

**AGENDA
MUNICIPAL COUNCIL
WORKSESSION MEETING
Monday, May 6, 2024
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, Desi Talk and News India Times on December 12, 2023 and posted in the Main Lobby of the Municipal Complex on the same date.
4. **ORAL PETITIONS AND REMARKS**
5. **REVIEW OF MINUTES:**
 - a. Worksession Meeting of December 11, 2023
 - b. Regular Meeting of December 13, 2023
 - c. Combined Meeting of December 27, 2023
 - d. Reorganization Meeting of January 4, 2024
6. **REPORTS FROM ALL COUNCIL COMMITTEES:**
7. **POINTS OF LIGHT**
8. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Resolution awards a Professional Service Contract to Vision Media Marketing to provide Public Relations and Communications Consulting Services (not to exceed \$60,000.00)
 - b. Resolution Proclamation to designate the week of May 19-25, 2024 as Emergency Medical Service Week.
 - c. Resolution to renew the Johnston Communications open end account for the amount of \$55,000.00.
9. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through May 1, 2024
 - b. Resolution authorizing refund in the amount of \$465,064.23 for redemption of tax sale certificates.
 - c. Resolution authorizing refund for Sewer Overpayments, totaling \$189.77.
 - d. Introduction of 2024 Municipal Budget
 - e. Introduction of 2024 Solid Waste District Budget
 - f. Ordinance establishing 2024 Cap Bank
 - g. Resolution awarding Contract/Purchase Order to BRT Technologies for Tax Assessment Software and Post Cards (\$47,000.00)
10. **FROM THE DEPARTMENT OF LAW:**
 - a. Ordinance amending chapter 14 “building & construction” by amending section 14-7 “Electric vehicle charging stations (EVCS) in new and modified developments required”

- b. An Ordinance adopting the “Redevelopment Plan – John Street and Thomas Place” (Block 692.E, Lots 8.B, 9.A, 12, 13 and 14), pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

11. **FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**
 - a. Resolution awarding contract/purchase order to SHI International Corporation for the renewal of the Hosting and Licensing of Spatial Data System - \$114,700.00.
 - b. This resolution provides for Township Acceptance of the constructed improvements under Public Bid No. 22-30-03: 2022 ROADWAY RESURFACING PROGRAM (VARIOUS STREETS) CONTRACT 3 and authorizes FINAL CONTRACT PAYMENT including final retainage totaling in the amount of \$91,162.98 and close-out of the construction project.

12. **FROM THE DEPARTMENT OF PUBLIC WORKS:**
 - a. Resolutions to release Street Opening Escrow (4)
 - b. Resolution awarding Public Bid 24-08-23R Fire Alarm Inspection and Maintenance Services to Absolute Fire (not to exceed \$200,000.00)
 - c. Resolution awarding Contract/Purchase Order to Fire and Security Technologies for annual Fire Extinguisher Inspection & related Services (\$55,000.00)
 - d. Resolution authorizing Change Order #1 with Allstate Office Interiors for the installation of flooring at various locations (\$10,603.86) (total amended contract \$212,146.14)

13. **FROM THE DEPARTMENT OF WATER AND SEWER:**
 - a. Resolution awarding contract for Public Bid No. 24-02-21 Water Utility Supplies and Equipment (2 yr. contract \$900,000.00)

14. **FROM THE DEPARTMENT OF RECREATION:**
 - a. Resolution authorizing a Park rental for Edison Shelter Workshop.

15. **FROM THE CHIEF OF POLICE:**
 - a. Resolution authorizing a reimbursement to Middlesex County Treasurer for Overpayment (\$573.00)

16. **FROM THE TOWNSHIP CLERK:**
 - a. This Resolution fulfills the Township Council’s responsibility as to the establishment of the Dismal Swamp Commission by offering it advice and consent to the appointing of Walter Stochel as a Resident of Edison to the Dismal Swamp Commission.
 - b. Resolution waving a Permit fee for St. James Episcopal Church for Electrical.

17. **FROM THE COUNCIL MEMBER OF THE PLANNING BOARD:**

18. **UNFINISHED BUSINESS:
ORDINANCES FOR FURTHER CONSIDERATION, PUBLIC HEARING, AND
FINAL ADOPTION:**

O.2213-2024 **AN ORDINANCE AMENDING CHAPTER 37, “ZONING,” BY
AMENDING THE FOLLOWING SUBSECTIONS: §37-62,
SIGN REGULATIONS TO ADD LANGUAGE PERTAINING
TO OFF-PREMISE / BILLBOARD GUIDELINES**

O.2214-2024 **ORDINANCE AMENDING CHAPTER 25, SECTION 11.1(C)
“WAIVERS” TO PROVIDE FOR A REDUCED TREE FUND
CONTRIBUTION FOR CERTAIN RESIDENTIAL
PROPERTIES AND AMENDING CHAPTER 25, SECTION 13
“TREE FUND” TO DESIGNATE PROJECTS THAT ARE
ELIGIBLE FOR TREE FUND EXPENDITURES.**

19. **DISCUSSION ITEMS:**

Councilmember Brescher

- a. Amazon
- b. Sprinkler
- c. Tree Ordinance
- d. Legal suit
- e. Finance
- f. Bonds
- g. 3 to 4 stories
- h. Graffiti

Councilmember Coyle

- a. Updates and communications
- b. Finance
- c. Future tax revenue
- d. Economic Developer & Development
- e. Small Business/Retail Stores
- f. Affordable Housing
- g. Public Safety
- h. Public Works

Councilmember Harris

- a. Noise Pollution
- b. Settlement Agreements
- c. Progress on Ferrante House
- d. Racial Flyer
- e. Decorum/1st Amendment Rights
- f. Edison TV Council meeting showings

Councilmember Patil

- a. Public Safety - North Edison sub-station.
- b. Resident safety topics - flashing lights/speed limit Calvert, Grove & New Brunswick Ave.
- c. School Bus Routing
- d. Legal Case status of Glendale property
- e. Current spot zoning and open zoning cases
- f. Talmadge-New Brunswick Traffic light timing
- g. Condos/towns-house and reimbursement updates
- h. Recycle ~ Garage pickup schedules
- i. Health and Fire fees and operations
- j. Tax assessments
- k. Revenue questions
- l. Misc. resident complaints

Councilmember Poyner

- a. None

Councilmember Shmuel

- a. None

Council President Patel

- a. None

20. **ADJOURNMENT**

Item 8.a.

**THIS RESOLUTION AWARDS A PROFESSIONAL SERVICES CONTRACT TO VISION MEDIA
MARKETING, INC. TO PROVIDE PUBLIC RELATIONS AND COMMUNICATIONS
CONSULTING SERVICES**

WHEREAS, the Municipal Council (“**Municipal Council**”) of the Township of Edison (“**Township**”) has determined that it is in its best interests and those of Township residents to engage a consulting firm for public relations and communications 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, Vision Media Marketing, Inc., 854 8th Street, Secaucus, NJ have an excellent reputation in the area of public relations and communications consulting and have sufficient staff to handle the requirements of the Township; and

WHEREAS, for these reasons the Mayor and the Municipal Council recommend the Consultant to provide public relations and communications consulting services and seek to enter a contract for services with the Consultant for the period of April 1, 2024 – March 31, 2025 in accordance with their proposal attached hereto; 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, prior to the execution of the Services Contract, the Consultant will have completed and submitted a Business Entity Disclosure Certification, which certifies that no individual with a ten percent (10.0%) interest or larger in the Consultant has made any reportable contributions to a political or candidate committee of the Municipal Council in the previous year, and that the Services Contract will prohibit an individual with a ten percent (10.0%) interest or larger in the Consultant from making any reportable contributions through the term of the Services Contract, pursuant to *N.J.S.A. 19:44A-20.5, et seq.*; and

WHEREAS, the Services 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 services under the Services Contract may include, but are not limited to, public relations and communication consulting services; and

WHEREAS, compensation for the Consultant’s services included under the Services Contract shall be rendered at a rate of \$5,000.00 per month, and in an amount not to exceed \$60,000.00; and

WHEREAS, the Local Contracts Law requires that contracts awarded without competitive bid be authorized by resolution of the municipal governing body and that notice of the award of such contract be publicly advertised.

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute the Services Contract with Vision Media Marketing, Inc., 854 8th Street, Secaucus, NJ for public relations and communications consulting services as stated herein.
2. The Services Contract is awarded without competitive bidding as a “professional service” under the provisions of the Local Contracts Law, more specifically *N.J.S.A. 40A:11-5*, because the services in question are of a specialized, technical and professional nature.
3. No payments in excess of the “not-to-exceed” amount of \$60,000.00 will be approved, unless such services/expenditures are negotiated and agreed upon in advance of service delivery.
4. Any modification to the Services Contract shall be in writing and signed by both parties, and upon obtaining said signatures shall immediately become a part of the contract.
5. The Mayor of the Township may, upon ten (10) days written notice, and without cause, terminate the Services Contract.

6. The Services Contract shall, for all purposes, be deemed a New Jersey contract and the provisions of the Services Contract shall be governed and interpreted according to the laws of the State of New Jersey.
7. The Consultant shall notify the Business Administrator of the Township when eighty percent (80%) of the “not-to-exceed” amount is attained.
8. This Resolution shall take effect immediately.

Resolution #

ITEM 8. B.

Proclamation

**EMS WEEK
TO DESIGNATE THE WEEK OF MAY 19 - 25, 2024,
AS EMERGENCY MEDICAL SERVICE WEEK**

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating the Emergency Medical Services Week; and

NOW THEREFORE, be it proclaimed that the Mayor and Township Council of the Township of Edison, County of Middlesex, State of New Jersey, in recognition of this event do hereby proclaim the week of May 19 through 25, 2024, as

EMERGENCY MEDICAL SERVICE WEEK

The 50th Anniversary of EMS Week theme is EMS WEEK: Honoring Our Past. Forging Our Future. The Mayor and the Township Council of the Township of Edison encourage the community to observe this week with appropriate programs, ceremonies, and activities.

ITEM 8. C.

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO JOHNSTON COMMUNICATIONS FOR THE MAINTENANCE/PURCHASE OF IT SECURITY AND TELEPHONE EQUIPMENT

WHEREAS, there is a need for the maintenance/purchase of IT security and telephone equipment for the Township of Edison; and

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 Union County Cooperative Pricing System 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, JOHNSTON GP, INC. /JOHNSTON COMMUNICATIONS, 36 Commerce Street, Springfield, NJ 07081, has been awarded Bid No. UCCP 24-2021 Telephone/Associated Services Systems-Equipment, Installation, Maintenance Services, UCCP 8-2022 IT Infrastructure, Fiber Optic Network Advanced Applications and Services, and UCCP 23-2021 Electronic Network Equipment, Security and Cabling through State Coop #8UCCP; and

WHEREAS, the total amount of this Contract/Purchase Order(s), in the amount not to exceed \$55,000.00 cannot be encumbered at this time; and

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

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

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

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 \$55,000.00 and any other necessary documents, with JOHNSTON GP, INC. /JOHNSTON COMMUNICATIONS, as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-11 et seq. of the Local Public Contracts Law, Bid Nos. UCCP 24-2021, 8-2022, & 23-2021, through State Coop #8UCCP.

ITEM 9.A.

RESOLUTION R.

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING May 1, 2024

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through, May 1, 2024.

FUND	AMOUNT
Current	\$20,686,233.91
Affordable Housing	1,654.00
Capital	60,488.84
Cash Performance	234,456.60
CDBG	287,610.53
Developers Escrow	24,568.75
Dog (Animal Control)	7,655.50
Federal Forfeited	0.00
Employee Tax	0.00
Grant Funds	17,655.32
Law Enforcement	0.00
Open Space	0.00
Park Improvements	0.00
Payroll Deduction	0.00
Sanitation Fund	36,618.20
Self-Insurance	0.00
Sewer Utility	45,245.55
Street Opening	33,710.00
Tax Sale Redemption	158,492.45
Tree Fund	0.00
Tree Planting	0.00
Trust	43,215.67
Edison Water Utility	517,820.36
Edison Landfill Closure Trust	0.00
TOTAL	\$22,158,425.68

/s/ Lina Vallejo
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.

Item 9. B.

RESOLUTION

Authorizing refund for redemption of tax sale certificates

WHEREAS, the Tax Collector of the Township of Edison, Donna Bobik, 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 **\$465,064.23**.

Item 9. C.

RESOLUTION

Authorizing refund for Sewer overpayments

WHEREAS, the Tax Collector of the Township of Edison, Donna Bobik, reports and advises that on various properties located within the Township of Edison, overpayments of sewer that 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 **\$189.77.**

ITEM 9. F.

ORDINANCE O. -2024

TOWNSHIP OF EDISON
COUNTY OF MIDDLESEX, NEW JERSEY

CALENDAR YEAR 2024

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A
CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Edison in the County of Middlesex, N.J., finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1.0 % increase in the budget for said year, amounting to **\$1,455,640.18** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Edison in the County of Middlesex, N.J., a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Township of Edison shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to **\$5,094,740.61** and that the CY 2024 municipal budget for the Township of Edison be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Item 9. G.

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO BRT TECHNOLOGIES
FOR TAX ASSESSEMENT SOFTWARE AND POSTCARDS**

WHEREAS, the Township needs to renew the maintenance and support for the Tax Assessment Software for the period of July 1, 2024 – June 30, 2025 for the Tax Assessor’s Office as well as the procurement of postcards; and

WHEREAS, BRT TECHNOLOGIES, 22 Birchwood Lane, Mantua, NJ 08051, submitted a quote in the estimated total amount of \$45,793.60; (\$26,098.00 for software and \$19,695.60 for postcards); and

WHEREAS, to mitigate potential increases in postage, the total amount of this purchase shall not exceed \$47,000.00; and

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

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

WHEREAS, prior to contract execution, the vendor 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 the vendor from making any reportable contributions through the term of the contract; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) and any other necessary documents, in the amount of \$47,000.00, with BRT TECHNOLOGIES, 22 Birchwood Lane, Mantua, NJ 08051 as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 19:44A-20.5 et. seq, and without competitive bidding under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(dd).
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 **\$47,000.00** are available for the above in Account No. **4-01-20-0150-000-029**.

Lina Vallejo
Chief Financial Officer

ITEM 10. A.

ORDINANCE O.XXXX-2024

**AN ORDINANCE AMENDING CHAPTER 14 “BUILDING AND CONSTRUCTION”
BY AMENDING SECTION 14-7 “ELECTRIC VEHICLE CHARGING STATIONS
(EVCS) IN NEW AND MODIFIED DEVELOPMENTS REQUIRED**

WHEREAS, the Township of Edison (hereinafter referred to as the “Township”) is a public body corporate and politic in the County of Middlesex, State of New Jersey; and

WHEREAS, Chapter 14 “Building and Construction” of the Township Code of General Ordinances (hereinafter referred to as the “Code”) provides definitions, rules and regulations , and standards for the installation of Electric Vehicle Charging Stations within the Township; and

WHEREAS, supporting the transition to electric vehicles contributes to Edison Township’s commitment to sustainability and is in the best interest of public welfare; and

WHEREAS, installation of Electric Vehicle Supply/Service Equipment and Make-Ready parking spaces encourages electric vehicle adoption; and

WHEREAS, adoption of this ordinance supports the State of New Jersey’s goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to New Jersey’s 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, C.112 (C.26:2C-37 et al.)), and EV Law (P.L.2019, c. 362); and

WHEREAS, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires Electric Vehicle Supply/Service Equipment and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

WHEREAS, adoption of this ordinance will Support the Master Plan of the Township of Edison, and is consistent with the goals of the Master Plan as well as the land use, circulation, and environmental and sustainability elements of the Master Plan; and

WHEREAS, the Township wishes to amend Chapter 14 “Building and Construction” and in particular section 14-7 “Electric Vehicle Charging Stations (EVCS) in New and Modified Developments Required” to ensure conformity with State mandates regarding the installation of Electric Vehicle Charging Stations; and

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Township of Edison, in the County of Middlesex, State of New Jersey, that Chapter 14, section 7 of the Township of Edison Municipal Code, entitled “Electric Vehicle Charging Stations (EVCS) in New and Modified Developments Required” be amended as follows:

~~Deletions are noted by strikethrough~~

Additions are indicated by **bold underline**

Language that remains unchanged is not highlighted in any way.

SECTION I

ELECTRIC VEHICLE CHARGING STATIONS (EVCS) IN NEW AND MODIFIED DEVELOPMENTS REQUIRED.

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

CERTIFICATE OF OCCUPANCY

The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See “State Uniform Construction Code Act.” P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

CHARGING LEVEL

The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

- 1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.**
- 2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.**
- 3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.**

ELECTRIC VEHICLE

A vehicle, that includes 1) a battery electric vehicle; and 2) a plug-in hybrid electric vehicle. **Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.**

ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT or (EVSE)

The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply

system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

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.

MAKE-READY PARKING SPACE

The pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make-ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (C.48:25-1 et al.).

PRIVATE EVSE

EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

PUBLICLY-ACCESSIBLE EVSE

EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

B. Approvals and Permits

1. An application for development submitted solely for the installation of EVSE or Make- Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40-55D- 70~~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.~~

2. EVSE and Mark-Ready Parking Spaces installed pursuant to Section C. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1 above.

3. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.

4. The municipal engineer and/or his designee shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of Edison Township's land use regulations.

5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:

a. The proposed installation does not violate bulk requirements applicable to the property or conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;

b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and

c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construct Code Act," P.L. 1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.

6. An application pursuant to Section 5 above shall be deemed complete if:

a. The application, including the permit fee and all necessary document, is determined to be complete,

b. a notice of incompleteness is not provided within 20 days after the filing of the application, or

c. a one-time written correction notice is not issued by the enforcement official within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.

7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.

8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

C. ~~EVSE shall be permitted in a front yard area, subject to meeting all other setback requirements.~~

Requirements for New Installation of EVSE and Make-Ready Parking Spaces

1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-used development, the developer or owner, as applicable, shall:

a. prepare as Make-Ready parking spaces at least fifteen (15) percent of the required off-street parking spaces, and install EVSE in at least one-third of the fifteen (15) percent of Make-Ready parking spaces; and

b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original fifteen (15) percent of Make-Ready parking spaces; and

c. within six (6) years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original fifteen (15) percent of Make-Ready parking spaces.

d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five (5) percent of the electric vehicle supply equipment shall be accessible for people with disabilities.

e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.

2. As a condition of preliminary site plan approval, each application

involving a parking lot or garage not covered in 1 above shall:

a. Install at least one Make-Ready parking space if there will be 50 or fewer off- street parking spaces.

b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off- street parking spaces.

c. Install at least three Make-Ready parking spaces if there will be 76-100 off- street parking spaces.

d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101-150 off-street parking spaces.

e. Install at least four (4) percent of the total parking spaces as Make-Ready parking spaces, at least five (5) percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.

f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.

g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.

h. Notwithstanding the provisions of this Section, a retailer that provides twenty- five (25) or fewer off-street parking spaces or the developer or owner of a single- family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

3. To the extent not covered in sections 1 or 2 above, 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.

a.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.

b.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.

- (1) 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.
- (2) All office developments and warehouse developments in excess of 20,000 square feet of office, warehouse or other useable space.
- (3) All hotels and motels in excess of 50 guest rooms.
- (4) 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.
- (5) All restaurants not classified as a "drive-in restaurant" in excess of 2,000 square feet.
- (6) All movie theatres, roller skating rinks, commercial recreation establishments, mechanical amusement game rooms and other places of assembly.

c. **In addition,** 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.

- (1) All automobile service stations that include a

convenience store in excess of 4,000 square feet.

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

D. Minimum Parking Requirements

1. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces pursuant to the Township Code.

2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than ten (10) percent of the total required parking.

3. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.

4. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section C. above may be encouraged, but shall not be required in development projects.

~~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 EVSE and shall contain signage indicating that vehicles parked in the EVCS space shall be connected to the EVSE.~~

E. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces

1. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and function service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.

2. Installation:

a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.

b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.

c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make-Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

3. EVSE Parking:

a. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE. 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.

b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

c. Public Parking. Pursuant to N.J.S.A. 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to

the EVSE shall be subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of the Code. Signage indicating the penalties for violations shall comply with Section 5 below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe any applicable time limits for the underlying parking area.

d. Private parking. The use of EVSE shall be monitored by the property

owner or their designee.

4. Safety

a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5 below.

b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with Edison Township's ordinances and regulations.

c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of twenty-four (24) inches from the face of the curb. Any stand-alone EVSE bollards should be three to four (3-4) feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.

d. EVSE 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 cord management system as described in e below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.

e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.

f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

g. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for

maintenance and notification, the owners/designee of publicly-accessible EVSE shall be required to provide to the Township of Edison information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

5. Signs

a. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, permitting only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.

b. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.

c. Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b above.

d. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:

1. Hours of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
2. Usage fees and parking fees, if applicable; and
3. Contact information (telephone numbers) for reporting when the equipment is not operating or other problems.

6. Usage Fees

a. For publicly-accessible municipal EVSE: In addition to any parking fees, a usage fee to use parking spaces within the municipality identified as EVSE spaces shall be zero (\$0) dollars for each hour that the electric vehicle is connected to the EVSE.

b. This fee may be amended by a resolution adopted by the governing body.

c. Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

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.~~

~~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.~~

SECTION II

SEVERABILITY: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III

REPEALER: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE: This ordinance shall take effect immediately upon this passage and publication in accordance with the law.

ITEM 10. B.

ORDINANCE _____

EXPLANATION: An Ordinance adopting the “Redevelopment Plan – John Street and Thomas Place” (Block 692.E, Lots 8.B, 9.A, 12, 13 and 14), 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.418-082020, adopted August 26, 2020, authorized and directed the planning board of the Township (the “**Planning Board**”) to conduct a preliminary investigation of the property identified as Block 692.E, Lots 8.B, 9.A, 10, 11, 12, 13 and 14 on the Township’s Official Tax Maps (with frontage along but no access to U.S. Route 1, between John Street and Thomas Place) (the “**Study Area**”), and to determine that the Study Area meets the criteria for a Condemnation Redevelopment Area, pursuant to Sections 5 and 6 of the Redevelopment Law; and; and

WHEREAS, on February 17, 2021, 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 April 14, 2021, by way of Resolution R. 193-042021, the Municipal Council accepted the recommendation of the Planning Board and adopted a resolution which designated the Study Area as an "area in need of redevelopment" in accordance with the Redevelopment Law; and

WHEREAS, on July 26, 2021, by way of Resolution R. 384-072021, the Municipal Council found that further study needed to be conducted of the Study Area, and rescinded Resolution R. 193-042021; and

WHEREAS, after a duly noticed hearing conducted on April 18, 2022, the Planning Board, by way of resolution, memorialized on May 16, 2022 and re-affirmed September 19, 2022, recommended that Block 692.E, Lots 8.B, 9.A, 12, 13 and 14 within the Study Area satisfied the criteria as an “area in need of redevelopment (condemnation) (the “**Redevelopment Area**”); and

WHEREAS, on January 25, 2023, by way of Resolution R. 034-012023, the Municipal Council accepted the recommendation of the Planning Board and adopted a resolution which designated the Redevelopment Area as an “area in need of redevelopment” in accordance with the Redevelopment Law, with such designation authorizing the Township to use all those powers provided by the Redevelopment Law, including the power of eminent domain; and

WHEREAS, in March 2024, a redevelopment plan entitled “Redevelopment Plan – John Street and Thomas Place” (the “**Redevelopment Plan**”), was prepared for the Redevelopment Area; and

WHEREAS, on April 10, 2024, by way of Resolution R. 177-042024, 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 April 29, 2024, the Planning Board reviewed the Redevelopment Plan and voted to recommend adoption; and

WHEREAS, the Municipal Council has considered the recommendations of the Planning Board and accepts same.

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.

Section 3. The zoning district map included in the zoning ordinance of the Township is hereby amended to include the Redevelopment Area per the boundaries described in the Redevelopment Plan. All of the provisions of the Redevelopment Plan shall supersede the applicable development regulations of the Township’s municipal code, as and where indicated.

Section 4. 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 5. This Ordinance shall take effect in accordance with all applicable laws.

ITEM 11. A.

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO SHI INTERNATIONAL CORPORATION FOR THE RENEWAL OF THE HOSTING AND LICENSING FOR THE SPATIAL DATA SYSTEM FOR THE TOWNSHIP

WHEREAS, there is a need for the renewal of municipal software hosting and licensing for the Spatial Data Logic system for the Township of Edison; and

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 Bergen County Cooperative Purchasing Alliance, Cooperative Pricing System #11-BCCP has offered voluntary participation in a cooperative pricing system for the purchase of goods and services for which Edison is a member; and

WHEREAS, SHI INTERNATIONAL CORPORATION, 290 Davidson Avenue, Somerset, NJ 08873 has been awarded Contract # BC-BID-22-24; Computer Equipment & Peripherals; and

WHEREAS, the Township intends to award hosting and licensing for the period of 6/30/24-6/29/25 in the amount of \$114,700.00; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) and any other necessary documents in the amount not to exceed \$114,700.00, with SHI INTERNATIONAL CORPORATION, 290 Davidson Avenue, Somerset, NJ 08873, the approved Bergen County Cooperative Pricing System vendor through this resolution, which shall be subject to all the conditions applicable to the current Bergen County Cooperative Pricing System Contract as set forth above.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-11 et seq. of the Local Public Contracts Law, Bid No. BC-BID-22-24 through State Coop #11-BCCP, under Computer Equipment & Peripherals.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$114,700.00** will be available for the above in Account No. 4-01-22-0195-000- 059.

Lina Vallejo
Chief Financial Officer

ITEM 11. b.

RESOLUTION

EXPLANATION: This resolution provides for Township Acceptance of the constructed improvements under Public Bid No. 22-30-03: 2022 ROADWAY RESURFACING PROGRAM (VARIOUS STREETS) CONTRACT 3 and authorizes FINAL CONTRACT PAYMENT including final retainage totaling in the amount of \$91,162.98 and close-out of the construction project.

WHEREAS, the Township of Edison advertised for a construction contract for Public Bid No. 22-30-03: 2022 ROADWAY RESURFACING PROGRAM (VARIOUS STREETS) CONTRACT 3, Township of Edison, Middlesex County, New Jersey; and

WHEREAS; P&A Construction Inc., P.O. Box 28, Colonia, NJ 07067 was awarded a construction contract through resolution R.665-102022 in a contract amount not to exceed \$2,274,504.86 for the project; and

WHEREAS; the Township Engineer has reviewed the project and certifies the construction work has been completed, a two-year (2-year) maintenance bond, in an amount equal to 100% of the final as-built construction cost of \$2,274,503.62 for the project has been received.

WHEREAS; the Township Engineer recommends acceptance of the project, release of the performance bond and final payment including retainage be made to P&A Construction Inc., P.O. Box 28, Colonia, NJ 07067, in an amount of \$91,162.98 for a total construction contract as-built cost of \$2,274,503.62.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that the project under Public Bid No.22-30-03: 2022 Roadway Resurfacing (Various Streets) Contract 3, is deemed accepted by the Township of Edison, New Jersey, the project subject to the provisions of the maintenance bond, and that the performance bond may be released and that final payment, including retainage, shall be made to P&A Construction Inc., P.O. Box 28, Colonia, NJ 07067, in the amount not to exceed \$2,274,504.86 for a total construction contract as built cost of \$2,274,503.62 and any unused funds be unencumbered.

Item 12. A.

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 STO0000855, to the following:

Permit Number: DEV-24-0710

Opening Location: 3 BELVIDERE AVE

Block/Lot: 546.10/5

Applicant's Name & Address:

**PIN OAK BUILDERS, LLC
45 ROXY AVE
EDISON, NJ 08820**

Initial Deposit Date: 03/19/2024

Deposit Amount: \$1,440.00

Paid by & refunded to:

**PIN OAK BUILDERS, LLC
45 ROXY AVE
EDISON, NJ 08820**

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.

ITEM 12. A.

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 STO0000848, to the following:

Permit Number: DEV-24-0701

Opening Location: 668 DENVER BLVD

Block/Lot: 498/18.02

Applicant's Name & Address:

**GAURAV MITTAL
668 DENVER BLVD
EDISON, NJ 08820**

Initial Deposit Date: 02/29/2024

Deposit Amount: \$4,600.00

Paid by & refunded to:

**GAURAV MITTAL
183 WESTGATE DR
EDISON, NJ 08820**

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.

ITEM 12. A.

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 STO0000847, to the following:

Permit Number: DEV-24-0700

Opening Location: 999 WOOD AVE

Block/Lot: 852/2

Applicant's Name & Address:

**HARSHI CONSTRUCTIONS LLC
1 WREN CT
EDISON, NJ 08820**

Initial Deposit Date: 02/23/2024

Deposit Amount: \$8,400.00

Paid by & refunded to:

**HARSHI CONSTRUCTIONS LLC
1 WREN CT
EDISON, NJ 08820**

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.

ITEM 12. A.

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 STO0000770, to the following:

Permit Number: DEV-23-0608

Opening Location: 1906 LINCOLN HIGHWAY / STONY RD

Block/Lot: 1143/27.01

Applicant's Name & Address:

DAN NIRO

P.O.BOX: 105

BOUND BROOK, NJ 08805

Initial Deposit Date: 05/09/2023

Deposit Amount: \$1,800.00

Paid by & refunded to:

DAN NIRO

P.O.BOX: 105

BOUND BROOK, NJ 08805

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.

Item 12. B.

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO ABSOLUTE FIRE PROTECTION SYSTEMS FOR FIRE ALARM INSPECTION AND MAINTENANCE SERVICES

WHEREAS, bids were received by the Township of Edison on March 21, 2024 for Public Bid No. 24-08-23R, Fire Alarm Inspection and Maintenance Services; and

WHEREAS, ABSOLUTE FIRE PROTECTION SYSTEMS, 51 Suttons Lane, Piscataway, NJ 08854, submitted the lowest legally responsible, responsive bid for the 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 mutual agreement of both parties at the same prices, conditions, requirements and terms of the contract, subject to and contingent upon appropriation of sufficient funds for each renewal year; and

WHEREAS, the total amount of the first year and the succeeding renewal year shall not exceed \$200,000.00 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. The bids have been reviewed, and the bid submitted by ABSOLUTE FIRE PROTECTION SYSTEMS, for Fire Alarm Inspection and Maintenance Services, is determined to be the lowest legally responsible, responsive bid as listed on the spreadsheet.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$200,000.00 for the first year and any succeeding renewal year and any other necessary documents, with ABSOLUTE FIRE PROTECTION SYSTEMS as described herein.

Item 12. C.

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER(S) TO FIRE AND SECURITY TECHNOLOGIES FOR ANNUAL FIRE EXTINGUISHER INSPECTION & RELATED SERVICES

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, there is a need for annual fire extinguisher inspection & related services for the Township of Edison; and

WHEREAS, FIRE AND SECURITY TECHNOLOGIES, 217 Halls Mills Road, Lebanon, NJ 08833 has been awarded ESCNJ 20/21-23 Annual Fire Extinguisher Inspection & Related Services under NJ State approved coop #65MCESCCPS; and

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

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

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

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order(s) and any other necessary documents in the amount not to exceed \$55,000.00, with FIRE AND SECURITY TECHNOLOGIES, 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. of the Local Public Contracts Law, and ESCNJ 20/21-23 Plumbing Time and Material through State Co-Op#65MCESCCPS.

ITEM 12. D.

RESOLUTION AUTHORIZING CHANGE ORDER # 1 WITH ALLSTATE OFFICE INTERIORS FOR THE INSTALLATION OF FLOORING AT VARIOUS LOCATIONS

WHEREAS, Resolution R.298-052023 authorized state contract numbers 81751 and 23-FOOD-18184 under G2005 – Carpet & Padding, Vinyl & Sheet Flooring, Mats & Matting, and Supplies & Installation with ALLSTATE OFFICE INTERIORS, 113 North Gold Drive, Robbinsville, NJ 08691, for the purchase and installation of flooring at various locations in Edison Township in the amount of \$201,542.28; and

WHEREAS, ALLSTATE OFFICE INTERIORS, has also been awarded State Contract Number 23-FOOD-47764 under G2005 – Carpet Floor Covering, Supplies and Installation - Statewide; and

WHEREAS, Change Order #1 is needed to purchase additional materials to finish the flooring projects in the total amount of \$10,603.86; 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 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 #1 to the contract with ALLSTATE OFFICE INTERIORS is hereby authorized in the amount of \$10,603.86, for a total amended contract amount of \$212,146.14.

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

1. 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, Nos. 81751, 23-FOOD-18184, and 23-FOOD-47764 under G2005

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$10,603.86** are available for the above in Account No. **C-04-22-2163-103-001** for a total amended contract amount of \$212,146.14.

Lina Vallejo
Chief Financial Officer

Date

ITEM 13. A.

RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO RARITAN GROUP INC., FOR THE FURNISHING OF WATER UTILITY SUPPLIES AND EQUIPMENT

WHEREAS, bids were received by the Township of Edison on April 12, 2024 for Public Bid No. 24-02-21 Water Utility Supplies and Equipment; and

WHEREAS, RARITAN GROUP INC., 301 Meadow Road, Edison, NJ 08817, submitted the sole, legally responsible, responsive bid for various brands as listed on the spreadsheet; and

WHEREAS, the initial contract shall be for two (2) years from execution of the contract with options to renew for two (2) one (1) year renewals upon mutual agreement of both parties 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 contract shall not exceed \$900,000.00, 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. The sole bid has been reviewed, and the bid submitted by RARITAN GROUP INC., for Water Utility Supplies and Equipment is determined to be the sole, legally responsible, responsive bid as listed on the spreadsheet and stated herein.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$900,000.00, and any other necessary documents, with RARITAN GROUP INC.

ITEM 14. A.

RESOLUTION

Authorizing park rental fees to be waived for tax-exempt organization.

WHEREAS the Edison Recreation Department has fees for park rentals and,

WHEREAS the Edison Sheltered Workshop will be hosting their annual client picnic in Yelencsics Park, Edison, on May 17, 2024 and,

WHEREAS the Edison Sheltered Workshop provides occupational training for individuals with disabilities and they provide independent living skills and employment readiness skills; and

WHEREAS, the Edison Sheltered Workshop is requesting to have their fees waived; and

NOW THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that authorization be given to waive said fees.

BE IT FURTHER RESOLVED, by the Municipal Council of the Township of Edison that the rental fees for use of Yelencsics Park shall be waived.

ITEM 15. A.

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO THE
MIDDLESEX COUNTY TREASURER**

WHEREAS Middlesex County Treasury made a payment in the amount of \$573 to the Edison Police Department after a plea agreement without knowing the Edison Police Department had already collected the \$573 during the initial investigation of the incident.

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 \$573.00 to the Middlesex County Treasurer, which represents the amount of over payment.

Vendor ID	Vendor Name	Vendor Address	Reason	Amt.	Req. #
MIDDLE40	Middlesex County Treasurer Prosecutors Office	25 Kirkpatrick St-3 rd FL New Brunswick, NJ 08901	Over Payment	\$573.00	R4-02584

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$573.00 are
available in Account #T-13-00-0000-000-010 (R4-02584).

ITEM 16. A.

RESOLUTION

Explanation: This Resolution fulfills the Township Council's responsibility as to the establishment of the Dismal Swamp Commission/Peter J. Barnes Wildlife Preservation Commission by offering it advice and consent to the re-appointing of Walter Stochel as a Resident of Edison to the Peter J. Barnes Wildlife Preservation Commission.

BE IT RESOLVED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey, that it accordance with Dismal Swamp Preservation Act, P.L. 2009, c 132 as codified at N.J.S.A. 40:D-88.1 et seq. (the"Act"); and

BE IT FURTHER RESOLVED, that the Township Council hereby re-appoints Walter Stochel as a Member to the Dismal Swamp Commission/Peter J. Barnes Wildlife Preservation Commission per N.J.S.A. 40:55D-88.4(a) (1) for a five (5) year term effective, expiring on May 8, 2029.

BE IT FURTHER RESOLVED, that upon adoption of said Resolution, the Township Clerk, is hereby directed to forward a certified copy of said Resolution to (i) Metuchen Borough clerk; (ii) South Plainfield Borough clerk; (iii) John Pulomena, Middlesex County Administrator, for distribution of all Middlesex County Freeholders, and to (iv) Senator Patrick Diegnan.

Item 16. B

RESOLUTION

WHEREAS, St. James Episcopal Church, has requested a waiver of Electrical Permit fees at 2131 Woodbridge Avenue.

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

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

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

ORDINANCE NO. O.2213-2024

AN ORDINANCE AMENDING CHAPTER 37, “ZONING,” BY AMENDING THE FOLLOWING SUBSECTIONS: §37-62, SIGN REGULATIONS TO ADD LANGUAGE PERTAINING TO OFF-PREMISE / BILLBOARD GUIDELINES

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

WHEREAS, Chapter 37, “Zoning” of the Township of Code of General Ordinances (hereinafter referred to as the “Code”) provides definitions, rules, regulations, and standards to conserve the value of property and encourage the most appropriate use of the land in the Township; and

WHEREAS, the Township recognizes the unique impact of off-premise advertising on public safety, visual aesthetics, and quality of life and the Township has a significant government interest in establishing zoning guidelines which promote public safety, visual aesthetics and general welfare of the municipality and residents of the municipality; and

WHEREAS, the Township desires to amend the following subsections of Chapter 37, “Zoning,” to update definitions and separate off-premise signs as its own subsection:

- §37-62.3, Definitions
- §37-62.11, Signs in R-I, L-I, ROL and E-I Districts

WHEREAS, the Township desires to add the following subsections to Chapter 37, “Zoning,” to add certain guidelines pertaining to the use and construction of off-premise signs and billboards:

- §37-62.12, Off-Premise Signs & Billboard Regulations

WHEREAS, prior to the Municipal Council hearing on the adoption of this Ordinance, it shall be referred to the Township Planning Board as required under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64; and

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Township of Edison, in the County of Middlesex, State of New Jersey amend Chapter 37, “Zoning” of the Code as follows:

Deletions are noted by ~~striketrough~~

Additions are indicated by **bold underline**

Language that remains unchanged is not highlighted in anyway.

SECTION I

§ 37-62.3 Definitions.

[no change to definitions from Abandoned Sign through Awning Sign...]

BILLBOARDS

See ~~outdoor display structures~~ **off-premise signs.**

[no change to definitions from Changeable Sign to Nameplate Sign...]

NITS

A measurement of the brightness of light. One nit is equal to one candela (one candlepower) per square meter (1cd/m²).

[no change to definitions from Nonconforming Sign to Open House Sign...]

OUTDOOR DISPLAY STRUCTURES OFF-PREMISE SIGNS AND BILLBOARDS

Means a sign which directs attention to a business, industry, profession, commodity, service or entertainment not necessarily sold or offered upon the premises where the sign is located. **Billboards shall be freestanding in nature.**

[no change to definitions from Parapet through Wall Sign...]

SECTION II

§37-62.7 Prohibited Signs

The following signs are prohibited:

[no change to sections a – c]

d. Except as provided for in subsection ~~37-62.11~~ **37-62.12 “Off Premise Signs & Billboard Regulations”**, freestanding or billboard signs advertising a product or service not sold on the premises, freestanding or billboard signs advertising or directing attention to another premises, and any sign unrelated to the premises on which the sign is erected.

SECTION III

§ 37-62.11 Signs in R-I, L-I, ROL and E-I Districts.

a. Attached signs: the same regulations as specified for commercial districts.

b. Freestanding signs shall be permitted as follows:

1. No freestanding sign shall exceed fifteen (15) feet in height; the maximum width of any one (1) side of the sign shall not exceed twenty (20) feet and the total square footage of any such sign shall not exceed two hundred (200) square feet in area or one (1) square foot for each five (5) feet of street frontage, whichever is less. The total area of all signs on the subject property shall not exceed five hundred (500) square feet in area in the aggregate, and the signs shall not be closer to one another than one thousand six hundred (1,600) feet.

2. Such signs shall be set back at least fifteen (15) feet from the street line and no such sign shall encroach upon the required side yard or rear yard setback.

~~3. Freestanding Signs in LI Zone.~~

~~(a) Freestanding or billboard signs advertising products or services not sold on the premises, freestanding or billboard signs advertising or directing your attention to another premises, and any other sign unrelated to the premises on which the sign is erected, shall only be permitted in the LI zone. No such sign shall exceed fifteen (15) feet in height; such signs shall be only one sided; and such signs shall not exceed two hundred fifty (250) square feet in area, and no sign permitted by this subsection shall be erected within two thousand five hundred (2,500) feet of any other sign permitted in this subsection;~~

~~(b) No signs permitted by paragraph b1 shall encroach upon the required front yard, rear yard or side yard setbacks.~~

SECTION IV

§ 37-62.12 OFF-PREMISE SIGNS & BILLBOARD REGULATIONS

- a. Intent and Purpose. It is the intent of these provisions to provide specific zoning conditions and standards for free-standing off-premise signs, referred to as “Billboards”, within the Township of Edison. This section aims to balance constitutionally protected free speech while recognizing the need to safeguard the public good and preserve the intent and purposes of the Township Zone Plan.
- b. Applicability: A sign shall be considered an off-premise sign used for the purpose of the business of outdoor advertising in the following circumstances:
 - 1. If the property owner or sign owner receives compensation for the use of the sign. However, if the payment of compensation for the use of the sign is a condition of a bona fide and principal use of the property and the compensation is paid by the entity whose use or activity is displayed on the sign, the sign shall be considered an on-premise sign; or
 - 2. If a sign consists principally of brand name or trade name advertising and the product or service advertised is only incidental to the principal activity, conducted on the premises where the sign is displayed
- c. Zones Permitted. Billboards shall be permitted in the following locations:
 - a. L-I (Light Industrial) Zone
- d. Sign Type: All signs must be freestanding signs in nature and may not be attached to the external wall or otherwise affixed to any part of any building.
- e. Sign Size: Off-premises signs are subject to the following size restrictions according to the posted speed limit of the road that the off-premises sign faces.

	<u>Posted Speed Limit (Miles Per Hour)</u>				
	<u>< 36</u>	<u>36 – 45</u>	<u>45 – 55</u>	<u>56 – 65</u>	<u>Limited Access</u>
<u>Maximum Sign Height (ft.)</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>	<u>15</u>
<u>Maximum Sign Width (ft.)</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>Maximum Sign Area (sq. ft.)</u>	<u>60</u>	<u>100</u>	<u>150</u>	<u>200</u>	<u>300</u>

- f. Height and Clearance of Sign.
 - 1. Sign Height from Grade: Maximum forty (40) feet from grade.
 - a. Sign height shall be measured as the distance from the highest portion of the sign (including any sign copy) to the mean finished grade of the street closest to the sign. In the case of a sign located greater than one hundred (100) feet from a public street, height shall be measured to the mean grade

at the base of the sign.

2. Sign Clearance from Grade: The lowest edge of an off-premise sign shall be at least eight (8) feet above the finished grade.
 - a. Sign clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between the finished grade and the lowest point of the sign, including any framework or other structural elements
- g. Buffers & Spacing: Off-premises signs and billboards will be subject to the following guidelines:
 1. Right of Way: The set back from any right of way shall be either the distance equal to the height of the sign or fifteen (15) feet, whichever is greater. No sign shall be placed further than one hundred and fifty (150) feet from the nearest right-of-way line of any interstate, state, county or local road.
 2. Setbacks: No signs permitted shall encroach upon the required front yard, rear yard or side yard setbacks.
 3. Property Line: Distance shall be measured to the nearest edge of the off-premise sign area, including any copy extensions. No billboard shall be located closer than twenty-five (25) feet from any property line.
 4. Buffers: The following buffers shall apply:
 - a. Proximity to Building, Structure or On-Premise Sign: Located no closer than fifty (50) feet from any building, structure, or on-premises sign located on the same property.
 - b. Proximity to Another Off-Premises Sign: Located no closer than two thousand five hundred (2,500) feet from another off-premises sign on either side of the road measured linearly.
 - c. Proximity to Intersection / Interchange: Pursuant to N.J.A.C. 16:41C-8.1, no sign shall be located within five hundred (500) feet from any intersection, interchange, or safety rest area.
 - d. District & Property Buffers: An off-premise sign shall be no closer than five hundred (500) feet to any of the following uses or zones;
 - i. Public Park or Playground
 - ii. Religious Institution
 - iii. Cemetery
 - iv. School
 - v. Residential District.
 - e. Not located on sewer rights-of-way, or water, electric, or petroleum pipelines.

f. Not located on a bridge.

h. Signs Per Lot:

1. Total Number: There shall be no more than one (1) off-premise sign per lot.
2. Combined Area: The total area of all signs on the subject property shall not exceed four hundred (400) square feet in area in the aggregate.

i. General Guidelines

1. Copy Extension: Copy extension beyond the basic billboard sign are permitted provided they do not exceed four (4) feet above and two (2) feet on either side of the regular display area. Copy extension shall be considered part of the overall square footage of a billboard.
2. Stacked Signs: Vertically or horizontally stacked signs shall not be permitted.
3. Sign Faces: Signs may be double sided. Only one (1) side shall be considered when determining the sign area, provided that;
 - a. the faces are equal in size
 - b. the interior angle formed by the faces is less than forty-five (45) degrees, and
 - c. the two faces are not more than five (5) feet apart.
 - d. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.
 - e. When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than five (5) feet apart, all sides of such sign shall be considered in calculating the sign area.
4. Sign Direction & Horizontal Angle:
 - a. Sign Direction: All signs shall be designed so that the display is visible only from a state highway or interstate highway. Off-premise signs shall not face local roadways or residential properties.
 - b. Horizontal Angle: A sign having two identical or different signs back-to-back or a V-shaped sign with a horizontal angle not greater than 45°.
5. Rear Face of Sign: The rear face of a single-face, off-premises advertising sign shall be painted and maintained with a single neutral color as approved by Township of Edison.

j. Prohibited Features

1. Content: Off-premises signs shall not display any message or graphic of an obscene or pornographic nature as determined by Township of Edison.

2. **Sign / Advertisement Per Face: Any sign classified in this subsection shall be limited to one sign or advertisement per face.**
 3. **Electronic Changeable Copy or Imagery: No billboard or portion thereof shall have any electronic, digital, or other animated characteristics resulting in an automatically changing depiction.**
 4. **Electronic Imagery: No sign shall give the illusion of movement, display video or other changing imagery, automatically change, or be animated, flashing, scrolling or blinking.**
 5. **The message and/or graphic content displayed on the billboard shall not be changed more than once per day.**
 6. **Message Sequencing: Message sequencing is prohibited.**
 7. **Moving Vehicles: Off-premise advertising signs shall not be permitted on moving vehicles.**
 8. **Interactive: Interactive signs shall not be permitted. Electronic or animated signs that react to the behavior or electronic signals of motor vehicle drivers are prohibited.**
 9. **Additional Restrictions: No off-premise sign or portion thereof shall rotate, move, produce noise or smoke, steam, visible vapors or particles.**
- k. **Construction and Maintenance.**
1. **Certification by Engineer: All plans for off-premises signs shall be certified by a licensed engineer registered in New Jersey.**
 2. **Construction: All off-premises advertising signs shall be structurally sound and maintained in good condition and in compliance with the New Jersey Uniform Construction Code.**
 3. **Annual Inspection: On a three (3) year basis, the owner of the billboard shall have a structural inspection made of the billboard by a licensed engineer registered in New Jersey and shall provide to the Township of Edison a certificate certifying that the billboard is structurally sound.**
- l. **Identification of Sign Owner: All off-premises signs shall be identified on the structure with the name, address, and phone number of the owner of such Sign.**
- m. **Landscaping.**
1. **Landscaping shall be provided at the base of all off-premises signs. Trees and shrubbery, including evergreen and flowering trees, of sufficient size and quantity, to the satisfaction of the applicable board and that board's professionals.**

2. Trees: Replacements shall be made in accordance with the Township of Edison tree replacement guidelines.
- n. Application/Plan Requirements. Plans submitted for off-premises advertising signs shall show the following:
1. Any and all information as stated in section 37-62.8 “Administration and Filing Procedure.”
 2. A light study must be conducted and submitted in addition to the required information under 37-62.8.
 3. The location and species of existing trees.
 4. The distances to the nearest right-of-way, property line, building, structure, on-premises sign, off-premises sign, intersection, interchange, residential district, or institutional use, sewer rights-of-way, and water, electric or petroleum pipelines.
 5. Site plan containing all of the applicable requirements set forth in the Township of Edison zoning code, as amended.
 6. Certification under the seal by a licensed engineer that the off-premises sign, as proposed, is designed in accordance with all federal, state, and local laws, codes, and professional standards.
- o. Illumination and Changeable Copy of Off-premises Signs.
1. Off-premises signs may incorporate manual changeable copy signs.
 2. The following illumination types shall be permitted subject to any other lighting guidelines established in the zoning code:
 - a. External illumination
 - i. External illumination lighting must be provided by a steady, stationary light source that is shielded and directed solely at the sign. The light source must be static in color.
 - b. Internal illumination
 - i. Internal illumination lighting must be provided by non-glaring lights or may be illuminated by shielded floodlights.
 - c. No sign shall be illuminated by means of intermittent, flashing or blinking lights.
 - d. External Light Sources
 - i. All light sources shall be designed, shielded, arranged, and installed to confine or direct all illumination to the surface of the off-premises sign

and away from adjoining properties.

- ii. Light sources shall not be visible from any street or adjoining properties.
 - iii. Light sources shall be shielded from view of all vehicular traffic and shall be arranged so that there exists no glare to any vehicular traffic.
 - iv. Light sources shall only be permitted to be arranged on the base margin of any billboard display area.
- e. Digital
- i. Digital Display Cone Angle: The maximum cone angle allowed for digital displays shall be thirty (30) degrees, measured from the centerline of the structure.
- f. Brightness Guidelines: Sign brightness shall not exceed two-tenths (0.2) foot candles over ambient light.
- i. During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) nits.
 - ii. At all other times, luminance shall be no greater than two hundred fifty (250) nits.
 - iii. Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change, to comply with the limits set here within. Brightness adjustments must be in effect from 30 minutes after sunset to 30 minutes before sunrise.
- g. Time Guidelines: Off-premises message boards and signs located on a lot within five hundred (500ft.) feet of a residential zone district, and visible from such residential zone district, shall not be illuminated between the hours of 11:00 pm and 7:00 am unless the use to which the sign pertains is open for business during those hours or at the request of the Township in the event of emergency announcement communication needs.
- h. Safety. In applying for special exception relief, the applicant bears the burden of proof to establish that the proposed off-premises sign will not create a public health or safety hazard in the location that it is proposed and in the manner by which it is to be operated.
- i. In addition to all of the above conditions, all billboards shall meet all of the requirements as set forth pursuant to the following additional guidelines. In

the event any other applicable regulation is in conflict with the provisions of this Section, the more strict regulation shall apply:

1. **NJAC Title 16, Chapter 41C, Subchapter 1.1 through 11.3, as may be amended from time to time;**
 2. **NJSA Title 27, Section 5-5 et seq, as may be amended from time to time;**
 3. **Any other Township of Edison zoning regulations, county, state and/or federal laws and applicable regulations related to the construction of structures and/or billboards;**
- j. **All billboards shall be required to have the capability to override the displayed message in order to permit the posting of emergency messages by the Township. The owners of the billboard shall in no way be held liable for any injury suffered by the Township or any other person during an emergency if for any reason the Township is unable to make full use of the billboard as contemplated herein. Changing of the displayed message in this manner shall not violate any other section of this chapter.**

SECTION V

SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION VI

REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION VII

EFFECTIVE DATE. This ordinance shall take effect immediately upon this passage and publication in accordance with the law.

ORDINANCE O.2214-042024

AN ORDINANCE AMENDING CHAPTER 25, SECTION 11.1(c) “WAIVERS” TO PROVIDE FOR A REDUCED TREE FUND CONTRIBUTION FOR CERTAIN RESIDENTIAL PROPERTIES AND AMENDING CHAPTER 25, SECTION 13 “TREE FUND” TO DESIGNATE PROJECTS THAT ARE ELIGIBLE FOR TREE FUND EXPENDITURES

WHEREAS, the Township of Edison (hereinafter referred to as the “Township”) is a public body corporate and politic in the County of Middlesex, State of New Jersey; and

WHEREAS, the Township wishes to amend Chapter 25, Section 11.1(c) “Waivers”, by amending the contribution in lieu of planting of trees amount for single-family residences of the Township of Edison; and

WHEREAS, the Township recognizes that single-family residences have a significantly lesser impact on development and have fewer resources to contribute to the Township Tree Fund; and

WHEREAS, the Township seeks to differentiate between single-family residences and other developments to afford an equal opportunity under the ordinance when contribution to the Tree Fund is necessary as a part of a residential application for the removal of trees; and

WHEREAS, the Township recognizes that a reduction in the required contribution amount for single-family residences within the Township will not cover the entire cost of tree replacement or cost of administration for the Tree Fund; and

WHEREAS, the Township further recognizes that the stated purpose of the Tree Fund is for the amelioration of environmental concerns attributed to the destruction and removal of trees within the Township of Edison, including air quality, drainage, erosion, and the loss of green spaces considered vital to the maintenance of a healthy outdoor environment; and

WHEREAS, the Township wishes to ensure that Edison Tree Fund monies are expended in furtherance of these important environmental concerns; and

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Township of Edison, in the County of Middlesex, State of New Jersey Chapter 25, Section 11.1(c) of the Code, entitled “Waivers” is hereby amended as follows:

Deletions are noted by ~~striketrough~~

Additions are indicated by **bold underline**

Language that remains unchanged is not highlighted in any way.

SECTION I

§ 25-11.1. Waivers.

a. All required replacement trees shall be planted on the site from which trees were removed. A waiver from any portion or all of the required-on-site replacement shall be granted by the review board having jurisdiction, if the applicant has adequately demonstrated to the review board that practical physical difficulties associated with the subject property that were not caused by the applicant and/or undue hardship related to the unique conditions of the site from which trees are to be removed preclude strict compliance with this chapter. The comments and

recommendations of the review board's professional planner and/or engineer shall be solicited in determining whether the requested waiver is appropriate.

b. In lieu of replanting trees on the removal site, the applicant shall have the option of planting replacement trees of type(s) selected by the administrative officer from the recommended tree species list at an off-site location chosen by the board having jurisdiction in consultation with the Environmental Commission. Such off-site locations shall be public property and rights-of-way, including, but not limited to public parks, public schools and public buildings.

c. For those excess trees that cannot be planted on the site, the applicant may make a contribution to be deposited in the Township's tree fund escrow as established by this chapter. ~~The contribution, in lieu of planting of trees, shall be five hundred (\$500.00) dollars per tree.~~ Applicants shall demonstrate their ability to plant as many trees on the site as reasonably practicable as determined by the review board's professional planner and/or engineer. After a showing that the applicant can place no additional plantings on the site, the remainder shall be available for contribution in lieu of such plantings, subject to the recommendation of the review board's professional planner and/or engineer. **The contribution, in lieu of planting of trees shall be as follows:**

- 1. For the removal of trees on a single-family lot that is not part of a larger development plan, and not otherwise exempted from the requirements of this Chapter, the contribution in lieu of planting of trees shall be three hundred (\$300.00) dollars per tree.**
- 2. For all other applicants, the contribution in lieu of planting of trees shall be five hundred (\$500.00) dollars per tree.**

BE IT FURTHER ORDAINED by the Municipal Council of the Township of Edison, in the County of Middlesex, State of New Jersey that Chapter 25, Section 13 of the Code, entitled "Tree Fund" is hereby amended as follows:

- A. There shall be established by this chapter a Township Tree Fund for the purposes set forth in this chapter.
- B. All funds collected as contribution in lieu of replanting trees shall be made out to the "Edison Tree Fund" and deposited into an escrow account clearly designated as the "Edison Tree Fund." Funds so deposited shall be used solely for the following purposes:
 1. ~~Park~~**Public space** improvements, including landscape improvements **such as** retaining walls, **retention basins**, landscape irrigation systems, **and improvements necessary for the remediation of erosion and other environmental concerns related to the underlying purposes of this chapter** ~~park benches, bollards, landscape lighting, site lighting (excluding sport event lighting) pathways and playground equipment; provided, however, that at no time shall more than thirty (30%) percent of the outstanding account balance on an annual basis be utilized for such park improvements; and~~

2. The planting of trees, grass, shrubs or other landscaping improvements in public ~~park~~spaces, property surrounding public buildings and rights-of-way.

All other provisions of the ordinance shall remain unchanged.

SECTION II

SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III

REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV

EFFECTIVE DATE. This ordinance shall take effect immediately upon this passage and publication in accordance with the law.