCEPTING BID AND AWARDING A TWO YEAR CONTRACT TO CONSORTIUM COMPANIES FOR THE FURNISHING OF PRINTING SERVICES

WHEREAS, bids were received by the Township of Edison on July 16, 2019 for Public Bid No. 19-08-02-Printing Services; and

WHEREAS, CONSORTIUM COMPANIES, 400 Raritan Center Pkwy., Edison, NJ 08837, submitted the lowest legally responsible bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$55,000.00, cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid by CONSORTIUM COMPANIES, 400 Raritan Center Pkwy., Edison, NJ 08837, for Printing Services is determined to be the lowest legally responsible bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a two year contract in the amount not to exceed \$55,000.00, and any other necessary documents, with CONSORTIUM COMPANIES.

RESOLUTION R.455-092019

RESOLUTION ACCEPTING BID AND AWARDING A TWO YEAR CONTRACT TO ENVELOPES & PRINTED PRODUCTS, INC. FOR THE FURNISHING OF PRINTING SERVICES

WHEREAS, bids were received by the Township of Edison on July 16, 2019 for Public Bid No. 19-08-02-Printing Services; and

WHEREAS, ENVELOPES & PRINTED PRODUCTS, INC., 135 Fairview Ave., Prospect Park, NJ 07508, submitted the lowest legally responsible bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$30,000.00, cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid by ENVELOPES & PRINTED PRODUCTS, INC., 135 Fairview Ave., Prospect Park, NJ 07508, for Printing Services is determined to be the lowest legally responsible bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a two year contract in the amount not to exceed \$30,000.00, and any other necessary documents, with ENVELOPES & PRINTED PRODUCTS, INC.

RESOLUTION R.456-092019

RESOLUTION ACCEPTING BID AND AWARDING A TWO YEAR CONTRACT TO PREMIER PRINTING SOLUTIONS, INC. FOR THE FURNISHING OF PRINTING SERVICES

WHEREAS, bids were received by the Township of Edison on July 16, 2019 for Public Bid No. 19-08-02-Printing Services; and

WHEREAS, PREMIER PRINTING SOLUTIONS, INC., 513 South Pine Ave., South Amboy, NJ 08879, submitted the lowest legally responsible bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$3,000.00, cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid by PREMIER PRINTING SOLUTIONS, INC., 513 South Pine Ave., South Amboy, NJ 08879, for Printing Services is determined to be the lowest legally responsible bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a two year contract in the amount not to exceed \$3,000.00, and any other necessary documents, with PREMIER PRINTING SOLUTIONS, INC.

RESOLUTION R.457-092019

**RESOLUTION ACCEPTING BID AND AWARDING A TWO YEAR CONTRACT TO W.B. MASON CO.,
INC. FOR THE FURNISHING OF PRINTING SERVICES**

WHEREAS, bids were received by the Township of Edison on July 16, 2019 for Public Bid No. 19-08-02-Printing Services; and

WHEREAS, W.B. MASON CO., INC., 300 Prospect Plains Rd., Cranbury, NJ 08512, submitted the lowest legally responsible bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$4,500.00, cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid by W.B. MASON CO., INC., 300 Prospect Plains Rd., Cranbury, NJ 08512, for Printing Services is determined to be the lowest legally responsible bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a two year contract in the amount not to exceed \$4,500.00, and any other necessary documents, with W.B. MASON CO., INC.

RESOLUTION R.458-092019

RESOLUTION ACCEPTING BID AND AWARDING A TWO YEAR CONTRACT TO STUYVESANT PRESS, INC. FOR THE FURNISHING OF PRINTING SERVICES

WHEREAS, bids were received by the Township of Edison on July 16, 2019 for Public Bid No. 19-08-02-Printing Services; and

WHEREAS, STUYVESANT PRESS, INC., 119 Coit St., Irvington, NJ 07111, submitted the lowest legally responsible bid for various items of the bid as listed on the spreadsheet; and

WHEREAS, the total amount of this contract, not to exceed \$7,000.00, cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid by STUYVESANT PRESS, INC., 119 Coit St., Irvington, NJ 07111, for Printing Services is determined to be the lowest legally responsible bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a two year contract in the amount not to exceed \$7,000.00, and any other necessary documents, with STUYVESANT PRESS, INC.

RESOLUTION R.459-092019

RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE FURNISHING OF PRINTING SERVICES TO CONCEPT PRINTING CORP. IN AN AMOUNT NOT TO EXCEED \$10,000.00

WHEREAS, CONCEPT PRINTING CORP., 40 Lydecker St., Nyack, NY 10960 was awarded Contract No. 17-08-02-Printing Services through resolution R.399-062017 for the period July 26, 2017- July 25, 2019 in the amount of \$50,000.00, and that amount has been depleted; and

WHEREAS, the Purchasing Agent is in the process of awarding a new Printing contract; and

WHEREAS, the Township recommends we add additional funds in the amount not to exceed \$10,000.00 with all prices, terms and conditions to remain the same until such a time as the new contracts are executed; and

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

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

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

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

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison the Mayor, or his designee, is hereby authorized to amend and execute the contract in the amount not to exceed \$10,000.00, and any other necessary documents, with CONCEPT PRINTING CORP. as described herein.

RESOLUTION R.460-092019

**RESOLUTION AWARDING A CONTRACT TO US GOVBID / AUCTION LIQUIDATION SERVICES
COMPANY FOR AUCTIONEER SERVICES**

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A-11-36 requires that all such personal property be sold at public auction to the highest bidder; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, Edison Township intends to utilize the online auction services of US GOVBID / AUCTION LIQUIDATION SERVICES COMPANY, PO Box 1216, Eatontown, NJ 07724; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9, 2008-21R – Revised October 2012; and

WHEREAS, US GOVBID / AUCTION LIQUIDATION SERVICES COMPANY, PO Box 1216, Eatontown, NJ 07724 submitted a quote to conduct online auction services for four and one half percent (4.5%) of the receipt of sales and a two and one half percent (2.5%) Internet Service Fee which is payable by the buyer to the auction company; and

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

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison that the Mayor, or his designee, is hereby authorized to execute a one year contract and any other necessary documents with US GOVBID / AUCTION LIQUIDATION SERVICES COMPANY for Auction Services for four and one half percent (4.5%) of the receipt of sales and a two and one half percent (2.5%) Internet Service Fee which is payable by the buyer to the auction company as described herein.

RESOLUTION R.461-092019

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO CDW GOVERNMENT, LLC FOR
THE PURCHASE OF COMPUTERS WITH SOFTWARE FOR THE TOWNSHIP OF EDISON**

WHEREAS, there is a need to purchase sixty four (64) computers with software for various offices for the Township of Edison; and

WHEREAS, CDW GOVERNMENT LLC, 230 North Milwaukee Avenue, Vernon Hills, IL 60061, has been awarded State Contract Numbers 89849 under M-0003 Software License & Related Services and State Contract Number 89974 under M-0483 Computer Equipment, Peripherals & Related Supplies; and

WHEREAS, the Township intends to purchase the computers under State contract Number 89974 in the amount of \$64,535.00 and software under State contract 89849 in the amount of \$26,072.68 for a total purchase price of \$90,607.68; and

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract; and

WHEREAS, the maximum amount of the purchase shall not exceed \$90,607.68; and

WHEREAS, funds in the amount of \$32,408.97 have been certified to be available in the Const Enforcement Agency Computer Hardware & Software, Account No. 9-01-22-0195-000-059, and funds in the amount of \$58,198.71 have been certified to be available in the Acquisition of Various Computers & Equipment, Account No. C-04-17-1988-110-000; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$90,607.68, and any other necessary documents, with CDW GOVERNMENT LLC, 230 North Milwaukee Avenue, Vernon Hills, IL 60061 as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law and State Contract, No. 89849 under M-0003 and State Contract, No. 89974 under M-0483.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$32,408.97** are available for the above in Account No. **9-01-22-0195-000-059** and **\$58,198.71** are available for the above in Account No. **C-04-17-1988-110-000**.

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.462-092019

EXPLANATION: A Resolution authorizing the Township Planning Board to investigate whether the property commonly known on the Township tax maps as Block 266, Lot 49 and Block 198, Lot 29 (aka in the area of 1000 U.S Route 1) satisfies the criteria to be designated ‘an area in need of redevelopment’ pursuant to Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*

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

WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the municipal council (“**Municipal Council**”) of the Township of Edison (the “**Township**”) must authorize the planning board of the Township (the “**Planning Board**”) to conduct a preliminary investigation of the area and make recommendations to the Municipal Council; and

WHEREAS, the Municipal Council hereby requests that an investigation occur with respect to the property commonly known as Block 266, Lot 49 and Block 198, Lot 29 (aka in the area of 1000 U.S Route 1) on the tax map of the Township (hereinafter the “**Study Area**”), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment; and

WHEREAS, the redevelopment area determination requested hereunder authorizes the Township and Municipal Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, other than the power of eminent domain (hereinafter referred to as a “**Non-Condemnation Redevelopment Area**”).

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the Study Area satisfies the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as an area in need of redevelopment.

Section 3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcel contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.

Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically *N.J.S.A. 40A:12A-6*, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the Township or Municipal Council to exercise the power of eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a possible Non-Condemnation Redevelopment Area.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

Section 6. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Municipal Council as to whether the Municipal Council should designate all or some of the Study Area as an area in need of redevelopment.

Section 7. This Resolution shall take effect immediately.

RESOLUTION R.463-092019

EXPLANATION: A Resolution authorizing and accepting the purchase of the property identified as Block 415, Lot 5.N on the tax maps of the Township of Edison (a/k/a 1665 Woodland Avenue), in a coordinated effort with the Board of Chosen Freeholders of the County of Middlesex, New Jersey, with the intention to preserve same as open space.

WHEREAS, the Township of Edison (the “**Township**”), and the County of Middlesex, New Jersey (the “**County**”), when appropriate, have displayed interests and furthered preservation of certain parcels in the Township and County, as open space, parks, farmland, and/or historic sites; and

WHEREAS, on May 10, 2017, the municipal council of the Township (the “**Municipal Council**”), by way of Resolution R.303-052017, memorialized its support to preserve open space in the Township, and the County’s initiatives in furtherance of same, specifically, with regard to the County’s involvement in the purchase of the property commonly known as Block 415, Lot 5.N on the tax maps of the Township (a/k/a 1665 Woodland Avenue) (the “**Ferrante Property**”); and

WHEREAS, the County, amongst other endeavors, shall execute a contract of purchase with the owner or authorized representative(s) of the Ferrante Property and shall assign same to the Township at the time of closing, and shall perform as set forth in the Grant Agreement attached hereto as Exhibit A; and

WHEREAS, the Municipal Council is desirous of furthering the preservation of certain parcels in the Township as open space, and in support of the County’s interest in same, accepts the terms and conditions of the Grant Agreement attached hereto as Exhibit A, and accepts the purchase the Ferrante Property in furtherance of the Ferrante Property’s preservation as open space; and

WHEREAS, the Municipal Council seeks to transmit the Township’s support of the purchase of the Ferrante Property to the Board of Chosen Freeholders of the County of Middlesex, New Jersey

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council authorizes and approves the Mayor’s execution of the Grant Agreement, attached hereto as Exhibit A, and such related documents to effectuate the transfer of the Ferrante Property consistent with the Grant Agreement, with such additions, deletions and modifications as the Mayor or his designee may determine necessary upon consultation with counsel in furtherance of the Municipal Council’s acceptance of the Ferrante Property and its preservation as open space in the Township.
3. The Municipal Clerk of the Township shall forward a certified copy of this resolution to Board of Chosen Freeholders of the County of Middlesex, New Jersey.
4. This Resolution shall take effect immediately.

RESOLUTION R.464-092019

EXPLANATION: A Resolution referring the Ray Catena Automotive Properties Redevelopment Plan (Block 198, Lots 23.E1, 27 and 28; and Block 199, Lots 16-R, 16-S, 16-T, 16-U, 16-V-2, 16-C-1, 16-D, 16-E-1, 16-F-1, 16-G-1, 17-D-1, 17-D-2 and 34) in the Township, to the Township Planning Board for review and comment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, as amended and supplemented (the “Redevelopment Law”), authorizes a municipality to determine whether certain property within the municipality constitutes an area in need of redevelopment; and

WHEREAS, to make such a determination under the Redevelopment Law, the municipal council (the “Township Council”) of the Township of Edison (the “Township”), by way of Resolution R.642-112018, adopted November 8, 2018, and later by Resolution R.700-112018 adopted December 12, 2018, authorized and directed the planning board of the Township (the “Planning Board”) to conduct a preliminary investigation of, amongst other parcels, the property more commonly known as Block 198, Lots 23.E1, 27 (aka 900, 910, and 920 Route 1) and Block 199, Lots 16-R, 16-S, 16-T, 16-U, 16-V-2, 16-C-1, 16-D, 16-E-1, 16-F-1, 16-G-1, 17-D-1, 17-D-2 and 34 (aka 121 Main Street) on the Township’s tax maps (the “Study Area”), and to determine whether the Study Area meets the criteria for a Non-Condemnation Redevelopment Area, pursuant to Sections 5 and 6 of the Redevelopment Law; and

WHEREAS, on March 18, 2019, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law, at which hearing it determined that the Study Area qualified as an area in need of redevelopment and recommended that the Township Council designate the Study Area as an area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

WHEREAS, on April 10, 2019, the Municipal Council accepted the recommendation of the Planning Board and adopted a resolution which designated Block 198, Lots 23.E1, 27 (aka 900, 910, and 920 Route 1) and Block 199, Lots 16-R, 16-S, 16-T, 16-U, 16-V-2, 16-C-1, 16-D, 16-E-1, 16-F-1, 16-G-1, 17-D-1, 17-D-2 and 34 (aka 121 Main Street) as an “area in need of redevelopment” (“Redevelopment Area”) in accordance with the Redevelopment Law;

WHEREAS, by commission of the Municipal Council, the Bignell Planning Consultants, Inc. has prepared a redevelopment plan for the Redevelopment Area entitled the “Ray Catena Automotive Properties Redevelopment Plan” (“Redevelopment Plan,” attached hereto as *Exhibit A*); and

WHEREAS, the Municipal Council desires to refer the Redevelopment Plan to the Planning Board for its review and comment, pursuant to N.J.S.A. 40A:12A-7 of the Redevelopment Law.

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

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

Section 2. Pursuant to N.J.S.A. 40A:12A-7(e), the Municipal Council hereby refers the Redevelopment Plan to the Planning Board for review and recommendation. The Planning Board shall prepare a report regarding its recommendations as to the Redevelopment Plan and submit same to the Municipal Council within 45 days after referral, as required by the Redevelopment Law.

Section 3. The Clerk of the Township shall forward a copy of this Resolution and the Redevelopment Plan to the Planning Board for review.

Section 4. This Resolution shall take effect immediately.

RESOLUTION R.465-092019

Explanation: A Resolution authorizing a subsidy grant of \$50,000 from the Township's Affordable Housing Market To Affordable Program for the purchase of a home from market rate to affordable.

WHEREAS, by Resolution the Township Council approved, authorized and established a Market To Affordable Program pursuant to N.J.A.C. 5:97-8.8(a), to assist eligible owner/s in the purchase of eligible housing units in the Township of Edison, to use these existing properties as Affordable Housing units (Unit), and committed \$2.875 million dollars from the Township's Affordable Housing Trust Fund for this purpose; and

WHEREAS, the Township Council also approved and adopted a Manual at that time for the Market To Affordable Program in accordance with the Court's directives, which set forth the application process for applicants to comply with in order to participate in the Program and receive a subsidy for such purchase under the Program; and

WHEREAS, a Unit was located and an application to participate in the Program was submitted, reviewed and deemed complete and in compliance with the requirements; and

WHEREAS, the Seller, has entered into a Sales Contract with a household that is income certified as eligible to purchase such a Unit, as approved by the Township's Administrative Agent and qualifies for a subsidy grant of \$50,000 to be paid from the Township's Affordable Housing Trust Fund in order to reduce the price for the Buyers to qualify the Unit as "Affordable"; and

WHEREAS, the title company, known as Associated Title Agency, will distribute such funds to the Seller, on behalf of the Buyer, at the time of the Closing in order to meet the full *sale price*; and

WHEREAS, the Township Council desires to award this subsidy grant to buy-down the selling price to make it an *affordable* unit at 31 Silver Lake Avenue, Edison, NJ, Block 343, Lot 1, in the amount of \$50,000 for the purpose set forth herein under the Township's Market To Affordable Program; and to authorize the execution of a Deed Restriction between the Township and Mara Brea the Buyer, with respect to such subsidy grant.

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

1. The Township Council hereby approves and authorizes a subsidy grant in the amount of \$50,000 from the Township's Affordable Housing Trust Fund account T-13-00-0000-000-006 with respect to the Township's Market To Affordable Program, to Associated Title Agency, 64 W Main Street #4, Freehold, NJ 07728, for the purposes set forth herein and authorizes the execution of a Deed Restriction between the Township and Mara Brea, 31 Silver Lake Avenue, Edison, NJ 08817 with respect to such subsidy grant.
2. That an original certified copy of this resolution shall be forwarded to the Municipal Housing Liaison.

RESOLUTION R.466-092019

Explanation: A Resolution authorizing a grant of \$10,000 from the Township's Affordable Housing Down Payment/Closing Cost Affordability Assistance Program for the purchase of an *affordable* housing unit by an income certified buyer.

WHEREAS, by Resolution the Township Council approved, authorized and established a Market To Affordable Program pursuant to N.J.A.C. 5:97-8.8(a), to assist eligible owner/s in the purchase of eligible *affordable* housing units in the Township of Edison, to use these existing properties as Affordable Housing units (Unit), and committed one million dollars from the Township's Affordable Housing Trust Fund for this purpose; and

WHEREAS, the Township Council also approved and adopted a Manual at that time for the Down Payment/Closing Cost Affordability Assistance Program in accordance with the Court's directives, which set forth the application process for applicants to comply with in order to participate in the Program and receive a grant for such purchase under the Program; and

WHEREAS, a Unit was located and an application to participate in the Program was submitted, reviewed and deemed complete and in compliance with the requirements; and

WHEREAS, the Buyers, have entered into a Sales Contract to purchase an *affordable* housing unit, as approved by the Township's Administrative Agent and qualifies for a grant of \$10,000 to be paid from the Township's Affordable Housing Trust Fund in order to provide affordability assistance by reducing the costs for the Buyers; and

WHEREAS, the title company, known as Associated Title Agency, will distribute such funds on behalf of the Buyer at the time of the Closing to subsidize the down payment or closing costs; and

WHEREAS, the Township Council desires to award this grant to provide assistance in the purchase of an *affordable* unit at 31 Silver Lake Avenue, Edison, NJ, known as Block 343, Lot 1, in the amount of \$10,000 for the purpose set forth herein under the Down Payment/Closing Cost Affordability Assistance Program; and to authorize the execution of an Agreement between the Township and Mara Brea, the Buyer, with respect to such grant.

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

1. The Township Council hereby approves and authorizes a subsidy grant in the amount of \$10,000 from the Township's Affordable Housing Trust Fund account T-13-00-0000-000-006 with respect to the Down Payment/Closing Cost Affordability Assistance Program, to be paid to Associated Title Agency, 64 W Main Street #4, Freehold, NJ 07728, for the purposes set forth herein and authorizes the execution of an Agreement between the Township and Mara Brea, 31 Silver Lake Avenue, Edison, NJ 08817 with respect to such grant.
2. That an original certified copy of this resolution shall be forwarded to the Municipal Housing Liaison.

RESOLUTION R.467-092019

EXPLANATION: This resolution provides for Senior Resident refund of the construction permit fee, less the DCA fee, posted for a residential construction permit.

WHEREAS, on July 11, 2019, a Construction Permit fee, check #112969, permit #2019-2440, was posted in the total amount of \$97.00 by the contractor, Air Group LLC , having offices at Street One Prince Road, Whippany, NJ 07981; and

WHEREAS, the application was submitted for a Water Heater at 34 Dale Drive Edison, NJ 08820, by the contractor, Air Group LLC who did not make known to the Construction Code Enforcement Division that the homeowner, Mel Worm, is a Edison Senior Resident who is eligible for Senior Citizen waiver of municipal fees on construction permits, per the Edison Municipal Code, chapter 2-128.3; and

WHEREAS, appropriate documents have been submitted to the Township indicating that the work was done for a senior resident it is therefore appropriate that the municipal permit fee in the amount of \$95.00, derived from the \$97.00 total construction permit fee less the \$2.00 DCA fee, be refunded to the contractor Air Group LLC; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #2019-2440, in the amount of \$95.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$95.00 on construction permit fees posted by Air Group LLC for 34 Dale Drive, Edison, NJ 08820 be refunded to the contractor;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$95.00 from the Refund of Revenue Fund to the Contractor, Air Group LLC, One Prince Road, Whippany, NJ 07981

RESOLUTION R.468-092019

EXPLANATION: This resolution provides for Senior Resident refund of the construction permit fee, less the DCA fee, posted for a residential construction permit.

WHEREAS, on July 19, 2019, a Construction Permit fee, check #69496, permit #2019-2570, was posted in the total amount of \$327.00 by the contractor, Edison Heating & Cooling , having offices at 191 Vineyard Road, Edison, NJ 08817; and

WHEREAS, the application was submitted for a Condenser & Coil at 45 Richard Road, Edison, NJ 08820, by the contractor, Edison Heating & Cooling, who did not make known to the Construction Code Enforcement Division that the homeowner, Joseph Risso, is a Edison Senior Resident who is eligible for Senior Citizen waiver of municipal fees on construction permits, per the Edison Municipal Code, chapter 2-128.3; and

WHEREAS, appropriate documents have been submitted to the Township indicating that the work was done for a senior resident it is therefore appropriate that the municipal permit fee in the amount of \$320.00, derived from the \$327.00 total construction permit fee less the \$7.00 DCA fee, be refunded to the contractor Edison Heating & cooling; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #2019-2570, in the amount of \$320.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$320.00 on construction permit fees posted by Edison Heating & Cooling, 191 vineyard Road Edison, NJ 08820 be refunded to the contractor;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$320.00 from the Refund of Revenue Fund to the Contractor, Edison Heating & Cooling, 191 Vineyard Road, Edison, 08817

RESOLUTION R.469-092019

EXPLANATION: Resolution Refunding Federal Business for Performance Bond for Federal Business 225 Raritan Center Parkway Bond No.CMS0102548

WHEREAS, the Township Engineer advises that an inspection has been made of 225 Raritan Center Application #P1-2017 Block: 390.DD Lot: 1 & 8.2 , and said inspection indicates all site improvements and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

WHEREAS, the Township Engineer, recommends the release of the Performance Bond posted on April 13, 2017 in the amount of **\$1,828,558.80**, by RLI Insurance Company, Peoria, IL with the Township of Edison, principal being Federal Business having offices at 300 Raritan Center Parkway, Edison , NJ 08837 and acceptance of the subject improvements; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to return the aforesaid Performance Bond to the applicant, Federal Business, 300 Raritan Center Parkway, Edison , NJ 08837.

RESOLUTION R.470-092019

RESOLUTION TO RELEASE STREET OPENING APPLICATION FEE

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

WHEREAS, Woodbridge Ave is a county maintained road and the resident has been advised to work with the Middlesex county Roads department for getting the street opening permit.

WHEREAS, the Department of Public Works and the Department of Engineering recommends refund of the Road Opening Application Fee to BR & GL Construction for 2136 Woodbridge Ave, Edison, NJ in the amount of \$200.00;

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

Permit Number:	DEV-0101
Opening Location:	2136 Woodbridge Ave
Block/Lot:	351/1
Applicant's Name & Address:	BR & GL CONSTRUCTION LLC ONE CAMNER AVE SOMERSET, NJ 08873
Initial Deposit Date:	5/21/2019
Deposit Amount:	\$200.00
Paid by & refunded to:	BR & GL CONSTRUCTION LLC ONE CAMNER AVE SOMERSET, NJ 08873

BE IT FURTHER RESOLVED that the Township Council of the Township of Edison forwards a certified true copy of the resolution to the Director of Finance.

RESOLUTION R.471-092019

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO CLEARWATER SERVICES FOR
EMERGENCY PUMP STATION REPAIRS**

WHEREAS, bids were received by the Township of Edison on July 16, 2019 for Public Bid No. 19-01-05-Emergency Pump Station Repairs for the Department of Public Works; and

WHEREAS, CLEARWATER SERVICES, 78 Beaverbrook Rd., Lincoln Park, NJ 07035, submitted the lowest legally responsible, responsive bid; and

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

WHEREAS, the amount of the first year and any succeeding renewal year shall not exceed \$100,000.00, and cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid submitted by CLEARWATER SERVICES, 78 Beaverbrook Rd., Lincoln Park, NJ 07035, for Emergency Pump Station Repairs for the Department of Public Works, is determined to be the lowest legally responsible, responsive bid.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$100,000.00, for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents, with CLEARWATER SERVICES as described herein.

RESOLUTION R.472-092019

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER(S) TO A & K EQUIPMENT COMPANY
INC. FOR THE FURNISHING OF SNOW PLOW PARTS**

WHEREAS, there is a need to purchase snow plow parts for the Township of Edison; and

WHEREAS, A & K EQUIPMENT COMPANY, 221 Wescott Drive, Rahway, NJ 07065-4711 has been awarded Somerset County Co-Op Contract #CC-0043-18, Co-operative Pricing Bid #2-SOCCP; and

WHEREAS, the total amount of this contract, not to exceed \$20,000.00, cannot be encumbered at this time; and

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state or co-op contract; and

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) in the amount not to exceed \$20,000.00 and any other necessary documents, with A & K EQUIPMENT COMPANY, 221 Wescott Drive, Rahway, NJ 07065-4711 as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and Somerset County Co-Op Contract #CC-0043-18, Co-operative Pricing Bid #2-SOCCP.

RESOLUTION R.473-092019

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER(S) TO JJ RYAN INC., FOR THE
FURNISHING OF REPLACEMENT SWING SEATS AT VARIOUS TOWNSHIP PARKS**

WHEREAS, there is a need to replace swing seats at various Township Parks; and

WHEREAS, BCI BURKE COMPANY LLC, C/O JJ RYAN INC., 242 AMBOY AVE., WOODBRIDGE, NJ 07095, has been awarded NJ State Contract/Blanket Number 16-FLEET-00134 under T-0103: Park & Playground Equipment; and

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract; and

WHEREAS, the maximum amount of the purchase shall not exceed \$4,932.63; and

WHEREAS, funds in the amount of \$4,932.63 have been certified to be available in the Park Improvement Expenditures Account, Number T-23-00-0000-000-001 and;

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) in the amount not to exceed \$4,932.63, and any other necessary documents, with BCI BURKE COMPANY LLC, C/O JJ RYAN INC., 242 AMBOY AVE, WOODBRIDGE, NJ 07095, as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract/Blanket Number 16-FLEET-00134 under T-0103.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$4,932.63** are available Account Number T-23-00-0000-000-001.

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.474-092019

Explanation: A Resolution of Support from the Municipal Council of the Township of Edison, authorizing the development and submission of a viable application to the 2019 Sustainable Jersey Gardinier Environmental Fund Grants Program, for an award amount not to exceed \$30,000.00.

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Township of Edison strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Township of Edison was one of the first, certified, Bronze Level participating communities of the Sustainable Jersey Program since its inception during 2009, which it has consistently maintained to this date; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues and therefore created a public initiative titled: the 2019 Edison SJ Green Team Innovative PVSE Project; and

WHEREAS, no matching funds are required of the Township of Edison in order to participate in the 2019 Sustainable Jersey Gardinier Environmental Fund Grants Program; and

WHEREAS, the Municipal Council of the Township of Edison has determined that the Township of Edison should develop and submit a viable application to the 2019 Sustainable Jersey Gardinier Environmental Fund Grants Program in order to support local green/sustainable initiatives, such as the 2019 Edison SJ Green Team Innovative PVSE Project;

WHEREAS, the completed 2019 Edison SJ Green Team Innovative PVSE Project may also be eligible for points toward the Township of Edison's Silver Level Sustainable Jersey Certification.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, State of New Jersey, authorizes the development and submission of a viable application to the 2019 Sustainable Jersey Gardinier Environmental Fund Grants Program, for an amount not to exceed \$30,000.00, at a regularly-scheduled, combined Work Session and Public Meeting, on the evening of September 9, 2019.

Sustainable Jersey

The Sustainable Jersey Program is the product of a coalition of public and private organizations and agencies, throughout New Jersey, working together to identify the actions municipalities need to pursue in order to become green and sustainable, develop the guidance resources that will be needed in order to initiate such efforts, as well as to assist them to progress and build upon their successes. The Small Grants Program is one of many incentives provided to municipalities through Sustainable Jersey.

RESOLUTION R.475-092019

Explanation: A Resolution authorizing the grant of \$12,500. from the Township's Affordable Housing Emergency Repairs Program to New Jersey Institute for Disabilities for replacement of the roof at 785 New Dover Road (group home).

WHEREAS, by Resolution the Township Council approved, authorized and established an Emergency Repairs Program pursuant to N.J.A.C. 5:97-8.8(a), to assist eligible owner or rental property, sponsors of permanent supportive housing, shared living arrangements (group homes) and certain public housing units in the Township of Edison, to make eligible repairs/replacements to systems or items, that if neglected, pose threats to the health and/or safety of the current or prospective tenants, and committed \$500,000 from the Township's Affordable Housing Trust Fund for this purpose; and

WHEREAS, the Township Council also approved and adopted a Manual at that time for the Emergency Repairs Program in accordance with COAH's directives, which set forth the application process for applicants to comply with in order to participate in the Program and receive a grant for such repairs under the Program; and

WHEREAS, an application to participate in the Program was submitted by New Jersey Institute for Disabilities, was reviewed and deemed complete and in compliance with the Program requirements; and

WHEREAS, the Township Council desires to award a grant to New Jersey Institute for Disabilities for a roof replacement in the amount of \$12,500. for the purposes set forth herein under the Township's Emergency Repair Program and to authorize the execution of an Agreement between the Township and New Jersey Institute for Disabilities, with respect to such grant.

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

1. The Township Council hereby approves and authorizes a grant in the amount of \$12,500.00 from the Township's Affordable Housing Trust Fund with respect to the Township's Emergency Repairs Program, to New Jersey Institute for Disabilities for the 785 New Dover Road Group Home, for the purposes set forth herein and authorizes the execution of an Agreement with New Jersey Institute for Disabilities, 10A Oak Drive, Edison NJ 08837 with respect to such grant.
2. That an original certified copy of this resolution shall be forwarded to the Municipal Housing Liaison.

RESOLUTION R.476-092019

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
JESSICA TORRES FOR THE ABC PROGRAM**

WHEREAS Jessica Torres made payment in the amount of \$130.00 for her child Ava Torres' participation in the ABC Program at James Monroe School; and

WHEREAS the child was withdrawn from the program prior to attending; and

WHEREAS payment was already made.

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$130.00 to Jessica Torres, 18 Seventh St., Edison, NJ 08837 which represents the amount for the ABC Program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$130.00 are available in Account #9-01-55-0291-000-000.

RESOLUTION R.477-092019

EXPLANATION: This Resolution authorizes the Township Council to grant permission to Fireworks Extravaganza to discharge fireworks for the Indo American Festival DBA Dushahra Festival taking place on the grounds of Lake Papaanni, scheduled for October 5, 2019 with a rain date of October 12, 2019

WHEREAS, Fireworks Extravaganza has applied to the Township of Edison for a permit to discharge fireworks on October 5, 2019 with a rain date of October 12, 2019 for the Indo American Festival DBA Dushahra Festival taking place on the grounds of Lake Papaanni; and

WHEREAS, Fireworks Extravaganza has provided proof of insurance to the Township of Edison for the purpose of conducting a fireworks display; and

WHEREAS, under N.J.S.A. 21:3-3, the Chief of Police, the Chief of Fire, and the Fire Marshal having reviewed the application for the firework display, have determined that the discharge of fireworks does not pose a hazard to anyone's property and/or person(s).

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 Township Council does hereby grant permission for Fireworks Extravaganza to conduct a fireworks display on the evening of October 5, 2019
With a rain date of October 12, 2019 at approximately 8:00 p.m. on the grounds of Lake Papaanni in accordance with N.J.A.C. 5:70-2.7 (a)(5)(iii).
2. The Fire Marshal shall not issue the fireworks permit until **1.** A permit fee in the amount of \$427.00 is made payable to the Township of Edison pursuant to N.J.A.C. 5:70-2.9 (c)(3), **2.** Fireworks Extravaganza posts a bond and or proof of insurance of not less than \$2,500.00 conditioned for the payment of potential damages pursuant to N.J.S.A. 21:3-5 and **3.** Fireworks Extravaganza post an escrow in the amount of \$500.00 for legal review of fireworks application and expenses associated with drafting a resolution authorizing the Township Council to issue any such fireworks permit **4.** A fire engine is on standby at the shoot site prior, during, and after the show until the post shell inspection has been conducted.
3. The Chief of the Fire Department and or The Fire Marshal shall have full enforcement and over sight powers to ensure that all aspects of the fireworks display are handled in accordance with the requirement of law.
4. The Township Clerk of Edison Township is directed to forward a copy of this Resolution to Fireworks Extravaganza, the Fire Marshal's Office, Division of Fire, and Division of Police.

RESOLUTION R.478-092019

**RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT/PURCHASE ORDER TO THE
NEW JERSEY STATE ASSOCIATION OF CHIEFS OF POLICE FOR WRITTEN ENTRANCE
EXAMINATION FOR POLICE**

WHEREAS, quotes were solicited by the Township of Edison for Police written entrance exams; and

WHEREAS, NEW JERSEY STATE ASSOCIATION OF CHIEFS OF POLICE, 751 Route 73 North, Suite 12, Marlton, NJ 08053, submitted the lowest quote; and

WHEREAS, the amount of the contract shall not exceed \$20,000.00, and cannot be encumbered at this time; and

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

WHEREAS, prior to entering into a PO/contract, New Jersey State Association of Chiefs of Police, will have completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Edison in the previous one year, and that the contract will prohibit New Jersey State Association of Chiefs of Police, from making any reportable contributions through the term of the contract; 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)); and

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

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

1. The Mayor or his designee is hereby authorized to execute a contract/purchase order(s) and any other necessary documents, with NEW JERSEY STATE ASSOCIATION OF CHIEFS OF POLICE, 751 Route 73 North, Suite 12, Marlton, NJ 08053, in the amount not to exceed \$20,000.00 for police written entrance exams as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-2 et seq and 19:44A-20.5 et. seq, and without competitive bidding.
3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
4. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and

RESOLUTION R.479-092019

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER(S) TO WITMER PUBLIC SAFETY GROUP, INC. FOR THE FURNISHING OF FIREARM ACCESSORIES FOR THE TOWNSHIP OF EDISON

WHEREAS, there is a need to purchase rifle accessories for the Township of Edison; and

WHEREAS, WITMER PUBLIC SAFETY GROUP, INC., 104 Independence Way, Coatesville, PA 19320, has been awarded State Contract Number 17-FLEET-00767 under T-0106 Law Enforcement Firearms Equipment and Supplies; and

WHEREAS, the Township of Edison intends to enter into a contract/purchase order with WITMER PUBLIC SAFETY GROUP, INC for the purchase of Rifle Accessories in the amount not to exceed \$60,000.00;

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract; and

WHEREAS, the total amount of this contract not to exceed \$60,000.00, cannot be encumbered at this time; and

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/Purchase Order(s) in the amount not to exceed \$60,000.00 and any other necessary documents, with WITMER PUBLIC SAFETY GROUP, INC., 104 Independence Way, Coatesville, PA 19320, as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. 17-FLEET-00767 under T-0106.

RESOLUTION R.480-092019

WHEREAS, St. James Episcopal Church has requested a waiver of any and all permit and/or application fees for Electrical Work for restoring the Church at 2136 Woodbridge Avenue, Edison.

WHEREAS, under the building code, St. James Episcopal Church 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 for Electrical Work for restoring the Church except the DCA fee, due to the Township of Edison as a result of the application being submitted by St. James Episcopal Church at 2136 Woodbridge Avenue, Edison.

RESOLUTION R.481-092019

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO T. SLACK ENVIRONMENTAL SERVICES, INC. FOR THE FURNISHING OF MAINTENANCE AND REPAIR OF FUEL DISPENSING PUMPS AND FUEL STORAGE TANKS

WHEREAS, bids were received by the Township of Edison on July 16, 2019 for Public Bid No. 19-05-31-Maintenance and Repair of Fuel Dispensing Pumps and Fuel Storage Tanks; and

WHEREAS, T. SLACK ENVIRONMENTAL SERVICES, INC., 180 Market St., Kenilworth, NJ 07033, submitted the lowest legally responsible bid for various items of the bid as listed on the spreadsheet; and

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

WHEREAS, the amount of the first year and any succeeding renewal year shall not exceed \$65,000.00, cannot be encumbered at this time; and

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

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

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

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

1. All bids have been reviewed, and the bid submitted by T. SLACK ENVIRONMENTAL SERVICES, INC., 180 Market St., Kenilworth, NJ 07033 for Maintenance and Repair of Fuel Dispensing Pumps and Fuel Storage Tanks, is determined to be the lowest legally responsible bid for various items of the bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$65,000.00 for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents with T. SLACK ENVIRONMENTAL SERVICES, INC.

RESOLUTION R.482-092019

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

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

WHEREAS, the Resolution of the Municipal Council approving the Contract established a budget for legal services for calendar year 2019; and

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

WHEREAS, the Municipal Council desires to increase the amount available for legal services by an additional amount not to exceed \$35,000.00 and authorizes the payment to Special Labor Counsel for legal services under the Contract.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Budgeted Amount to be paid Special Labor Counsel for its legal services pursuant to the terms of the Contract is hereby increased by an amount not to exceed \$35,000.00. The Chief Financial Officer or its designee is hereby authorized to make payments to Special Labor Counsel under the Contract up to said amount.
3. The Mayor is hereby authorized to execute any amendments to the Contract to memorialize the increase of the Budgeted Amount, as may be required, in a form acceptable to the Township Attorney.
4. A certificate showing the availability of funds for the Contract will be provided by the Chief Financial Officer of the Township and is incorporated herein by reference indicating that the appropriation for the within expenditure is charged to the applicable accounts.
5. A copy of this Resolution and the Contract, and any amendments thereto, shall be available for public inspection at the offices of the Township Clerk.
6. This resolution shall take effect immediately.

RESOLUTION R.483-092019

WHEREAS, Our Lady of Peace Church has requested a waiver of any and all permit and/or application fees for Parish Center Boiler, Amboy Avenue, Edison.

WHEREAS, under the building code, Our Lady of Peace Church, 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 for Parish Center Boiler except the DCA fee, due to the Township of Edison as a result of the application being submitted by Our Lady of Peace Church, Amboy Avenue, Edison, NJ.

RESOLUTION R.484-092019

EXPLANATION: This resolution enables the Township of Edison to develop and submit a viable application to the Middlesex County Department of Planning Division of Solid Waste Management 2020 Municipal Recycling Enhancement Grant Program for a maximum amount of \$7,500.00 in awarded grant funds to support the design, purchase and installation of informational signage at the Township of Edison EDPW Municipal Recycling Centers.

WHEREAS, the Township of Edison desires to apply for and obtain a grant from the Middlesex County Department of Planning Division of Solid Waste Management 2020 Municipal Recycling Enhancement Grant Program to provide a maximum amount of \$7,500.00 in awarded grant funds to help support the design, purchase and installation of informational signage at Township of Edison Municipal Recycling Centers; and

WHEREAS, the signage purchased and installed at EDPW Recycling Centers with the support of 2020 MCDSWM MREG grant funds shall provide information and guidance to the public as to what items may be accepted and deposited for recycling, as well as those not considered recyclable to be disposed as trash; and

WHEREAS, the Township of Edison Municipal Recycling Centers assist the Edison Department of Public Works and Edison Department of Health and Human Services with their efforts to locally collect recyclable materials throughout the community that would otherwise enter the general waste stream, landfills and waterways of Edison and Middlesex County; and

WHEREAS, upon receipt of said grant award, the Township of Edison agrees to encumber any municipal funds needed in addition to those awarded by the Middlesex County Department of Planning Division of Solid Waste Management 2020 Municipal Recycling Enhancement Grant Program per the stated terms and conditions of the grant award agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby authorize the development and submission of a viable application for a maximum of \$7,500 of grant funds, according to the regulations and guidelines of the Middlesex County Department of Planning Division of Solid Waste Management 2020 Municipal Recycling Enhancement Grant Program, at a regularly-scheduled, combined Work Session/Public Meeting, on September 9, 2019.