

**AGENDA
MUNICIPAL COUNCIL
COMBINED MEETING
Wednesday, August 25, 2021
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, the Sentinel and Desai Talk on December 11, 2020 and posted in the Main Lobby of the Municipal Complex on the same date.
4. **REVIEW OF MINUTES:**
 - a. Combined Meeting of July 26, 2021
 - b. Special Meeting of July 29, 2021
5. **REPORTS FROM ALL COUNCIL COMMITTEES:**
6. **POINTS OF LIGHT**
7. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Resolution amending members of the Office Continuation of the Township of Edison Sustainable Jersey Green Team (Resolution R.394-082021)
 - b. Resolution authorizing a refund to Fran Bar Eli for Cobra Payments under the cobra American Rescue Act of 2021 (Resolution R.395-082021)
 - c. Resolution authorizing the Township of Edison to enter into NJEDGE Cooperative Pricing system ("Edgemarket") (Resolution R.410-082021)
 - d. Resolution Awarding Contract/Purchase Order to CDW Government Inc. through the Sourcewell National Co-op for the purchase of Various Technology Equipment, Supplies and Services. (not to exceed \$43,500.00) (Resolution R.411-082021)
 - e. Resolution Awarding Contract/Purchase Order to Lowers Home Centers, LLC for the furnishing of Building Supplies and related products (not to exceed \$95,000.00) (Resolution R.412-082021)
8. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through August 19, 2021 (Resolution R.388-082021)
 - b. Resolution authorizing refund in the amount of \$129,848.00 for redemption of tax sale certificates (Resolution R.389-082021)
 - c. Resolution authorizing refund for Tax Overpayments, totaling \$29,519.18 (Resolution R.390-082021)
 - d. Resolution authorizing overpayments refund caused by Successful Tax Court Appeal (Resolution R.391-082021)

- e. Resolution authorizes the settlement of Tax appeals filed by Edson Woods Commercial Associates, for Tax Years 2014 through 2021 (Resolution R.392-082021)
- f. Temporary Budget Appropriations (Resolution R.393-082021)
- g. Resolution authorizes the Township council to accept on behalf of the Township of Edison, the donation of \$30,000.00 from the Edison Arts Society (Resolution R.408-082021)
- h. Resolution authorizing a Professional Services Agreement with Millennium Strategies, LLC for Consulting Services to obtain FEMA, ARPA or other Disaster Recovery Grants for the Management and Administrative Professional Services in Seeking Emergency Appropriations. (\$25,000.00) (Resolution R.409-082021)

9. **FROM THE DEPARTMENT OF HEALTH:**

- a. Resolution authorizing acceptance of funding for Governor's Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2020-June 2025 (Resolution R.396-082021)

10. **FROM THE DEPARTMENT OF LAW:**

- a. Resolution authorizing and directing the execution of, and entry into, respective Grant and Conservation Restriction Agreements with the County of Middlesex with respect to the acquisition and conservation of the Shea Property within the Township.(Resolution R.442-082021)
- b. Resolution approving the Settlement Agreement and Release with Edison Industrial Building Limited Partnership. (Resolution R.443-082021)
- c. Ordinance authorizing acceptance of the dedication of a private road located on Block 415, Lot 61 in the Township pursuant to *N.J.S.A. 40:67-1, et seq.* (Ordinance O.2115-2021)

11. **FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**

- a. Resolution authorizing a grant of \$15,000 from the Township's Affordable Housing Down Payment/Closing Cost Affordability Assistance Program for the purchase of an *affordable* housing unit, 97 Liddle Avenue , by an income certified buyer. (Resolution R.404-082021)
- b. Resolution authorizes the release of \$100,000.00 from the Township's Affordable Housing Development Trust Fund to SERV Properties and Management, Inc. to be used for the purchase, due diligence, and closing costs of a Township property (57 Brookside Road) that will provide four (4) units of Supportive Shared Living housing (\$25,000.00 per unit).(Resolution R.405-082021)
- c. Resolution authorizing a subsidy grant of \$85,000 from the Township's Affordable Housing Market To Affordable Program for the purchase of a home, 10 Lincoln Avenue, from market rate to affordable. (Resolution R.406-082021)
- d. Resolution authorizing a grant of \$15,000 from the Township's Affordable Housing Down Payment/Closing Cost Affordability Assistance Program for the purchase of an *affordable* housing unit, 10 Lincoln Avenue, by an income certified buyer.(Resolution R.407-082021)

- e. Resolution authorizing the grant of certain funds from the Township's Affordable Housing Emergency Generator Program in the amount of \$13,369.00 to Triple C Housing, for the purchase and installation of an emergency generator at 21 Knapp Avenue (group home). (Resolution R.426-082021)
- f. Resolution authorizing the grant of certain funds from the Township's Affordable Housing Emergency Generator Program in the amount of \$12,017.00 to Triple C Housing, for the purchase and installation of an emergency generator at 65 Sturgis Road (group home). (Resolution R.427-082021)
- g. Resolution authorizing the grant of certain funds from the Township's Affordable Housing Emergency Repairs Program to Triple C Housing, Inc. for the replacement of two hot water heaters at 26 Market Street (group home) in the amount of \$2,685.00. (Resolution R.428-082021)
- h. Resolution authorizing the grant of certain funds from the Township's Affordable Housing Emergency Generator Program in the amount of \$13,870.00 to Triple C Housing, for the purchase and installation of an emergency generator at 915 Beatrice Parkway (group home) (Resolution R.429-082021)
- i. Resolutions refunding Engineering Inspections Fees (Resolution R.430-082021 though R.434-082021)
- j. Resolution Refunding Cash Performance Bond & Performance Guarantee to 343 Thornall SPEC LLC, c/o Mack Cali Realty, for 333-343 Thornall Street, Application# Z05-2017. (Resolution R.435-082021)
- k. Resolution Refunding Cash Performance and Performance Bond to Edison Route 27, LLC. Application # P10-2016 in Account # CP190516ED for Cash Performance and Performance Bond. (Resolution R.436-082021)
- l. Brandon Estates, 807-815 Wood Avenue, Markim Developers, LLC Block 500, Lots 9A, 9B & 10 Performance Bond Reduction & Cash Bond Reduction. (Resolution R.437-082021)
- m. This resolution provides for refund of Zoning Fees for 22 Netherwood Circle, Zoning Permit # 5942 (Resolution R.438-082021)
- n. Resolution provides for refund of a permit for Tank Removal, posted for a residential construction permit at 4 Hull Dr. by Anita Lam (Resolution R.439-082021)
- o. Resolution provides for refund of the construction permit fee, less the DCA fee & Review fee & update fee posted for a residential addition to 36 Walsh Ave, Edison NJ 08837 (Resolution R.440-082021)
- p. This resolution provides for refund of the construction permit fee, less the DCA fee posted for a residential senior application for Richard F. Mc Elhiney of 126 Moretti Lane, Edison, NJ 08817 (Resolution R.441-082021)
- q. Ordinance established Parking Prohibitions (No Parking) on certain road segments of roadways as described, specifically the establishment of No Parking areas along Evergreen Road, Hoover Avenue and Morse. (Ordinance O.2116-2021)

12. FROM THE DEPARTMENT OF PUBLIC WORKS:

- a. Resolution to release Street Opening Escrow (Resolution R.403-082021 & R.444-082021)

- b. Resolution Awarding a Contract for Public Bid No. 21-12-07 Elevator Maintenance and repair to Atlas Elevator, Inc., (not to exceed \$20,000.00 1st year- 2nd year not to exceed \$22,000.00) (Resolution R.415-082021)
 - c. Resolution awarding Contract for Public Bid No. 21-02-05 HVAC to Unitemp, Inc. for the furnishing of HVAC Maintenance and repair for various Municipal Buildings. (not to exceed \$250,000.00) (Resolution R.416-082021)
 - d. Resolution authorizing Change Order #1 (Additional Funds) for the furnishing of HVAC Maintenance and Repair for Various Township Buildings to A.M.E., Inc. (not to exceed \$38,000.00) (Resolution R.417-082021)
 - e. Resolution authorizing Change Order #1 (Additional Funds) for Automotive Parts and Accessories Contract with Genuine Parts Company (not to exceed \$23,000.00) (Resolution R.418-082021)
 - f. Resolutions Awarding of Contracts for Public Bid No.21-06-20 Lubricants, Fluids and Antifreeze (3 Vendors – not to exceed \$100,000.00.) (Resolution R.419-082021 through R.421-082021)
13. **FROM THE DEPARTMENT OF RECREATION:**
- a. Resolutions authorizing a reimbursement for the ABC Program (Resolution R.398-082021 & R.399-082021)
14. **FROM THE DEPARTMENT OF WATER AND SEWER:**
- a. Resolution authorizing the purchase of One (1) 2022 Ford F350 4WD Pickup with options from the United Ford, LLC through the Education Services Commission of New Jersey Cooperative Pricing System (\$34,417.28) (resolution R.422-082021)
 - b. Resolution authorizing the purchase of Two (2) 2022 Ford F250 4WD Pickups with options from United Ford, LLC through the Education Services commission of New Jersey cooperative Pricing system (\$64,450.30) (Resolution R.423-082021)
 - c. Resolution authorizing the purchase of One (1) New and Unused 2021 or Newer Vactor Sewer Cleaner Vacuum system Heavy Duty Truck with options from Jack Doheny Company, Inc. through the Sourcewell National Co-op (\$415,673.39) (Resolution R.424-082021)
 - d. Resolution Awarding Contract for Public Bid No. 21-06-23R Pump Station Repairs to Rapid Pump & Meter Services Co., Inc. (\$2,000,000.00) (Resolution R.425-082021)
15. **FROM THE CHIEF OF FIRE:**
- a. Approval of Volunteer Fire Fighter
 - b. Resolution authorizes the Township Council to grant permission to Starfire Corporation, to discharge fireworks for an Labor Day Celebration taking place on the grounds of the Plainfield Country Club located at 1591 Woodland Avenue, Edison, NJ 08820, Scheduled for September 3, 2021 with a rain date of September 4, 2021.(Resolution R.397-082021)
 - c. Resolution Awarding Contract for Public Bid No.21-06-18 Fire Pumper to Spartan Fire, LLC for the purchase of One (1) 2021 or newer Fire Pumper Truck (\$624,995.00) (Resolution R.413-082021)

- d. Resolution Award of a Non-Fair and Open Contract to Clean Air Company for the repair and/or addition of the Plymovent Vehicle Exhaust Systems for Fire Stations (not to exceed \$30,000.00) (Resolution R.414-082021)
- 16. **FROM THE CHIEF OF POLICE:**
 - a. Resolution Drive Sober or get pulled over 2021 Labor Day Crackdown Grant Approval (Resolution R.401-082021)
 - b. Resolution authorizing the acceptance of the SFY21 Body-Worn Camera Grant Award in the amount of \$370,916.00. (Resolution R.402-082021)
- 17. **FROM THE TOWNSHIP CLERK:**
 - a. Resolution regarding the Annual Report of Audit for year ending December 31, 2020 (Resolution R.400-082021)
- 18. **FROM THE COUNCIL MEMBER TO THE PLANNING BOARD:**
- 19. **UNFINISHED BUSINESS:
ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING, AND
FINAL ADOPTION:**
 - O.2111-2021** **An Ordinance adopting the EPA/GSA Redevelopment Plan – Block 390, Lot 54 and Block 394, Lot 2 (also known as EPA-GSA Redevelopment Area) in the Township, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.**
 - O.2113-2021** **Ordinance clarifying and restating an amendment to the Township Code Chapter 14, “Building and Construction,” to require new and modified developments include Electric Vehicle Charging Stations, unless such provision is specifically waived.**
 - O.2114-2021** **Ordinance amending the Township Code Chapter 19-1, entitled “Streets and Sidewalks,” setting forth requirements to seal roadway cracks where new pavement meets existing roadway pavement.**
- 20. **DISCUSSION ITEMS:**
 - Council President Diehl**
 - a. None
 - Councilmember Brescher**
 - a. None
 - Councilmember Coyle**
 - a. None

Councilmember Gomez

a. None

Councilmember Joshi

a. None

Councilmember Patil

a. None

Councilmember Ship-Freeman

a. None

21. **CLOSED SESSION:**

a. Personnel Matter

22. **APPROVAL OF MINUTES:**

a. Combined Meeting of July 26, 2021

b. Special Meeting of July 29, 2021

23. **APPROVAL OF VOLUNTEER FIREFIGHTER**

Oak Tree Volunteer Fire Company

Bret M. Sklar

24. **COUNCIL PRESIDENT'S REMARKS**

25. **UNFINISHED BUSINESS:**

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

O.2111-2021 **An Ordinance adopting the EPA/GSA Redevelopment Plan – Block 390, Lot 54 and Block 394, Lot 2 (also known as EPA-GSA Redevelopment Area) in the Township, pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.***

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O.2114-2021 **Ordinance amending the Township Code Chapter 19-1, entitled “Streets and Sidewalks,” setting forth requirements to seal roadway cracks where new pavement meets existing roadway pavement.**

26. NEW BUSINESS:

PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR WEDNESDAY, SEPTEMBER 8, 2021.

O.2115-2021 **Ordinance authorizing the acceptance of the dedication of a private road located on Block 415, Lot 61 in the Township pursuant to N.J.S.A. 40:67-1, et seq.**

O.2116-2021 **Ordinance establishes Parking Prohibitions (No parking) on certain road segments of roadways as described, specifically the establishment of No Parking areas along Evergreen Road, Hoover Avenue, & Morse.**

27. PUBLIC COMMENT ON THE RESOLUTIONS

28. 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.388-082021 Resolution approving disbursements for the period ending, August 19, 2021

R.389-082021 Resolution authorizing refund in the amount of \$129,848.00 for redemption of tax sale certificates.

R.390-082021 Resolution authorizing refund of tax overpayments, totaling \$29,519.18.

R.391-082021 Resolution authorizing overpayments refund caused by Successful Tax Court Appeal totaling \$75,281.45.

R.392-082021 Resolution authorizes the settlement of Tax appeals filed by Edson Woods Commercial Associates, for Tax Years 2014 through 2021.

R.393-082021 Temporary Budget Appropriations

R.394-082021 Resolution amending members of the Office Continuation of the Township of Edison Sustainable Jersey Green Team.

R.395-082021 Resolution authorizing a refund to Fran Bar Eli for Cobra Payments under the cobra American Rescue Act of 2021.

R.396-082021 Resolution authorizing acceptance of funding for Governor’s Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2020-June 2025.

R.397-082021 Resolution authorizes the Township Council to grant permission to Starfire Corporation, to discharge fireworks for an Labor Day Celebration taking place on the grounds of the Plainfield Country Club located at 1591 Woodland Avenue, Edison, NJ 08820, Scheduled for September 3, 2021 with a rain date of September 4, 2021.

- R.398-082021 Resolution authorizing a reimbursement for the ABC Program to Sridhar Chevendra in the amount of \$340.00.
- R.399-082021 Resolution authorizing a reimbursement for the ABC Program to Shifang Zhu in the amount of \$190.00.
- R.400-082021 Resolution regarding the Annual Report of Audit for year ending December 31, 2020,
- R.401-082021 Resolution Drive Sober or get pulled over 2021 Labor Day Crackdown Grant Approval.
- R.402-082021 Resolution authorizing the acceptance of the SFY21 Body-Worn Camera Grant Award in the amount of \$370,916.00.
- R.403-082021 Resolution to release Street Opening Escrow for Permit DEV-21-0352, 20 Baltic St. aka, Blk. 679.A, Lot 6 in the amount of \$1,600.00
- R.404-082021 Resolution authorizing a grant of \$15,000 from the Township's Affordable Housing Down Payment/Closing Cost Affordability Assistance Program for the purchase of an *affordable* housing unit, 97 Liddle Avenue, by an income certified buyer.
- R.405-082021 Resolution authorizes the release of \$100,000.00 from the Township's Affordable Housing Development Trust Fund to SERV Properties and Management, Inc. to be used for the purchase, due diligence, and closing costs of a Township property (57 Brookside Road) that will provide four (4) units of Supportive Shared Living housing (\$25,000.00 per unit).
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- R.408-082021 Resolution authorizes the Township council to accept on behalf of the Township of Edison, the donation of \$30,000.00 from the Edison Arts Society.
- R.409-082021 Resolution authorizing a Professional Services Agreement with Millennium Strategies, LLC for Consulting Services to obtain FEMA, ARPA or other Disaster Recovery Grants for the Management and Administrative Professional Services in Seeking Emergency Appropriations. (\$25,000.00)
- R.410-082021 Resolution authorizing the Township of Edison to enter into NJEDGE Cooperative Pricing system ("Edgemarket")
- R.411-082021 Resolution Awarding Contract/Purchase Order to CDW Government Inc. through the Sourcewell National Co-op for the purchase of Various Technology Equipment, Supplies and Services in an amount not to exceed \$43,500.00.
- R.412-082021 Resolution Awarding Contract/Purchase Order to Lowers Home Centers, LLC for the furnishing of Building Supplies and related products in an amount not exceed \$95,000.00.

- R.413-082021 Resolution Awarding Contract for Public Bid No.21-06-18 Fire Pumper to Spartan Fire, LLC for the purchase of One (1) 2021 or newer Fire Pumper Truck in the amount of \$624,995.00.
- R.414-082021 Resolution Award of a Non-Fair and Open Contract to Clean Air Company for the repair and/or addition of the Plymovent Vehicle Exhaust Systems for Fire Stations in an amount not to exceed \$30,000.00.
- R.415-082021 Resolution Awarding a Contract for Public Bid No. 21-12-07 Elevator Maintenance and repair to Atlas Elevator, Inc., not to exceed \$20,000.00 1st year- 2nd year not to exceed \$22,000.00.
- R.416-082021 Resolution awarding Contract for Public Bid No. 21-02-05 HVAC to Unitemp, Inc. for the furnishing of HVAC Maintenance and repair for various Municipal Buildings in an amount not to exceed \$250,000.00.
- R.417-082021 Resolution authorizing Change Order #1 (Additional Funds) for the furnishing of HVAC Maintenance and Repair for Various Township Buildings to A.M.E., Inc. in an amount not to exceed \$38,000.00
- R.418-082021 Resolution authorizing Change Order #1 (Additional Funds) for Automotive Parts and Accessories Contract with Genuine Parts Company in an amount not to exceed \$23,000.00.
- R.419-082021 Resolution Awarding of Contract for Public Bid No.21-06-20 Lubricants, Fluids and Antifreeze to Lubenet, LLC in an amount not to exceed \$50,000.00.
- R.420-082021 Resolution Awarding of Contract for Public Bid No.21-06-20 Lubricants, Fluids and Antifreeze to David Weber Oil in an amount not to exceed \$20,000.00.
- R.421-082021 Resolution Awarding of Contract for Public Bid No.21-06-20 Lubricants, Fluids and Antifreeze to Petro Choice, LLC in an amount not to exceed \$30,000.00.
- R.422-082021 Resolution authorizing the purchase of One (1) 2022 Ford F350 4WD Pickup with options from the United Ford, LLC through the Education Services Commission of New Jersey Cooperative Pricing System in the amount of \$34,417.28.
- R.423-082021 Resolution authorizing the purchase of Two (2) 2022 Ford F250 4WD Pickups with options from United Ford, LLC through the Education Services commission of New Jersey cooperative Pricing system in the amount of \$64,450.30.
- R.424-082021 Resolution authorizing the purchase of One (1) New and Unused 2021 or Newer Vactor Sewer Cleaner Vacuum system Heavy Duty Truck with options from Jack Doheny Company, Inc. through the Sourcewell National Co-op in the amount of \$415,673.39.
- R.425-082021 Resolution Awarding Contract for Public Bid No. 21-06-23R Pump Station Repairs to Rapid Pump & Meter Services Co., Inc. in an amount not to exceed \$2,000,000.00.
- R.426-082021 Resolution authorizing the grant of certain funds from the Township's Affordable Housing Emergency Generator Program in the amount of \$13,369.00 to Triple C Housing, for the purchase and installation of an emergency generator at 21 Knapp Avenue (group home).

- R.427-082021 Resolution authorizing the grant of certain funds from the Township's Affordable Housing Emergency Generator Program in the amount of \$12,017.00 to Triple C Housing, for the purchase and installation of an emergency generator at 65 Sturgis Road (group home).
- R.428-082021 Resolution authorizing the grant of certain funds from the Township's Affordable Housing Emergency Repairs Program to Triple C Housing, Inc. for the replacement of two hot water heaters at 26 Market Street (group home) in the amount of \$2,685.00.
- R.429-082021 Resolution authorizing the grant of certain funds from the Township's Affordable Housing Emergency Generator Program in the amount of \$13,870.00 to Triple C Housing, for the purchase and installation of an emergency generator at 915 Beatrice Parkway (group home).
- R.430-082021 Resolution refunding Engineering Inspections Fees to Federal Business Center for 1130 King George Post Road, Blk., 390C, Lot 24, Application P7-2018, Acct. #E11/81203FE.
- R.431-082021 Resolution refunding Engineering Inspections Fees to Edison Route 27, LLC for Application P10-2016, 2147 Lincoln Highway, Blk. 124 Lot 23.01 in Acct. #E1190516ED
- R.432-082021 Resolution refunding Engineering Inspections Fees to 343 Thornall SPEC, LLC, for 333-343 Thornall Street, Blk. 676, Lots; 2.A3 & 6 Acct. #E1180252634
- R.433-082021 Resolution refunding Engineering Inspections Fees to Edison Route 27 Associates, LLC, for Petsmart & Triple A, 2220-2230 Lincoln Highway, Blk. 383 Lot 13.01, Acct. # 720002513.
- R.434-082021 Resolution refunding Engineering Inspections Fees to Rawson Food Services, Inc. for Wendy's , 730 Route 1 Blk. 182.A, Lot 9.A2, Acct. #E1190516RA.
- R.435-082021 Resolution Refunding Cash Performance Bond & Performance Guarantee to 343 Thornall SPEC LLC, c/o Mack Cali Realty, for 333-343 Thornall Street, Application# Z05-2017.
- R.436-082021 Resolution Refunding Cash Performance and Performance Bond to Edison Route 27, LLC. Application # P10-2016 in Account # CP190516ED for Cash Performance and Performance Bond
- R.437-082021 Brandon Estates, 807-815 Wood Avenue, Markim Developers, LLC Block 500, Lots 9A, 9B & 10 Performance Bond Reduction & Cash Bond Reduction.
- R.438-082021 This resolution provides for refund of Zoning Fees for 22 Netherwood Circle, Zoning Permit # 5942.
- R.439-082021 Resolution provides for refund of a permit for Tank Removal, posted for a residential construction permit at 4 Hull Dr. by Anita Lam.
- R.440-082021 Resolution provides for refund of the construction permit fee, less the DCA fee & Review fee & update fee posted for a residential addition to 36 Walsh Ave, Edison NJ 08837.
- R.441-082021 This resolution provides for refund of the construction permit fee, less the DCA fee posted for a residential senior application for Richard F. Mc Elhiney of 126 Moretti Lane, Edison, NJ 08817.

- R.442-082021 Resolution authorizing and directing the execution of, and entry into, respective Grant and Conservation Restriction Agreements with the County of Middlesex with respect to the acquisition and conservation of the Shea Property within the Township.
- R.443-082021 Resolution approving the Settlement Agreement and Release with Edison Industrial Building Limited Partnership.
- R.444-082021 Resolution to release Street Opening Escrow, Permit # DEV-20-0298, 28 Montview Road, Blk.1200, Lot 8, in the amount of \$600.00.

29. **ORAL PETITIONS AND REMARKS**

30. **ADJOURNMENT**

ORDINANCE O.2111-2021

EXPLANATION: An Ordinance adopting the EPA/GSA Redevelopment Plan – Block 390, Lot 54 and Block 394, Lot 2 (also known as EPA-GSA Redevelopment Area) in the Township, 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 “**Municipal Council**”) of the Township of Edison (the “**Township**”), by way of Resolution R.651-112019, authorized and directed the planning board of the Township (the “**Planning Board**”) to conduct a preliminary investigation of the property identified on the tax maps of the Township as Block 390, Lot 54 and Block 394, Lot 2 (the “**Study Area**”), and to determine whether the Study Area meets the criteria as an area in need of redevelopment, pursuant to Section 14 of the Redevelopment Law, *N.J.S.A. 40A:12A-5*; and

WHEREAS, on August 31, 2020, 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 Municipal 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 October 14, 2020, the Municipal Council considered the Planning Board’s recommendation and adopted Resolution R.564-102020, designating the Study Area as an area in need of redevelopment (non-condemnation) (the Study Area hereinafter referred to as the “**Redevelopment Area**”); and

WHEREAS, by commission of the Municipal Council, Bignell Planning Consultants, Inc. prepared a redevelopment plan for the Redevelopment Area entitled the “EPA/GSA Redevelopment Plan” (the “**Redevelopment Plan**”); and

WHEREAS, pursuant to Resolution R.191-042021, adopted April 14, 2021, the Municipal Council referred 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; and

WHEREAS, on June 21, 2021 the Planning Board reviewed the Redevelopment Plan and adopted a resolution recommending its adoption; and

WHEREAS, upon review of the Planning Board's recommendation of the Redevelopment Plan, the Municipal Council has determined to adopt the Redevelopment Plan, in the form attached hereto as Exhibit A, to ensure the success of redevelopment within the Redevelopment Area in conformity with the Township's redevelopment objectives.

NOW, THEREFORE, BE IT ORDAINED by the Municipal 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. The Redevelopment Plan, attached hereto as Exhibit A, is hereby adopted pursuant to the terms of *N.J.S.A. 40A:12A-7*, and supersedes the existing land development regulations of the Township for the Redevelopment Area.

Section 3. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Township Clerk during regular business hours.

Section 4. This Ordinance shall take effect in accordance with all applicable laws.

ORDINANCE O.2113-2021

EXPLANATION: An Ordinance clarifying and restating an amendment to the Township Code Chapter 14, “Building and Construction,” to require new and modified developments include Electric Vehicle Charging Stations, unless such provision is specifically waived.

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

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

WHEREAS, electric vehicles contribute to the Township’s commitment to sustainability and are in the interest of public welfare; and

WHEREAS, proliferation of electric charging stations encourage electric vehicle adoption; and

WHEREAS, the Township encourages greater ownership and use of electric vehicles, and thereby desired to amend Chapter 14, “Building and Construction,” of the Code; and

WHEREAS, pursuant to Ordinance O.2084-2020, adopted October 28, 2020, the Township sought to require new and modified developments include electric vehicle charging stations, unless such provision is specifically waived; and

WHEREAS, to ensure the Township Planning Board (the “**Planning Board**”) retains jurisdiction, such developmental regulations must be referred by the Municipal Council of the Township (“**Municipal Council**”) to the Planning Board, pursuant to the Municipal Land Use Law (the “**MLUL**”); and

WHEREAS, the Municipal Council desires to clarify its prior actions with respect to the adoption of O.2084-2020 and refer to the Planning Board, as required by the MLUL, prior to conducting a hearing on the restated Ordinance; and

WHEREAS, the Municipal Council has determined to clarify and restate Chapter 14 of the Code to read as follows:

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

Section 14-7 Electric Vehicle Charging Stations In New And Modified Developments

Required.

a. Definitions. As used in this section, the following terms shall have the meanings indicated:

Electric vehicle. A vehicle that includes (a) a battery electric vehicle; and (2) a plug-in hybrid electric vehicle.

Electric vehicle charging station. A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

b. Electric vehicle charging equipment (EVCE) and electric vehicle charging stations (EVCS) shall be considered permitted accessory uses in all zoning districts. Electric vehicle charging equipment and electric vehicle charging stations shall be permitted accessory uses in all zoning districts of the Township of Edison, subject to the limitation that an electric vehicle charging station located on the property of a one- to four-family home shall not be made available for use of the general public.

c. EVCE shall be permitted in a front yard area, subject to meeting all other setback requirements.

d. Each EVCS space shall count as two required parking spaces for purposes of zoning compliance.

e. Each EVCS shall provide unobstructed access to the EVCE and shall contain signage indicating that vehicles parked in the EVCS space shall be connected to the EVCE.

f. One of the first two EVCS shall be an accessible space designed to meet the requirements for accessible parking spaces, but shall not be restricted to handicapped drivers.

g. The following requirements to provide electric vehicle charging stations shall apply to all new site plans and all site plans coming before either the Planning Board or the Board of Adjustment for substantial modifications to a previously approved preliminary or final site plan approval. A revised site plan shall be considered a substantial modification if there is any significant alteration in the layout of the buildings, public or private roadways, parking aisles or parking lots from that which was previously approved by the applicable Board.

1. All developments of three or more single-family units and condominium units that are assigned a specific garage for the parking of their motor vehicle shall provide a 240-volt electric outlet in the garage in order to accommodate Level 2 electric vehicle charging equipment.

2. The use groups specified below shall provide either Level 2 EVCE with a minimum output rate of 7.2 kilowatts per hour or DC fast charging stations in the common parking areas in an amount equal to 3% of the required number of parking spaces, subject to a minimum of two EVCS per location. In addition, appropriately sized electrical conduit shall be installed to additional spaces in order to allow for future expansion of the number of EVCS to 7% of the required number of parking spaces. These additional EVCS shall be installed within six months of

notification by the Township that the number of plug-in electric vehicles sold in the state annually exceeds 100,000 vehicles based upon figures provided by the New Jersey Department of Environmental Protection Bureau of Mobile Sources.

(a) All apartment complexes, townhouse complexes, condominium complexes and cooperative complexes in excess of 20 residential units that do not provide individual garages for parking of vehicles.

(b) All office developments and warehouse developments in excess of 20,000 square feet of office, warehouse or other useable space.

(c) All hotels and motels in excess of 50 guest rooms.

(d) All large retail establishments referred to as "big box stores," grocery stores, and other retail establishments in excess of 10,000 square feet, as well as all gymnasiums and health clubs in excess of 10,000 square feet.

(e) All restaurants not classified as a "drive-in restaurant" in excess of 2,000 square feet.

(f) All movie theatres, roller skating rinks, commercial recreation establishments, mechanical amusement game rooms and other places of assembly.

3. The use groups specified below shall provide two EVCS in the common parking area, consisting of either DC fast charging stations or Level 2 EVCS with a minimum output rate of 15 kilowatts per hour.

(a) All automobile service stations that include a convenience store in excess of 4,000 square feet.

(b) All drive-in restaurants in excess of 2,000 square feet.

4. Each electric vehicle charging station space shall be not less than 9 feet wide or 18 feet in length. Where feasible, a vehicle charging station should comply with ADA standards.

5. Public electric vehicle charging stations are reserved for parking and charging electric vehicles only. It shall be unlawful for any person to park or leave standing a vehicle in a space designated for the charging of plug-in electric vehicles unless the vehicle is connected for charging purposes and actively charging. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

6. Charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a retraction device and/or a place to hang permanent cords and connectors a sufficient and safe distance above the ground or pavement surface. Equipment mounted on pedestals, lighting posts,

or other devices shall be designated and located so as not to impede pedestrian travel or create trip hazards.

... [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 clarifies and restates Chapter 14 of the Code, entitled “Building and Construction” to as set forth herein.
3. Upon introduction of the within Ordinance, the Township Clerk is directed to provide a copy to the Planning Board for its review and comment prior to the Municipal Council conducting a hearing on the restated Ordinance.
4. It is the intent of the Municipal Council to incorporate the amendments contained in this Ordinance, as amended by O.2084-2020, into the Code. All of the remaining provisions in Chapter 14 of the Code shall remain unchanged and have full force and legal effect.
5. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
6. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
7. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

ORDINANCE O.2114-2021

EXPLANATION: An Ordinance amending the Township Code Chapter 19-1, entitled “Streets and Sidewalks,” setting forth requirements to seal roadway cracks where new pavement meets existing roadway pavement.

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

WHEREAS, the Township’s Code of General Ordinances (“**Code**”) currently sets forth regulations for street excavation and roadway repair; and

WHEREAS, the Township desires to set forth additional requirements to ensure the safety of its roadways; and

WHEREAS, the Municipal Council of the Township (“**Municipal Council**”) has determined to amend Chapter 19-1 of the Code to set forth specific requirements for sealing cracks in the roadway; and

WHEREAS, the Municipal Council has determined to amend Chapter 19-1 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

§ 19-1. STREET EXCAVATIONS AND OCCUPATION.

Prior ordinances: 1999 Code §§ 12.04.010 — 12.04.120.

§ 19-1.1. Permit Required. [Ord. No. O.1999-2018]

- a. No person (defined to mean any corporation, company, association, firm, partnership or individual) shall make an excavation in or tunnel under any street for the laying of gas, water or sewer or for any other purpose without first obtaining a permit from the Director of the Department of Public Works.
- b. A tunnel or excavation may be commenced without a permit where an emergency has arisen which makes it necessary to start work immediately, provided that the application for permit shall be retroactive to the date on which the work was begun and that the Police Department and the Department of Public Works be notified before work commences. The permit shall be applied for within 24 hours of the known emergency or on the next business day, whichever is more practical.
- c. The Director of the Department of Public Works or the Township Engineer shall be notified within 24 hours of a road opening for an

emergency situation. If a road opening commences on a Saturday or Sunday as a result of emergency work, the Police Department shall be notified prior to the start of work, and the Director of the Department of Public Works or the Township Engineer shall be notified on the morning of the first business day thereafter.

- d. No person shall encumber or obstruct any street or public place in the Township of Edison by placing therein or thereon any building materials or any articles whatsoever without first obtaining the written permission from the Director of Public Works.
- e. The Director of Public Works shall have the power to grant permits to builders and others to occupy space not to exceed one-third ($1/3$) of the width of a vehicular lane of any street with building material if, in his opinion, the public interest or inconvenience will not suffer thereby. The fee for a permit to occupy the street shall be seventy-five (\$75.00) dollars.
- f. The Director of the Department of Public Works [supervisor of the Division of Licenses and Permits may issue permits to municipal public bodies without fee.

§ 19-1.2. Application. [Ord. No. O.1999-2018]

- a. Applications for a permit shall be made to the Director of the Department of Public Works and shall contain the following information:
 - 1. The name and address of the applicant;
 - 2. The name of the street where the opening is to be made and the street number, if any, of the abutting property;
 - 3. The nature of the surface in which the opening is to be made (whether sewer, water or gas and whether new construction or the repair of an existing street);
 - 4. The character and purpose of the work proposed;
 - 5. The date when the work is to be commenced and date when work is to be completed.
 - 6. A plan or sketch in proper scale indicating the size and location of the proposed opening(s) which shall include:
 - (a) The distance in feet from the nearest intersection and from the nearest curblin;
 - (b) The dimensions of the opening including length and width; and
 - (c) The type of pavement or surface to be opened.

7. Any applicant for a permit shall provide to the Township proof of general liability insurance coverage
 8. A utility mark-out within the area affected
 9. Traffic Control Plan
 10. A written agreement to completely restore the area affected within a specified number of calendar days after the first disruption thereof to the condition it was in at the time it was first completed. The selected period of time is subject to the approval of the Director of the Department of Public Works and the Township Engineer.
- b. Each application shall state the identity and address of the applicant, the party responsible for performing such construction, the location where the excavation or tunnel is to be made, the dimensions of the opening and the date when the work is to be commenced and completed.
 - c. The Department of Public Works shall issue a permit to the applicant when it determines that (i) the necessary documents are acceptable in form and substance, (ii) the applicant has paid the review and inspection fee, (iii) the applicant has posted sufficient security, (iv) the applicant has satisfied all other requirements applicable to the issuance of permits in the Township of Edison.

§ 19-1.3. Fees and Deposits. [Ord. No. O.1999-2018]

- a. An administrative application fee must be paid in the form of a check or money order when the application is made. The applicant shall be charged an administrative application fee of two hundred (\$200.00) dollars for each permit.
- b. A deposit must be paid in form of a check or money order when the application is made. For each opening made in any unimproved street, street paved with macadam, street paved with reinforced concrete, or any similar type of finished pavement, or tunneling the applicant shall be charged twenty (\$20.00) dollars per square foot or portion thereof; minimum charge, two hundred (\$200.00) dollars in the Township's escrow account maintained by the Chief Financial Officer. There shall be filed with the posted security a written consent that if the restoration work is not completed by the date specified then the Township may retain a private contractor to perform the restoration work and draw upon the security to the contractor. Security shall be returned upon final inspection.
- c. In the event that any person shall make an application for a permit after the excavation shall have been made or the tunneling operation shall have been performed, the administrative application fee shall be increased to

five hundred (\$500.00) dollars.

- d. The deposit shall be retained by the Township for the duration of one (1) year after the surface has been restored. Refunds of deposits will be made upon satisfactory completion of street opening restoration.
- e. Qualified Utilities.
 - 1. Qualified utilities shall be exempt from the individual permit schedule but must notify the Department of Public Works before any excavations are made. In lieu of individual permits, a company/security bond shall serve as a guaranty of fee payments. Such bonds shall have a duration of one (1) year.
 - 2. Qualified utilities are defined as utilities regulated by New Jersey Board of Regulatory Commissions.
 - 3. Qualified utilities shall make payment to the Director of the Department of Public Works on a quarterly basis for all permits obtained in the preceding quarter.
- f. Indemnification.
 - 1. Every permittee, as a condition of accepting any permit issued hereunder, shall save and hold harmless the Township of Edison and indemnify the Township of Edison, its officials, agents, servants and employees for and against any and all loss, damage, claim, expense or demand whatsoever arising out of any matter or resulting from the opening or excavation of any street and the issuance of a permit therefor as provided in this section.
 - 2. Notice of Failure to Make Progress. If the permittee, in installing the permanent pavement shall fail to make progress satisfactory to the Director of the Department of Public Works, the Township may give written notice of such failure to the permittee. If, within twenty (20) days after the receipt of such notice, the permittee shall fail to make progress at a rate satisfactory to the Superintendent of the Department of Public Works, the Township shall have the right to complete the installation of such pavement, in which event the permittee shall be charged for the cost thereof at the rate the Township is billed by the contractor who performs the work, or at the rate it costs the Township to perform such work itself, which charges shall be billed after the receipt of the bill therefore.

§ 19-1.4. Additional Deposits. [Ord. No. O.1999-2018]

If the Department of Public Works determines that an excavation for which a permit has been issued is of greater dimensions than those stated in the permit,

the Department of Public Works shall notify the permittee that an additional deposit shall be required.

§ 19-1.5. Insurance. [Ord. No. O.1999-2018]

- a. No permit shall be issued until the applicant has furnished the Director of the Department of Public Works with satisfactory proof that he or she is insured against injury to persons and damage to property caused by any act or mission of the applicant, his or her agents, employees or subcontractors done in the course of the work to be performed under the permit. The insurance shall cover all hazards likely to arise in connection with the work, including but not limited to collapse and explosion, and shall also insure against liability arising from completed operations. The limits of the policy of insurance shall be two hundred fifty thousand (\$250,000.00) dollars for injury to any one (1) person, five hundred thousand (\$500,000.00) dollars for injuries to more than one (1) person in the same accident and an aggregate of one hundred thousand (\$100,000.00) dollars for property damage for a single incident.
- b. Qualified utilities, as defined under subsection 19-1.3e2, shall be exempt from this subsection, provided that proof of liability insurance is on file with the Department of Public Works.

§ 19-1.6. Rules and Regulations for Excavations. [Ord. No. O.1999-2018]

All permits issued under this section shall be subject to the following rules and regulations:

- a. All excavations shall be kept properly barricaded at all times and, during the hours of darkness, shall be provided with proper warning lights. This regulation shall not excuse the permittee from taking any other precaution reasonably necessary for the protection of persons or property.
- b. All work shall be done in such manner as to cause a minimum of interference with travel on the street affected. No street shall be closed to traffic unless the closing is approved by the Department of Public Works. It shall be the responsibility of the Department of Public Works to notify the Department of Public Safety of any such street closing. The Department of Public Works shall be informed of all street closings at least twenty-four (24) hours in advance when practical.
- c. The Department of Public Works may, upon application by the permittee, extend the time limit during which the permit shall be valid.
- d. If the Department of Public Works or Engineering Department

determines that any backfilled excavation has settled or caved in, it shall so notify the permittee, who shall promptly continue backfilling with the materials specified until the Department of Public Works or Engineering Department determines that settlement is complete.

- e. If blasting is required to be done in the course of any excavation, it shall be done in strict compliance with all applicable State laws and regulations.
- f. Utilities shall notify the Department of Public Works a minimum of one (1) week in advance of scheduled street openings.
- g. Street openings shall be straight cut by saw/jackhammer.
- h. All work shall be done in accordance with Edison Township standard details and specifications.
- i. Permittee and owners of underground facilities shall comply with the State of New Jersey's standards relating to construction, excavation and demolition operations at or near underground facilities.
- j. Permittees shall take the precautions necessary to protect such pipes, mains, conduits, and other appurtenances at their own expense.
- k. All work shall be done in accordance with the specifications and provisions of the New Jersey Department of Transportation (NJDOT), Township Specifications, and as directed by a representative of the Department of Public Works, or The Department of Planning & Engineering.
- l. All debris on the street shall be removed at the expiration of the permit unless otherwise stipulated.

§ 19-1.7. Restoration of Surface. [Ord. No. O.1999-2018]

In all cases the permittee shall restore the surface of the street in accordance with the following rules, regulations and requirements:

- a. No permittee shall commence the restoration of any street foundation or surface until the Department of Public Works or Engineering Department has determined that settlement of the subsurface is complete and the area is properly prepared for restoration. The Department of Public Works or the Engineering Department will determine, prior to restoration of the surface, if a pre-construction meeting is necessary in order to review the scope of the improvements, limits of construction and timeframe necessary to complete said restoration.
- b. The extent of surface restoration will be determined based on the following criteria. However, the exact area of restoration will be considered on a case by case basis as approved by the Department of Public Works or

Engineering Department. Independent of the circumstance or scenario below, all cold joints (where new asphalt pavement abuts old) shall be sealed in accordance with NJDOT Standards, specifically sealing cracks in HMA surface courses.

1. Roadways Under Five-Year Roadway Disturbance Moratorium

- (a) For the installation of a residential service, the minimum restoration work required will be to mill and resurface (minimum of two inches as determined by the Engineering Department) the roadway from the lane line nearest lane or curb line beyond the furthest point of the excavation for the entire width of the property.
- (b) For an excavation running roughly parallel with the roadway and within the paved limits of the roadway, the minimum restoration work required will be to mill and resurface (minimum of two inches as determined by the Engineering Department) the roadway from the nearest striped lane line (furthest from the curb) to the nearest curb line, for a minimum of 100 feet in each direction or to the nearest cross street beyond the limit of effected roadway, as determined by the Engineering Department. Should at any time, the excavation extends beyond the centerline of the roadway, the entire roadway width will be required to be milled and resurfaced (minimum of two inches as determined by the Engineering Department) for the distance previously described.
- (c) For an excavation running roughly perpendicular with the roadway and within the paved limits of the roadway, the minimum restoration work required shall follow the prescribed limits as described in subsection 19-17b1(a).
- (d) For any scenario not covered above, the pavement restoration required will be the milling and paving of any lane occupied by the excavation, for a length to be determined by the Department of Public Works or Engineering Department. If at any point, the excavation crosses the centerline of the roadway, full width paving of the roadway will be required.

2. Roadways Not Currently Under Roadway Disturbance Moratorium

- (a) For the installation of residential services, the street surface shall be restored to extend at a minimum, two (2) foot beyond the excavation on all sides. The distance along the curb line shall be no less than ten (10) feet in width and extend to the nearest lane line beyond the excavation.

- (b) For an excavation running roughly parallel with the roadway and within the paved limits of the roadway the minimum restoration work required will be to mill and resurface the roadway (minimum of two inches as determined by the Engineering Department) from the nearest striped lane line (furthest from the curb) to the nearest curb line, for the entire length of the excavation, or for a distance of fifty (50) feet in each direction, whichever is greater.
 - (c) For an excavation running roughly perpendicular with the roadway and within the paved limits of the roadway, the minimum restoration work required shall following the prescribed limits as described in subsection 19-17b1(b).
 - (d) For any scenario not covered above, the pavement restoration required will be the milling and paving of any lane occupied by the excavation, for a length to be determined by the Department of Public Works or Engineering Department. If at any point, the excavation crosses the centerline of the roadway, full width paving of the roadway will be required.
- c. When any foundation is restored by the use of portland cement concrete, the same shall consist of a mixture by volume of one (1) part of portland cement, two (2) parts of sand and four (4) parts of gravel or stone, so as to attain a compressive strength of four thousand (4,000) pounds per square inch after twenty-eight (28) days.
- d. The permittee shall clean up and promptly remove from the site of work all surplus excavated material and debris, and shall leave the site of the work in a neat and orderly condition.
 - 1. Where topsoil, seeded areas or sod are disturbed in the course of the work, the permittee shall restore the ground surface to its original condition.
 - 2. Upon completion of repairs in a street, permittees shall backfill street openings and excavations in a manner in accordance with the specifications. All materials used for backfill shall be free from bricks, blocks, excavated pavement materials and/or organic material or other debris.
 - 3. Backfill material shall be deposited in horizontal layers not exceeding twelve (12) inches in thickness prior to compaction. A minimum of ninety-five (95%) percent of Standard Proctor Maximum Density will be required after compaction.
 - 4. When placing fill or backfill around pipes, layers shall be deposited to progressively bury the pipe to equal depths on both sides. Backfill immediately adjacent to pipes and conduits shall not

contain particles larger than three (3) inches in diameter.

5. Compaction shall be attained by the use of impact rammers, plate or small drum vibrators, or pneumatic button head compaction equipment. Hand tamping shall not be permitted except in the immediate area of the underground facility, where it shall be lightly hand tamped with as many strokes as required to achieve maximum density. The definition of the "immediate area" shall be a maximum of eighteen (18) inches from the facility.
6. Where sheeting has been used for the excavation, it shall be pulled when the excavation has been filled or backfilled to the maximum unsupported depth allowed by the New Jersey Department of Transportation guidelines.
7. As a measure of maximum density achieved for temporary restoration, the pavement surface shall not sink more than two (2) inches from the surrounding existing surface during the life of the temporary restoration. More than two (2) inches of settlement shall be deemed a failure of the compaction of the backfill and cause the removal of said backfill to the subsurface facility and new fill installed and properly compacted.

e. Temporary Asphaltic Pavement.

1. Immediately upon completion of the compaction of the backfill of any street opening, the permittee shall install a temporary pavement of an acceptable stabilized asphalt paving mixture, course size one and one-half (1.5) to two (2) inches, not less than four (4) inches in thickness after compaction, flush with the adjacent surfaces.
2. The permittee has the option of installing full depth pavement using an acceptable asphalt paving mixture immediately upon completion of the compaction of the backfill excluding reconstructed protected streets and full-depth concreted roadways.
3. Upon the expiration of the permit, all equipment, construction materials and debris shall be removed from the site, unless otherwise stipulated.
4. When final restoration is to be done the materials are to be removed with hand tools to a depth necessary to accomplish the final restoration.
5. In the event that two or more unconnected road openings are requested and dug only ten (10) feet or less apart, the restoration requirements shall include the milling and paving of a continuous area including the undisturbed area between the trenches.

f. Plating and Decking.

1. All plating and decking installed by the permittee shall be made safe for vehicles and/or pedestrians and shall be adequate to carry the load. Plates must be designed by a Professional Engineer and be rated for traffic. A corresponding certification signed and sealed by a Licensed Professional Engineer in the state of New Jersey must be submitted to the Township for each plate, prior to use.
2. The size of the plate or decking shall be large enough to span the opening, be firmly placed to prevent rocking and shall overlap the edges of trenches and openings and be sufficiently ramped to provide smooth riding and a safe condition.
3. All plating and decking shall be fastened by splicing, countersinking or otherwise protected to prevent movement.
4. Where deflections are more than three-fourths (3/4) inches, heavier sections of plates or decking or intermediate supports shall be installed.
5. All plating and decking shall have a skid-resistant surface equal to or greater than the adjacent existing street or roadway surface.
6. Plating of open excavation is not allowed during winter months.

g. Base

1. Concrete and asphalt base material shall conform to specifications.
2. Concrete for base shall be placed in a driving lane and intersections or barricaded in accordance with the Federal Manual on Uniform Traffic Control Devices in a parking lane for a minimum of three (3) days to permit proper cure of concrete, unless otherwise specified.
3. Hot asphalt binder materials may be used in place of concrete for non-protected and/or resurfaced streets at a thickness ratio of one and one-half (1 1/2) inch of asphalt for every inch of concrete.
4. The concrete base shall be restored at the same grade as the existing base.
5. At no time will asphalt other than binder be permitted as a base course. Conduit or pipes shall be installed at a minimum depth of eighteen (18) inches from the surface of the roadway, or below the base, whichever is greater. Where conduits and pipes cannot be installed at the required minimum depth, protective plating shall be installed over the facilities upon written request from the permittee and receipt of written approval by the Township Engineer.

- h. **Guarantee Period.** Permittees shall be responsible for permanent restoration and maintenance of street openings and excavations for a period of three (3) years on unprotected streets, and up to five (5) years on protected streets commencing on the restoration completion date. This period shall be the guarantee period.
 - 1. Permittees shall comply with all applicable sections of these rules, the specifications, and all other applicable laws or rules.
 - 2. The Township Engineer may require the use of infrared pavement repair technology in order to repair the pavement roadway. Coordination on the use of this method will be required for any roadway within the five (5) year roadway moratorium.
 - 3. Any street opening in connection with the installation of telecommunication equipment that is not confined to within eight (8) feet of the curbline, including the required cut back, on any street, regardless of status—protected or unprotected—or where located within the Township, and/or within any sidewalk area within the Township, shall require full curb-to-curb roadway restoration under all circumstances.

§ 19-1.8. Conditions of Permit. [Ord. No. O.1999-2018]

- a. **Transferability.** Every permit shall apply only to the person to whom it is issued and shall not be transferable. Permits issued to utilities shall show the identity of the utility.
- b. **Commencement of Work.** Work under a permit shall commence with forty-five (45) days from the date of issuance of the permit. If work is not commenced within that time, the permit shall automatically terminate unless extended, in writing, by the Department of Public Works.
- c. **Possession of Permit.** A copy of the permit must be kept in possession of the person actually performing the work and shall be exhibited on demand to any duly authorized employee of the Township.
- d. **Revocation of Permit.** The Department of Public Works may revoke a permit for any of the following reasons:
 - 1. Violation of any provision of this section or any other applicable rules, regulations, laws or ordinances;
 - 2. Violation of any condition of the permit issued.

§ 19-1.9. Barricades and Signs. [Ord. No. O.1999-2018]

- a. The permit holder shall conform to the requirements in the current manual

on Uniform Traffic Control Devices, Part VI, when required by the Township to provide barricades and/or signs.

- b. The permittee shall erect and maintain suitable barricades around all work while excavation or other work is in progress and shall arrange work in such a manner as to cause a minimum of inconvenience and delay to vehicular and pedestrian traffic. In the event that such requirement is not complied with by the permittee, the Director of the Department of Public Works may, in his discretion, cause all or part of the work covered by the permit to be backfilled and temporarily resurfaced by the City's own forces or by contract or otherwise. In which case the City shall be reimbursed for any expense incurred thereby.
- c. Unless otherwise authorized by the Police Department, vehicular traffic shall be maintained at all times during the progress of the work being performed under the permit.
- d. Permittees shall notify the Police Department of the construction and street operations that require street closing permits at least twenty-four (24) hours in advance of the commencement of nonemergency work.
- e. The permittee shall be responsible for keeping the construction area as clean and neat as possible during the permit life. No material shall restrict water flow in gutters. All possible arrangements for the safety of the general public shall be maintained. Every effort shall be made to keep the pavement opening dimensions to an absolute minimum.
- f. Traffic.
 - 1. No more than one (1) lane of traffic may be obstructed, except as provided by Edison Police Department stipulation.
 - 2. It shall be the duty of the permittee to properly guard the excavation by the execution of suitable barriers by day and lights by night and permittee shall be liable for any neglect to safeguard the traveling public.
 - 3. All unattended street openings or excavations in a driving lane, including intersections, shall be plated. In the case of gas or steam leak, barricades in accordance with the New Jersey or Federal Manual on Uniform Traffic Control Devices shall be used until the leak is corrected.
 - 4. Barricades, signs, lights and other approved safety devices shall be displayed in accordance with the New Jersey or Federal Manual on Uniform Traffic Control Devices.
 - 5. The permit may restrict street operations and construction within the critical areas to nights, weekends or off-traffic hours.

6. Flagpersons. Permittees whose work results in the closing of a moving traffic lane, which requires traffic to be diverted to another lane, shall, at all times when actively working at the site, post a flagperson or utilize an authorized plan for the maintenance and protection of traffic at the point where traffic is diverted to assist motorists and pedestrians to proceed around the obstructed lane.
- g. Temporary Closing of Sidewalks. A minimum of four (4) feet sidewalk width of unobstructed pedestrian passageway shall be maintained at all times. Where openings and excavations do not allow for four (4) feet of unobstructed pedestrian passageway, a temporary sidewalk closing plan should be submitted to the Department of Public Works.
- h. Work Site Maintenance.
 1. All excavated material shall be removed from the site or stockpiled at a designated curb, properly barricaded in accordance with the Federal Manual on Uniform Traffic Control Devices and stored to keep gutters clear and unobstructed.
 2. All obstructions on the street shall be protected by barricades, fencing or railing, with flags, lights or signs in accordance with the Federal Manual on Uniform Traffic Control Devices placed at proper intervals and during the hours prescribed. During twilight hours the flags shall be replaced with amber lights.

§ 19-1.10. Notice of Street Improvement; Completion Required. [Ord. No. O.1999-2018]

Before any street is improved or paved, the Department of Public Works shall give notice to all persons owning property abutting on the street and to all public utilities and authorities operating in the Township that the street is about to be paved or improved. All connections and repairs to utilities in the street and all other work which requires excavation of the street shall be completed within forty-five (45) days from receipt of notice. The time for the completion of the work may be extended, in writing, by the Director of the Department of Public Works upon application by the person performing the work. This section shall not excuse any person from the requirement of obtaining a permit as provided in subsection 19-1.1.

§ 19-1.11. Special Permission for Excavations in Recently Improved Streets. [Ord. No. O.1999-2018]

- a. The Township, in an attempt to preserve the integrity of recently repaved streets, will not issue a street opening permit for a street that has been repaved with the last five (5) years except in an emergency or where the

public health or safety requires the performance of the work in question. The five (5) year road moratorium will require the permittee to install the finished pavement surface to like-new conditions by the use of infrared pavement technology, full width milling and paving operations or any other measures as recommended by the Township Engineer.

- b. In cases where the street has been repaved within the last five (5) years the extent of finished pavement surface repairs will extend beyond the repair limits so that a natural transition will occur as described in subsection 19-1.7b1 above. Inspection and bonding requirements specific to this item shall be adjusted per site disturbance and shall be overseen by the Township Engineering Department. The permittee shall post the necessary bonding and escrow inspection fees for the Township Engineering Department to properly oversee the construction improvements. The Township shall pay from the escrow deposit any costs incurred by its designated representative(s) or professional consultant(s) for inspection, other engineering services or legal services required in connection with the proposed opening, excavation, backfilling or final paving at the rate established with the Township. If the escrow deposit fee is or will become insufficient to cover all costs incurred by the designated representative(s) or professional consultant(s) for said services, additional escrow deposit fees shall be estimated by the Director of the Department of Public Works and the Township Engineer based on the scope of improvements necessary to install the finished pavement surface to like-new conditions. This procedure shall be repeated as often as necessary to guarantee sufficient escrow deposit fees being available. Upon completion and acceptance of the area by the Township, if any escrow balance remains then the balance shall be forthwith returned to the applicant.

§ 19-1.12. Violations; Penalties. [Ord. No. O.1999-2018]

Any person who shall willfully violate any provision of this section shall, upon conviction, be liable to the penalty stated in Chapter I, Section 1-5, and each day's failure to comply with any such provision shall constitute a separate violation.

In cases where the street has been repaved within the last five (5) years and is under the Five-Year Roadway Disturbance Moratorium, any person who shall willfully violate any provision of this section specific to said moratorium, shall be fined a minimum of fifteen thousand (\$15,000) dollars, if the excavation occurs within the first three (3) years post construction; twelve thousand five hundred (\$12,500) dollars if the excavation occurs within year four (4) post construction; ten thousand (\$10,000) dollars in excavation occurs within year five (5) post construction. Fines may be increased depending upon the severity of the violation and if the offender does not utilize the guidelines set forth within this ordinance. Each day's

failure to comply with any such provision shall constitute a separate violation.

In addition, the Township reserves the right to increase the fine to the equivalent cost for milling and repaving the roadway (minimum of two inches as determined by the Engineering Department) at the time of the disturbance. The extent and limits will be as determined by the Township Engineer. The fine shall be calculated utilizing the most recent public bid prices for paving operations within the Township of Edison.

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 19-1 of the Code as set forth hereinabove.
3. 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.
4. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
5. 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.2115-2021

EXPLANATION: An Ordinance authorizing acceptance of the dedication of a private road located on Block 415, Lot 61 in the Township pursuant to *N.J.S.A. 40:67-1, et seq.*

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

WHEREAS, pursuant to *N.J.S.A. 40:67-1(a)*, the Township may make, amend, repeal and enforce ordinances ascertaining and establishing the boundaries of all streets; and

WHEREAS, pursuant to *N.J.S.A. 40:67-1(b)*, the Township is authorized to accept the dedication of streets; and

WHEREAS, pursuant to Resolution R.261-052021, adopted May 24, 2021, the Municipal Council approved a Developer’s Agreement between the Township and Vijaypal Sarkaria and Kristen Sarkaria (the “**Developers**”) to memorialize Resolution #P5227 of the Edison Planning Board (the “**Board**”), which granted the Developers the right to construct three (3) single family dwellings facing a private roadway, provided the Township accepts the dedication of the private roadway, as further described herein below; and

WHEREAS, the Township wishes to accept the dedication for roadway purposes the private roadway, which is located on property currently owned by Out of Bounds Property Association, located off Woodland Avenue at Block 415, Lot 61 on the official tax maps of the Township, as further set forth in the Roadway Improvement Plan attached as Exhibit A herein and made a part hereof (the “**Dedicated Roadway**”); and

WHEREAS, pursuant to *N.J.S.A. 40:67-2*, a copy of any ordinance accepting the dedication of any street or portion thereof, with a map showing the location, bounds and dimensions thereof, shall be filed in the office where the conveyance of lands are recorded in the county in which the municipality is situated; and

WHEREAS, the Township wishes to accept the aforementioned right-of-way dedication, on the condition that parking be restricted on the north side of the curbed area of the Dedicated Roadway and that Developers post signage indicating such restriction, subject to the review and approval of the Township Engineer; and

WHEREAS, the Township’s Code of General Ordinances (“**Code**”) currently lists the streets and portions thereof where parking of a vehicle is prohibited at all times; and

WHEREAS, the Township desires to designate a portion of the Dedicated Roadway (hereinafter “**Out of Bounds Road**”) in the Township, as fully described herein, as subject to the requirements set forth in Chapter 7, Section 14 of the Code entitled “Parking Prohibited at All Times on Certain Streets”; and

WHEREAS, the Municipal Council has determined to update Subchapter 7-14 of the Code to identify the specific area on Out of Bounds Road within the Township where parking is prohibited at all times; and

WHEREAS, the Municipal Council has determined to amend Subchapter 7-14 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

7-14. PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.

No person shall park a vehicle at any time upon any streets or parts thereof described, except where other parking regulations have been provided for.

Name of Street	Sides	Location
...		
<u>Out of Bounds Road</u>	<u>North</u>	<u>The entire curbed portion on the north side of Out of Bounds Road, as indicated by signage posted thereon.</u>

...

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. Subject to the review and approval by the Township Engineer, the Township accepts the dedication of Out of Bounds Road, as further set forth in Exhibit A, including all utilities and improvements installed therein, as part of the public road system of the Township.

3. The Township Engineer is authorized to inspect Out of Bounds Road and to determine whether Out of Bounds Road is constructed in conformance with all applicable Township regulations.

4. The Municipal Council hereby amends Chapter 7, Section 7-14 of the Code to read as follows:

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

7-14. PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.

No person shall park a vehicle at any time upon any streets or parts thereof described, except where other parking regulations have been provided for.

Name of Street	Sides	Location
...		
Out of Bounds Road	North	The entire curbed portion on the north side of Out of Bounds Road, as indicated by signage posted thereon.

...

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

5. The Mayor and Township Clerk are hereby authorized to execute and deliver any document and, together with the Township's officials and consultants, to take any and all necessary steps as would be reasonable or necessary to effectuate said acceptance and to effectuate the purposes of this Ordinance.

6. The introduction of this Ordinance shall be advertised pursuant to *N.J.S.A. 40:49-2*; provided, however, that notice as to introduction and public hearing shall be made, pursuant to *N.J.S.A. 40:49-6*, at least ten (10) days prior to the public hearing and adoption hereof.

7. Notice of the introduction of this Ordinance and the time and place when and where this Ordinance will be further considered for public hearing and final passage, including a copy of this Ordinance, shall be mailed to every person whose lands may be affected by this Ordinance, so far as same may be ascertained, directed to the last known post-office address, in accordance with the provisions of *N.J.S.A. 40:49-6*.

8. Within sixty (60) days after adoption of this Ordinance, the Township Clerk shall cause this Ordinance, certified by her, under the seal of the municipality to be filed in the office wherein conveyances of lands are recorded in the County of Middlesex.

9. 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.

10. This Ordinance shall take effect as provided by law.

ORDINANCE O.2116-2021

EXPLANATION: This Ordinance establishes Parking Prohibitions (No Parking) on certain road segments of roadways as described, specifically the establishment of No Parking areas along Evergreen Road, Hoover Avenue, & Morse.

WHEREAS, the Township of Edison wishes to prohibit parking at all times on certain roadway segments of Evergreen Road, Hoover Avenue, & Morse Avenue as described below; and

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

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

BE IT ORDAINED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that Chapter VII Traffic, Section 7-14 entitled “PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.” is hereby amended as follows:

SECTION I. Section 7-14 entitled “PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.” is hereby amended to revise as follows:

<i>Name of Street</i>	<i>Sides</i>	<i>Location</i>
Evergreen Road	West	From Oakwood Avenue (County Road) to Isabelle Street (Private)
Hoover Avenue	East	From Amboy Avenue to Lafayette Avenue
Morse Avenue	North	From the norther curb line intersection of Rt 1 to a point 60 feet east.

SECTION II. This ordinance shall take effect twenty (20) days after adoption, concurrence through consent resolution of the Middlesex County Board of Chosen Freeholders, and approval by the Mayor in accordance with N.J.S.A. 40:69A-181(b).

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

FIRST READING

FIRST PUBLICATION

THE HOME NEWS & TRIBUNE

FINAL READING

APPROVAL OF THE MAYOR

FINAL PUBLICATION

THE HOME NEWS & TRIBUNE

Note to Codifier: Deleted provisions indicated by bracket [].

New provisions indicated by bold underline ____.

RESOLUTION R.388-082021

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF EDISON FOR THE PERIOD ENDING AUGUST 19, 2021.

WHEREAS, the Director of Finance of the Township of Edison has transmitted
to the Township Council a Report of Disbursements made through, August 19, 2021.

FUND	AMOUNT
Current	\$34,734,075.30
Affordable Housing	6,948.63
Capital	93,971.96
Cash Performance	0.00
CDBG	9,888.70
Developers Escrow	112,302.09
Dog (Animal Control)	15,905.24
Federal Forfeited	8,404.00
Grant Funds	40,640.40
Law Enforcement	0.00
Open Space	0.00
Park Improvements	0.00
Payroll Deduction	950,724.36
Sanitation Fund	344,075.59
Self Insurance	0.00
Sewer Utility	215,956.03
Tax Sale Redemption	275,416.22
Tree Fund	0.00
Tree Planting	6,270.00
Trust	1,411,324.36
Edison Water Utility	1,075,353.84
Edison Landfill Closure Trust	0.00
TOTAL	\$39,301,256.72

/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.389-082021

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 **\$129,848.00**.

RESOLUTION R.390-082021

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 **\$29,519.18.**

RESOLUTION R.391-082021

Authorizing Overpayment Refund caused by Successful Tax Court Appeal

WHEREAS, The Office of the Tax Collector has received a successful tax appeal judgments from the Tax Court of New Jersey for the cases on list attached, and

WHEREAS, in accordance with the Tax Court of New Jersey, the assessed value of the properties has been reduced for the for the tax years indicated in the list, including Freeze Act Year(s), if any, as per provisions of N.J.S.A. 54:51A-8 (Freeze Act), and

WHEREAS, the reduction in assessed value has caused a real estate tax overpayment in the amount and for the years listed, totaling **\$ 75,281.45**, and may also cause additional real estate tax overpayments for affected tax years for which the tax rate or assessment may not have been finalized, or payment not received or posted at the time of this resolution, and

WHEREAS, per N.J.S.A. 54:3-27.2 (Refund of Excess Taxes; Interest), “in the event a taxpayer is successful in an appeal from an assessment on real estate property, the respective taxing district shall refund any excess taxes paid, together with interest thereon from the date of payment at a rate of 5% per annum, less any amount of taxes, interest, or both, which may be applied against delinquencies pursuant to section 2 of P.L.1983, c.137 (C.54:4-134), within 60 days of final judgment.”, and

WHEREAS, Upon request the tax payer or legal representative and confirmation of the Township’s Tax Appeal Lawyer for the cases interest may be owed, if not waived or if paid after the agreed deadline for waiving, and may be needed to be paid also.

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

- 1) Aforementioned recitals are incorporated herein as though fully set forth at length.
- 2) Tax Collector shall and is hereby authorized to adjust the tax accounts to reflect the reductions of assessments ordered by the tax court as indicated above.
- 3) Appropriate official of the Township of Edison, shall and is hereby authorized to draw check to the property owner or legal representative in the amounts:
 - a. Listed as part of this resolution totaling **\$ 75,281.45**.
 - b. Calculated by the Tax Collector after the setting of the tax rate and final assessment or further review payments, if at such time the account reflects a further overpayment related to this resolution.
 - c. Of interest at a rate of 5% per annum from the due date to the date of the payments as calculated by the Tax Collector upon request and confirmation of the Township’s Tax Appeal Lawyer.

RESOLUTION R.392-082021

EXPLANATION: This Resolution authorizes the settlement of Tax Appeals filed by Edison Woods Commercial Associates, for the Tax Years 2014 through 2021.

WHEREAS, Edison Woods Commercial Associates ("Taxpayer"), the owner of property located 1000 U.S. Route 1, Block 266, Lot 49 on the Township of Edison's Tax Assessment Maps ("Property"), filed Tax Appeals for the years 2014, 2015, 2016, 2017, 2018, 2019, 2020 and 2021 with the Tax Court of New Jersey under Docket Numbers 007410-2014, 007433-2015, 002186-2016, 002177-2017, 002938-2018, 004536-2019, 003131-2020 and 005442-2021

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

WHEREAS, the Township Assessor has made such an examination of the value and proper assessment of the Property and has obtained such appraisals, analysis, and information with respect to the valuation and assessment of the Property as deemed necessary and appropriate and has been consulted by the attorney for the taxing district with respect to this settlement; and

WHEREAS, an acceptable settlement of the aforesaid tax appeal has been negotiated in which the Taxpayer agrees to settle its appeal for an assessment at the fair assessable value of the Property consistent with the assessing practices generally applicable in the taxing district and as required by law; and

WHEREAS, Block 266, Lot 49, the property was originally assessed for the 2014-2021 Tax Years as follows:

	<u>2014-2021</u>
Land:	\$ 5,642,000.00
Improvements:	<u>\$11,409,400.00</u>
Total:	\$17,051,400.00

WHEREAS, the proposed settlement provides for an assessment of the 2014-2015 Tax Years as follows:

	<u>2014-2015</u>
Land:	\$ 5,642,000.00
Improvements:	<u>\$11,409,400.00</u>
Total:	\$17,051,400.00

WHEREAS, the proposed settlement provides for an assessment of the 2016, 2017 and 2018 Tax Years as follows:

	<u>2016-2018</u>
Land:	\$ 5,642,000.00
Improvements:	<u>\$11,158,000.00</u>
Total:	\$16,800,000.00

WHEREAS, the proposed settlement provides for an assessment of the 2019 and 2020 Tax Years as follows:

	<u>2019-2020</u>
Land:	\$ 5,642,000.00
Improvements:	<u>\$10,858,000.00</u>
Total:	\$16,500,000.00

WHEREAS, the proposed settlement provides for an assessment of the 2021 Tax Year as follows:

	<u>2021</u>
Land:	\$ 5,642,000.00
Improvements:	<u>\$10,358,000.00</u>
Total:	\$16,000,000.00

WHEREAS, it is further stipulated and agreed that the 2022 tax assessment shall be \$15,500,000.00.

WHEREAS, the Taxpayer acknowledges that the Township has in part agreed to the settlement in question in consideration for a waiver of the Tax Appeals set forth above; and

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

WHEREAS, pursuant to the settlement, the Taxpayer will waive prejudgment; and

WHEREAS, if the refund as a result of this settlement set forth herein is to be refunded, the refund is to be made payable to the "Edison Woods Commercial Associates and Lasser Hochman, LLC, Attorney Trust Account", and forwarded to Michael J. Donnelly, Esq. Lasser Hochman, LLC, 75 Eisenhower Parkway, Suite 120, Roseland, New Jersey 07068 within sixty (60) days of the date of the entry of the Judgments; and

WHEREAS, the Township Council will make this settlement with the Taxpayer without prejudice to its dealing with any other Edison Township Taxpayer's request for tax assessment reduction; and

WHEREAS, pursuant to the settlement approved herein, the Taxpayer is entitled to a refund in the amount of \$13,263.86 for 2016, \$13,575.26 for 2017, \$13,806.89 for 2018, \$31,032.79 for 2019 \$32,251.39 for 2020 and \$61,496.39 for 2021.

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

1. For the 2014 through 2015 Tax Years, the Township of Edison Tax Assessor is hereby directed to establish the allocation between land and improvement as follows:

	<u>2014-2015</u>
Land:	\$ 5,642,000.00
Improvements:	<u>\$11,409,400.00</u>
Total:	\$17,051,400.00

2. For the 2016 through 2018 Tax Years, the Township of Edison Tax Assessor is hereby directed to establish the allocation between land and improvement as follows

	<u>2016-2018</u>
Land:	\$ 5,642,000.00
Improvements:	<u>\$11,158,000.00</u>
Total:	\$16,800,000.00

3. For the 2019 through 2020 Tax Years, the Township of Edison Tax Assessor is hereby directed to establish the allocation between land and improvement as follows

	<u>2019-2020</u>
Land:	\$ 5,642,000.00
Improvements:	<u>\$10,858,000.00</u>
Total:	\$16,500,000.00

4. For the 2021 Tax Year, the Township of Edison Tax Assessor is hereby directed to establish the allocation between land and improvement as follows

	<u>2021</u>
Land:	\$ 5,642,000.00
Improvements:	<u>\$10,358,000.00</u>
Total:	\$16,000,000.00

5. Interest is waived on the refund, provided such refund is provided as specified herein; and
6. The Tax Appeal Attorney for the Township is hereby authorized to execute a Stipulation of Settlement relative to the Property for Tax Appeals filed for the years 2014, 2015, 2016, 2017, 2018, 2019, 2020 and 2021 under Docket Numbers 007410-2014, 007433-2015, 002186-2016, 002177-2017, 002938-2018, 004536-2019, 003131-2020 and 005442-2021 by the Taxpayer, owner of the Property located at 1000 U.S. Route 1, Block 266, Lot 49.
7. The Freeze Act will apply to the judgment to be issued by the New Jersey Tax Court; and
8. The Form of Stipulation of Settlement is annexed hereto, having been received by and approved by the Township Council of the Township of Edison.

NOW, THEREFORE BE IT RESOLVED, that upon receipt of the appropriate Tax Court Judgments, the proper Township Officials are hereby authorized to process credits against open tax balances and issue checks consistent with the amount credited for the foregoing assessment.

RESOLUTION R.393-082021

TEMPORARY BUDGET APPROPRIATIONS

WHEREAS, the Local Budget Law, specifically N.J.S.A. 40A:4-20, requires that the governing body of a municipality shall by Resolution make appropriations if any contract, commitments or payments are to be made between the beginning of the Calendar year and the adoption of budget; and

WHEREAS, the Local budget Law and the Optional Municipal Charter Act of 1950 provide for the adoption of municipal budget by March 30, 2021 unless said budget calendar is extended according to law; and

WHEREAS, the date of this Resolution is prior to the adoption of the 2021 Calendar Year Budget,

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey that the following Temporary Emergency Appropriations be made and that a certified copy of this Resolution be transmitted to the Director of Finance for her record.

<u>CURRENT FUND</u>	<u>AMOUNT</u>
BUSINESS ADMINISTRATOR Salary	97,820.33
BUSINESS ADMINSTRATOR Other Expenses	13,990.83
PURCHASING Salary	38,194.33
PURCHASING Other Expenses	15,365.50
PURCHASING CENTRAL STORE Other Expenses	8,724.00
COMMUNICATIONS/EDISON TV Salary	20,601.50
COMMUNICATIONS/EDISON TV Other Expenses	9,150.00
PERSONNEL/HR Salary	27,597.83
PERSONNEL/HR Other Expenses	18,000.00
MAYOR Salary	6,664.00
MAYOR Other Expenses	400.00
COUNCIL Salary	12,863.33
COUNCIL Other Expenses	4,146.67
MUNICIPAL CLERK Salary	33,592.17
MUNICIPAL CLERK Other Expenses	28,850.00
ETHICS COMMISSION Other Expenses	1,666.67

FINANCE DEPARTMENT Salary	1,300.00
FINANCE DEPARTMENT Other Expenses	21,741.67
DISBURSEMENTS Salary	3,254.50
DISBURSEMENTS Other Expenses	738.00
PAYROLL Salary	9,921.33
PAYROLL Other Expenses	5,363.17
AUDIT SERVICES	12,014.67
DATA PROCESSING Other Expenses	4,075.00
TAX COLLECTION Salary	34,171.33
TAX COLLECTION Other Expenses	5,953.33
TAX ASSESSMENT Salary	54,390.33
TAX ASSESSMENT Other Expenses	24,666.67
LEGAL DEPARTMENT Salary	17,170.17
LEGAL DEPARTMENT Other Expenses	123,333.33
ENGINEERING SERVICES Salary	79,303.67
ENGINEERING SERVICES Other Expenses	44,030.17
PLANNING BOARD Other Expenses	4,533.33
ENVIRONMENTAL COMM Other Expenses	216.67
ZONING BOARD Other Expenses	4,641.67
PLANNING & ZONING DEPT Salary	47,665.17
PLANNING & ZONING Other Expenses	17,000.00
CONSTRUCTION ENFORC AGENCY Salary	255,459.00
CONST ENF AGENCY Other Expenses	62,083.33
RENT CONTROL BOARD Salary	2,500.00
RENT CONTROL BOARD Other Expenses	233.33
GROUP HEALTH INSURANCE	4,011,002.29
EMPLOYEE SALARY AND WAGES(WAIVERS)	60,000.00

UNEMPLOYMENT INSURANCE EXPENSE	33,333.33
INSURANCE & SURETY Expense	547,067.24
LOSAP-Other Expenses	16,666.67
POLICE DEPARTMENT Salary	4,649,998.50
POLICE DEPARTMENT Other Expenses	192,958.33
DISPATCH 911 Salary	376,156.83
DISPATCH 911 Other Expenses	90,750.00
OFFICE OF EMRGNCY MGMT Other Expenses	2,500.00
AID TO VOL FIRE	18,333.33
AID TO VOL FIRST AID	17,500.00
FIRE FIGHTING Salary	3,430,411.33
FIRE FIGHTING Other Expenses	164,328.83
FIRE PREVENTION Salary	54,778.50
FIRE PREVENTION Other Expenses	18,516.67
FIRE HYDRANT CHARGES	295,005.50
STREETS & ROADS Salary	253,008.67
STREETS & ROADS Other Expenses	54,133.33
SOLID WASTE RECYCLING Salary	178,205.00
SOLID WASTE RECYCLING Other Expenses	10,250.00
BUILDINGS & GROUNDS Salary	247,204.83
BUILDINGS & GROUNDS Other Expenses	40,083.33
MUNICIPAL GARAGE Salary	148,974.83
MUNICIPAL GARAGE Other Expenses	15,983.33
POLICE VEHICLES Salary	37,270.83
POLICE VEHICLES Other Expenses	38,475.00
CONDO COMMUNITY COSTS	26,666.67
HEALTH Salary	223,476.83

HEALTH Other Expenses	24,316.67
SENIOR CITIZEN Salary	56,953.83
SENIOR CITIZEN Other Expenses	6,625.00
RECREATION Salary	286,021.17
RECREATION Other Expenses	103,453.67
PARKS & TREES Salary	187,795.00
PARKS & TREES Other Expenses	17,883.33
FREE PUBLIC LIBRARY Salary	
FREE PUBLIC LIBRARY Other Expenses	1,054,654.55
CELEBRATION OF PUBLIC EVENTS EXPENSES	26,054.17
PUBLIC BUILDINGS HEAT,LIGHT,POWER	104,166.67
STREET LIGHTING EXPENSE	191,666.67
PUBLIC BUILDINGS TELEPHONE	36,666.67
FUEL & LUBRICANTS Other Expenses	102,640.83
CONTINGENT Expense	8,333.33
O.A.S.I. (SOCIAL SECURITY) Expense	311,152.17
Defined Contribution Retirement Program Expenses	5,833.33
MUNICIPAL COURT Salary	107,848.33
MUNICIPAL COURT Other Expenses	9,511.67
PUBLIC DEFENDER Salary	5,833.33
PUBLIC DEFENDER Other Expenses	333.33
TOTAL CURRENT FUND	<u>19,074,170.74</u>

SEWER UTILITY FUND	AMOUNT
SEWER Salary	319,913.00
SEWER Other Expenses	809,316.67
SEWER Sewerage Disposal Charges	1,833,333.33
SEWER Capital Improvement Projects	833,333.33
SEWER Public Emp Retirement Sys (PERS)	41,833.67
SEWER Social Security (OASI)	25,000.00
SEWER Unemployment	4,166.67
TOTAL SEWER UTILITY FUND	<u><u>3,866,896.67</u></u>

SANITATION FUND	AMOUNT
SANITATION Salary	433,333.33
SANITATION Other Expenses	397,299.50
SANITATION EMPLOYEE GROUP HEALTH INSURANCE	398,140.67
SANITATION Public Emp Retirement Sys (PERS)	30,783.33
SANITATION Social Security (OASI)	33,333.33
SANITATION Disposal Fees	350,000.00
SANITATION Unemployment	4,166.67
SANITATION-Capital Outlay	166,666.67
TOTAL SANITATION FUND	<u><u>1,813,723.50</u></u>

WATER UTILITY FUND	AMOUNT
WATER Salary	208,941.17
WATER Other Expenses	1,561,351.67
WATER Capital Outlay	125,000.00
WATER Public Emp Retirement Sys (PERS)	28,597.67
WATER Social Security (OASI)	17,896.50
TOTAL WATER UTILITY FUND	<u><u>1,941,787.00</u></u>

RESOLUTION R.394-082021

TOWNSHIP OF EDISON

**Explanation: A Municipal Resolution Amending Members of the Official
Continuation of the Township of Edison Sustainable Jersey Green Team**

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 as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, the Township hereby acknowledges that the residents of Edison desire a stable, sustainable future for themselves and future generations; and

WHEREAS, the Township wished to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path the Township is pledged to educate itself and community members as to green/sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, to focus attention and effort within Edison on matters of sustainability, the Township wished to pursue local initiatives and actions that will led to Sustainable Jersey Municipal Certification, as well as to the subsequent and continuing investigation, development and implementation of green and sustainable initiatives, activities, projects and achievements, for the environmental and economic benefit of the community; and

WHEREAS, the Edison Sustainable Jersey Green Team has played a dynamic role in such green/sustainable activities as the continuing development, marketing and presentation of the Annual ESJGT/ECC/ETEC Edison Earth Day Celebrations and Edison Green Fairs, as well as many other green/sustainable efforts, initiatives and partnerships (e.g.: ESJGT PSET JPSHS SJSGP Life Learning Greenhouse); and

WHEREAS, in an attempt to develop and maintain a dynamic focus upon local Green and Sustainable issues, the Township of Edison established a Sustainable Jersey Green Team Advisory Committee, as required for by Sustainable Jersey regulations for the Township of Edison to apply for and achieve Sustainable Jersey Certification; and

NOW, THEREFORE, BE IT RESOLVED, having previously established the Township of Edison Sustainable Jersey Green Team Advisory Committee, consisting of residents, volunteers and employees of the Township of Edison, the Municipal Council of the Township of Edison had previously re-appointed thirteen of them, with terms that ended on December 31, 2020, as well as one new ESJGT Member.

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison, per established practice, that we do hereby authorize the official continuation of the Township of Edison Sustainable Jersey Green Team, at a regularly-scheduled Public Meeting, composed of the fourteen (14) below-cited members, whose appointed terms will end April 30th 2022, subject to re-appointment at that time:

Ellen Burke Grants Writer

Jay Elliot ESJGT Co-Founder, Original ESJGT Member, Edison Clean Communities Coordinator

Walter Stochel Original ESJGT Member, Edison Open Space Advisory Committee Chairperson, NJ Jefferson Awardee (Environment), Edison Greenways Group, Edison Community Volunteer/Advocate

Robert Takash Original ESJGT Member, Edison Greenways Group, Edison Open Space Advisory Committee Member

Inder Soni Original ESJGT Member, Edison Community Volunteer

Cathy Biondi REHS EDHHS, Annual Edison Earth Day Volunteer Coordinator, MC Health and Wellness Council Member

Esther Barcun Founder/Coordinator ESJGT SENSE, Retired Social Worker/LCSW

Abha Devarajan, Edison Community Volunteer, Professional Bio-Chemist

Esther Nemitz, Clara Barton NPP Chairperson, Edison Open Space Advisory Committee Member, Edison Fair Housing Board

Maria Orchid Clara Barton NPP Committee Member, James Monroe MS Special Education Parent Advisory Committee Member, Edison Community Volunteer

Brian Piccirillo Design Engineer, Department of Planning and Engineering

Ray Poerio Director, Department of Public Works

Lester Jones Township of Edison Health Official

Doriann Kerber, Rutgers Environmental Steward, Rutgers Green Infrastructure Champion

RESOLUTION R.395-082021

**RESOLUTION AUTHORIZING A REFUND TO FRAN BAR ELI FOR COBRA PAYMENTS
UNDER THE COBRA AMERICAN RESCUE ACT OF 2021**

WHEREAS, Fran Bar Eli made Cobra payments for Medical, Dental and Prescription coverage to the Township of Edison for the amount of \$4,139.25;

and

WHEREAS, in accordance with the Code of the Township of Edison, Section 12-6.2(m) the appropriate fee for Fran Bar Eli for payment of Cobra Continuation Coverage for \$4,139.25.

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 \$4,139.25 for Fran Bar Eli which amount represents the amount of Cobra payments for April, May and June 2021.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount not to exceed **\$4,139.25** are available for the above refund in Account No. **1-01-23-0220-000-252**.

Nicholas Fargo, Chief Financial Officer

RESOLUTION R.396-082021

FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township of Edison Council County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township of Edison Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township of Edison Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex;

NOW, THEREFORE, BE IT RESOLVED by the Township of Edison, County of Middlesex, State of New Jersey hereby recognizes the following:

1. The Township of Edison Council does hereby authorize acceptance of funding for strategic plan for the Edison Municipal Alliance grant for fiscal year 22 (July 1, 2021 – June 30, 2022) in the amount of:

DEDR	\$35,415.00
Cash Match	\$8,853.75
In-Kind	\$26,561.25
2. The Township of Edison Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Thomas Lankey, Mayor

CERTIFICATION

I, Cheryl Russomanno, Municipal Clerk of the Township of Edison, County of Middlesex, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township of Edison Council on this 25 day of August, 2021.

Cheryl Russomanno, Municipal Clerk

RESOLUTION R.397-082021

EXPLANATION: This Resolution authorizes the Township Council to grant permission to Starfire Corporation. To discharge fireworks for an Labor Day Celebration taking place on the grounds of The Plainfield Country Club located at 1591 Woodland Avenue Edison, NJ 08820, scheduled for September 3, 2021 with a rain date of September 4, 2021

WHEREAS, Starfire Corporation. has applied to the Township of Edison for a permit to discharge fireworks on September 3, 2021 with a rain date of September 4, 2021 for an Labor Day Celebration taking place on the grounds of The Plainfield Country Club located at 1591 Woodland Avenue Edison, NJ 08820; and

WHEREAS, Starfire Corporation 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 Starfire Corporation to conduct a fireworks display on the evening of September 3, 2021 with a rain date of September 4, 2021 at approximately 9:00 p.m. on the grounds of The Plainfield Country Club located at 1591 Woodland Avenue Edison, NJ 08820 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.** Starfire Corporation 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, **3.** Starfire Corporation 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 and, **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 Starfire Corporation, the Fire Marshal's Office, Division of Fire, and Division of Police.

RESOLUTION R.398-082021

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
SRIDHAR CHEVENDRA FOR THE ABC PROGRAM**

WHEREAS Sridhar Chevendra made payment in the amount of \$340.00 for his child Shriya Chevendra's participation in the ABC Program at Woodbrook Elementary School for the month of September 2021; and

WHEREAS the child was removed from the program prior to attending in September 2021; and

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 \$340.00 to Sridhar Chevendra, 17 Inverness Dr., Edison, NJ 08820., which represents the amount for the ABC Program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$340.00 are available in Account #1-01-55-0291-000-000.

Q: CHEVENDRA abc reso
8/10/21 dwt

RESOLUTION R.399-082021

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
SHIFANG ZHU FOR THE ABC PROGRAM**

WHEREAS Shifang Zhu made payment in the amount of \$190.00 for his child Felisha Zhu's participation in the ABC Program at Menlo Park Elementary School for the month of September 2021; and

WHEREAS the child was removed from the program prior to attending in September 2021; and

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 \$190.00 to Shifang Zhu, 8 Calvert Avenue, West, Edison, NJ 08820., which represents the amount for the ABC Program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$190.00 are available in Account #1-01-55-0291-000-000.

RESOLUTION R.400-082021

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

WHEREAS, The Annual Report of Audit for the year ending December 31, 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the Governing Body; and

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

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

GENERAL COMMENTS

RECOMMENDATIONS

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

GENERAL COMMENTS

RECOMMENDATIONS

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

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

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

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

R.S. 52:27BB-52 - "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a

misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office”.

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

Resolution R.401-082021

***DRIVE SOBER OR GET PULLED OVER
2021***

***Labor Day Crackdown
Grant Approval***

Whereas, the Division of Police has applied for grant funding in the amount of \$6,000.00 to provide additional manpower hours to enforce DWI Laws; and

Whereas, in 2019, nationwide, fatalities from traffic accidents remained above 36,000, many of which related to alcohol consumption and

Whereas, an enforcement crackdown is planned to combat violations related to DWI Laws to reduce the number of fatalities related to impaired drivers; and

Whereas, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the State to participate in the grant; and

Whereas; the project will involve increased enforcement from August 20th through September 6, 2021; and

Whereas; an increase in enforcement will save lives on our roadways;

Therefore, be it resolved that the Edison Township Council on behalf of the Division of Police will accept the grant, Drive Sober or Get Pulled Over 2021 Labor Day Crackdown between: August 20, 2021 – September 6, 2021 and pledges to increase awareness of DWI Laws.

Be It Further Resolved, that the Business Administrator or designee be and is hereby authorized to sign the aforesaid grant approval for and on behalf of the Township of Edison.

RESOLUTION R.402-082021

WHEREAS, the Edison Division of Police, Edison Township applied for a grant to offset the cost of at least 182 body-worn cameras;

WHEREAS, the Edison Police Department was awarded \$370,916;

WHEREAS, the grant will be used for the intended purchase of at least 182 body-worn cameras; and

WHEREAS, the grant will be expended during the award period of 1/1/2021 and 12/31/2025.

NOW, THEREFORE, BE IT RESOLVED that the Edison Police Department, on behalf of the Township of Edison, is authorized to accept the SFY21 Body-Worn Camera grant award (Award # 21-BWC-131).

RESOLUTION R.403-082021

RESOLUTION TO RELEASE STREET OPENING ESCROW

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

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

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Finance Department is hereby authorized to release Street Opening Escrow Funds, under reference number STO0000558, to the following:

Permit Number: DEV-21-0352

Opening Location: 20 BALTIC ST

Block/Lot: 679.A/6

Applicant's Name & Address:

RAYMOND CHOY

20 BALTIC ST

EDISON NJ 08820

Initial Deposit Date: 06/02/2021

Deposit Amount: \$1,600.00

Paid by & refunded to:

JOMA CONSTRUCTION LLC

824 PENNINGTON ST 1ST FL

ELIZABETH, NJ 07202-1066

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.404-082021

Explanation: A Resolution authorizing a grant of \$15,000 from the Township's Affordable Housing Down Payment/Closing Cost Affordability Assistance Program for the purchase of an *affordable* housing unit, 97 Liddle Avenue , 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 \$15,000 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 Foundation Title, 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 97 Liddle Avenue, Edison, NJ, known as Block 757, Lot 41, in the amount of \$15,000 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 Gregory Jones, the Buyer(s), 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 \$15,000 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 Foundation Title, 3 Becker Farm Road, Suite 305, Roseland, NJ 07068 for the purposes set forth herein and authorizes the execution of an Agreement between the Township and Gregory Jones, 97 Liddle Avenue, 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.405-082021

Explanation: **This Resolution authorizes the release of \$100,000.00 from the Township's Affordable Housing Development Trust Fund to SERV Properties and Management, Inc. to be used for the purchase, due diligence, and closing costs of a Township property (57 Brookside Road) that will provide four (4) units of Supportive Shared Living housing (\$25,000.00 per unit).**

WHEREAS, the Township of Edison received formal approval from the Courts of its Spending Plan that allows the Township to use a portion of its Affordable Housing Development Fees for the purchase of property at 57 Brookside Road sponsored by SERV Properties and Management, Inc, that will provide four (4) units of Supportive Shared Living in the Township and

WHEREAS, the Township Council has heretofore authorized the Mayor and Township Clerk to execute a Deed Restriction with SERV Properties and Management, Inc. to confirm the Affordable Housing restrictions placed on the property located at 57 Brookside Road within the Township; and

WHEREAS, the Resolution is required in order to authorize the Chief Financial Officer of the Township of Edison to release a check in the sum of \$100,000.00 to SERV Properties and Management, Inc, which payment shall be made only after receipt by the Township of the signed Deed Restriction, which is required to foster the production of affordable housing within the Township of Edison.

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

1. The sum of \$100,000.00 is hereby authorized to be appropriated from the Township's Affordable Housing Development Fee Trust Fund to be paid to "SERV Properties and Management, Inc" after receipt by the Township of the signed Deed Restriction for the four (4) Supportive Shared Living units at 57 Brookside Road in the Township of Edison.
2. The Chief Financial Officer of the Township of Edison is hereby authorized to forward the aforesaid check in the sum of \$100,000.00 after receipt of signed Deed Restriction to:

SERV Properties and Management, Inc
20 Scotch Road
Ewing, NJ 08628

3. A certified copy of this Resolution, once adopted, is to be provided to the Township Attorney and the Municipal Housing Liaison for their records.

RESOLUTION R.406-082021

Explanation: A Resolution authorizing a subsidy grant of \$85,000 from the Township's Affordable Housing Market To Affordable Program for the purchase of a home, 10 Lincoln Avenue, 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 \$85,000 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 Golden 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 10 Lincoln Avenue, Edison, NJ, Block 739.A, Lot 21, in the amount of \$85,000 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 Kacianne Sealy, the Buyer(s), 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 \$85,000 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 Golden Title Agency, 1818 Old Cuthbert Road, Suite 105, Cherry Hill, NJ 08034, for the purposes set forth herein and authorizes the execution of a Deed Restriction between the Township and, Kacianne Sealy, 10 Lincoln Avenue, Edison, NJ 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.407-082021

Explanation: A Resolution authorizing a grant of \$15,000 from the Township's Affordable Housing Down Payment/Closing Cost Affordability Assistance Program for the purchase of an *affordable* housing unit, 10 Lincoln Avenue, 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 \$15,000 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 Golden 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 10 Lincoln Avenue, Edison, NJ, known as Block 739.A, Lot 21, in the amount of \$15,000 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 Kacianne Sealy, the Buyer(s), 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 \$15,000 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 Golden Title Company, 1818 Old Cuthbert Road, Suite 105, Cherry Hill, NJ 08034, for the purposes set forth herein and authorizes the execution of an Agreement between the Township and Kacianne Sealy, 10 Lincoln Avenue, 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.408-082021

EXPLANATION: This Resolution authorizes the Township Council to accept, on behalf of the Township of Edison, the donation of \$30,000.00 from the Edison Arts Society.

WHEREAS, Edison Arts Society with an address of 15 Midland Road, Edison, New Jersey 08817, desires to donate \$30,000.00, for the building of the Township of Edison (the “Township”) Gazebo; and

WHEREAS, pursuant to N.J.S.A. 40:12-29, the Township may accept donations, by gift, bequest, or devise, of personal property or in-kind items by private persons for the purpose of public open space preservation or the establishment and maintenance of public parks and recreation areas; and

WHEREAS, the Municipal Council of the Township desires to accept the aforesaid donated items.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, County of Middlesex, State of New Jersey that the Township of Edison graciously accepts the donation of the \$30,000.00 for the purpose of building the Township Gazebo.

RESOLUTION R.409-082021

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH MILLENNIUM STRATEGIES, LLC FOR CONSULTING SERVICES TO OBTAIN FEMA, ARPA OR OTHER DISASTER RECOVERY GRANTS AND FOR MANAGEMENT AND ADMINISTRATIVE PROFESSIONAL SERVICES IN SEEKING EMERGENCY APPROPRIATIONS

WHEREAS, the Township of Edison is in need of Professional Disaster Recovery Administrative Services and the Township is authorized pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. ("Local Contracts Law") to contract for "professional services" as it may require; and

WHEREAS, Millennium Strategies, LLC, 60 Columbia Road, Suite 230, Morristown, NJ, 07960 has the experience and expertise to obtain grants and in management and administrative professional services in seeking emergency appropriations; and

WHEREAS, the Township seeks to enter into a contract with Millennium Strategies, LLC to act as consultant on behalf of the Township; and

WHEREAS, in accordance with their proposal, dated August 13, 2021 and attached hereto Millennium Strategies, LLC will provide said services at an hourly rate of \$180.00 per hour, for an amount not to exceed \$25,000.00; and

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

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

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, prior to contract MILLENNIUM STRATEGIES 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 MILLENNIUM STRATEGIES from making any reportable contributions through the term of this one year contract; and

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

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

1. The Mayor or his designee is hereby authorized to execute a contract, and any other necessary documents, with Millennium Strategies, LLC, at the hourly rate of \$180.00, for an amount not to exceed \$25,000.00, as set forth herein and in Millennium's proposal.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-5 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 in compliance with the Local Public Contracts Law guidelines.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$25,000.00** are available in Account No. **T-13-00-0000-000-017**.

Nicholas C. Fargo
Chief Financial Officer

082021

**RESOLUTION FOR MEMBER PARTICIPATION
IN A COOPERATIVE PRICING SYSTEM**

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO ENTER INTO THE NJEDGE
COOPERATIVE PRICING SYSTEM (“EDGEMARKET”)**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, NJEdge.Net, Inc., hereinafter referred to as the “Lead Agency” and has offered voluntary participation in its Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on August 23, 2021 the governing body of the Township of Edison, County of Middlesex, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

WHEREAS, the Township of Edison desires to become a member of the NJEdge Cooperative Pricing System (“EdgeMarket”) effective August 23, 2021 and that such membership shall remain in effect unless the Township of Edison elects to formally withdraw from the system.

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the EdgeMarket Cooperative Pricing Resolution of the Township of Edison.

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor or his designee is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

CERTIFICATION

BY: _____
(NAME AND TITLE)

ATTEST BY: _____
(NAME AND TITLE)

RESOLUTION R.411-082021

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER(S) TO CDW GOVERNMENT
INCORPORATED THROUGH THE SOURCEWELL NATIONAL CO-OP FOR THE PURCHASE OF
VARIOUS TECHNOLOGY EQUIPMENT, SUPPLIES, AND SERVICES**

WHEREAS, the State of New Jersey passed Public Law 2011, Chapter 139, that allows local contracting units to utilize national cooperative contracts as an acceptable procurement method, explained in detail in the New Jersey Department of Community Affairs, Division of Local Government Services, and Local Finance Notice No. LFN 2012-10; and

WHEREAS, Sourcewell maintains National Cooperative Purchasing Agreement Contracts, which are competitively awarded national leverage cooperative purchasing contracts, through which members can make purchases; and

WHEREAS, the Township of Edison is a member of the Sourcewell National Co-Op under Account #98315; and

WHEREAS, CDW GOVERNMENT INCORPORATED, 230 N. Milwaukee Ave., Vernon Hills, IL 60061 has been awarded Contract #081419-CDW (Technology Catalog Solutions) through this Cooperative Pricing System; and

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

WHEREAS, the total amount of this contract, not to exceed \$43,500.00, 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.

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 \$43,500.00, and any other necessary documents, with CDW GOVERNMENT INCORPORATED, the approved Sourcewell National Cooperative Pricing System vendor through this resolution, which shall be subject to all the conditions applicable to the current Sourcewell National Cooperative Pricing System contract as set forth above.
2. This contract is awarded pursuant to Public Law 2011, Chapter 139 and Local Finance Notice No. LFN 2012-10.

3. As per N.J.A.C. 17:44-2.2, the Contractor/Vendor shall maintain all documentation for a period of five years from the date of final payment. Such records shall be made available to the New Jersey Office of the State Comptroller upon request.

RESOLUTION R.412-082021

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER(S) TO LOWES HOME CENTERS LLC
FOR THE FURNISHING OF BUILDING SUPPLIES AND RELATED PRODUCTS FOR THE
TOWNSHIP OF EDISON**

WHEREAS, there is a need to purchase building, industrial, janitorial and hardware supplies for the Township of Edison; and

WHEREAS, LOWES HOME CENTERS LLC, 1605 Curtis Bridge Road, Mailcode A3ECS, Wilkesboro NC 28697, has been awarded NJ State Contract 18-Fleet-00235 under M-8001/Walk-In Building Supplies and Related Products; and

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

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

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) in the amount not to exceed \$95,000.00 and any other necessary documents, with LOWES HOME CENTERS LLC, 1605 Curtis Bridge Road, Mailcode A3ECS, Wilkesboro, NC 28697 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 18-Fleet-00235 under M-8001.

RESOLUTION R.413-082021

**RESOLUTION AWARDING CONTRACT TO SPARTAN FIRE, LLC FOR THE PURCHASE OF ONE (1)
2021 OR NEWER FIRE PUMPER TRUCK OR THE DIVISION OF FIRE**

WHEREAS, bids were received by the Township of Edison on July 21, 2021 for Public Bid No. 21-06-18 Fire Pumper; and

WHEREAS, SPARTAN FIRE, LLC, 907 7th Avenue North, Brandon, SD 57005 submitted the sole, legally responsible, responsive bid; and

WHEREAS, the maximum amount of the purchase shall not exceed \$624,995.00; and

WHEREAS, funds in the amount of \$624,995.00 have been certified to be available in the Various Improvements Account, Number C-04-20-2089-101-001; and

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

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

1. The sole bid has been reviewed, and the bid submitted by SPARTAN FIRE, LLC, 907 7th Avenue North, Brandon, SD 57005 for a Fire Pumper Truck, is determined to be the sole legally responsible, responsive bid.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$624,995.00, and any other necessary documents, with SPARTAN FIRE, LLC, as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds for the above in the amount of **\$624,995.00** are available in account **C-04-20-2089-101-001**.

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.414-082021

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO CLEAN AIR COMPANY FOR THE REPAIR AND/OR ADDITION OF THE PLYMOVENT VEHICLE EXHAUST SYSTEMS AT FIRE STATIONS

WHEREAS, the Township of Edison, Division of Fire, is in need of services for the repair and/or addition of its Plymovent vehicle exhaust systems at the Fire Stations pursuant to the provisions of N.J.S.A. 19:44A-20.5 et. seq.; and

WHEREAS, CLEAN AIR COMPANY, 428 New Brunswick Avenue, Fords, NJ 08863 is the exclusive certified dealer/distributor of Plymovent for this area and therefore attempts to obtain additional quotes was unsuccessful; and

WHEREAS, the total amount of this contract/Purchase Order(s) in the amount not to exceed \$30,000.00 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, the Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, prior to entering into a contract, CLEAN AIR COMPANY, 428 New Brunswick Avenue, Fords, NJ 08863, 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 CLEAN AIR COMPANY from making any reportable contributions through the term of the 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. Authorization is hereby given to CLEAN AIR COMPANY, 428 New Brunswick Avenue, Fords, NJ 08863, in the amount not to exceed \$30,000.00 for the repair and/or addition of its Plymovent vehicle exhaust systems at the Fire Stations as described herein.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-5 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 in compliance with the Local Public Contracts Law guidelines.

RESOLUTION R.415-082021

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO ATLAS ELEVATOR, INC. FOR
THE FURNISHING OF ELEVATOR MAINTENANCE AND REPAIR**

WHEREAS, bids were received by the Township of Edison on June 30, 2021 for Public Bid No. 21-12-07 Elevator Maintenance and Repair; and

WHEREAS, ATLAS ELEVATOR, INC., 529 North Main Street, Barnegat, NJ 08005, submitted the lowest legally responsible bid; and

WHEREAS, the initial contract shall be for one year from execution of the contract with the option to renew for the second year at the sole discretion of the Township at the contract prices, conditions and requirements, subject to and contingent upon appropriation of sufficient funds for the second year; and

WHEREAS, the total amount of the first year shall not exceed \$20,000.00 and the total amount of the second year, if renewed, shall not exceed \$22,000.00, 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 by ATLAS ELEVATOR, INC., 529 North Main Street, Barnegat, NJ 08005, for Elevator Maintenance and Repair is determined to be the lowest legally responsible bid.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$20,000.00 for the first year and \$22,000.00 for the second year, if renewed, and any other necessary documents, with ATLAS ELEVATOR, INC., as described herein.

RESOLUTION R.416-082021

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO UNITEMP, INC. FOR THE FURNISHING OF HVAC MAINTENANCE AND REPAIR FOR VARIOUS MUNICIPAL BUILDINGS

WHEREAS, bids were received by the Township of Edison on June 25, 2021 for Public Bid No. 21-02-05-HVAC Maintenance and Repair for various municipal buildings; and

WHEREAS, UNITEMP, INC., 26 Worlds Fair Dr., Unit D, Somerset, NJ 08873, 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 total amount of the first year and any succeeding renewal year shall not exceed \$250,000.00, 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 UNITEMP, INC., 26 Worlds Fair Dr., Unit D, Somerset, NJ 08873, for HVAC Maintenance and Repair for various municipal buildings is determined to be the lowest legally responsible bid.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$250,000.00, for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents, with UNITEMP, INC.

RESOLUTION R.417-082021

**RESOLUTION AUTHORIZING CHANGE ORDER #1 (ADDITIONAL FUNDS) FOR FURNISHING OF
HVAC MAINTENANCE AND REPAIR FOR VARIOUS TOWNSHIP BUILDINGS
IN AN AMOUNT NOT TO EXCEED \$38,000.00**

WHEREAS, A.M.E., INC., 1275 Bloomfield Ave., Bldg.#2, Fairfield, NJ 07004, was awarded a contract for Public Bid No. 19-02-05 through Resolution R. 375-072019 in the amount of \$190,000.00 and that amount has been depleted; and

WHEREAS, the Purchasing Agent is in the process of awarding a new HVAC contract but needs additional funds until the paperwork is complete and the new contract will be in effect; and

WHEREAS, the Township recommends that this change order be approved in the amount not to exceed \$38,000.00 with the price as well as all terms and conditions to remain the same until a new contract becomes effective; and

WHEREAS, the total amount of this contract, not to exceed \$38,000.00, 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, that Change Order #1 (additional funds) is hereby authorized in the amount not to exceed \$38,000.00 with A.M.E., INC., as described herein.

RESOLUTION R.418-082021

RESOLUTION AUTHORIZING CHANGE ORDER #1 (ADDITIONAL FUNDS) FOR AUTOMOTIVE PARTS AND ACCESSORIES CONTRACT WITH GENUINE PARTS COMPANY IN AN AMOUNT NOT TO EXCEED \$23,000.00

WHEREAS, GENUINE PARTS COMPANY, 1770 New Durham Rd., South Plainfield, NJ 07080, was awarded a contract for Public Bid No. 19-03-10 through Resolution R. 355-072019 in the amount of \$115,000.00 and that amount has been depleted; and

WHEREAS, the Purchasing Agent is in the process of rebidding/renewing this contract but needs additional funds until the paperwork is complete and the new contract will be in effect; and

WHEREAS, the Township recommends that this change order be approved in the amount not to exceed \$23,000.00 with the price as well as all terms and conditions to remain the same until a new contract becomes effective; and

WHEREAS, the total amount of this contract, not to exceed \$23,000.00, 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, that Change Order #1 (additional funds) is hereby authorized in the amount not to exceed \$23,000.00 with GENUINE PARTS COMPANY as described herein.

RESOLUTION R.419-082021

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO LUBENET, LLC FOR THE
FURNISHING OF LUBRICANTS, FLUIDS AND ANTIFREEZE**

WHEREAS, bids were received by the Township of Edison on July 13, 2021 for Public Bid No. 21-06-20 Lubricants, Fluids and Antifreeze; and

WHEREAS, LUBENET, LLC, 126 Scott Ave., Brooklyn, NY 11237, submitted the lowest legally responsible bid for various items as listed on the spreadsheet; and

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

WHEREAS, the amount of the first year and any succeeding renewal year shall not exceed \$50,000.00, 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:

3. All bids have been reviewed, and the bid by LUBENET, LLC, 126 Scott Ave., Brooklyn, NY 11237 for 21-06-20 Lubricants, Fluids and Antifreeze is determined to be the lowest legally responsible bid for various items as listed on the spreadsheet.
4. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$50,000.00 for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents with LUBENET, LLC as described herein.

RESOLUTION R.420-082021

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO DAVID WEBER OIL CO. FOR
THE FURNISHING OF LUBRICANTS, FLUIDS AND ANTIFREEZE**

WHEREAS, bids were received by the Township of Edison on July 13, 2020 for Public Bid No. 21-06-20 Lubricants, Fluids and Antifreeze; and

WHEREAS, DAVID WEBER OIL CO., 601 Industrial Rd, Carlstadt, NJ 07072, submitted the lowest legally responsible bid for various items as listed on the spreadsheet; and

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

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

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

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

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

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

1. All bids have been reviewed, and the bid by DAVID WEBER OIL CO., 601 Industrial Rd, Carlstadt, NJ 07072 for 21-06-20 Lubricants, Fluids and Antifreeze is determined to be the lowest legally responsible bid for various items as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$20,000.00 for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents with DAVID WEBER OIL CO., as described herein.

RESOLUTION R.421-082021

**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO PETRO CHOICE LLC FOR
THE FURNISHING OF LUBRICANTS, FLUIDS AND ANTIFREEZE**

WHEREAS, bids were received by the Township of Edison on July 13, 2020 for Public Bid No. 21-06-20 Lubricants, Fluids and Antifreeze; and

WHEREAS, PETRO CHOICE LLC, 837 Cherry St., PO Box 5066, Avoca, PA 18641, submitted the lowest legally responsible bid for various items as listed on the spreadsheet; and

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

WHEREAS, the amount of the first year and any succeeding renewal year shall not exceed \$30,000.00, 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 by PETRO CHOICE LLC, 837 Cherry St., PO Box 5066, Avoca, PA 18641 for 21-06-20 Lubricants, Fluids and Antifreeze is determined to be the lowest legally responsible bid for various items as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$30,000.00 for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents with PETRO CHOICE LLC, as described herein.

RESOLUTION R.422-082021

RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO PURCHASE ONE (1) 2022 FORD F350 4WD PICKUP WITH OPTIONS FROM UNITED FORD, LLC THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) COOPERATIVE PRICING SYSTEM FOR THE SEWER UTILITY

WHEREAS, N.J.S.A. 40A:11-11 et seq., authorizes contracting units to establish a cooperative pricing system and to enter into cooperative pricing agreements for its administration; and

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

WHEREAS, UNITED FORD, LLC, 330 County Avenue, Secaucus, NJ 07096 has been awarded ESCNJ 20/21-09 Cars, Crossovers, Pickup Trucks, SUV's and Vans under NJ State approved coop #65MCESCCPS; and

WHEREAS, the Township of Edison intends to enter into a contract/purchase order with UNITED FORD, LLC, for the purchase of one (1) 2022 Ford F350 4WD Pickup with options at a total price of \$34,417.28; and

WHEREAS, the total amount of this contract shall not exceed \$34,417.28; and

WHEREAS, funds in the amount of \$34,417.28 have been certified to be available in the Sewer Capital Improvement Projects account, number 1-07-55-0501-000-117; 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 \$34,417.28, and any other necessary documents, with UNITED FORD, LLC, 330 County Avenue, Secaucus, NJ 07096, the approved Educational Services Commission of New Jersey vendor through this resolution, which shall be subject to all the conditions applicable to the current Educational Services Commission of New Jersey cooperative pricing system contract as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-11 et seq.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$34,417.28** are available for the above in Account No. **1-07-55-0501-000-117**.

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.423-082021

RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO PURCHASE TWO (2) 2022 FORD F250 4WD PICKUPS WITH OPTIONS FROM UNITED FORD, LLC THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) COOPERATIVE PRICING SYSTEM FOR THE SEWER UTILITY

WHEREAS, N.J.S.A. 40A:11-11 et seq., authorizes contracting units to establish a cooperative pricing system and to enter into cooperative pricing agreements for its administration; and

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

WHEREAS, UNITED FORD, LLC, 330 County Avenue, Secaucus, NJ 07096 has been awarded ESCNJ 20/21-09 Cars, Crossovers, Pickup Trucks, SUV’s and Vans under NJ State approved coop #65MCESCCPS; and

WHEREAS, the Township of Edison intends to enter into a contract/purchase order with UNITED FORD, LLC, for the purchase of two (2) 2022 Ford F250 4WD Pickups with options at a total price of \$64,450.30 (\$32,225.15 for each vehicle); and

WHEREAS, the total amount of this contract shall not exceed \$64,450.30; and

WHEREAS, funds in the amount of \$64,450.30 have been certified to be available in the Sewer Capital Improvement Projects account, number 1-07-55-0501-000-117; 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 \$64,450.30, and any other necessary documents, with UNITED FORD, LLC, 330 County Avenue, Secaucus, NJ 07096, the approved Educational Services Commission of New Jersey vendor through this resolution, which shall be subject to all the conditions applicable to the current Educational Services Commission of New Jersey cooperative pricing system contract as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-11 et seq.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$64,450.30** are available for the above in Account No. **1-07-55-0501-000-117**.

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.425-082021

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO RAPID PUMP & METER SERVICES CO., INC. FOR PUMP STATION REPAIRS

WHEREAS, bids were received by the Township of Edison on July 27, 2021 for Public Bid No. 21-06-23R-Pump Station Repairs; and

WHEREAS, RAPID PUMP & METER SERVICES CO., INC., PO Box AY, 285 Straight St., Paterson, NJ 07509, 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 \$2,000,000.00, 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 RAPID PUMP & METER SERVICES CO., INC., PO Box AY, 285 Straight St., Paterson, NJ 07509, for Public Bid No. 21-06-23 Pump Station Repairs, 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 \$2,000,000.00, for the first year and any succeeding renewal year contingent upon appropriation of sufficient funds each renewal year and any other necessary documents, with RAPID PUMP & METER SERVICES CO., INC. as described herein.

RESOLUTION R.426-082021

Explanation: A Resolution authorizing the grant of certain funds from the Township's Affordable Housing Emergency Generator Program in the amount of \$13,369.00 to Triple C Housing, for the purchase and installation of an emergency generator at 21 Knapp Avenue (group home).

WHEREAS, by Resolution dated February 25, 2015 the Township Council approved, authorized and established an Emergency Generator Program for the purchase and installation of emergency generators pursuant to N.J.A.C. 5:97-8.8(a) by certain qualified applicants 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 Generator 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 work under the Program; and

WHEREAS, an application to participate in the Program was submitted by Triple C Housing and was reviewed and deemed complete and in compliance with the Program requirements; and

WHEREAS, the Township Council desires to award a grant to Triple C Housing in the amount of \$13,369.00 for the purchase and installation of an emergency generator under the Township's Emergency Generator Program and to authorize the execution of an Agreement between the Township and Triple C Housing 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 \$13,369.00 from the Township's Affordable Housing Trust Fund with respect to the Township's Emergency Generator Program, to Triple C Housing, Inc., 1520 US Highway 130, Suite 201, North Brunswick, NJ for the purchase and installation of an emergency generator, and authorizes the Mayor to execute an Agreement with Triple C Housing with respect to such grant.
2. An original copy of this resolution shall be forwarded to the Municipal Housing Liaison.

RESOLUTION R.427-082021

Explanation: A Resolution authorizing the grant of certain funds from the Township's Affordable Housing Emergency Generator Program in the amount of \$12,017.00 to Triple C Housing, for the purchase and installation of an emergency generator at 65 Sturgis Road (group home).

WHEREAS, by Resolution dated February 25, 2015 the Township Council approved, authorized and established an Emergency Generator Program for the purchase and installation of emergency generators pursuant to N.J.A.C. 5:97-8.8(a) by certain qualified applicants 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 Generator 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 work under the Program; and

WHEREAS, an application to participate in the Program was submitted by Triple C Housing and was reviewed and deemed complete and in compliance with the Program requirements; and

WHEREAS, the Township Council desires to award a grant to Triple C Housing in the amount of \$12,017.00 for the purchase and installation of an emergency generator under the Township's Emergency Generator Program and to authorize the execution of an Agreement between the Township and Triple C Housing 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 \$12,017.00 from the Township's Affordable Housing Trust Fund with respect to the Township's Emergency Generator Program, to Triple C Housing, Inc., 1520 US Highway 130, Suite 201, North Brunswick, NJ for the purchase and installation of an emergency generator, and authorizes the Mayor to execute an Agreement with Triple C Housing with respect to such grant.
2. An original copy of this resolution shall be forwarded to the Municipal Housing Liaison.

RESOLUTION R.428-082021

Explanation: A Resolution authorizing the grant of certain funds from the Township's Affordable Housing Emergency Repairs Program to Triple C Housing, Inc. for the replacement of two hot water heaters at 26 Market Street (group home) in the amount of \$2,685.00.

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 of 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 Triple C Housing, Inc. was reviewed and deemed complete and in compliance with the Program requirements; and

WHEREAS, the Township Council desires to award a grant to Triple C Housing, Inc. in the amount of \$2,685.00 for the purposes set forth herein under the Township's Emergency Repair Program to include the replacement of two hot water heaters at the group home located at 26 Market Street, and to authorize the execution of an Agreement between the Township and Triple C Housing, Inc., 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 \$2,685.00 from the Township's Affordable Housing Trust Fund with respect to the Township's Emergency Repairs Program, to Triple C Housing, Inc., 1520 US Highway 130, Suite 201, North Brunswick, NJ, for the purposes set forth herein and authorizes the execution of an Agreement with Triple C Housing, Inc. with respect to such grant.
2. An original copy of the resolution shall be forwarded to the Municipal Housing Liaison.

RESOLUTION R.429-082021

Explanation: A Resolution authorizing the grant of certain funds from the Township's Affordable Housing Emergency Generator Program in the amount of \$13,870.00 to Triple C Housing, for the purchase and installation of an emergency generator at 915 Beatrice Parkway (group home).

WHEREAS, by Resolution dated February 25, 2015 the Township Council approved, authorized and established an Emergency Generator Program for the purchase and installation of emergency generators pursuant to N.J.A.C. 5:97-8.8(a) by certain qualified applicants 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 Generator 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 work under the Program; and

WHEREAS, an application to participate in the Program was submitted by Triple C Housing and was reviewed and deemed complete and in compliance with the Program requirements; and

WHEREAS, the Township Council desires to award a grant to Triple C Housing in the amount of \$13,870.00 for the purchase and installation of an emergency generator under the Township's Emergency Generator Program and to authorize the execution of an Agreement between the Township and Triple C Housing 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 \$13,870.00 from the Township's Affordable Housing Trust Fund with respect to the Township's Emergency Generator Program, to Triple C Housing, Inc., 1520 US Highway 130, Suite 201, North Brunswick, NJ for the purchase and installation of an emergency generator, and authorizes the Mayor to execute an Agreement with Triple C Housing with respect to such grant.
2. An original copy of this resolution shall be forwarded to the Municipal Housing Liaison.

RESOLUTION R.430-082021

EXPLANATION: Resolution Refunding Engineering Inspection Fees to Federal Business Center, for 1130 King George Post Road, Edison, NJ, Account # EI181203FE.

WHEREAS, the Township Engineer advises that an inspection was made of 1130 King George Post Road located in Block: 390C Lot: 24, Application P7-2018, and said inspection indicates all site improvements are complete and in accordance with the Site Plan approval and Municipal Standards of the Township of Edison: and

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

WHEREAS, it is in now in order that the sum of \$9,078.50, which represents the amount due and owing the applicant, be returned to Federal Business Center, 300 Raritan Parkway, Edison, NJ 08837, ATTENTION: Gina Wilson, Account # EI181203FE. .

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$9,078.50 plus accrued interest, if applicable, be refunded to the applicant, Account # EI181203FE.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$9,078.50 in account # EI181203FE to the applicant, having an address of Federal Business Center, 300 Raritan Parkway, Edison, NJ 08837, ATTENTION: Gina Wilson. .

RESOLUTION R.431-082021

EXPLANATION: Resolution Refunding Engineering Inspection Fees to Edison Route 27, LLC, for Application# P10-2016, 2147 Lincoln Highway, Edison NJ 08817, in Account # EI190516ED

WHEREAS, the Township Engineer advises that an inspection was made of 2147 Lincoln Highway, Edison NJ 08817 in Block: 124 Lot: 23.01, Application # P10-2016, and said inspection indicates all site improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

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

WHEREAS, it is in now in order that the sum of \$1,952.77, which represents the amount due and owing the applicant, be returned to Edison 27 LLC, 910 East County Line Road, Suite 202, Lakewood, NJ 08701, Account # EI190516ED.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$1,952.77 plus accrued interest, if applicable, be refunded to the applicant, Account # EI190516ED.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of **\$1,952.77** in account # **EI190516ED** to the applicant, Edison 27, LLC having an address of 910 East County Line Road, Suite 202, Lakewood, NJ 08701.

RESOLUTION R.432-082021

EXPLANATION: Resolution Refunding Engineering Inspection Fees to 343 Thornall SPEC, LLC, c/o Mack Cali Realty, for 333-343 Thornall Street, Account # EI18022634.

WHEREAS, the Township Engineer advises that a final inspection was made of 333-345 Thornall Street located in Block: 676 Lots: 2.A3 & 6, Application #Z05-2017 and said inspection indicates all site improvements are complete and in accordance with Site Plan approval and Municipal standards of the Township of Edison; and

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

WHEREAS, it is in now in order that the sum of \$3,682.90, which represents the amount due and owing the applicant, be returned to 343 Thornall SPEC, LLC, c/o Mack Cali Realty, Account # EI18022634.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$3,682.90 plus accrued interest, if applicable, be refunded to the applicant, 343 Thornall SPEC, LLC, c/o Mack Cali Realty, Account # EI18022634.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of **\$3,682.90** in account # **EI18022634** to the applicant, 343 Thornall SPEC, LLC, c/o Mack Cali Realty having an address of Harborside 3, Suite 400, 210, Hudson Street, Jersey City, NJ 07311.

RESOLUTION R.433-082021

EXPLANATION: Resolution Refunding Engineering Inspection Fees to Edison Route 27 Associates, LLC, 820 Morris Turnpike, Short Hills, NJ 07078, ATTENTION: Michael Gartenberg for Petsmart & Triple A, 2220-2230 Lincoln Highway, Edison, NJ 08817, Account # 720002513.

WHEREAS, the Township Engineer advises that a final inspection was made for Petsmart and Triple A, located in 2220-2230 Lincoln Highway, Block: 383, Lot: 13.01, Application # P02-04/05, and said inspection indicates all site improvements are complete and in accordance with the Site Plan Approval and Municipal Standards of the Township of Edison; and

WHEREAS, Certificates of Occupancy were issued on August 18, 2014 and November 9, 2015.

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

WHEREAS, it is in now in order that the sum of \$7,538.07, which represents the amount due and owing the applicant, be returned to Edison Route 27 Associates, LLC, 820 Morris Turnpike, Short Hills, NJ 07078, ATTENTION: Michael Gartenberg, for Petsmart & Triple A, 2220-2230 Lincoln Highway, Edison, NJ 08817, Account # 7200025133.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$7,538.07 plus accrued interest, if applicable, be refunded to the applicant, Account # 7200025133.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of \$7,538.07 in account # 7200025133 to the applicant, Edison 27 Associates, LLC, having an address of 820 Morris Turnpike, Short Hills, NJ 07078, ATTENTION: Michael Gartenberg.

RESOLUTION R.434-082021

EXPLANATION: Resolution Refunding Engineering Inspection Fees to Rawson Food Services, Inc., for
Wendy's (730 Route 1)
Account # EI190516RA

WHEREAS, the Township Engineer advises that a final inspection was made of Wendy's (730 Route 1) located in Block: 182.A Lot: 9.A2 and said inspection indicates all site improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

WHEREAS, a Certificate of Occupancy was issued on July 24, 2019.

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

WHEREAS, it is in now in order that the sum of \$1,627.50, which represents the amount due and owing the applicant, be returned to Rawson Food Services. Inc., having offices at P.O. Box 670, Rocky Hill, NJ 08552, Account # EI190516RA.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$1,627.50 plus accrued interest, if applicable, be refunded to the applicant, Rawson Food Services Inc., Account # EI190516RA.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of **\$1,627.50** in account #**EI190516RA** to the applicant, Rawson Food Services Inc., having an address of P.O. Box 670, Rocky Hill, NJ 08552.

RESOLUTION R.435-082021

EXPLANATION: Resolution Refunding Cash Performance Bond & Performance Guarantee to 343 Thornall SPEC LLC, c/o Mack Cali Realty, for 333-343 Thornall Street, Application# Z05-2017.

WHEREAS, 343 Thornall SPEC, LLC, having offices at Harborside 3, Suite 400, 210 Hudson Street, Jersey City, NJ 07311, posted a Performance Surety Bond # 106846693 on January 18, 2018 of Travelers Casualty and Surety Company, Inc., having offices at 343 Thornall Street, 5th Floor, Edison, NJ 08818 in the amount \$823,880.16, to guarantee the installation of improvements for the project known as 333-343 Thornall Street located in Block 676 and Lots 2.A3 & 6 and designated Application #Z05-2017; and

WHEREAS, a Cash Performance Bond was posted on January 25, 2018, by Check # 699419 of Bank of America, in the amount of \$91,542.24, for 343 Thornall SPEC LLC, c/o Mack Cali Realty and deposited in Account# CP18030134.

WHEREAS a final inspection of the constructed improvements has been made, and the Township Engineer has determined that the project has been satisfactorily completed; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Final Acceptance of the improvements be granted, and that the Performance Surety Bond # 106846693 of \$823,880.16 be released.

BE IT FURTHER RESOLVED, that the Township Clerk and the Director of Finance be and is hereby authorized to refund the sum of \$91,542.24, plus accrued interest as applicable, on deposit in Account # CP18030134 to 343 Thornall SPEC, LLC, c/o Mack Cali Realty, having offices at Harborside 3, Suite 400, 210 Hudson Street, Jersey City, NJ 07311.

RESOLUTION R.436-082021

EXPLANATION: Resolution Refunding Cash Performance and Performance Bond to Edison Route 27, LLC. Application # P10-2016 in Account # CP190516ED for Cash Performance and Performance Bond.

WHEREAS, the Township Engineer advises that an inspection has been made of Edison Route 27, LLC. Application #P10-2016, 2147 Lincoln Highway, Edison, NJ 08817, Block 124 Lot: 23.01 and said inspection indicates all site improvements are complete 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 Cash Performance and Performance bond posted on in the amount of **\$17,430.00**, plus accrued interest, if applicable on deposit in account # **CP190516ED** with the Township of Edison, principal being and acceptance of the subject improvements; and

WHEREAS, the Township Engineer, recommends the release of the posted Cash Performance and Performance Bond dated 02/15/2019 by the Deposit by Chase –cashiers check in the amount of **\$17,430.00**.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance in the amount of **\$17,430.00** plus accrued interest, if applicable, on deposit in account # **CP190516ED** to the applicant, Edison Route 27 LLC, having offices at 910 East County Line Road, Suite 202, Lakewood, NJ 08701.

RESOLUTION R.437-082021

**Brandon Estates, 807-815 Wood Avenue, Markim Developers, LLC
Block 500, Lots 9A, 9B & 10
Performance Bond Reduction & Cash Bond Reduction**

WHEREAS, Markim Developers, LLC posted a Performance Bond # 49436 posted on September 24, 2020 of the Service Insurance Company, Inc., in the amount of \$97,661.70, posted by Markim Developers, LLC, having offices at 910 Amboy Ave Edison NJ 08837 to guarantee the installation of improvements for the project known as, Brandon Estates, 807-815 Wood Avenue, Block 500, Lots 9A, 9B & 10 and designated Application #P5221, and

WHEREAS, a Cash Performance Bond was posted on 10-9-2020 by Check # 1001 of 1st Constitution Bank, in the amount of \$10,581.30, on deposit in account CP201009KI; and

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

WHEREAS, it is the recommendation of the Township Engineer that the Performance Bond be reduced by **80%** from **\$97,661.70** to **\$19,532.34**; and

WHEREAS, it is further the recommendation of the Township Engineer that the Cash Performance Bond, posted by Markim Developers, LLC, on 10/9/2020 be reduced by **80%**, from **\$10,581.30** to **\$2,116.26**, therefore, refunding the amount of **\$8,465.04**; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Performance Bond hereinabove mentioned be reduced to **\$19,532.34**, **by virtue of a substitute bond** or endorsement to the Performance Bond presently in place, until such time as Final Acceptance is granted.

BE IT FURTHER RESOLVED, that the Township Clerk and the Director of Finance be and is hereby authorized to refund the sum of **\$8,465.04**, plus accrued interest, on deposit in Account #CP201009K to Markim Developers, LLC having offices at 910 Amboy Ave, Edison, N.J. 08837 with the sum of **\$2,116.26 remaining on deposit** until such time as Final Acceptance is granted.

RESOLUTION R.438-082021

EXPLANATION: This resolution provides for refund of Zoning Fees.

WHEREAS, on June 29, 2021, a Zoning permit fee was paid in the total amount of \$50.00, by homeowner, Peter Jeffrey Leus, residing at 22 Netherwood Circle, Edison, NJ 08820, check #815, Zoning Permit # 5942.
and

WHEREAS, the permit fees were paid for, but then it was discovered that the resident was over charged by \$25.00.

WHEREAS, the Township Zoning Officer recommends the refund of the zoning application fee, on Permit # 5942, in the amount of \$25.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$25.00 on zoning permit fees posted by Peter Jeffrey Leus, be refunded to the resident;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$25.00 from the Refund of Revenue Fund to the owner, Peter Jeffrey Leus , 22 Netherwood Circle, Edison , NJ 08820.

RESOLUTION R.439-082021

EXPLANATION: This resolution provides for refund of a permit for Tank Removal, posted for a residential construction permit at 4 Hull Dr. by Anita Lam

WHEREAS, on May31, 2018, a Construction Permit fee, was paid by a visa, permit #2018-2140, was posted in the total amount of \$200.00 by the home owner Anita Lam

WHEREAS, the application was submitted for a Tank Removal by the hired contractor; the home owner did not go thru with this permit and permit was void.
Home owner is requesting a refund less 20% percent review fee for the total amount of refund to be \$160.00, under the municipal fee Code, chapter 2-128.3; and

WHEREAS, appropriate documents have been submitted to the Township indicating that the work was never done for resident Anita Lam it is therefore appropriate that the municipal permit fee in the amount of \$200.00, less the 20% percent review fee be refund for the total construction permit to home owner of 4 Hull Drive in Edison, NJ 088017 shall be \$160.00 ; and

WHEREAS, the Township Construction Official recommends the refund of the municipal permit fee, on Construction Permit #2018-2140, in the amount of \$160.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$160.00 on construction permit fees posted by home owner Anita Lam residing at 4 Hull Drive, Edison, NJ 08817

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$160.00 from the Refund of Revenue Fund to the home owner Anita Lam residing at 4 Hull Dr. Edison, NJ 08817

RESOLUTION R. 440-082021

EXPLANATION: This resolution provides for refund of the construction permit fee, less the DCA fee & Review fee & update fee posted for a residential addition to 36 Walsh Ave, Edison NJ 08837

WHEREAS, on June 20, 2018 a Construction Permit, # 2018-2430, check #503, was posted in the total amount of \$7,414.00 by the home owner, and on March 29th, 2018 an update was paid in the amount of \$176.00 by Shaffrah Khan, residing at 36 Walsh Ave, Edison, NJ; and

WHEREAS, the application was submitted for an addition for at 36 Walsh Ave Edison, NJ 08837 By owner, The resident has cancelled the job.

WHEREAS, appropriate documents have been submitted to the Township indicating that the work was never done and the home owner is asking for a refund of permit cost in the amount of \$5,630.40 less DCA fees of \$411.00 and 20 percent of review fee of addition \$1,407.60, the total refund in the amount of \$5,630.40 is the total refund to home owner Mr. Shaffrah Khan at 36 Walsh Ave, Edison, NJ 08837

WHEREAS, the Township Construction Official recommends the refund of the municipal permit fee, on Construction Permit #2018-2430 in the amount of \$5,630.40 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$5,630.40, on construction permit fees posted by Mr. Shaffrah Khan who resides at 36 Walsh Ave, Edison, NJ 08837

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$5,630.40 from the Refund of Revenue Fund to the Home owner Shaffrah Khan, 36 Walsh Ave, Edison, NJ 08837

RESOLUTION R.441-082021

EXPLANATION: This resolution provides for refund of the construction permit fee, less the DCA fee posted for a residential senior application for Richard F. Mc Elhiney of 126 Moretti Lane, Edison, NJ 08817

WHEREAS, on June 17, 2021, a Construction Permit was issued for a permit at 126 Moretti Lane in the amount of \$589.00 for Richard Mc Elhiney, of Edison, NJ 08817

WHEREAS, appropriate documents have been submitted to the Township indicating that Richard Mc Elhiney is a senior resident residing at 126 Moretti Lane, in Edison, NJ 08817 and is entitled to a senior discount less \$42.00 DCA fee for a total refund of \$547.00

WHEREAS, the Township Construction Official recommends the refund of the municipal permit fee, on Construction Permit #2021-2270, in the amount of \$547.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$547.00 on construction permit 2021-1270 to Richard Mc Elhiney of 126 Moretti Lane, Edison NJ 08817

RESOLUTION R.442-082021

EXPLANATION: A resolution authorizing and directing the execution of, and entry into, respective Grant and Conservation Restriction Agreements with the County of Middlesex with respect to the acquisition and conservation of the Shea Property within the Township.

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

WHEREAS, the County of Middlesex (“County”) is tasked with, among other things, administering the County’s Open Space Program, including the distribution of funds for property acquisition pursuant to the County’s Open Space Master Plan; and

WHEREAS, there is located within the Township real property which both the Township and the County have deemed appropriate for acquisition for open space and conservation purposes, to wit: certain real property consisting of approximately 7.49+/- acres of a 17.03+/- parcel located at 1681 Woodland Avenue, Edison Township, County of Middlesex, State of New Jersey, and designated on the Tax Map of Edison Township as Block 415, Lot 5-B-1; the subject real property is identified as proposed lots 5.07, 5.08, 5.09, 5.14 and 5.15, together with a portion of the proposed roadway referenced as Shea Court on the Overall Plan for Shea Court, prepared by Menlo Engineering Associates and dated February 20, 2018, and presently owned by Thomas and Karen Shea (the “Sheas” and the real property the “Shea Property”); and

WHEREAS, to facilitate the acquisition of the Shea Property for the forgoing purposes (to be effectuated by contract of sale between the County and the Sheas, which will then be assigned to the Township for conveyance and vesting of title to the Shea Property into the Township of Edison), the County has agreed to finance the acquisition price of the same (in the approximate amount of \$2.4 million, as adjusted by the contract of sale), provided that the Township agrees to grant to the County a recordable Conservation Restrictions Agreement in consideration thereof; and

WHEREAS, in consideration of the forgoing, the Township and the County have agreed to enter into respective Grant and Conservation Restriction Agreements, in substantially the forms appended hereto as Exhibit A (together the “Agreements”) and with such input as legal counsel in consultation with Township Administration shall deem appropriate; and

WHEREAS, in consideration of all of the foregoing, the Township Council of the Township is desirous of authorizing and directing the entry into the said Agreements, all as aforesaid.

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. The execution of the above defined Agreements be and hereby is, approved, all consistent with the above recitals, in substantially the forms appended hereto as Exhibit A and with such input as legal counsel in consultation with Township Administration shall deem appropriate.

Section 3. All pertinent Township personnel, including without limit the Mayor, the Township Administrator and/or the Township Clerk, be and hereby are authorized and directed to enter into the said Agreements, in substantially the forms attached hereto as **Exhibit A**, and to coordinate as necessary to adhere to the terms and conditions thereof.

Section 4. This Resolution shall take effect immediately.

RESOLUTION R.443-082021

EXPLANATION: A Resolution approving the Settlement Agreement and Release with Edison Industrial Building Limited Partnership.

WHEREAS, the Township of Edison and the Edison Water Department (together, the “**Township**”) are defendants in a lawsuit filed in the Superior Court of New Jersey, Middlesex County, bearing docket number MID-L-1541-21 (the “**Lawsuit**”), with said Lawsuit being filed by plaintiff Edison Industrial Building Limited Partnership (the “**Plaintiff**,” and together with the Township, the “**Parties**”); and

WHEREAS, Plaintiff, in the Lawsuit, asserted claims alleging that water charges incurred at the property located at 330 Talmadge Road, Edison, New Jersey (the “**Property**”) prior to January 1, 2020 do not constitute a lien on the Property, and the \$40,000.00 relating to the water charges and held in escrow from the Property’s sale proceeds should be turned over to Plaintiff; and

WHEREAS, the Township filed an Answer denying Plaintiff’s claims that the Township did not have a lien on the Property for the water charges due and owing; and

WHEREAS, the Township does not and shall not admit liability in the Lawsuit or otherwise, but is desirous of avoiding the cost and expense of further litigation; and

WHEREAS, the Parties have negotiated settlement terms to fully and finally resolve all claims among them, including, but not limited to, all claims in the Lawsuit, in the form of Settlement Agreement and Release (the “**Agreement**”), a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Municipal Council desires to approve the settlement terms reached by and between the Parties, at no financial cost to the Township, in the form of Agreement attached hereto as Exhibit A; and

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

1. The recitals are hereby incorporated as if restated herein in full.
2. The Agreement, attached hereto as Exhibit A, is hereby approved and accepted substantially in the form attached hereto. The Mayor, along with any other necessary personnel, is authorized and directed to execute the Agreement consistent with the settlement terms set forth therein subject to such additions, deletions or modifications as deemed necessary in consultation with counsel, and to enter such related agreements and take other such necessary and appropriate action to effectuate the Agreement.
3. This Resolution shall take effect immediately.

RESOLUTION R.444-082021

RESOLUTION TO RELEASE STREET OPENING ESCROW

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

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

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Finance Department is hereby authorized to release Street Opening Escrow Funds, under reference number STO0000525, to the following:

Permit Number: DEV-20-0298

Opening Location: 28 MONTVIEW RD

Block/Lot: 1200/8

Applicant's Name & Address:

**A GENERAL SEWER SERVICE
8998 RT-18 SUITE 217
OLD BRIDGE NJ 08857**

Initial Deposit Date: 01/14/2021

Deposit Amount: \$600.00

Paid by & refunded to:

**BRIDGET CUSTODE
28 MONTVIEW RD
EDISON NJ 08837-2742**

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.