

**AGENDA
MUNICIPAL COUNCIL
REGULAR MEETING
Wednesday, January 26, 2022
7:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger, The Sentinel and Desi Talk on November 25, 2021 and posted in the Main Lobby of the Municipal Complex on the same date.
4. **APPROVAL OF MINUTES:**
 - a. Re-Organization Meeting of January 5, 2022
 - b. Combined Meeting of January 12, 2022
5. **COUNCIL PRESIDENT'S REMARKS**
6. **ADMINISTRATIVE AGENDA:
FROM MAYOR SAMIP JOSHI:**
 - a. Re-appointing of John Soltesz as a Class II Planning Board Member.
 - b. Re-appointing of Jagpaviterjit Singh as a Class IV Planning Board Member.
 - c. Appointing of Jacob Reider as a Class IV Planning Board Member
 - d. Appointing of Ronald Lai as a Class IV Planning Board Member
 - e. Re-appointing of Lav Patel as a 2nd Alternate Planning Board Member
 - f. Appointment of Dipti Vaid Dedhia, as a Municipal Court Judge to fill unexpired term of Mary Casey.
7. **APPROVAL OF VOLUNTEER FIREFIGHTERS:**

Raritan Engine Company #1
Craig E. Boland

Oak Tree Volunteer Fire Company
Ryan J. O'Connor
8. **NEW BUSINESS:**

PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR FEBRUARY 9, 2022.

**O. 2134-2022 ORDINANCE ACCEPTING DEDICATION OF THE
ROADWAY FORMERLY KNOWN AS 100 & 106 ETHEL
ROAD, BLOCK 20, LOTS 4F & 4M ASSOCIATED WITH
APPLICATION #P5129, AND NOW KNOWN AS PLEDGE**

**COURT, AND AUTHORIZING AN AGREEMENT
BETWEEN THE TOWNSHIP AND DCK DEVELOPERS,
LLC IN CONNECTION THEREWITH.**

9. **PUBLIC COMMENT ON THE RESOLUTIONS:**

10. **PROPOSED RESOLUTIONS**

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

Consent Agenda

- R.055-012022 Resolution approving disbursements for the period ending, January 20, 2022.
- R.056-012022 Resolution authorizing refund in the amount of \$278,188.42 for redemption of tax sale certificates.
- R.057-012022 Resolution authorizing refund for tax overpayments totaling, \$22,955.66.
- R.058-012022 Resolution setting rate of Interest, Grace Period and Year End Penalty for 2022.
- R.059-012022 Resolution authorizing overpayment refund caused by Successful Tax Appeal.
- R.060-012022 Resolution authorizes the settlement of Tax Appeals filed by MIA East LLC of NJ for tax years 2020, 2021 and 2020.
- R.061-012022 Resolution authorizing the Transfer of Funds in the Calendar Year 2020 Current Fund Budget Appropriations Pursuant to N.J.S.A. 40A:4-59.
- R.062-012022 Resolution approves for Senior Resident refund for Permit #2021-3461, 14 Dolores Drive.
- R.063-012022 Resolution Refunding Cash Performance Bond to Suburban Development LLC, 228A Pierson Avenue, Edison, NJ 08837, Application P5202, Block 556, Lot 31.02.
- R.064-012022 Resolution Performance Guarantee to Suburban Development LLC, having offices at 228A Pierson Avenue, Edison, NJ 08837 for Woodside Estates, Application P5202. Block 556, Lot 31.02.
- R.065-012022 Resolution Refunding Engineering Inspection Fees to Suburban Development, LLC, having offices at 228A Pierson Avenue, Edison, NJ 08837, for Woodside Estates, Application P5202, Account # EI191122SU.
- R.066-012022 Resolution Release of Balance on Performance Bond to Suburban Development, LLC, having offices at 228A Pierson Avenue, Edison, NJ 08837, for Woodside Estates, Application P5202, Block 556, Lot 31.02.
- R.067-012022 Resolution authorizing refund of Developers Escrow fees posted by Hotel 27, LLC for 2035 Lincoln highway, aka Blk.123, Lot 11 and Application Z56-2018.
- R.068-012022 Resolution authorizing refund of Developers Escrow fees posted by Nicholas D'Agostino for 321 Plainfield Avenue, aka, Blk. 103.D, Lot 32 and Application Z08-2021.

- R.069-012022 Resolution authorizing refund of Developers Escrow fees posted by B & B McEntee construction for 230 Carter Drive in Blk. 22, Lot 1.D and Application P14-2018 Lotito Foods.
- R.070-012022 Resolution returning of Cash Performance Guarantee to BAPS, Edison, LLC for New building at 2500 Woodbridge Avenue, Acct. #7763342711.
- R.071-012022 Resolution refunding Tree Maintenance Bond to A. Ferraro, for 22 Utica Road, Permit 11-010, Acct. #7761963664.
- R.072-012022 Resolution Refunding Engineering Inspection Fees to Camp Kilmer A. Associates, LLC. (Penrose Properties), having offices at 230 Wyoming Avenue, Kingston, PA 18704, for Penrose – Camp Kilmer III, Application# P2-2017, Block 3.E, Lot 3.013. Account # EI190701CA.
- R.073-012022 Resolution Refunding Cash Performance to Camp Kilmer A. Associates, LLC (Penrose Properties) having offices at 230 Wyoming Avenue, Kingston, PA 18704, for Penrose – Camp Kilmer III – Application #P2-2017 in Account # CP190812CA.
- R.074-012022 Resolution Performance Guarantee to Camp Kilmer A. Urban Renewal Associates, LLC, for Penrose – Camp Kilmer III, Application P2-2017, Block 3.E, Lot 3.013.
- R.075-012022 Resolution rescinding R.293-062021 which was adopted June 14, 2021.
- R.076-012022 Resolution authorizing a reimbursement for the ABC Program to Aiqun Zhang in the amount of \$400.00.
- R.077-012022 Resolution authorizing a reimbursement for the ABC Program to Anusha Pramod in the amount of \$200.00.
- R.078-012022 Resolution authorizing Mott MacDonald to provide Engineering Services in connection with service line inventory assistance for the Water Utility in the amount of \$52,500.00.
- R.079-012022 Resolution authorizing Change Order #2 for Contract No.18-06-11 with Longo Electrical Mechanical for Evergreen Pumping Station Priority Repairs in the amount of \$44,377.92.
- R.080-012022 Resolution authorizing the Township to Contract with Weatherproofing Technologies, Inc. for a New Roof at the Evergreen Pumping Station through the Educational Services Commission of New Jersey Cooperative Pricing System in the amount of \$45,127.19.
- R.081-012022 Resolution authorizing the acceptance of Federal Highway Safety Fund 2022 (S.T.E.P.) Grant.
- R.082-012022 Resolution appointing Members to the Open Space Committee.
- R.083-012022 Resolution appointing Anthony Barone to be a Member to the Zoning Board, term expiring December 31, 2025.
- R.084-012022 Resolution appointing Devendra Dave to be a Member to the Zoning Board, to fill vacancy of unexpired term ending December 31, 2023.
- R.085-012022 Resolution appointing John Poyner as a Class III Member of the Planning Board, term expiring December 31, 2022.

11. ORAL PETITIONS AND REMARKS

12. **ADJOURNMENT**

ORDINANCE O.2134-2022

EXPLANATION: Ordinance accepting dedication of the roadway formerly known as 100 & 106 Ethel Road, Block 20, Lots 4F & 4M associated with Application #P5129, and now known as Pledge Court, and authorizing an Agreement between the Township and DCK Developers, LLC in connection therewith

WHEREAS, in April of 2011, DCK Developers, LLC (the “Contractor”) posted among other performance security a Cash Performance Bond by Check #6759601304 in the amount of \$23,668.20, to guarantee in part the installation of improvements for the project located at 100 & 107 Ethel Road, Block 20, Lots 4F & 4M within the Township of Edison (“Township”), and now known as Plenge Court (referred to as the “Roadway”, and the overall project as the “Development”); and

WHEREAS the Township has received a request from the Contractor to reduce the posted Cash Performance Bond to reflect the work completed in connection with the Development; and

WHEREAS the Township Division of Engineering has made an inspection of the project site in connection with the Development, and has determined that the top coarse of the pavement on the Roadway was unsatisfactory; and

WHEREAS following further discussion between the Parties, the Contractor has agreed to forfeit its Cash Performance Bond, and its ownership of the Roadway, to the Township, in consideration of the Township’s agreement to complete the top coarse of the pavement on Plenge Court and the Roadway, take dedicated ownership thereof, and to issue a certificate of occupancy for the last home to be built in connection with the Development; and

WHEREAS to memorialize the forgoing, in addition to this Ordinance the parties have agreed to the terms of a certain Cash Performance Bond Forfeiture Agreement (“**Agreement**”), which is annexed hereto as Exhibit A; 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, the Township wishes to accept the dedication for roadway purposes a portion of the property currently owned by DCK Developers, LLC as Contractor, located at 100 & 107 Ethel Road, Block 20, Lots 4F & 4M within the Township, and now known as Plenge Court (again, the “Roadway”), all as further set forth in Exhibit B herein and made a part hereof; 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 right-of-way dedication subject to review and approval of the right-of-way dedication by the Township Engineer, and also, wishes to approve of the Agreement in connection therewith.

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 the Roadway (Plenge Court), as further set forth in Exhibit B, including all utilities and improvements installed therein, as part of the public road system of the Township.

3. The Township Engineer is authorized and directed to inspect the subject roadway and to determine whether the roadway is constructed in conformance with all applicable Township regulations.

4. The Mayor and Township Clerk, and any other necessary Township personnel, be and hereby are authorized and directed to execute and deliver any document, including the Agreement attached as Exhibit A, and any other instruments to effectuate the intentions hereof, 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.

5. 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.

6. 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*.

7. 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.

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

RESOLUTION R.055-012022

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING JANUARY 20, 2022.

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through, January 20, 2022.

FUND	AMOUNT
Current	\$3,285.047.37
Affordable Housing	0.00
Capital	1,612.50
Cash Performance	0.00
CDBG	0.00
Developers Escrow	45,245.18
Dog (Animal Control)	22.80
Federal Forfeited	0.00
Grant Funds	2,071.40
Law Enforcement	0.00
Open Space	0.00
Park Improvements	0.00
Payroll Deduction	0.00
Sanitation Fund	0.00
Self Insurance	0.00
Sewer Utility	31.00
Tax Sale Redemption	0.00
Tree Fund	0.00
Tree Planting	0.00
Trust	278.91
Edison Water Utility	5,000.00
Edison Landfill Closure Trust	0.00
TOTAL	\$3,339,309.16

/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.056-012022

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 **\$278,188.42.**

RESOLUTION R.057-012022

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 **\$22,955.66.**

RESOLUTION R.058-012022

Setting Rate of Interest, Grace Period, and Year End Penalty for 2022

WHEREAS, pursuant to N.J.S.A. 54:4-66.1, taxes in municipalities operating under a calendar based fiscal year shall be payable for the first quarterly installment of the year on February 1, for the second quarterly installment on May 1, for the third quarterly installment on August 1, and for the fourth quarterly installment on November 1; and

WHEREAS, N.J.S.A. 54:4-67 provides that the governing body may fix the rate of interest to be charged for the non-payment of taxes, assessments &/or other municipal liens or charges; and

WHEREAS, N.J.S.A. 54:4-67(a), further provides that taxes shall not be subject to interest charges if payment of any installment is made within the tenth calendar day following the date upon which the same became payable; and

WHEREAS, N.J.S.A. 54:4-67 (c), provides that within the current fiscal year if any delinquency is in excess to \$10,000.00, a penalty not to exceed 6% may be charged; and

NOW, THEREFORE BE IT RESOLVED, by the Municipal Council of the Township of Edison, that in accordance with N.J.S.A. 54:4-66 et seq, the rate of interest to be charged on delinquent taxes and all other municipal liens or charges for the first, second, third and fourth quarterly installments of year **2022** shall be eight percent (8%) per annum on the first \$1,500.00 of delinquency and eighteen percent (18%) per annum on any amount in excess of \$1,500.00 to be calculated from the date the tax was payable until the date of actual payment to the collector is received provided that no interest shall be charged if payment of any installment is made on or before the tenth calendar day following the date upon which same became payable; and

BE IT FURTHER RESOLVED, that the rate of interest on unpaid sewer utility for **2022** bills shall be eighteen percent (18%) per annum on any delinquency to be calculated from the date the bill was payable until the date of actual payment, provided that no interest shall be charged if payment of any bill is made within thirty (25) calendar days following the billing date or before the tenth calendar day following the date upon which same became payable, whichever is later; and

BE IT FURTHER RESOLVED, that the rate of interest on unpaid water utility for **2022** bills shall be eighteen percent (18%) per annum on any delinquency to be calculated from the date the bill was payable until the date of actual payment, provided that no interest shall be charged if payment of any bill is made within thirty (25) calendar days following the billing date or before the tenth calendar day following the date upon which same became payable, whichever is later; and

BE IT FURTHER RESOLVED, that a penalty of six percent (6%) be charged on all delinquent municipal charges in excess of \$10,000.00 that are not paid prior to the end of **2022** calendar year.

RESOLUTION R.059-012022

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 **\$ 4309.19**, 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 **\$ 4,309.19**.
 - 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.060-012022

EXPLANATION: This Resolution authorizes the settlement of Tax Appeals filed by MIA East LLC of NJ for the Tax Years 2020, 2021 and 2020

WHEREAS, MIA East LLC of NJ (“Taxpayer”), the owner of property located at 875 New Durham Avenue, Block 50, Lot 23.01 on the Township of Edison’s Tax Assessment Maps (“Property”), filed Tax Appeals for the Tax Years 2020 and 2021 with the Tax Court of New Jersey under Docket Numbers 011506-2020 and 0011481-2021.

WHEREAS, the Township Council for the Township of Edison met and discussed the aforesaid tax appeal 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, the original assessment for the 2020-2021 Tax Years were as follows:

	<u>2020</u>	<u>2021</u>
Land:	\$ 662,400.00	\$ 662,400.00
Improvements:	<u>\$3,452,700.00</u>	<u>\$3,452,700.00</u>
Total:	\$4,115,100.00	\$4,115,100.00

WHEREAS, the proposed settlement provides for an assessment of the 2020 and 2021 Tax Years as follows:

	<u>2020</u>	<u>2021</u>
Land:	\$ 662,400.00	\$ 662,400.00
Improvements:	<u>\$3,452,700.00</u>	<u>\$2,839,400.00</u>
Total:	\$4,115,100.00	\$3,501,800.00

WHEREAS, the 2022 total assessment shall be reduced to \$3,208,00.00;

WHEREAS, the Taxpayer acknowledges that the Township has in part agreed to the settlement in question in consideration for a waiver of the Tax Appeal 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, 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 **\$34,853.84** for the tax year 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:

For the 2020 and 2021 Tax Years, the Township of Edison Tax Assessor is hereby directed to establish the allocation between land and improvement as follows:

	<u>2020</u>	<u>2021</u>
Land:	\$ 662,400.00	\$ 662,400.00
Improvements:	<u>\$3,452,700.00</u>	<u>\$2,839,400.00</u>
Total:	\$4,115,100.00	\$3,501,800.00

For the 2022 Tax Year, the Tax Assessment will be reduced to \$3,208,00.00;

1. Interest is waived on the refund, provided such refund is provided as specified herein; and
2. 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 2020 and 2021 under Docket Numbers 011506-2020 and 0011481-2021 by the Taxpayer, owner of the Property located at 875 New Durham Avenue, Block 50, Lot 23.01.
3. The Freeze Act will apply to the judgment to be issued by the New Jersey Tax Court; and
4. 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.061-012022

**AUTHORIZING THE TRANSFER OF FUNDS IN THE CALENDAR YEAR 2022 CURRENT FUND
BUDGET APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-59**

WHEREAS, N.J.S.A. 40A:4-59 authorizes the transfer of funds during the last two months of a fiscal year and during the first three months of the subsequent fiscal year; and

WHEREAS, certain calendar year 2021 appropriations as budgeted are insufficient to meet the needs for which those appropriations were originally established while certain other appropriations appear to have surplus balances not currently needed to pay claims for which they were budgeted; and

WHEREAS, the following details explain the accounts to which funds need to be transferred and the accounts from which funds will be transferred from to insure that adequate appropriation balances exist where needed to pay approved claims against the Township;

FROM:

TO:

Building & Ground Salary & Wages
1-01-26-0310-000-011 \$40,000.00

Fuel & Lubricants
1-01-31-0460-000-000

NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF EDISON IN THE COUNTY OF MIDDLESEX, NEW JERSEY, THAT the proper Township Officials are hereby authorized to transfer funds as indicated on the annexed spread sheet from those designated appropriations having apparent surplus balances to those designated appropriations having apparent insufficient balances to insure that adequate appropriation balances exist where needed.

RESOLUTION R.062-012022

EXPLANATION: This resolution provides for Senior Resident refund to contractor Bill Leary HVAC permit fee, less the DCA fee, posted for furnace, condenser & coil permit #2021-3461

WHEREAS, on September 2, 2021 a Construction Permit fee, check #10808 permit #2021-3461, was posted in the total amount of \$254.00 by the contractor, Bill Leary Heating & Cooling, having offices at 6 Green St. Metuchen, NJ 08840; and

WHEREAS, the application was submitted for a Furnace replacement at 14 Dolores Dr. Edison, NJ 08817 by the hired contractor; who did not make known to the Construction Code Enforcement Division that the homeowner, James Last is a bonafide Edison Senior Resident who is eligible for Senior Citizen waiver of municipal fees on construction permits, per the Edison Municipal Code, chapter 2-128.3; and

WHEREAS, the Township Construction Official recommends the refund of the municipal permit fee, on Construction Permit #2021-3461, in the amount of \$254.00, less \$29.00 DCA fee total of refund to Contractor Bill Leary HVAC, 6 Green St. Metuchen, NJ 08840 in the amount of \$225.00

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$225.00 on construction permit fees posted by Bill Leary, 6 Green St. Metuchen, NJ 08840,

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$225.00 from the Refund of Revenue Fund to the Contractor Bill Leary HVAC, 6 green Street, Metuchen, NJ 08840

RESOLUTION R.063-012022

EXPLANATION: Resolution Refunding Cash Performance Bond to Suburban Development LLC, 228A Pierson Avenue, Edison, NJ 08837, Application P5202, Block 556, Lot 31.02.

WHEREAS, Suburban Development LLC, having offices at 228A Pierson Avenue, Edison, NJ 08837, posted, a Cash Performance Bond on November 21, 2019, Check #5080, of Wells Fargo Bank, in the amount \$44,205.51, and deposited in Account# CP191122SU, to guarantee the installation of improvements for the project known as Woodside Estates (Harding Avenue) located in Block 556 and Lot 31.02 and designated Application P5202; and

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 Cash Performance Bond in the amount of \$44,205.51, plus accrued interest, as applicable, on deposit in Account# CP191122SU be released.

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of **\$44,205.51**, plus accrued interest as applicable, on deposit in Account # **CP191122SU** to Suburban Development LLC, having offices at 228A Pierson Avenue, Edison, NJ 08837.

RESOLUTION R.064-012022

EXPLANATION: Resolution Performance Guarantee to Suburban Development LLC, having offices at 228A Pierson Avenue, Edison, NJ 08837 for Woodside Estates, Application P5202. Block 556, Lot 31.02.

WHEREAS, Suburban Development, LLC, having offices at 228A Pierson Avenue, Edison, NJ 08837, posted Performance Surety Bond # RU101226, dated November 14, 2019, of First Indemnity of America Insurance Company, having offices at 2740 Rt. 10 West, Suite 205, Morris Plains, NJ 07950 in the amount \$397,849.59, to guarantee the installation of improvements for the project known as Woodside Estates located in Block 556 and Lot 31.02 and designated Application # P5202; and

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 # RU101226 in the amount of \$397,849.59 be released.

BE IT FURTHER RESOLVED, that the Township Clerk be and is hereby authorized to release Performance Surety Bond # **RU101226** in the amount of **\$397,849.59** to Suburban Development, LLC, having offices at 228A Pierson Avenue, Edison, NJ 08837.

RESOLUTION R.065-012022

EXPLANATION: Resolution Refunding Engineering Inspection Fees to Suburban Development, LLC, having offices at 228A Pierson Avenue, Edison, NJ 08837, for Woodside Estates, Application P5202, Account # EI191122SU.

WHEREAS, the Township Engineer advises that a final inspection was made of Woodside Estates, located in Block: 556 Lot: 31.02, Application # P5202, and said inspection indicates all site improvements are complete and in accordance with the Site Plan approval and Municipal Standards of 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 \$1,596.81, which represents the amount due and owing the applicant, be returned to Suburban Developments, LLC, having offices at 228A Pierson Avenue, Edison, NJ 08837 for Woodside Estates, Account # EI191122SU.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$1,596.81 plus accrued interest, if applicable, be refunded to the applicant, Suburban Development, LLC, having offices at 228A Pierson Avenue, Edison, NJ 08837, for Woodside Estates, Account # EI191122SU.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of **\$1,596.81**, plus any accrued interest, if applicable, in account # **EI191122SU** to the applicant, Suburban Development, LLC, having an address of 228A Pierson Avenue, Edison, NJ 08837.

RESOLUTION R.066-012022
Release of Balance on Performance Bond

EXPLANATION: Resolution Release of Balance on Performance Bond to Suburban Development, LLC, having offices at 228A Pierson Avenue, Edison, NJ 08837, for Woodside Estates, Application P5202, Block 556, Lot 31.02.

WHEREAS, Suburban Development, LLC, having offices at 228A Pierson Avenue, Edison, NJ 08837, posted Performance Bond # RU101226 on November 14, 2019 of First Indemnity of America Insurance Company, having offices at 2740 Rt 10 West, Suite 205, Morris Plains, NJ 07950, in the amount of \$397,849.59 to guarantee the installation of improvements for the project known as Woodside Estates located in Block 556 and Lot 31.02 and designated Application# 5202; and

WHEREAS, the Performance Bond was reduced on October 28, 2020 by Resolution R.584-102020 reducing the bond by 70% to a balance of \$119,354.90; and

WHEREAS, on October 14, 2020, Suburban Developers, LLC, having offices at 228A Pierson Avenue, Edison, NJ 08837, posted Surety Bond# RU101226 –Rider A of First Indemnity of America Insurance Company, having offices at 2740 Rt 10 West, Suite 205, Morris Plains, NJ 07950, in the amount of \$119,354.90.

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 reduced Performance Bond # RU101226 – Rider A of First Indemnity of America Insurance Company in the amount of \$119,354.90 be released.

BE IT FURTHER RESOLVED, that the Township Clerk be and is hereby authorized to release Performance Surety Bond # **RU101226 – Rider A** of First Indemnity of America Insurance Company in the amount of **\$119,354.90**, to Suburban Development, LLC having offices at 228A Pierson Avenue, Edison, NJ 08837.

RESOLUTION R.067-012022

WHEREAS, The Township Planning Board Secretary advises that the Developer Escrow Fees posted by Hotel 27 LLC for a project located at 2035 Lincoln Highway , N.J. 08817 in Block 123, Lot 11. and Application #Z56-2018; and

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

WHEREAS; on November 11, 2018 posted fees \$5,500.00 on deposit with the Township of Edison in the account # **DE181120HO for Developers Escrow Fees; and**

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

WHEREAS; it is now in order that the sum \$ 4,667.00 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Hotel 27 LLC.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$ 4,667.00 plus accrued interest, if applicable be refunded to Hotel 27 LLC., 2035 Lincoln Highway , Edison , N.J. 8817

BE IF FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund the sum of \$ 4,667.00 plus accrued interest, if applicable, in account #DE181120HO to the applicant.

RESOLUTION R.068-012022

WHEREAS, The Township Planning Board Secretary advises that the Developer Escrow Fees posted by Nicholas D'Agostino for a project located at 321 Plainfield Avenue, N.J. 08817 in Block 103.D, Lot 32 and was application Z08-2021 ; and

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

WHEREAS; on February 25,2021 Nicholas D'Agostino posted fees on deposit with the Township of Edison in the account # DE210301NI for Developers Escrow Fees; and

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

WHEREAS; it is now in order that the sum \$ 2,500.00 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to Nicholas D'Agostino.; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$2,500.00 plus accrued interest, if applicable be refunded to Nicholas D' Agostino, 321 Plainfield Avenue, N.J. 08817

BE IF FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund the sum of \$ 2,500.00 plus accrued interest, if applicable, in account #DE210301NI to the applicant.

RESOLUTION R.069-012022

WHEREAS, The Township Planning Board Secretary advises that the Developer Escrow Fees posted by B & B McEntee Construction for a project located at 230 Carter Drive, N.J. 08817 in Block 22, Lot 13.D. and Application #P14-2018-Lotito Foods and;

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

WHEREAS; on August 6, 2019 posted fees \$3817.50 on deposit with the Township of Edison in the account # DE180905BB,68392125 for Developers Escrow Fees; and

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

WHEREAS; it is now in order that the sum \$ 285.75 plus accrued interest, if applicable, which represents the amount due and owing the applicant, be returned to B & B Mc Entee construction; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$ 285.75 plus accrued interest, if applicable be refunded to B & B McEntee, 2 Edison Drive, Wayne, N.J. 07470

BE IF FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund the sum of \$ 285.75 plus accrued interest, if applicable, in account #DE180905BB to the applicant.

RESOLUTION R.070-012022

**EXPLANATION: Resolution Returning the Cash Performance Guarantee to Baps Edison LLC. For a new building at 2500 Woodbridge Avenue, Edison, NJ 08817
Account # 7763342711**

WHEREAS, Baps Edison LLC. 2500 Woodbridge Avenue, Edison, NJ 08817;

Enclosed is a Cash Performance Guarantee dated March 21, check #1514405063 in the amount of **\$147,294.33** posted by Baps Edison LLC. 81 Suttons Lane , Piscataway, NJ 08854

An inspection has been revealed all improvements to be complete and in conformance to township standards: therefore, it is now in order that final acceptance is granted and the Cash Performance Bond Guarantee presently being held by the Township be released.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance Guarantee in the amount of **\$ 147,292.33 to** Baps Edison,LLC.81 Suttons Lane,Piscataway,08854. Account Number # **7763342711**

RESOLUTION R.071-012022

EXPLANATION: Resolution Refunding Tree Maintenance Bond to A. Ferraro, 22 Utica Rd., Edison, NJ 08820, Permit 11-010, Account # 7761963664.

WHEREAS, on May 31, 2012, Antonio Ferraro posted Tree Maintenance Bond fees in the amount of \$300.00, with Check No.327 on deposit with the Township of Edison in account # 7761963664, to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit, on the property identified as 22 Utica Rd., Block 1002, Lot 5, Edison, NJ, 08820

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

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

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

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$300.00, plus any accrued interest as applicable, on deposit in account # 7761963664, to Antonio Ferraro, 74 King St., Edison NJ 08820, for the referenced property at 22 Utica Rd., Edison, NJ 08820.

RESOLUTION R.072-012022

EXPLANATION: Resolution Refunding Engineering Inspection Fees to Camp Kilmer A. Associates, LLC. (Penrose Properties), having offices at 230 Wyoming Avenue, Kingston, PA 18704, for Penrose – Camp Kilmer III, Application# P2-2017, Block 3.E, Lot 3.013. Account # EI190701CA.

WHEREAS, the Township Engineer advises that a final inspection was made of Penrose - Camp Kilmer III, located in Block: 3.E, Lot: 3.013 , Application # P2-2017, and said inspection indicates all site improvements are complete and in accordance with the Site Plan approval and Municipal Standards of Township of Edison and

WHEREAS, the Department of Planning and Engineering is in receipt of Cash Maintenance Bond of Jersey Shore State Bank, Check #164, dated December 15, 2021, from Camp Kilmer B Urban Renewal Associates, LLC., c/o Perose, LLC, having offices at 230 Wyoming Avenue, Kingston, PA 18704, in the amount of \$6,696.17, to ensure the quality of construction and guarantee maintenance over a two (2) year period.

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 \$57,560.32, which represents the amount due and owing the applicant, be returned to Camp Kilmer A. Associates, LLC. (Penrose Properties), having offices at 230 Wyoming Avenue, Kingston, PA 18704, for Penrose – Camp Kilmer III, Account # EI190701CA.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the sum of \$57,560.32, plus accrued interest, if applicable, be refunded to the applicant, Camp Kilmer A. Associates, LLC. (Penrose Properties), having offices at 230 Wyoming Avenue, Kingston, PA 18704, Account # EI190701CA.

BE IT FURTHER RESOLVED that the Director of Finance be and is hereby authorized to refund said sum of **\$57,560.32** , plus any accrued interest, if applicable, in account # **EI190701CA** to the applicant, Camp Kilmer A. Associates, LLC. (Penrose Properties), having offices at 230 Wyoming Avenue, Kingston, PA 18704.

RESOLUTION R.073-012022

EXPLANATION: Resolution Refunding Cash Performance to Camp Kilmer A. Associates, LLC (Penrose Properties) having offices at 230 Wyoming Avenue, Kingston, PA 18704, for Penrose – Camp Kilmer III – Application #P2-2017 in Account # CP190812CA.

WHEREAS, the Township Engineer advises that an inspection has been made of Penrose – Camp Kilmer III, Application #P2-2017, Block: 3.E Lot: 3.013, 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 Department of Planning and Engineering is in receipt of Cash Maintenance Bond of Jersey Shore State Bank, Check #164, dated December 15, 2021, from Camp Kilmer B Urban Renewal Associates, LLC., c/o Perose, LLC, having offices at 230 Wyoming Avenue, Kingston, PA 18704, in the amount of \$6,696.17, to ensure the quality of construction and guarantee maintenance over a two (2) year period.

WHEREAS, the Township Engineer, recommends the release of the Cash Performance posted on May 21, 2019, in the amount of \$4,464.15 plus accrued interest, if applicable on deposit in account # CP190812CA with the Township of Edison, principal being Camp Kilmer A. Associates, LLC (Penrose Properties), having offices at 230 Wyoming Avenue, Kingston, PA 18704, and acceptance of the subject improvements; and

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to return the aforesaid Cash Performance in the amount of **\$4,464.15** plus accrued interest, if applicable, on deposit in account **#CP190812CA** to the applicant, Camp Kilmer A. Associates, LLC (Penrose Properties) having offices at 230 Wyoming Avenue, Kingston, PA 18704.

RESOLUTION R.074-012022

EXPLANATION: Resolution Performance Guarantee to Camp Kilmer A. Urban Renewal Associates, LLC, for Penrose – Camp Kilmer III, Application P2-2017, Block 3.E, Lot 3.013.

WHEREAS, Camp Kilmer A. Urban Renewal Associates, LLC., having offices at 1301 N 31st Street, Philadelphia, PA 19121, posted a Performance Surety Bond # 015203811, on December 10, 2018, Liberty Mutual Insurance Company, having offices at 175 Berkeley Street, Boston, MA 02116 in the amount \$16,600,000.00, to guarantee the installation of improvements for the project known as Penrose – Camp Kilmer III located in Block 3.E and Lot # 3.013 and designated Application # P2-2017; and

WHEREAS, the Department of Planning and Engineering is in receipt of Cash Maintenance Bond of Jersey Shore State Bank, Check #164, dated December 15, 2021, from Camp Kilmer B Urban Renewal Associates, LLC., c/o Perose, LLC, having offices at 230 Wyoming Avenue, Kingston, PA 18704, in the amount of \$6,696.17, to ensure the quality of construction and guarantee maintenance over a two (2) year period.

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 # 015203811 in the amount of \$16,600,000.00 be released.

BE IT FURTHER RESOLVED, that the Township Clerk be and is hereby authorized to release Performance Surety Bond# 015203811 in the amount of **\$16,600,000.00** to Camp Kilmer A. Urban Renewal Associates, LLC., having offices at 1301 N 31st Street, Philadelphia, PA 19121.

RESOLUTION R.075-012022

WHEREAS, on, June 14, 2021 the Municipal Council adopted Resolution R.4293-062021 which Refunding Cash Performance Guarantee to Suburban Development , LLC.

WHEREAS, the Municipal Council desires to rescind the Resolution R.293-062021 due to a clerical error.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that Resolution R.293-062021 adopted June 14, 2021 be and the same is hereby rescinded.

RESOLUTION R.076-012022

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
AIQUN ZHANG FOR THE ABC PROGRAM**

WHEREAS Aiqun Zhang made payment in the amount of \$400.00 for her child Madison Yam's participation in the ABC Program at Menlo Park Elementary School for the months of January and February 2022; and

WHEREAS the child was removed from the ABC Program prior to attending in January or February; 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 \$400.00 to Aiqun Zhang, 7 Ten Eyck Pl., 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 \$400.00 are available in Account #2-01-55-0291-000-000.

RESOLUTION R.077-012022

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
ANUSHA PRAMOD FOR THE ABC PROGRAM**

WHEREAS Anusha Pramod made payment in the amount of \$200.00 for her child Aniketh Pramod's participation in the ABC Program at Martin Luther King Elementary School for the month of February 2022; and

WHEREAS the child was removed from the ABC Program prior to attending in February; 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 \$200.00 to Anusha Pramod, 29 Chandler Rd., 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 \$200.00 are available in Account #2-01-55-0291-000-000.

RESOLUTION R.078-012022

RESOLUTION AUTHORIZING MOTT MACDONALD TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH SERVICE LINE INVENTORY ASSISTANCE FOR THE WATER UTILITY

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

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

WHEREAS, Mott MacDonald, 111 Wood Avenue, South Iselin, New Jersey 08830 (the “**Engineer**”) is skilled at and has been providing Engineering Services for the Township’s Water System; and

WHEREAS, the Township is in need of Professional Engineering Services for Service Line Inventory Assistance and Mott MacDonald has submitted a proposal to provide same in the amount not to exceed \$52,500.00; and

WHEREAS, prior to the execution of the Services Contract, the Company will have completed and submitted a Business Entity Disclosure Certification to the Township, which certifies that no individual with a ten percent (10%) interest or larger in the Company has made any reportable contributions to a political or candidate committee in the Municipal Council in the previous year, and that the Services Contract will prohibit an individual with a ten percent (10%) interest or larger in the Company from making any reportable contributions through the term of the Services Contract, pursuant to *N.J.S.A. 19:44A-20.4, et seq.*; and

WHEREAS, the Services Contract shall not be awarded through a “fair and open process” pursuant to *N.J.S.A. 19:44A-20.4, et seq.*

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

1. The foregoing recitals are incorporated herein as if set forth in full.
2. The Township desires to authorize the Engineering Services in an amount not to exceed \$52,500.00, consistent with the proposal attached hereto.
3. The Mayor or his designee is hereby authorized and directed to execute a contract with Mott MacDonald for its Engineering Services in the amount of \$52,500.00.
4. In accordance with *N.J.S.A. 40A:11-5* of the Local Contracts Law, the Municipal Council hereby directs the Township Clerk to publish once in the official newspaper of the Township, a brief notice, stating the nature, duration, service and amount of the contract for services authorized for execution herein, which notice shall state that a copy of this Resolution and the contract for services is on file and available for public inspection in the office of the Township Clerk.
5. The contract for services has been awarded as a non-fair and open contract pursuant to *N.J.S.A. 19:44A-20.5* without competitive bidding. Total compensation to be paid under the contract for services will exceed \$17,500.00.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$52,500.00** are available for the above in Account No. **2-07-55-0501-000-117**.

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.079-012022

RESOLUTION AUTHORIZING CHANGE ORDER # 2 FOR CONTRACT NO. 18-06-11 WITH
LONGO ELECTRICAL-MECHANICAL FOR EVERGREEN PUMPING STATION PRIORITY
REPAIRS

WHEREAS, Resolution R.505-092018 dated September 12, 2018 authorized a contract with LONGO ELECTRICAL-MECHANICAL, INC., 1 Harry Shupe Blvd, Wharton, NJ 07885 for Evergreen Pumping Station Priority Repairs in the amount of \$1,028,525.00; and

WHEREAS, Resolution R.389-072020 approved Change Order #1 in an amount of \$84,425.00, increasing the contract total to \$1,112,950.00; and

WHEREAS, Change Order # 2 is required to modify a pump to accommodate the new discharge check valve during the priority repairs in the amount of \$44,377.92, increasing the contract total to \$1,157,327.92; and

WHEREAS, the new contract price including Change Order #2 is \$1,157,327.92, resulting in an overall increase of 12.52% over the original contract price of \$1,028,525.00; and

WHEREAS, the changes will not alter the contract in such a manner as to nullify the effect of the competitive determination of lowest responsible bidder which was made at the time of the contract award; and

WHEREAS, funds in the amount of \$44,377.92 have been certified to be available in the Various Sewer Improvements Account, Number C-08-14-1873-001-000; and

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

NOW, THEREFORE, IT IS RESOLVED, by the Township Council of the Township of Edison, that Change Order # 2 to the contract with LONGO ELECTRICAL-MECHANICAL, INC., 1 Harry Shupe Blvd, Wharton, NJ 07885 is hereby authorized in the amount of \$44,377.92 for a total amended contract amount of \$1,157,327.92.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$44,377.92** are available for the above in Account No. **C-08-14-1873-001-000** for an amended construction contract amount of **\$1,157,327.92**.

Nicholas C. Fargo
Chief Financial Officer

RESOLUTION R.080-012022

**RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO CONTRACT WITH
WEATHERPROOFING TECHNOLOGIES INC. FOR A NEW ROOF AT THE EVERGREEN PUMPING
STATION THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ)
COOPERATIVE PRICING SYSTEM FOR THE EDISON TOWNSHIP 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, WEATHERPROOFING TECHNOLOGIES INC., 3735 Green Road, Beachwood, Ohio 44122 has been awarded ESCNJ/AEPA 21-D Roofing Building & Envelope Services under NJ State approved coop #65MCESCCPS; and

WHEREAS, the Township of Edison, Sewer Utility, intends to enter into a contract/purchase order with WEATHERPROOFING TECHNOLOGIES INC., for the roof replacement at the Evergreen Pumping Station at a total price of \$45,147.19; and

WHEREAS, the total amount of this contract shall not to exceed \$45,127.19 and

WHEREAS, funds in the amount of \$45,127.19 have been certified to be available in the Various Sewer Improvements Capital Account, Number C-08-14-1873-001-000; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$45,127.19, and any other necessary documents, with WEATHERPROOFING TECHNOLOGIES INC., 3735 Green Road, Beachwood, Ohio 44122, 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 **\$45,127.19** are available for the above in Account No. **C-08-14-1873-001-000**.

Nicholas C. Fargo
Chief Financial Officer

Date

RESOLUTION R.081-012022

***FEDERAL HIGHWAY SAFETY FUND 2022
(S.T.E.P. GRANT)
GRANT ACCEPTANCE***

Whereas, the Division of Police has been approved for \$24,000.00 to provide additional manpower hours for speed enforcement as well as to combat distracted driving; and

Whereas, an enforcement crackdown is planned to reduce violations related to not wearing seatbelts and distracted driver's to reduce the number of crashes and potential fatalities related to these offenses; 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 May 1, 2022 through September 30, 2022; and

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

Therefore, be it resolved that the Edison Township Council and the Division of Police declares its support for the grant acceptance and participation in the Federal Highway Safety Fund Grant Program (S.T.E.P Grant) 2022.

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

RESOLUTION R.082-012022

WHEREAS, it is the duty of the Municipal Council to appoint members to the Open Space Advisory Committee; and

WHEREAS, the Municipal Council has selected the following persons to serve on said Committee:

Walter Stochel, 2118 Oak Tree Road, Edison, NJ 08820
Robert Takash, 27 Park Way, Edison, NJ 08817
Frank Greco, 12 Maida Road, Edison, NJ 08820
Walter Schneer, 108 Park Way, Edison, NJ 08817
Bruce Diamond, 74 Calvert Avenue West, Edison, NJ 08820
Esther Nemitz, 162B Fay Street, Edison, NJ 08837
Francis J. Burke, 48 Stony Road, Edison, NJ 08817
Joseph d. Cervelli, 41 Dale Drive, Edison, NJ 08820
Jennifer Ryan, 161 Hillcrest Ave., Edison, NJ 08817

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the abovementioned persons be and they are hereby appointed as Members of the Open Space Advisory Committee for a one year term, said terms to expire December 31, 2022:

RESOLUTION R.083-012022

WHEREAS, it is the duty of the Municipal Council to appoint Member to the Zoning Board of Adjustment;
and

WHEREAS, the Municipal Council has selected Anthony Barone to be appointed to said Board

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Anthony Barone, 23 Bronx Road, Edison, 08817 be and he is hereby appointed as a Member of the Zoning Board of Adjustment, said term to expire December 31, 2025.

RESOLUTION R.084-012022

WHEREAS, it is the duty of the Municipal Council to appoint Member to the Zoning Board of Adjustment;
and

WHEREAS, the Municipal Council has selected Devendra Dave to be appointed to said Board to fill vacancy of unexpired term.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Devendra Dave, 3983 Park Avenue, Edison, NJ 08820 be and he is hereby appointed as a Member of the Zoning Board of Adjustment, said term to expire December 31, 2023.

RESOLUTION R.085-012022

WHEREAS, it is the duty of the Municipal Council to appoint a member to the Planning Board; and

WHEREAS, the Municipal Council has selected John Poyner to be appointed to said Board.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that Councilmember John Poyner 40 Roosevelt Blvd., Edison, New Jersey 08837 be and he is hereby appointed as a Class III Member of the Planning Board for a one year term, said term to expire December 31, 2022.