

**AGENDA
MUNICIPAL COUNCIL
WORKSESSION MEETING
Monday, October 20, 2014
6:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on December 14, 2013 and posted in the Main Lobby of the Municipal Complex on the same date.
4. **ORAL PETITIONS AND REMARKS**
5. **REPORTS FROM ALL COUNCIL COMMITTEES:**
6. **POINTS OF LIGHT**
7. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Resolution authorizing the purchase through the Middlesex Regional Educational Services for Various Computer equipment.
 - b. Award Contract/Purchase order for upgrade for phone system.
 - c. Resolution to authorize the development and submission of the Gannett Foundation Media Grant.
 - d. Resolution authorizing a lease agreement with the Snack Shack Café.
8. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through October 16, 2014.
 - b. Resolution authorizing refund in the amount of \$22,635.35 for redemption of tax sale certificates.
 - c. Resolution requesting approval of the Best Practices Inventory Questionnaire for Calendar Year 2014.
 - d. Awarding forty eight month lease for Multi Function Copier.
 - e. Resolution authorizing overpayment refund caused by Successful Tax Court Appeal.
 - f. Resolution authorizing overpayment refund caused by Successful Tax Court with Freeze Act provision.
9. **FROM THE DEPARTMENT OF HEALTH:**
 - a. Resolution to authorize the development and submission of 2015 Public Art Challenge grant application.
 - b. Resolution to authorize the development and submission of grant application to Stillwell-Hansen.

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

- a. Ordinance authorizes the Mayor to execute a Rights of Way Use Agreement with TW Telecom of New Jersey for the use of public rights of way for the installation of telecommunications lines and facilities.
- b. Ordinance authorizes the Mayor to execute a Rights of Way Use Agreement with Sunseys, LLC for the use of public rights of way for the installation of telecommunications lines and facilities.
- c. Ordinance amending Chapter 39 entitled “Land Use” for AAR Amboy Avenue Revitalization Zone.
- d. Ordinance amending the Chapter VI of the Township code to authorize the Township’s issuance of New Plenary Retail Consumption License up to the limit allowed by state law.

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

- a. Resolution releasing of Cash Maintenance Bond .
- b. Resolution refunding Cash Performance Bond.
- c. Ordinance establishes a speed limit of 35MPH on Oak Tree Road with the Township of Edison from the limits of Woodland Avenue (from the border with The Borough of South Plainfield) to Wood Avenue (to the border with the Township of Woodbridge).
- d. Ordinance establishes a Multi-Way Stop Intersection at the intersection of Middlesex Avenue with Christie Street, in the Township of Edison, to establish a 3-Way Stop Intersection.
- e. Resolution approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Resurfacing of Talmadge Road – Phase II project.
- f. Resolution to apply for 2014 NJDCA PSPAG CVA Grant.
- g. Resolution to refund a Senior Resident construction permit fee.
- h. Resolutions accepting quote and Awarding Contract for Home Improvements as part of the Community Block Grant Program.

12. **FROM THE DEPARTMENT OF PUBLIC WORKS:**

- a. Award of Contract/Purchase order for the furnishing of Maintenance and Repair for Heavy Duty Vehicles.
- b. Award of Contract for No. 14-04-25 Automated/Semi Automated Refuse/Recycling Containers.
- c. Resolutions authorizing additional funds for the furnishing of Automotive Parts and Accessories.

13. **FROM THE DEPARTMENT OF RECREATION:**

- a. Resolution awarding reimbursement to various adult softball teams for ending the season in good standing.

- b. Resolution authorizing the Township of Edison to enter into an Interlocal Service Agreement with the Edison Board of Education.

14. **FROM THE CHIEF OF FIRE:**

- a. Award Contract/Purchase order for the furnishing of Four Panasonic Tablets.
- b. Award of Contract for Public Bid No. 14-08-07 – Fire Pumper.
- c. Award Contract/Purchase order for the purchase of Three (3) 2015 Ford Utility Interceptors.

15. **FROM THE CHIEF OF POLICE:**

- a. Resolution approving acceptance of 2014 NJ State Body Armor Replacement Grant funding in the amount of \$13,911.86.
- b. Resolution approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for Highway Safety Fund 2014 Project.
- c. Award Contract/Purchase order for the furnishing of Ten Panasonic Toughbooks for the new vehicles.

16. **FROM THE TOWNSHIP CLERK:**

- a. Resolution supporting the establishment of long term dedicated state funding for Open Space Preservation programs.
- b. Resolution authorizing the sale of One (1) Plenary Retail Distribution Liquor Licenses and further authorizing the Township Clerk to advertise for bid proposals for same pursuant to N.J.S.A 33:1-19-.1.
- c. Resolution authorizing the sale of One (1) Plenary Retail Consumption Liquor Licenses and further authorizing the Township Clerk to advertise for bid proposals for same pursuant to N.J.S.A 33:1-19-.1.
- d. Resolution for the future naming of Dismal Swamp Center to be named Jane Tousman Environmental Education Center.

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

18. **UNFINISHED BUSINESS:**

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

O.1883-2014 AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF CABLE TELEVISION SYSTEM WITH THE TOWNSHIP OF EDISON, NEW JERSEY TO CSC TKR, LLC d/b/a CABLEVISION OF RARITAN VALLEY.

19. **COMMUNICATIONS:**

- a. Electronic Mail received from Rabbi Weintraub regarding the waiving of permit fees.

20. **DISCUSSION ITEMS:**

Council President Karabinchak

- a. Oak Tree Road & Woodland Ave. Traffic Light
- a. Building 1072
- b. Overlay Zone Case
- c. Land fill Closure
- d. Coah Fees Calculations
- e. FAR

Councilmember Diehl

- a. Resolution regarding a dedication for Jane Tousman.

Councilmember Gomez

NONE

Councilmember Lombardi

NONE

Councilmember Mascola

NONE

Councilmember Prasad

NONE

Councilmember Shah

NONE

21. **ADJOURNMENT**

RESOLUTION

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF EDISON FOR THE PERIOD ENDING OCTOBER 16, 2014

WHEREAS, the Director of Finance of the Township of Edison has transmitted
to the Township Council a Report of Disbursements made through October 16, 2014

| FUND | AMOUNT |
|----------------------|---------------------|
| Current | \$15,645,276.30 |
| Affordable Housing | 0.00 |
| Capital | 503,579.77 |
| Cash Performance | 2,835.00 |
| CDBG | 0.00 |
| Developers Escrow | 75,324.47 |
| Dog (Animal Control) | 589.75 |
| Federal Forfeited | 813.00 |
| Grant Funds | 15,662.47 |
| Law Enforcement | 0.00 |
| Open Space | 0.00 |
| Payroll Deduction | 812,468.33 |
| Sanitation Fund | 181,062.21 |
| Sewer Utility | 46,919.25 |
| Tax Sale Redemption | 7,223.64 |
| Street Opening | 0.00 |
| Tree Planting | 150.00 |
| Trust | 169,005.98 |
| TOTAL | \$17,460,910.17 |

/s/ Agnes Yang
Acting Chief Financial Officer

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

RESOLUTION

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

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

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Director of Finance is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing, totaling **\$22,635.45**.

October 22, 2014

**RESOLUTION REQUESTING APPROVAL OF
THE BEST PRACTICES INVENTORY QUESTIONNAIRE
FOR CALENDAR YEAR 2014**

WHEREAS, Local Finance Notice LFN 2014-16 provides guidance with respect to how the Division of Local Government Services, State of New Jersey will implement the statutory requirement of the Best Practices Questionnaire CY 2014 and the inventory contained within the Best Practices Questionnaire is a constructive way to encourage municipalities to consider and embrace a range of best practices that will help improve financial accountability and transparency; and

WHEREAS, the Governing Body of the Township of Edison, State of New Jersey acknowledges the Best Practices Inventory Questionnaire CY 2014 and has been apprised of the responses completed by the Chief Financial Officer and authorizes the Certification and prompt submission by the Acting Municipal Clerk and the Chief Financial Officer; and

NOW, THEREFORE, IT IS RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF EDISON IN THE COUNTY OF MIDDLESEX, NEW JERSEY hereby accepts the Best Practices Questionnaire CY 2014 with the responses completed by the Chief Financial and authorizes a copy to be sent to the Division of Local Government Services within the prescribed time frame dictated by the Division of Local Government Services and the Local Finance Notice LFN 2014-16.

DATED:

RESOLUTION
Authorizing Overpayment Refund caused by
Successful Tax Court Appeal

WHEREAS, The Office of the Tax Collector has received a successful tax appeal judgment from the Tax Court of New Jersey for the case below:

| | |
|-------------------------|---|
| TAXPAYER | SHARMA, RINKU & BAJPAI, ANUPAM |
| PROPERTY LOCATION | 37 ROSEWOOD RD |
| BLOCK / LOT / QUALIFIER | 1102/31 |

WHEREAS, in accordance with the Tax Court of New Jersey, the assessed value of the property has been reduced for the tax years below, as follows:

| DOCKET NUMBER | TAX YEAR | ASSESSMENT |
|---------------|----------|------------|
| 014995-2013 | 2013 | \$198,000 |

WHEREAS, the reduction in assessed value has caused a real estate tax overpayment in the amount of **\$353.90** for the years as follows:

| TAX YEAR | TAX AMOUNT |
|----------|------------|
| 2013 | \$353.90 |

WHEREAS, pursuant to N.J.S.A. 54:3-27.2, "in the event a taxpayer is successful in an appeal from an assessment on real property, the respective taxing district shall refund any excess paid within 60 days of final judgment."

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison, shall and is hereby authorized to draw checks to the property owner or legal representative in the amounts of **\$\$353.90**.

October 22, 2014

RESOLUTION
Authorizing Overpayment Refund caused by
Successful Tax Court Appeal with Freeze Act provision

WHEREAS, This office has received successful tax appeals judgment from the Tax Court of New Jersey for the case below as specified on Council's resolution **R.476-082014**

| | |
|-------------------------|----------------------------|
| TAXPAYER | FREEDMAN SERVICE CO |
| PROPERTY LOCATION | 518 OLD POST ROAD |
| BLOCK / LOT / QUALIFIER | 198.L/40 |
| DOCKET NUMBER: | 014527-2010 |
| TAX YEAR | 2010 |

WHEREAS, in accordance with the Tax Court of New Jersey, the assessed value of the property have been reduced for the applied tax year, but also the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for the Freeze Act Year (s):2011 and 2012 and

WHEREAS, the reduction in assessed value, for the Freeze Act Year(s) listed, has caused a real estate tax overpayment in the amount of **\$67,236.71** and

WHEREAS, pursuant to N.J.S.A. 54:3-27.2, "in the event a taxpayer is successful in an appeal from an assessment on real property, the respective taxing district shall refund any excess paid within 60 days of final judgment."

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison, shall and is hereby authorized to draw checks to the property owner or legal representative in the amounts of **\$67,236.71**.

October 22, 2014

**RESOLUTION AWARDING FORTY EIGHT MONTH LEASE FOR A MULTI FUNCTION COPIER TO
RICOH AMERICAS CORPORATION FOR THE DEPARTMENT OF FINANCE, DIVISION OF TAX
COLLECTIONS**

WHEREAS, The Department of Finance, Division of Tax Collections is in need of a multi function machine that copies, prints, scans and faxes; and

WHEREAS, RICOH AMERICAS CORPORATION, 5 Dedrick Place, West Caldwell, NJ 07006 has been awarded State Contract Number 82709 under M-0053-New Jersey Cost Per Copy; and

WHEREAS, the lease shall be forty eight (48) months (MPC5503) in the amount of \$299.03 per month, \$3,588.36 per year, not to exceed \$14,353.44 for the term of the lease; and

WHEREAS, this includes 15,000 black and white and 255 color copies quarterly and all maintenance and supplies except paper; and

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

WHEREAS, the total amount of this contract, not to exceed \$14,353.44, cannot be encumbered at this time; and

WHEREAS, as this is a multi-year Contract, for the additional calendar years it is contingent upon the adoption of temporary and/or permanent budgets for those years; 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 forty eight month lease for \$299.03 per month, \$3,588.36 per year, not to exceed \$14,353.44 for the term of the lease and any other necessary documents, with **RICOH AMERICAS CORPORATION**, 5 Dedrick Place, West Caldwell, NJ 07006 as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. 82709/M-0053.

RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO PURCHASE VARIOUS COMPUTER EQUIPMENT AND SUPPLIES FROM CDW GOVERNMENT INCORPORATED THROUGH THE MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION COOPERATIVE PRICING SYSTEM

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 Township of Edison is a member of the MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION PRICING SYSTEM; and

WHEREAS, CDW GOVERNMENT INCORPORATED, 2 Enterprise Dr., Suite 404, Shelton, CT 06484 has been awarded Contract MRESC 13/14-04 (technology catalog) through this Cooperative Pricing System; and

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

WHEREAS, the total amount of this contract, not to exceed \$35,000.00, 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 and any other necessary documents, in the amount of \$35,000.00 with CDW GOVERNMENT INCORPORATED, 2 Enterprise Dr., Suite 404, Shelton, CT 06484, the approved Middlesex Regional Educational Services Commission Cooperative Pricing System vendor through this resolution, which shall be subject to all the conditions applicable to the current Middlesex Regional Educational Services Cooperative Pricing System Contract as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-11 et seq.

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO
OFFICE SOLUTIONS, INC. FOR AN UPGRADE TO REPLACE END OF LIFE EQUIPMENT FOR THE
AVAYA PHONE SYSTEM**

WHEREAS, there is a need for an upgrade to replace end of life equipment for the Avaya phone system; and

WHEREAS, OFFICE SOLUTIONS, INC., 217 Mount Horeb Road, Warren, NJ 07059 has been awarded State Contract Number 80802 under T-1316 Telecommunications Equipment and Services; and

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

WHEREAS, the maximum amount of the purchase shall not exceed \$12,610.24; and

WHEREAS, funds in the amount not to exceed \$12,610.24 have been certified to be available as follows:

Public Buildings Telephone Account, No. 4-01-31-0440-000-076 - \$5,600.00
Business Admin. Computer Hardware/Software Account, No. 04-01-20-0100-001-059 - \$1,176.00
Information Technology Related Costs Account, No. C-04-14-1872-100-001 - \$5,834.24; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$12,610.24, and any other necessary documents, with OFFICE SOLUTIONS, INC., 217 Mount Horeb Road, Warren, NJ 07059 as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law and State Contract, No. 80802 under T-1316.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$12,610.24** are available for the above as follows:

\$5,600.00 in Account No. **4-01-31-0440-000-076**
\$1,176.00 in Account No. **4-01-20-0100-001-059**
\$5,834.24 in Account No. **C-04-14-1872-100-001**

Agnes Yang
Acting Chief Financial Officer

Date

**MUNICIPAL
RESOLUTION**

WHEREAS, the award-winning Edison Television (ETV) was established as a Government Access Station for the Township of Edison twenty-three years ago during 1991; and

WHEREAS, the Gannett Foundation has grant funds available through its Media Grants Program; and

WHEREAS, ETV is in need of video-recording, production, post-production, duplication and broadcasting equipment to continue to record, produce, edit, duplicate and broadcast quality programs for cable-television viewers throughout the Edison/Greater Edison area; and

WHEREAS, no cash match is required in order to apply for or receive awards of grant funding from the Gannett Foundation Media Grants Program; and

WHEREAS, ETV shall document any and all in-kind values in relation to the Gannett Foundation Media Grants Program funding, in regard to any other support that may be received from public and private resources as to this grant application and any subsequent award that shall be made to ETV from the Gannet Foundation Media Grant program; and

WHEREAS, ETV shall utilize all funds awarded to it by the Garrett Foundation Media Grants Program for activities as described in its application for said funds and in compliance with all applicable Program, County State and Federal, agency requirements, guidelines, regulations and statutes;

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, County of Middlesex, State of New Jersey, does hereby approve and authorize the development and submission of said grant application by ETV to the Gannett Foundation Media Grants Program at a regularly-scheduled, Public Meeting on the evening of Wednesday, October 22, 2014.

**MUNICIPAL
RESOLUTION**

WHEREAS, the Edison Department of Health and Human Services (EDHHS), through the Edison Municipal Alliance (EMA), established the noted BRIDGES (Building Relationships In Diversified Groups of Edison Students) program 18+ years ago, which it continues to effectively administer for the documented benefit of local students and their families to encourage positive, healthy behavior as an alternative to deleterious and potentially dangerous conduct and activities; and

WHEREAS, Stillwell-Hansen, Inc. (a Corporate Philanthropy) has grant funds available for programs and services for local youth in the Edison/Greater Edison area; and

WHEREAS, the EDHHS, through the EMA/BRIDGES program, intends to apply for grant funding for a maximum amount of \$30,000 from Stillwell-Hansen to support its established Summer Program for participating, local youth for a two-year period; and

WHEREAS, no cash match is required in order to request grant funding from Stillwell-Hansen; and

WHEREAS, EDHHS EMA/BRIDGES will document any and all in-kind values in relation to Stillwell-Hansen grant funding, in regard to any other support that may be received from public and private resources as to the Summer Program; and

WHEREAS, the Edison Department of Health and Human Services, through the EMA/BRIDGES program, will utilize all grant funds awarded by the Stillwell-Hansen for activities as described in its application for said funds and in compliance with all applicable Program, County State and Federal, agency requirements, guidelines, regulations and statutes;

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, County of Middlesex, State of New Jersey, does hereby approve and authorize the development and submission of said grant application to Stillwell-Hansen at a regularly-scheduled, Public Meeting on the evening of Wednesday, October 22, 2014.

MUNICIPAL RESOLUTION

WHEREAS, the Edison Department of Health and Human Services (EDHHS), through the Edison Municipal Alliance (EMA), established the noted BRIDGES (Building Relationships In Diversified Groups of Edison Students) program 18+ years ago, which it continues to effectively administer for the documented benefit of local students and their families to encourage positive, healthy behavior as an alternative to deleterious and potentially dangerous conduct and activities; and

WHEREAS, Stillwell-Hansen, Inc. (a Corporate Philanthropy) has grant funds available for programs and services for local youth in the Edison/Greater Edison area; and

WHEREAS, the EDHHS, through the EMA/BRIDGES program, intends to apply for grant funding for a maximum amount of \$30,000 from Stillwell-Hansen to support its established Summer Program for participating, local youth for a two-year period; and

WHEREAS, no cash match is required in order to request grant funding from Stillwell-Hansen; and

WHEREAS, EDHHS EMA/BRIDGES will document any and all in-kind values in relation to Stillwell-Hansen grant funding, in regard to any other support that may be received from public and private resources as to the Summer Program; and

WHEREAS, the Edison Department of Health and Human Services, through the EMA/BRIDGES program, will utilize all grant funds awarded by the Stillwell-Hansen for activities as described in its application for said funds and in compliance with all applicable Program, County State and Federal, agency requirements, guidelines, regulations and statutes;

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, County of Middlesex, State of New Jersey, does hereby approve and authorize the development and submission of said grant application to Stillwell-Hansen at a regularly-scheduled, Public Meeting on the evening of Wednesday, October 22, 2014.

MUNICIPAL RESOLUTION

WHEREAS, the Edison Department of Health and Human Services, through the Edison Municipal Alliance (EMA), established the noted BRIDGES (Building Relationships In Diversified Groups of Edison Students) program 18+ years ago, which it continues to effectively administer for the documented benefit of local students and their families to encourage positive, healthy behavior as an alternative to deleterious and potentially dangerous conduct and activities; and

WHEREAS, Bloomberg Philanthropies recently distributed a Request For Proposals for its 2015 Public Art Challenge to communities of 30,000 or more to support public art projects; and

WHEREAS, the Edison Department of Health and Human Services, through the EMA/BRIDGES program, intends to apply for grant funding for a maximum amount of \$50,000 from the Bloomberg Philanthropies Public Art Challenge, as it will help to further strengthen its mission, focus and vision through an artistic and creative format; and

WHEREAS, EDHHS EMA/BRIDGES will provide the requisite cash and in-kind for the Bloomberg Philanthropies Public Art Challenge with public and private resources, for a maximum cash and in-kind match amount of \$25,000, which is being sought from private and public sources; and

WHEREAS, EMA/BRIDGES will also document in-kind values in relation to Bloomberg Philanthropies Public Art Challenge grant funds from public and private resources; and

WHEREAS, the Edison Department of Health and Human Services, through the EMA/BRIDGES program, will utilize all grant funds awarded by the Bloomberg Philanthropies Public Art Challenge activities as described in its application for said funds and in compliance with all applicable Program, County State and Federal, agency requirements, guidelines, regulations and statutes;

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, County of Middlesex, State of New Jersey, does hereby approve and authorize the development and submission of said grant Bloomberg Philanthropies Public Art Challenge application at a regularly-scheduled, Public Meeting on the evening of Wednesday, October 22, 2014.

Explanation: This Ordinance authorizes the Mayor to execute a Rights of Way Use Agreement with tw telecom of new jersey, l.p. for the use of public rights of way for the installation of telecommunication lines and facilities.

TOWNSHIP OF EDISON

ORDINANCE NO.: ____ 2014

WHEREAS, tw telecom of new jersey, l.p. (“TWTC”) is a telecommunications company which possesses the required approval from the New Jersey Board of Public Utilities and is requesting consent from the Township pursuant to N.J.S.A. 48:17-10 to use it rights of way as proposed in the attached Rights of Way Use Agreement; and

WHEREAS, TWTC is in the process of marketing its telecommunications services to users in the Township; and

WHEREAS, as the Township is authorized to grant such consent pursuant to N.J.S.A. 48:3-11 *et seq.*

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

1. The attached Rights of Way Use Agreement with TWTC is hereby approved by the Township Council and the Mayor is hereby authorized to execute the attached Rights of Way Use Agreement.
2. The Mayor, Township Attorney and other necessary Township Officials are hereby authorized to take any and all actions reasonably necessary to effectuate the Rights of Way Use Agreement approved hereby, including but not limited to the execution and delivery of any and all other documents related thereto.
3. This Ordinance shall take effect in accordance with applicable law.

Explanation: This Ordinance authorizes the Mayor to execute a Rights of Way Use Agreement with Sunesys, LLC for the use of public rights of way for the installation of telecommunication lines and facilities.

TOWNSHIP OF EDISON

ORDINANCE NO.: ____ 2014

WHEREAS, Sunesys, LLC (“Sunesys”) is a telecommunications company which possesses the required approval from the New Jersey Board of Public Utilities and is requesting consent from the Township pursuant to N.J.S.A. 48:17-10 to use it rights of way as proposed in the attached Rights of Way Use Agreement; and

WHEREAS, Sunesys is in the process of marketing its telecommunications services to users in the Township; and

WHEREAS, as the Township is authorized to grant such consent pursuant to N.J.S.A. 48:3-11 *et seq.*

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

4. The attached Rights of Way Use Agreement with Sunesys is hereby approved by the Township Council and the Mayor is hereby authorized to execute the attached Rights of Way Use Agreement.
5. The Mayor, Township Attorney and other necessary Township Officials are hereby authorized to take any and all actions reasonably necessary to effectuate the Rights of Way Use Agreement approved hereby, including but not limited to the execution and delivery of any and all other documents related thereto.
6. This Ordinance shall take effect in accordance with applicable law.

**EDISON TOWNSHIP
ORDINANCE**

BE IT ORDAINED, by the Township Council of the Township of Edison, County of Middlesex, and State of New Jersey the Chapter 39 entitled "Land Use" is hereby amended as follows:

SECTION I. Section 37-25 of Chapter XXXVII Zoning is hereby amended as follows:

37-25 AAR AMBOY AVENUE REVITALIZATION ZONE.

37-25.1 General Purpose.

Due to the proposed revitalization by the Township of Edison of Amboy Avenue between the limits of the New Jersey Turnpike and US Highway Route 1, zoning requirements shall be incorporated in the AAR, Amboy Avenue Revitalization Zone as herein set forth to promote and encourage said revitalization. The purpose of the revitalization is to instill economic development for the limits set forth herein and inject into the commercial properties opportunities for growth and prosperity in conjunction with the aesthetic improvements that will ensue. The zoning ordinance shall be amended to also promote and encourage pedestrian traffic so as to conversely reduce the use of single occupancy vehicles in the subject area. (1999 Code § 17.49.010)

37-25.2 Amboy Avenue Revitalization Zone Physical Limits.

The limits of the Amboy Avenue Revitalization Zone on Amboy Avenue shall include all parcels presently classified as L-B along both sides of Amboy Avenue between the New Jersey Turnpike as its southeasterly terminus and US Highway Route 1 as its northwesterly terminus. The official Edison zoning map shall be amended to reflect the limits of the AAR Zone as herein described. (1999 Code § 17.49.020)

37-25.3 Permitted Uses.

The permitted uses in the AAR Zone shall be as specified in the L-B District with the following additional uses:

- a. Restaurants and eating establishments shall be permitted to provide entertainment in the form of various acts which may include musicians, comedians, magicians, diverse musical groups and other like acts of entertainment.
- b. Other establishments whose primary function is to provide entertainment as specified in paragraph a. above which may incidentally also serve snacks and drinks.
- c. Instructional facilities such as karate schools, dance schools, art schools, acting schools, educational schools, music schools and other such similar uses.

In no fashion shall the form of entertainment violate the requirements of this Code including but not limited to, Chapter 6 (Alcoholic Beverages), Chapter 12 (Health Regulations and Licensing), Chapter 15 (Property Maintenance), Chapter 21 (Solid Waste Management), Chapter 22 (Environmental Regulations), Chapter 10-7 (Indecency and Obscenity) and Chapter 10-5 (Public Peace and Decency).

37-25.4 Residential Uses.

Seventy-five (75%) percent of the gross floor area of any building in the Amboy Avenue Revitalization Zone may be used for residential purposes. One (1) residential unit shall be permitted on the first floor to meet ADA standards. (1999 Code § 17.49.040)

37-25.5 Outdoor Tables and Chairs.

Restaurants and eating establishments in the Amboy Avenue Revitalization Zone are permitted to have outdoor tables and chairs for serving food and beverages to customers provided that a minimum four (4) feet pedestrian pathways are not impeded to insure ADA compliance, that all fire codes are in compliance and that no public right of way is encroached upon. (1999 Code § 17.49.050)

37-25.6 Prohibited Uses.

The uses prohibited in the AAR Zone shall be as specified in the L-B Zone and to also include:

- a. Service or gas stations.
- b. Fast food restaurants.
- c. Massage parlors.
- d. Body piercing and tattoo parlors.
- e. Go-go bars, strip clubs, cabarets and/or any form of adult entertainment activities, adult entertainment materials, sales or rentals.

- f. Cultural centers and churches.
- g. Video arcades.
- h. Automobile repair shops.
- i. Banquet halls or similar uses.

(1999 Code § 17.49.060)

37.25.7 Accessory Uses.

No accessory uses are permitted. (1999 Code § 17.49.070)

37.25.8 Conditional Uses.

No conditional uses are permitted. (1999 Code § 17.49.080)

37-25.9 Height, Area and Yard Requirements.

The height, area and yard requirements as specified in the schedule of Section 37-63, shall be modified in the following manner:

- a. The minimum lot area shall be five thousand (5,000) square feet.
- b. The minimum lot width shall be fifty (50) feet.
- c. The required front yard setback shall be five (5) feet with a tolerance of twenty-five hundredths (0.25) feet. There shall be no deviation from this five (5) foot dimension including the tolerance without an application for a variance to the Zoning Board of Adjustment or Planning Board, whichever has jurisdiction, for relief from this requirement.
- d. The required side yard setback shall be zero (0) feet provided that the lot line does not abut a residential district in which case the minimum side yard requirement shall be fifteen (15) feet unless a public street intervenes in which case the front yard requirement of five (5) foot setback shall govern. There shall be no deviation from this zero (0) foot dimension without an application for a variance to the Zoning Board of Adjustment or Planning Board, whichever has jurisdiction, for relief from this requirement. Where due to building orientation, lot configuration or other condition that preclude entry to the rear of a property for parking area access, loading/unloading, refuse collection, public safety vehicle access or any other purpose requiring such entry, a paved alleyway no wider than fifteen (15) feet shall be permitted alongside or within the frontage of the building. In such cases where the building has more than one (1) story, all additional stories shall be constructed pursuant to governing building codes above said alleyway with the aforementioned side yard requirements where applicable.
- e. The minimum rear yard setback shall be twenty-five (25) feet for parking.
- h. The maximum percent of lot coverage by all buildings shall be seventy (70%) percent.
- i. The maximum percent of lot coverage by all buildings and pavement shall be ninety-five (95%) percent.
- j. The building height shall be a maximum of three (3) stories or forty (40) feet in height whichever is the lesser.

k. Regardless of the gross floor area of any building, the maximum gross floor area of each and any separate and individual permitted use within that building shall be no greater than two thousand hundred (2,500) square feet per story.

l. All mechanical equipment must be screened from public view.

m. All buildings must comply with all fire safety and sprinkler laws.
(1999 Code § 17.49.090)

37-25.10 Parking Requirements.

The following parking requirements shall be incorporated into the AAR, Amboy Avenue Revitalization Zone as herein set forth.

a. Parking and loading for the AAR Zone shall comply with the parking standards established in Chapter 37-60 of the Land Use Regulations.

b. Parking for residential uses shall conform to RSIS Standards.

c. Future parking needs, as they become evident, shall be satisfied through the construction of strategic parking lots on properties to be rendered available along or in the vicinity of Amboy Avenue.

d. *Location of Parking Facilities.* All on-site parking facilities shall be located in the rear yard of each property. All parking shall be prohibited in front and side yards.

e. *Contiguous Parking Lots.* Buildings on individual parcels in the AAR Zone are permitted to have contiguous on-site parking areas with free flowing traffic between said parking areas. The areas of on-site parking that are not contiguous shall be no closer than five (5) feet to any property line of the parcel on which they are located. There shall be available as necessary, access to the rear of such properties for accessing parking areas, refuse collection, loading/unloading, entry of public safety vehicles and other necessary functions which require such entry.

f. *Loading/Unloading Requirements.*

1. On street loading/unloading shall be prohibited between the hours of 6:00 a.m. and 12:00 midnight.

2. All loading/unloading shall be permitted in the rear yard area only.

3. Rear yard cross-access easements shall be required as needed in order to eventually create a system of screened and buffered access ways to the rear of non-residential uses fronting Amboy Avenue. A minimum fifteen (15) foot wide cross-access easement shall be dedicated to the municipality in the form of a deed. Additionally, a minimum ten (10) foot wide buffer area shall be required adjacent to all residential uses or residential zones comprised of a five (5) foot to six (6) foot high living evergreen wall and eight (8) foot high solid fencing to provide screening for the abutting incompatible uses. Application for a subdivision or site plan to either the Planning Board or Zoning Board of Adjustment shall mandate the cross-access easement and buffer/screening requirement.

(1999 Code § 17.49.100)

37-25.11 Other Requirements.

Open storage of materials and transition requirements shall be as specified in the L-B Zone, subsection 37-22.6, except that the maximum buffer area distance from a residential district shall be ten (10) feet. (1999 Code § 17.49.110)

37-25.12 Signs.

Signs shall be subject to the sign regulations of Section 37-62. (1999 Code § 17.49.120)

37-25.13 Activities Requiring Special Building Design Standards.

The following activities regarding any of the buildings in the AAR Zone shall render the building(s) subject to the requirements of this section:

- a. The new construction of a primary use building on a parcel of land.
 - b. The addition to an existing primary use building that is fifteen (15%) percent or more of the gross floor area of the existing building.
 - c. The renovation or alteration in any manner of any outer wall of a building that faces street frontage or is considered the front of the building that constitutes twenty-five (25%) percent or more in area of the wall(s) being renovated.
 - d. The renovation or alteration in any manner of any outer wall or combination of outer walls of a building which constitutes forty (40%) percent or more of the aggregate area of all the outer walls of the building.
 - e. The major internal renovation or alteration of a building which constitutes fifty (50%) percent or more of the gross floor area.
- (1999 Code § 17.49.130)

37-25.14 Facade Design Standards.

Since all of the existing buildings within the limits of the AAR Zone vary considerably in age and architecture in their present state, it is understandable that it is difficult to impose on them a rigid architectural design standard. Although beauty and character are subjective, there shall be an underlying design theme to the buildings and specifically to the facades so that a sense of conformity to a time period is achieved. Variation, creativity, uniqueness and distinction are not discouraged provided that there is a visual flow from building to building with no evidence of abrupt change or disruption in design or theme. Each building, although having its own identity should complement the others in style and taste without the look of an exact copy.

The architectural motif that is to be followed throughout the AAR Zone shall be based on the design of the "Old Clara Barton School Building" which is located on the southerly side of Amboy Avenue between Fourth Street and Brower Avenue. The architectural design can be characterized as "turn of the century". Understandably, exact historic replication is not expected, however this building is considered the focal point of the AAR Zone and all future building façade designs shall have its architectural flavor and sense. (1999 Code § 17.49.140)

37-25.15 Characteristics of Special Building Design Standards.

Although diversity is not prohibited in the building design characteristics, various specific design criteria are to be followed as listed below:

- a. The prominent veneers to be used for facades and sides of buildings facing the street shall be brick or stone. The brick colors shall be in the brown, beige or red tones. Stone coloring shall be more flexible but maintain a subdued color scheme in keeping with the brick tones.
- b. Other veneers such as vinyl, aluminum or other manmade siding products and wood veneer products shall be considered secondary veneers to compliment the brick or stone. The colors of such veneers shall be in subdued tones to blend in a compatible and aesthetic fashion. The use of fluorescent colors is prohibited as are abrupt color changes, even in the subdued tones, that clash visually.
- c. All facades or sides of buildings facing the street shall have a décor that prohibits for a maximum distance of fifteen (15) feet horizontally, bare unadorned walls along each floor. These walls shall have appurtenances either decorative or functional to satisfy the condition. Such appurtenances shall consist of windows, doors, columns, lintels, cornices, balconies, overhangs, awnings, arches, railings or any other architectural items that fit the herein recommended design theme.

d. Roofs shall be of the "A" frame peak type wherever possible and include turrets, cupolas, towers and gables to reflect the "turn of the century" and "Victorian" attributes. Where it is necessary to install other than a peaked roof due to structural or height restrictions, parapets, cornices, eaves, turrets and other architectural devices that also reflect the above stated attributes shall be utilized.

(1999 Code § 17.49.150)

37-25.16 Sign Standards.

When a building is subject to the requirements of subsection 37-25.14, new signs for the building shall be installed in accordance to specific standards as herein set forth. To maintain the desired degree of conformity with an acceptable level of diversity, all signs shall be installed in accordance with a style that fits the architectural standards recommended for the AAR Zone.

Other than the above standards all other sign regulations shall be pursuant to Section 37-62. (1999 Code § 17.49.160)

37-25.17 Site Standards.

If a building subject to the requirements of subsection 37-25.14, is also installing site appurtenances, they shall be compatible with the streetscape design as installed by the municipality along Amboy Avenue in the AAR Zone. The proposed appurtenances which include but are not limited to landscaping, curbing, sidewalks, tree grates, benches, area lamps, trash receptacles, and planters shall comply with the streetscape specifications of said zone which are available at the Office of the Township Engineer. (1999 Code § 17.49.170)

37-26 - 37-29 RESERVED.

SECTION II. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION III. All ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

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

Explanation: An Ordinance amending Chapter VI of the Township Code to authorize the Township’s issuance of new plenary retail consumption licenses up to the limit allowed by State law.

ORDINANCE

EDISON TOWNSHIP

WHEREAS, there are presently ___ plenary retail consumption licenses of the Township of Edison (“Township”) held by licensees; and

WHEREAS, pursuant to *N.J.S.A. 33:1-12.14*, new plenary retail consumption licenses may be issued in a municipality so long as the number of such licenses existing in the municipality is not greater than one for each 3,000 of its population according to the most recent estimates issued by the U.S. Bureau of the Census; and

WHEREAS, the Township Code of Ordinances (“Code”) at Chapter VI, Section 6-3.4 currently provides for the issuance of up to thirty-two (32) plenary retail distribution licenses; and

WHEREAS, the Township has a population of nearly 100,000 people and may issue at least one new plenary retail consumption license under State law; and

WHEREAS, the Municipal Council of the Township (“Municipal Council”) has determined it is reasonable and desirable to amend Chapter VI of the Code (“Code”), in accordance with the authority granted under *N.J.S.A. 33:1-40*, to allow for the Township’s issuance of new plenary retail distribution licenses up to the limit allowed by State law; and

WHEREAS, to effect the foregoing, the Municipal Council has determined to amend Chapter VI, Section 6-3.4(a) of the Code to read as follows (additions are underlined and deletions are in [brackets]):

“6-3.4 Plenary Retail Consumption Licenses.

a. The annual license fee and maximum number of licenses for plenary retail consumption licenses shall be as follows:

| <i>Class of License</i> | <i>Annual License Fee</i> | <i>No. of Licenses</i> |
|----------------------------|-------------------------------------|---|
| Plenary Retail Consumption | \$2,400.00 (2008/2009) | [32]Up to maximum allowed under <u><i>N.J.S.A. 33:1-12.14</i></u> ” |
| | \$2,500.00 (2009/2010–2013-2014) | |

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Chapter VI, Section 6-3.4(a) of the Code to read as follows:

“6-3.4 Plenary Retail Consumption Licenses.

a. The annual license fee and maximum number of licenses for plenary retail consumption licenses shall be as follows:

| <i>Class of License</i> | <i>Annual License Fee</i> | <i>No. of Licenses</i> |
|----------------------------|-------------------------------------|--|
| Plenary Retail Consumption | \$2,400.00 (2008/2009) | Up to maximum allowed under <i>N.J.S.A. 33:1-12.14</i> ” |
| | \$2,500.00 (2009/2010–2013-2014) | |

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

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

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

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

EXPLANATION: Resolution Releasing of Cash Maintenance Bond on Site Improvements, under application No.P28-09/10, for 400 Route 1 LLC, 940 Amboy Avenue, Suite 101, Edison, N.J. 08817.

TOWNSHIP OF EDISON

RESOLUTION

WHEREAS, the Township Engineer advises that an inspection has been made of 400 Route 1, LLC, with site located on Block 239, Lot 3-E, under Application #P28-09/10, and said inspection indicates all improvements are complete and in accordance with the Municipal Standards of the Township of Edison; and

WHEREAS, on April 9, 2012, 400 Route 1, LLC posted a Cash Maintenance Bond #065000885 in the amount of \$2,299.50 of Investors Bank with the Township of Edison, to guarantee the integrity of the site improvements with the Township of Edison. The maintenance period has elapsed with no defects developing; and

WHEREAS, the Township Engineer, recommends the release of the Cash Maintenance Bond # 065000885 in the amount of \$2,299.50. The principal being 400 Route 1, LLC having offices at 940 Amboy Ave, Edison N.J. 08817 and acceptance of the subject improvements;

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the aforementioned improvements are hereby complete and satisfactory and the Township Clerk be and is hereby authorized to return the aforesaid Cash Maintenance Bond in the amount of \$2,299.50; and

BE IT FURTHER RESOLVED that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Maintenance Bond in the amount of \$2,299.50, to the applicant.

EXPLANATION: Resolution Refunding Cash Performance Bond & Performance Bond to Markim Developers, LLC, under Application #P5149.

TOWNSHIP OF EDISON

RESOLUTION

WHEREAS, the Township Engineer advises that an inspection has been made of 783-787 Old Raritan Road, under Application #P5149, Block 403, Lot(s) 3, 4, and 5, and said inspection indicates all Site Improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and

WHEREAS, the Township Engineer recommends release of performance bond No. 31946 posted on July 29, 2013 of the Service Insurance Company, Inc. in the amount of \$39,536.65; and

WHEREAS, the Township Engineer recommends the release of the Cash Performance Check posted on August 2, 2013 in the amount of \$4,392.96, plus accrued interest, if applicable, on deposit in account #7762495245 with the Township of Edison, principal being Markim Developers, LLC having offices at 910 Amboy Avenue, Edison, NJ 08837, and acceptance of the subject improvements;

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the aforementioned improvements are hereby complete and satisfactory and the Township Clerk is hereby authorized to release the aforesaid Performance Bond No. 31946 of Insurance Company, Inc. in the amount of \$39,536.65; and

BE IT FURTHER RESOLVED the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance in the amount of \$4,392.96 plus accrued interest, if applicable, on deposit in account #7762495245 to the applicant.

S:Eng-Karen-RetReso-CashPerf&PerfBond –MarkimDev.787RaritanRd.

EXPLANATION: This Ordinance establishes a Multi-Way Stop Intersection at the intersection of Middlesex Avenue with Christie Street, in the Township of Edison, to establish a 3-Way Stop Intersection.

TOWNSHIP OF EDISON

ORDINANCE O. _____ - 2014

WHEREAS, the Township of Edison wishes to establish a Multi-Way Stop Intersection at the intersection of Middlesex Avenue with Christie Street, in the Township of Edison, to establish a 3-Way Stop Intersection; and

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

WHEREAS, the Township Engineer indicates that the Edison Tower Museum has periods of high pedestrian volumes requiring control of potential pedestrian/vehicular conflicts, as provided as multi-way stop criteria under the MUTCD; and

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

BE IT ORDAINED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that Chapter VII Traffic, Section 7-21 entitled “MULTI-WAY STOP INTERSECTIONS” is hereby amended as follows:

SECTION I. Section 7-21 entitled “MULTI-WAY STOP INTERSECTIONS” is hereby amended to add “Middlesex Avenue and Christie Street” to the Three (3)-Way Stops category under Section 7-21 (b.) as follows:

Intersection Location

Stop Sign(s) On

Middlesex Avenue and Christie Street

1. Middlesex Avenue (south) intersection with Christie Street
2. Christie Street (northeast) intersection with Middlesex Avenue
3. Christie Street (southwest) intersection with Middlesex Avenue

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

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

FIRST READING

FIRST PUBLICATION THE HOME NEWS & TRIBUNE
FINAL READING
APPROVAL OF THE MAYOR
FINAL PUBLICATION THE HOME NEWS & TRIBUNE

Note to Codifier:

Deleted provisions indicated by bracket [].

New provisions indicated by bold underline ____.

EXPLANATION: This Ordinance establishes a Multi-Way Stop Intersection at the intersection of Middlesex Avenue with Christie Street, in the Township of Edison, to establish a 3-Way Stop Intersection.

TOWNSHIP OF EDISON

ORDINANCE O. _____ - 2014

TOWNSHIP ENGINEER CERTIFICATION PER N.J.S.A. 39:4-8

I, John A. Medina, P.E., as Township Engineer for the Township of Edison, Middlesex County, New Jersey, as required by N.J.S.A. 39:4-8 have, under seal as a NJ licensed professional engineer, hereby certify to the Edison Township Council, that any designation or erections of signs or placement of pavement markings have been approved after investigation of the circumstances, and it appears to be in the interest of safety and the expedition of traffic on the public highways, and the signage and pavement markings conform to the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, as adopted by the commissioner and that the provisions of this ordinance, are consistent with the Manual on Uniform Traffic Control Devices for Streets and Highways, consistent with accepted engineering standards, based on the results of an accurate traffic and engineering survey, and does not place an undue traffic burden or impact on streets in an adjoining municipality or negatively affect the flow of traffic on the State highway system.

JOHN A. MEDINA, P.E., C.M.E.
DIRECTOR OF PLANNING AND ENGINEERING
EDISON TOWNSHIP ENGINEER

Date: _____ 10/10/2014 _____

EXPLANATION: This Ordinance establishes a speed limit of 35 MPH on Oak Tree Road (CR 604) within the Township of Edison, from the limits of Woodland Avenue (from the border with the Borough of South Plainfield) to Wood Avenue (to the border with the Township of Woodbridge).

TOWNSHIP OF EDISON

ORDINANCE O. _____ - 2014

WHEREAS, the Township of Edison wishes to establish a speed limit of 35 MPH (miles per hour) on Oak Tree Road (CR 604) within the Township of Edison, from the limits of Woodland Avenue (from the border with the Borough of South Plainfield) to Wood Avenue (to the border with the Township of Woodbridge); and

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

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

BE IT ORDAINED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that Chapter VII Traffic, Section 7-33 entitled "SPEED LIMITS" is hereby amended as follows:

SECTION I. Section 7-33 entitled "SPEED LIMITS" is hereby amended to add "Oak Tree Road (CR # 604)" to the speed limit category under Section 7-33 (b.) as follows:

| <u>Name of Street</u> | <u>Speed Limit</u> <u>(mph)</u> | <u>Location</u> |
|---------------------------------|------------------------------------|--|
| <u>Oak Tree Road (CR # 604)</u> | <u>35</u> | <u>from the limits of Woodland Avenue, from the border with the Borough of South Plainfield, to Wood Avenue, to the border with the Township of Woodbridge</u> |

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

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

FIRST READING

FIRST PUBLICATION

FINAL READING

APPROVAL OF THE MAYOR

FINAL PUBLICATION

THE HOME NEWS & TRIBUNE

THE HOME NEWS & TRIBUNE

Note to Codifier:

Deleted provisions indicated by bracket [].

New provisions indicated by bold underline ____.

EXPLANATION: This Ordinance establishes a speed limit of 35 MPH on Oak Tree Road (CR 604) within the Township of Edison, from the limits of Woodland Avenue (from the border with the Borough of South Plainfield) to Wood Avenue (to the border with the Township of Woodbridge).

TOWNSHIP OF EDISON

ORDINANCE O. _____ - 2014

TOWNSHIP ENGINEER CERTIFICATION PER N.J.S.A. 39:4-8

I, John A. Medina, P.E., as Township Engineer for the Township of Edison, Middlesex County, New Jersey, as required by N.J.S.A. 39:4-8 have, under seal as a NJ licensed professional engineer, hereby certify to the Edison Township Council, that any designation or erections of signs or placement of pavement markings have been approved after investigation of the circumstances, and it appears to be in the interest of safety and the expedition of traffic on the public highways, and the signage and pavement markings conform to the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, as adopted by the commissioner and that the provisions of this ordinance, are consistent with the Manual on Uniform Traffic Control Devices for Streets and Highways, consistent with accepted engineering standards, based on the results of an accurate traffic and engineering survey, and does not place an undue traffic burden or impact on streets in an adjoining municipality or negatively affect the flow of traffic on the State highway system.

Note: July 21, 2014 letter from the Middlesex County Engineer's office attached.

JOHN A. MEDINA, P.E., C.M.E.
DIRECTOR OF PLANNING AND ENGINEERING
EDISON TOWNSHIP ENGINEER

Date: _____ 10/10/2014 _

**MUNICIPAL RESOLUTION
TOWNSHIP OF EDISON
2014 NJDCA PSPAG CVA GRANT APPLICATION**

WHEREAS, the Governing Body of the Township of Edison in the County of Middlesex, desires to apply for and obtain a Post-Sandy Planning Assistance grant from the New Jersey Department of Community Affairs(DCA); and

WHEREAS, the Township of Edison in the County of Middlesex intends to apply for Post-Sandy Planning Assistance grant money for the following planning activities and in the following amounts: 1. Community Vulnerability Assessment, for a maximum amount of \$25,000; and

WHEREAS, no cash or in-kind match is required in order to apply for NJDCA Post-Sandy Planning Assistance grant funds.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Township of Edison in the County of Middlesex does hereby authorize the application for the above grant(s); and

BE IT FURTHER RESOLVED that the Township of Edison in the County of Middlesex has sustained a ratable loss attributable to Superstorm Sandy of at least 1 percent or \$1 million dollars, as indicated by the attached documentation from the tax assessor; and

BE IT FURTHER RESOLVED that the Township of Edison in the County of Middlesex recognizes and accepts that DCA may offer a lesser or greater amount of grant funding than that requested; and

BE IT FURTHER RESOLVED that the Township of Edison in the County of Middlesex authorizes the execution of the grant agreement in the amount offered and approved by DCA and further authorizes the expenditure of funds pursuant to the terms of the grant agreement entered into by the Township of Edison in the County of Middlesex and DCA; and

BE IT FURTHER RESOLVED that the Township of Edison in the County of Middlesex agrees to comply with all CDBG-DR regulations, Post Sandy Planning Assistance Guidelines and also accepts that the proposed use(s) of CDBG-DR funds are not reimbursable by FEMA, SBA or other federal agencies; and

BE IT FURTHER RESOLVED the persons whose names appear below (or any successor or assign) are authorized to sign the grant agreement or any other document in connection therewith.

Thomas Lankey
Name

Maureen Ruane
Name

Signature
Mayor, Township of Edison
Edison
Title

Signature
Business Administrator, Township of
Edison
Title

Cheryl Russomanno
Acting Municipal Clerk
Township of Edison

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

TOWNSHIP OF EDISON
RESOLUTION

WHEREAS, on September 19, 2014, a Construction (Building) Permit fee, check #070871, permit #2014-3743, was posted in the total amount of \$91.00 by the contractor, ADT Security, having offices at 19 Schoolhouse Road, Somerset, NJ 08873; and

WHEREAS, the application was submitted for a burglar alarm at 51 Broad Ave., by the hired contractor; ADT Security, who did not make known to the Construction Code Enforcement Division that the homeowner, Victor Little, is a bonafide Edison Senior Resident who is eligible for Senior Citizen waiver of municipal fees on construction permits, per the Edison Municipal Code, chapter 2-128.3; and

WHEREAS, appropriate documents have been submitted to the Township indicating that the work was done for a bonafide senior resident it is therefore appropriate that the municipal permit fee in the amount of \$90.00, derived from the \$91.00 total construction permit fee less the \$1.00 DCA fee, be refunded to the contractor ADT Security; and

WHEREAS, the Township Engineer recommends the refund of the municipal permit fee, on Construction Permit #2014-3743, in the amount of \$90.00 for the referenced application;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Edison that the sum not to exceed \$90.00 on construction permit fees posted by ADT Security for 34 51 Broad Ave be refunded to the contractor;

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the said amount of \$90.00 from the Refund of Revenue Fund to the Contractor, ADT Roofing, 19 Schoolhouse Road, Somerset, NJ 08873.

JAM/kb

G-Code-Refund of Revenue-A-1 Affordable Construction

**RESOLUTION ACCEPTING QUOTE AND AWARDING CONTRACT TO A-PLUS CONSTRUCTION
FOR HOME IMPROVEMENTS AS PART OF THE COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM**

WHEREAS, The Community Development Block Grant (CDBG) funds are used to facilitate various projects throughout the community as outlined in the Program Year 2013 Consolidated Annual Action Plan; and

WHEREAS, part of the funding is for improvements to qualified single family, owner occupied dwellings located in Edison; and

WHEREAS, quotes were solicited by the Township of Edison for Case Number 0114; and

WHEREAS, A-PLUS CONSTRUCTION, 18 Station Road, Lincoln Park, NJ 07035, submitted the lowest quote in the amount of \$11,700.00; and

WHEREAS, funds in the amount of \$11,700.00 have been certified to be available in the CDBG Housing Rehabilitation Account Number T-14-13-0510-000-001; and

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

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

1. All quotes have been reviewed, and the quote in the amount of \$11,700.00 by A-PLUS CONSTRUCTION, 18 Station Road, Lincoln Park, NJ 07035 for home improvements is determined to be lowest quote received.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount of \$11,700.00 and any other necessary documents, with A-PLUS CONSTRUCTION as described herein.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$11,700.00** are available for the above contract in Account No. **T-14-13-0510-000-001**.

Agnes Yang
Acting Chief Financial Officer

Date

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO JENSON & MITCHELL, INC. FOR THE FURNISHING OF MAINTENANCE AND REPAIR FOR HEAVY DUTY VEHICLES FOR THE TOWNSHIP OF EDISON

WHEREAS, there is a need for Maintenance and Repair of Heavy Duty Vehicles for the Township of Edison; and

WHEREAS, JENSON & MITCHELL, INC., 50 Branford St., Newark, NJ 07114, has been awarded State Contract Number 73495 under T-2108/Maintenance and Repair for Heavy Duty Vehicles; and

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

WHEREAS, the total amount of this contract, not to exceed \$20,000.00, 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 in the amount not to exceed \$20,000.00 and any other necessary documents, with JENSON & MITCHELL, INC., 50 Branford St., Newark, NJ 07114, as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. 73495 under T-2108.

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO
REHRIG PACIFIC COMPANY FOR THE PURCHASE OF 65 AND 95 GALLON REFUSE/RECYCLING
CONTAINERS**

WHEREAS, bids were received by the Township of Edison on September 26, 2014 for Contract No. 14-04-25-Automated/Semi Automated Refuse/Recycling Containers; and

WHEREAS, REHRIG PACIFIC COMPANY, 1738 West 20th St., Erie, Pa 16502, submitted the lowest legally responsible, responsive bid; and

WHEREAS, the maximum amount of the purchase shall not exceed \$843,789.00; and

WHEREAS, funds in the amount of \$843,789.00 have been certified to be available in the Sanitation Capital Outlay Account, Number 4-09-55-0880-000-600; and

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

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

1. All bids have been reviewed, and the bid submitted by REHRIG PACIFIC COMPANY, 1738 West 20th St., Erie, Pa 16502, for Automated/Semi Automated Refuse/Recycling Containers, is determined to be the lowest legally responsible, responsive bid.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$843,789.00, and any other necessary documents, with REHRIG PACIFIC COMPANY as described herein.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and/or bonds of the unsuccessful bidders.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$843,789.00** are available for the above contract in Account No. **4-09-55-0880-000-600**.

Agnes Yang
Acting Chief Financial Officer

Date

**RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE FURNISHING
OF AUTOMOTIVE PARTS AND ACCESSORIES WITH GENUINE
PARTS CO. IN AN AMOUNT NOT TO EXCEED \$20,000.00**

WHEREAS, GENUINE PARTS CO. was awarded Contract No. 13-03-10R Automotive Parts and Accessories through Resolution R. 785-122013 for the period February 7, 2014 to February 6, 2015 in the amount of \$30,000.00 and that amount has been depleted; and

WHEREAS, the Township recommends we add additional funds in the amount not to exceed \$20,000.00 to replenish and complete the one year term of the contract with GENUINE PARTS CO., with all prices as well as all terms and conditions to remain the same until such as time the contract expires or we award a new auto parts contract; and

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

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

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

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

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison the Mayor, or his designee, is hereby authorized to amend and execute a contract in the amount not to exceed \$20,000.00, and any other necessary documents, with GENUINE PARTS CO. described herein.

**RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE FURNISHING
OF AUTOMOTIVE PARTS AND ACCESSORIES WITH LINDEN
ASSOCIATED AUTO PARTS INCORPORATED IN AN AMOUNT NOT
TO EXCEED \$17,000.00**

WHEREAS, LINDEN ASSOCIATED AUTO PARTS INCORPORATED, was awarded Contract No. 13-03-10 Automotive Parts and Accessories through Resolutions R. 595-102013 and R.107-032014 for the period November 14, 2013 to November 13, 2014 in the total amount of \$37,500.00 and that amount has been depleted; and

WHEREAS, the Township recommends we add additional funds in the amount not to exceed \$17,000.00 to replenish and complete the one year term of the contract with LINDEN ASSOCIATED AUTO PARTS INCORPORATED, with all prices as well as all terms and conditions to remain the same until such a time as the contract expires or we award a new auto parts contract; and

WHEREAS, the total amount of this contract, not to exceed \$17,000.00, cannot be encumbered at this time; and

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

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

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

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison the Mayor, or his designee, is hereby authorized to amend and execute a contract in the amount not to exceed \$17,000.00, and any other necessary documents, with LINDEN ASSOCIATED AUTO PARTS INCORPORATED described herein.

**RESOLUTION AWARDING REIMBURSEMENT TO VARIOUS ADULT SOFTBALL TEAMS
FOR ENDING THE SEASON IN GOOD STANDING**

WHEREAS, there exists an ordinance for sports teams to pay entrance fees prior to playing in Edison Township’s Recreation leagues.

WHEREAS, the ordinance further states that a “Good Standing Refund” in the amount of \$150.00 shall be made payable to each team finishing the season in good standing with the league, and

WHEREAS, fees in the amount of \$4,500.00 have been certified to be available in the Township Trust Account, Number T-13-00-1000-000-048.

WHEREAS, the below listed adult softball teams eligible for a good standing refund are as follows:

| <u>REFUND NAME</u> | <u>TEAM</u> | <u>REFUND NAME</u> | <u>TEAM</u> |
|----------------------------|-------------------------------|---------------------------------|-----------------------|
| Phil Colombrita | Robert Wood Johnson | Steven Heyward | Bulls |
| Augusto Acabou | JFK Jaguars | Thomas Lankey for Mayor 2013 | Lankey for Mayor |
| Victor Valentin | Headquarters Barbershop | Robalo Enterprise, Inc. | Robalo Enterprise |
| Randy Braun | Toxic Waste Force | William V. Wells | The Replacements |
| JAB Electric, Inc. | JAB Electric | Robert L. Medina, Jr. | Roosevelt Reds |
| Jason Tune | Colonia 7-11 | John M. Gatto | State Farm |
| Halecon, Inc. | Halecon | The Hubs, Inc. | Hubs |
| Peter Ciotto | Extreme Flooring | Check Point HR | Check Point HR |
| Campbell Freightliner LLC | Campbell Freightline Buzzards | Benjamin Toro | Great Whites |
| Antonio’s Brick Oven Pizza | Antonio’s Pizza | David MacManus | Bashers |
| Kevin Langan | Brown Stone Bar & Grill | Augusto Acabou | JFK |
| Brian Balazse | Softball Deep | David Jones | JR’s Job Squad |
| Christopher Virag | Softball U | Edison P.B.A. | Edison PBA Blackjacks |
| Richard Gaul | Buzz | Flourishing Family Chiropractic | FFC |
| Campbell Supply | Edison Fire | M.C. Lemon Tree Bar | Mad Dogs |

NOW, THEREFORE, IT IS RESOLVED by the Municipal Council of the Township of Edison that authorization be given to release said funds to these teams.

CERTIFICATION

I hereby certify that funds in the amount of \$4,500.00 are available for the above teams in Account No.T-13-00-1000-000-048.

Officer

Agnes Yang, Acting Chief Financial

Date

RESOLUTION AUTHORIZING THE TOWNSHIP OF EDISON TO ENTER INTO AN INTERLOCAL SERVICE AGREEMENT WITH THE EDISON BOARD OF EDUCATION

WHEREAS, N.J.S.A. 40:8A-1 et seq. - authorizes contracting units to enter into Interlocal Service Agreements; and

WHEREAS, the Edison Township Board of Education, herein referred to as the "Lead Agency", has offered voluntary participation in an Interlocal Service Agreement for the purchase of snacks for the AM & PM Latch Key Program for the 2014/2015 school year; and

WHEREAS, the Township of Edison, County of Middlesex, State of New Jersey, desires to participate in the Middlesex County Food Service Program; and

WHEREAS, COMPASS GROUP D/B/A CHARTWELLS, 498 Ocean Avenue, Sea Bright NJ 07760 is the vendor selected for the Edison Board of Education; and

WHEREAS, the price for these snacks shall be \$.70 per snack payable to EDISON BOE CAFETERIA ACCOUNT C/O COMPASS GROUP-CHARTWELLS for the remainder of the calendar year 2014; and

WHEREAS, the price for these snacks shall increase to \$.80 per snack payable commencing January 1, 2015 through the remainder of the school year 2015; and

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

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

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the official responsible for issuing the purchase order shall ensure that funds are available for the purchase through either an encumbrance or certification of availability of funds pursuant to N.J.A.C. 5:30-11.10; and

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

NOW, THEREFORE, IT IS RESOLVED, by the Township Council of the Township of Edison, that the Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$150,822.00 and any other necessary documents, with EDISON BOE CAFETERIA ACCOUNT C/O COMPASS GROUP -CHARTWELLS.

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO CDW-GOVERNMENT FOR THE
FURNISHING OF FOUR PANASONIC TABLETS FOR THE DIVISION OF FIRE**

WHEREAS, there is a need to purchase (4) Panasonic Tablets for Fire Inspectors in the amount of \$14,960.00 (\$3,740.00 each includes 5 year pro plus warranty and mount); and

WHEREAS, CDW-GOVERNMENT, 230 North Milwaukee Ave., Vernon Hills, IL 60061, has been awarded State Contract Number 75583 under M-0483/WSCA Computer Contract; 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, funds in the amount of \$14,960.00 have been certified to be available in the Fire Fighting Computer Hardware & Software Account, Number 4-01-25-0265-001-059; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$14,960.00 and any other necessary documents, with CDW-GOVERNMENT, 230 North Milwaukee Ave., Vernon Hills, IL 60061, as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. 75583 under M-0483.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$14,960.00** have been certified to be available Account Number **4-01-25-0265-001-059**.

Agnes Yang
Acting Chief Financial Officer

Date

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO
CRIMSON FIRE INCORPORATED, D/B/A SPARTAN ERV FOR THE PURCHASE OF A FIRE PUMPER
FOR THE DIVISION OF FIRE**

WHEREAS, bids were received by the Township of Edison on September 4, 2014 for Public Bid No. 14-08-07-Fire Pumper for the Division of Fire; and

WHEREAS, CRIMSON FIRE INCORPORATED, D/B/A SPARTAN ERV 907 7TH Ave., North, Brandon, SD 57005, submitted the lowest legally responsible, responsive bid; and

WHEREAS, the maximum amount of the purchase shall not exceed \$282,577.00; and

WHEREAS, funds in the amount of \$282,577.00 have been certified to be available in the Purchase of Trucks for the Fire Department Account, Number C-04-12-1817-370-004; and

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

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

1. All bids have been reviewed, and the bid submitted by CRIMSON FIRE INCORPORATED, D/B/A SPARTAN ERV, 907 7TH Ave., North, Brandon, SD 57005 for the purchase of a Fire Pumper for the Division of Fire, is determined to be the lowest legally responsible, responsive bid.
2. The Mayor, or his designee, is hereby authorized to execute a contract in the amount not to exceed \$282,577.00, and any other necessary documents, with CRIMSON FIRE INCORPORATED, D/B/A SPARTAN ERV as described herein.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and/or bonds of the unsuccessful bidders.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$282,577.00** are available for the above contract in Account No. **C-04-12-1817-370-004**.

Agnes Yang
Acting Chief Financial Officer

Date

**RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO CHAS S WINNER, INC. DBA
WINNER FORD FOR THE PURCHASE OF THREE (3) 2015 FORD UTILITY INTERCEPTORS FOR
THE DIVISION OF FIRE**

WHEREAS, there is a need to purchase three (3) 2015 Ford Utility Interceptors for the Division of Fire at a price of \$27,930.00 each (including options) for a total of \$83,790.00; and

WHEREAS, CHAS S WINNER, INC. DBA WINNER FORD, 250 Berlin Rd., Cherry Hill, NJ 08034 has been awarded State Contract Number 82925 under T-2776; Police Vehicles: Sedans and Sport Utility Vehicles; 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, funds in the amount of \$55,860.00 have been certified to be available in the Fire Fighting Purchase of Vehicles Account, Number 4-01-25-0265-001-051 and funds in the amount of \$27,930.00 have been certified to be available in the Fire Prevention New Vehicles Account, Number 4-01-25-0265-002-024; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$83,790.00 and any other necessary documents, with **CHAS S WINNER, INC. DBA WINNER FORD**, 250 Berlin Rd., Cherry Hill, NJ 08034, as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. 82925 under T-2776.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds for the above in the amount of **\$55,860.00** are available for the above in account number **4-01-25-0265-001-051** and funds in the amount of **\$27,930.00** have been certified to be available in account number **4-01-25-0265-002-024**.

Agnes Yang
Acting Chief Financial Officer

Date

Explanation: The Body Armor Replacement Fund is funded through a \$1 surcharge to each fine, penalty or forfeiture imposed and collected by a judge under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes. Moneys collected and deposited in the Fund are used in making grants to local and state law enforcement agencies for the purchase of body vests. The Edison Police Department has been awarded \$13,911.86 for FY 2014.

RESOLUTION

RESOLUTION APPROVING ACCEPTANCE OF 2014 NJ STATE BODY ARMOR REPLACEMENT GRANT FUNDING IN THE AMOUNT OF \$13,911.86

WHEREAS, the New Jersey Division of Criminal Justice, State Body Armor Replacement Fund initiative is designed to provide valuable lifesaving equipment to local law enforcement officers; and

WHEREAS, this grant funding enables local law enforcement agencies to cover up to fifty (50) percent of the cost of each vest purchased or replaced for sworn officers of the Edison Police Department; and

WHEREAS, this vest replacement grant program demonstrates the Edison Police Department's commitment to helping ensure that law enforcement officers have protective equipment they can rely on to keep our community safe;

THEREFORE, BE IT RESOLVED that the Township of Edison wishes to accept from the New Jersey Division of Criminal Justice, State Body Armor Replacement Fund grant funding program for FY 2014, the amount of \$13,911.86.

BE IT FURTHER RESOLVED that the Business Administrator or designee is hereby authorized to sign the aforesaid grant approval for and on behalf of the Township of Edison.

RESOLUTION AWARDING CONTRACT/PURCHASE ORDER TO CDW-GOVERNMENT FOR THE FURNISHING OF TEN PANASONIC TOUGHBOOKS FOR THE NEW VEHICLES FOR THE DIVISION OF POLICE

WHEREAS, there is a need to furnish the ten (10) new police vehicles with Panasonic Tough Book laptop computers in the amount of \$35,600.00 (\$3,560.00 each includes 5 year pro plus warranty and car adapter); and

WHEREAS, CDW-GOVERNMENT, 230 North Milwaukee Ave., Vernon Hills, IL 60061, has been awarded State Contract Number 75583 under M-0483/WSCA Computer Contract; 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, funds in the amount of \$35,600.00 have been certified to be available in the Police Department – Purchase of Vehicles Account, Number 4-01-25-0240-000-051; and

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

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

1. The Mayor, or his designee, is hereby authorized to execute a contract/purchase order in the amount not to exceed \$35,600.00 and any other necessary documents, with CDW-GOVERNMENT, 230 North Milwaukee Ave., Vernon Hills, IL 60061, as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. 75583 under M-0483.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of **\$35,600.00** have been certified to be available Account Number **4-01-25-0240-000-051**.

Agnes Yang
Acting Chief Financial Officer

Date

EXPLANATION: A Resolution supporting the establishment of long term, dedicated state funding for open space preservation programs.

EDISON TOWNSHIP

RESOLUTION _____

WHEREAS, the State of New Jersey has a long and successful history of preserving open space, parks, farmland, and historic sites; and

WHEREAS, the State Green Acres Program has helped to preserve over 650,000 acres of land and supported more than 1,100 park development projects over the past 50 years; the State Agricultural Development Committee has preserved 200,000 acres of farmland over the past 30 years; and the New Jersey Historic Trust has preserved 477 historic sites over the past 45 years; and

WHEREAS, all remaining funds allocated for these programs and entities under the ‘Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009’ were allocated by the end of 2012; and

WHEREAS, Township of Edison has been a direct beneficiary of, and partner to, these critical state preservation programs; and

WHEREAS, substantial unmet needs remain for additional land and water protection, park development, and farmland and historic preservation, for the health and welfare of our communities and residents; and

WHEREAS, it is imperative that a long-term, dedicated source of funding be established in order to:

- Sustain open space, farmland, and historic preservation programs beyond the 2009 Bond Act;
- Improve and ensure proper stewardship of parks, preserved lands, and historic sites;
- Provide equitable access to quality parks and recreation in urban, suburban, and rural areas;
- Match and leverage local, county, and private funds for these purposes;
- Protect drinking water supplies, water quality and alleviate costly flood damages;
- Preserve fish and wildlife habitat and provide public access for hunting and fishing;
- Revitalize cities and towns; and
- Protect our quality of life and economic prosperity.

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

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

2. The Municipal Council supports establishment of a long-term, dedicated source of State funding for the above-stated purposes.

3. The Municipal Clerk of the Township shall forward a certified copy of this resolution to Governor Christopher Christie, State Senator Peter J. Barnes, Assemblyman Patrick J. Deignan, Jr., Assemblywoman Nancy J. Pinkin, the Board of Chosen Freeholders of the County of Middlesex, NJ Keep It Green and the Edison Township Open Space Advisory Committee.

4. This Resolution shall take effect immediately.

Explanation: An Ordinance amending Chapter VI of the Township Code to authorize the Township's issuance of new plenary retail consumption licenses up to the limit allowed by State law.

ORDINANCE

EDISON TOWNSHIP

WHEREAS, there are presently ___ plenary retail consumption licenses of the Township of Edison (“Township”) held by licensees; and

WHEREAS, pursuant to *N.J.S.A. 33:1-12.14*, new plenary retail consumption licenses may be issued in a municipality so long as the number of such licenses existing in the municipality is not greater than one for each 3,000 of its population according to the most recent estimates issued by the U.S. Bureau of the Census; and

WHEREAS, the Township Code of Ordinances (“Code”) at Chapter VI, Section 6-3.4 currently provides for the issuance of up to thirty-two (32) plenary retail distribution licenses; and

WHEREAS, the Township has a population of nearly 100,000 people and may issue at least one new plenary retail consumption license under State law; and

WHEREAS, the Municipal Council of the Township (“Municipal Council”) has determined it is reasonable and desirable to amend Chapter VI of the Code (“Code”), in accordance with the authority granted under *N.J.S.A. 33:1-40*, to allow for the Township’s issuance of new plenary retail distribution licenses up to the limit allowed by State law; and

WHEREAS, to effect the foregoing, the Municipal Council has determined to amend Chapter VI, Section 6-3.4(a) of the Code to read as follows (additions are underlined and deletions are in [brackets]):

“6-3.4 Plenary Retail Consumption Licenses.

a. The annual license fee and maximum number of licenses for plenary retail consumption licenses shall be as follows:

| <i>Class of License</i> | <i>Annual License Fee</i> | <i>No. of Licenses</i> |
|----------------------------|-------------------------------------|---|
| Plenary Retail Consumption | \$2,400.00 (2008/2009) | [32]Up to maximum allowed under <u><i>N.J.S.A. 33:1-12.14</i></u> |
| | \$2,500.00 (2009/2010–2013-2014) | |

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Chapter VI, Section 6-3.4(a) of the Code to read as follows:

“6-3.4 Plenary Retail Consumption Licenses.

a. The annual license fee and maximum number of licenses for plenary retail consumption licenses shall be as follows:

| <i>Class of License</i> | <i>Annual License Fee</i> | <i>No. of Licenses</i> |
|----------------------------|-------------------------------------|--|
| Plenary Retail Consumption | \$2,400.00 (2008/2009) | Up to maximum allowed under <i>N.J.S.A. 33:1-12.14</i> " |
| | \$2,500.00 (2009/2010–2013-2014) | |

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

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

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

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

Explanation: A Resolution authorizing the sale of one (1) Plenary Retail Consumption Liquor License and further authorizing the Township Clerk to advertise for bid proposals for same pursuant to *N.J.S.A. 33:1-19.1*

RESOLUTION

EDISON TOWNSHIP

WHEREAS, there are presently thirty-two (32) plenary retail consumption licenses in the Township of Edison (“Township”) held by licensees; and

WHEREAS, pursuant to *N.J.S.A. 33:1-12.14*, new plenary retail consumption licenses may be issued in a municipality so long as the number of such licenses existing in the municipality is not greater than one for each 3,000 of its population according to the most recent estimates issued by the U.S. Bureau of the Census; and

WHEREAS, the Township has a population of nearly 100,000 people and may issue a new plenary retail consumption license; and

WHEREAS, the Municipal Council of the Township (“Municipal Council”) has determined it is reasonable and desirable to issue one (1) new plenary retail consumption license and to sell same at public sale, pursuant to the authority granted under State law and Chapter VI, Section 6-3.4 of the Township Code of Ordinances (“Code”); and

WHEREAS, the Municipal Council has determined to offer the opportunity to purchase said license to all qualified parties, in accordance with State law.

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

1. The Township of Edison hereby determines that it will sell at public sale one (1) new plenary retail consumption license for the sale of alcoholic beverages, in accordance with the procedures set forth at *N.J.S.A. 33:1-19 et seq.*
2. The Township Clerk shall publish a notice of the proposed issuance of the new alcoholic beverage license (“Notice”), indicating that applications therefore will be accepted by the Township at the time, date and place specified in the Notice. The Notice shall state that no applications shall be accepted later than Wednesday, December 10, 2014 at 1:00 p.m. All other conditions for the submission and acceptance of bids required hereunder shall be stated in the Notice.
3. The Notice shall be published in a newspaper circulating generally in the municipality at least two times, at least one week apart; the second of which shall be at least 30 days prior to the date after which no further applications will be accepted *i.e.* 30 days prior to Wednesday, December 10, 2014 at 1:00 p.m.
4. Bids must be made utilizing the Proposal Form available in the Office of the Township Clerk. The name and address of the bidder shall appear on the outside of the sealed envelope. All bidders must be qualified to have an interest in a retail alcoholic license under the standards set forth in the Alcoholic Beverage Control Act, *N.J.S.A. 33:1-1 et seq.* (“ABC Act”), the regulations promulgated thereunder at *N.J.A.C. 13:2-1.1 et seq.* (“ABC Regulations”), and all applicable Township ordinances and this Resolution.
5. All submitted bids must contain a deposit in the form of a certified check for 20% of the bid price. Once a bid is submitted to the Township Clerk, it cannot be withdrawn by the bidder. The highest bidder shall pay the balance of the bid to the Township Clerk in the form of cash or certified check within 30 days

of the adoption of a resolution accepting the highest qualified bid. In the event of a default or breach of promise by the successful bidder, all deposit monies shall be forfeited to the Township.

6. The minimum bid price for the new retail consumption license shall be \$600,000.00.

7. All bids must contain a full and complete New Jersey Division of Alcoholic Beverage Control Application for Retail Alcoholic Beverage License long form application, a Certification of Proof of Compliance (available from the Township Clerk) stating that the applicant meets any and all conditions and requirements and knows of no reason why he or she would be disqualified from having an interest in a retail consumption license in New Jersey, and, a separately sealed envelope with the applicant's bid on the Township Proposal Form and the bid deposit (20% of the bid price). The Township Clerk will publicly announce and publish those applicants who presumptively meet the qualifications for bidding, as fixed by law, rules, regulations and resolution, on Wednesday, December 10, 2014 shortly after 1:00 p.m., being the time after which no applications will be accepted (and being five days prior to the opening of bids, which opening shall occur on Tuesday, December 16, 2014 at 1:00 p.m.) No bids will be opened from or on behalf of a bidder who has not been identified as presumptively meeting the pre-qualifications for bidding.

8. The Township reserves the right to reject any and all bids if the highest bid is not accepted.

9. The successful bidder shall tender payment of all required State and local application fees and license fees prior to licensure.

10. The issuance of the license to the successful bidder shall be contingent upon the satisfactory outcome of a municipal background check to investigate the source of funds used to purchase the license, the receipt of a favorable State and/or federal criminal background check; and the compliance with the publication, hearing, and resolution requirement under the ABC Regulations for the issuance of new licenses.

11. The municipality shall only award the license to the person who is the highest qualified bidder. The operation of a restaurant, public accommodation or other facility shall be a condition of licensure.

12. The successful applicant must comply with all ordinances of the Township, State laws and regulations in locating the license.

13. The sale may be postponed or canceled at any time prior to the opening of the bids on Tuesday, December 16, 2014 at 1:00 p.m.

Explanation: A Resolution authorizing the sale of one (1) Plenary Retail Distribution Liquor License and further authorizing the Township Clerk to advertise for bid proposals for same pursuant to *N.J.S.A. 33:1-19.1*

RESOLUTION

EDISON TOWNSHIP

WHEREAS, there are presently six (6) plenary retail distribution licenses in the Township of Edison (“Township”) held by licensees; and

WHEREAS, pursuant to *N.J.S.A. 33:1-12.14*, new plenary retail distribution licenses may be issued in a municipality so long as the number of such licenses existing in the municipality is not greater than one for each 7,500 of its population according to the most recent estimates issued by the U.S. Bureau of the Census; and

WHEREAS, the Township has a population of nearly 100,000 people and may issue several new plenary retail distribution licenses; and

WHEREAS, the Municipal Council of the Township (“Municipal Council”) has determined it is reasonable and desirable to issue one (1) new plenary retail distribution license and to sell same at public sale, pursuant to the authority granted under State law and Chapter VI, Section 6-3.5 of the Township Code of Ordinances (“Code”); and

WHEREAS, the Municipal Council has determined to offer the opportunity to purchase said license to all qualified parties, in accordance with State law.

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

1. The Township of Edison hereby determines that it will sell at public sale one (1) new plenary retail distribution license for the sale of alcoholic beverages, in accordance with the procedures set forth at *N.J.S.A. 33:1-19 et seq.*
2. The Township Clerk shall publish a notice of the proposed issuance of the new alcoholic beverage license (“Notice”), indicating that applications therefore will be accepted by the Township at the time, date and place specified in the Notice. The Notice shall state that no applications shall be accepted later than Wednesday, December 10, 2014 at 1:00 p.m. All other conditions for the submission and acceptance of bids required hereunder shall be stated in the Notice.
3. The Notice shall be published in a newspaper circulating generally in the municipality at least two times, at least one week apart; the second of which shall be at least 30 days prior to the date after which no further applications will be accepted *i.e.* 30 days prior to Wednesday, December 10, 2014 at 1:00 p.m.
4. Bids must be made utilizing the Proposal Form available in the Office of the Township Clerk. The name and address of the bidder shall appear on the outside of the sealed envelope. All bidders must be qualified to have an interest in a retail alcoholic license under the standards set forth in the Alcoholic Beverage Control Act, *N.J.S.A. 33:1-1 et seq.* (“ABC Act”), the regulations promulgated thereunder at *N.J.A.C. 13:2-1.1 et seq.* (“ABC Regulations”), and all applicable Township ordinances and this Resolution.
5. All submitted bids must contain a deposit in the form of a certified check for 20% of the bid price. Once a bid is submitted to the Township Clerk, it cannot be withdrawn by the bidder. The highest bidder shall pay the balance of the bid to the Township Clerk in the form of cash or certified check within 30 days

of the adoption of a resolution accepting the highest qualified bid. In the event of a default or breach of promise by the successful bidder, all deposit monies shall be forfeited to the Township.

6. The minimum bid price for the new retail distribution license shall be \$350,000.00.

7. All bids must contain a full and complete New Jersey Division of Alcoholic Beverage Control Application for Retail Alcoholic Beverage License long form application, a Certification of Proof of Compliance (available from the Township Clerk) stating that the applicant meets any and all conditions and requirements and knows of no reason why he or she would be disqualified from having an interest in a retail distribution license in New Jersey, and, a separately sealed envelope with the applicant's bid on the Township Proposal Form and the bid deposit (20% of the bid price). The Township Clerk will publicly announce and publish those applicants who presumptively meet the qualifications for bidding, as fixed by law, rules, regulations and resolution, on Wednesday, December 10, 2014 shortly after 1:00 p.m., being the time after which no applications will be accepted (and being five days prior to the opening of bids, which opening shall occur on Tuesday, December 16, 2014 at 1:00 p.m.) No bids will be opened from or on behalf of a bidder who has not been identified as presumptively meeting the pre-qualifications for bidding.

8. The Township reserves the right to reject any and all bids if the highest bid is not accepted.

9. The successful bidder shall tender payment of all required State and local application fees and license fees prior to licensure.

10. The issuance of the license to the successful bidder shall be contingent upon the satisfactory outcome of a municipal background check to investigate the source of funds used to purchase the license, the receipt of a favorable State and/or federal criminal background check; and the compliance with the publication, hearing, and resolution requirement under the ABC Regulations for the issuance of new licenses.

11. The municipality shall only award the license to the person who is the highest qualified bidder. The operation of a restaurant, public accommodation or other facility shall be a condition of licensure.

12. The successful applicant must comply with all ordinances of the Township, State laws and regulations in locating the license.

13. The sale may be postponed or canceled at any time prior to the opening of the bids on Tuesday, December 16, 2014 at 1:00 p.m.

TOWNSHIP OF EDISON
ORDINANCE O.1883-2014

**AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION
OF A CABLE TELEVISION SYSTEM WITHIN THE TOWNSHIP OF EDISON,
NEW JERSEY TO CSC TKR, LLC D/B/A CABLEVISION OF RARITAN VALLEY**

WHEREAS, the governing body of the Township of Edison (hereinafter referred to as the “Township”) determined that CSC TKR, LLC d/b/a Cablevision of Raritan Valley (hereinafter referred to as “the Company” or “Cablevision”) has the technical competence and general fitness to operate a cable system in the Township, and by prior ordinance granted its municipal consent for Cablevision to obtain a non-exclusive franchise for the placement of facilities and the establishment of a cable television system in the Township; and

WHEREAS, by application for renewal consent filed with the Township and the Office of Cable Television on or about May, 2002 Cablevision has sought a renewal of the franchise; and

WHEREAS, the Township having held public hearings has made due inquiry to review Cablevision’s performance under the franchise, and to identify the Township’s future cable-related needs and interests and has concluded that Cablevision has substantially complied with its obligations under the franchise and has committed to certain undertakings responsive to the Township’s future cable-related needs and interests; and

WHEREAS, the governing body of the Township has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided Cablevision’s proposal for renewal complies with the requirements set forth below, the Township’s municipal consent to the renewal of the franchise should be given;

WHEREAS, imposition of the same burdens and costs on other franchised competitors by the Township is a basic assumption of the parties;

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

SECTION 1. DEFINITIONS

For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

- (a) “Act” or “Cable Television Act” shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.
- (b) “Application” shall mean Cablevision’s application for Renewal of Municipal Consent, which application is on file in the Township Clerk’s office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.
- (c) “Board” shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.
- (d) “Company” shall mean CSC TKR, LLC d/b/a Cablevision of Raritan Valley (“Cablevision”) the grantee of rights under this Ordinance.
- (e) “FCC” shall mean the Federal Communications Commission.
- (f) “Federal Act” shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.
- (g) “Federal Regulations” shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.
- (h) “Standard installation” shall mean the installation of drop cable to a customer’s premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.
- (i) “State” shall mean the State of New Jersey.
- (j) “State Regulations” shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.
- (k) “Township” shall mean the governing body of the Township of Edison in the County of Middlesex, and the State of New Jersey.

SECTION 2. STATEMENT OF FINDINGS

A public hearing concerning the consent herein granted to Cablevision was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the municipality having received all comments regarding the qualifications of Cablevision to receive this consent, the Township hereby finds Cablevision possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that Cablevision's operating and construction arrangements are adequate and feasible.

SECTION 3. GRANT OF AUTHORITY

The Township hereby grants to Cablevision its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Township of a cable television system, and for the provision of any communication service over the such system as may be authorized by federal or State regulatory agencies. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

SECTION 4. DURATION OF FRANCHISE

This consent granted herein shall be non-exclusive and shall be for a term of fifteen (15) years from the date of issuance of a Certificate of Approval by the Board.

SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL

If Cablevision seeks a renewal of the consent provided herein, it shall, prior to the expiration of this consent, apply for a municipal consent and Certificate of Approval in accordance with N.J.S.A 48:5A-16, and applicable state and federal rules and regulations. The Company shall also petition the Board for approval authorizing continued operation during the period following expiration of the consent granted herein, and until such a time that a decision is made by the Township and the Board relative to the renewal of said consent.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to Cablevision shall apply to the entirety of the Township and any property hereafter annexed.

SECTION 7. SERVICE AREA

Cablevision shall be required to proffer video programming service along any public right-of-way to any person's residence within the portion of the Franchise territory, as described in the Application for municipal consent, at Cablevision's schedule of rates for standard and nonstandard installation.

SECTION 8. EXTENSION OF SERVICE

Cablevision shall extend service along any public right of way outside its primary service to those residences within the franchise territory which are located in areas that have a residential density of twenty-five (25) homes per mile or greater, or areas with less than twenty-five (25) homes per mile where residents agree to share the costs of such extension in accordance with the line extension formula as provided by the Company in its Application for municipal consent.

SECTION 9. FRANCHISE FEE

Cablevision shall pay to the Township, an annual franchise fee, in accordance with N.J.S.A 48:5A-30, provided, however, that nothing herein shall be construed to permit the Township to require payment of a franchise fee by Cablevision that is higher than the fee paid by all other cable television service providers offering service in the Township.

SECTION 10. FREE SERVICE

Cablevision shall, upon request, provide free of charge, one (1) standard installation and monthly cable television reception service to all State or locally accredited public elementary and secondary schools and all municipal public libraries, as well as municipal buildings located within the Township.

Upon written request from the Township, the Company shall provide to state and locally accredited elementary and secondary schools and municipal public libraries in the Township, without charge, the following: (1) one standard installation per school or library; (2) one cable modem per installation; and, (3) basic cable modem service for the term of this Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Company, as those policies may exist from time to time.

Upon written request from the Township, the Company shall provide to Edison Town Hall, without charge, the following: (1) one standard installation; (2) one cable modem; and (3) basic cable modem service for the term of this Ordinance. This offer shall be subject to the terms, conditions and use policies of the Company as those policies may exist from time to time.

SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS

Cablevision shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its plant and facilities in the Township:

(a) In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces, the Company shall at its sole cost and expense restore and replace such disturbances in as good a condition as existed prior to the commencement of said work, as determined by the Township's engineer under the Township's generally applicable laws, rules and regulations.

(b) If at any time during the period of this consent, the Township shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Township shall remove or relocate its equipment, at its own expense.

(c) Upon request of a person holding a building or moving permit issued by the Township, the Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same. In such cases, the Company shall be given not less than fourteen (14) days prior written notice in order to arrange for the changes required.

(d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Township, at its sole cost and expense, so as to prevent the branches of such trees from coming in contact with the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS

Cablevision shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

SECTION 13. LOCAL OFFICE OR AGENT

Cablevision shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall

be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

SECTION 14. DESIGNATION OF COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the complaint officer for the Township pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

SECTION 15. LIABILITY INSURANCE

Cablevision agrees to maintain and keep in force and effect at its sole cost and expense, at all times during the term of this consent, sufficient liability insurance naming the Township as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of five-hundred thousand dollars (\$500,000) for bodily injury or death to one person, and one million dollars (\$1,000,000) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of the Company's exercise of its rights hereunder.

SECTION 16. PERFORMANCE BOND

Cablevision shall obtain and maintain, at its sole cost and expense, during the entire term of this Ordinance, a bond in form acceptable to the Township in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this franchise.

SECTION 17. RATES

A. The rates of the Company for cable television services shall be subject to regulation to the extent permitted by federal and State law.

B. Cablevision shall implement a senior citizen discount in the amount of ten percent (10%) off the monthly rate of the broadcast basic level of cable television reception service to any person sixty-two (62) years of age or older who subscribes to the Company's cable television service, subject to the following:

- (i) Such discount shall only be available to eligible senior citizens who do not share the subscription with more than one person in the same household who is less than sixty-two (62) years of age; and,

- (ii) In accordance with N.J.S.A. 48:5A-11.2, subscribers seeking eligibility for the discount must meet the income and residence requirements of the Pharmaceutical Assistance to Aged and Disabled (PAAD) program in the State pursuant to N.J.S.A. 30:4D-21; and
- (iii) The senior citizen discount herein relates only to the broadcast basic level of cable television service, and shall not apply to any subscribers receiving service under a bulk arrangement, or to any additional service, feature, or equipment offered by the Company, including premium channel services and pay-per-view services; and
- (iv) Senior citizens who subscribe to a level of cable television service beyond expanded basic service, including any premium or per channel a la carte service, shall not be eligible for the discount.

C. The Company shall have no further obligation to provide the senior discount herein in the event that (a) the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1; upon Board approval of a certification that another cable television service provider offering services to residents of the Township files, in accordance to N. J. S. A. 48:5A-30(d), that it is capable of serving sixty percent (60%) or more of the households within the Township. In the event that the Company does cease providing the senior discount pursuant to this provision, it shall comply with all notice requirements and applicable law.

SECTION 18. EMERGENCY USES

Cablevision shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Township pursuant to state and federal requirements. The Company 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 municipality is unable to make full use of the cable television system as contemplated herein. The Township shall utilize the state-approved procedures for such emergency uses.

SECTION 19. EQUITABLE TERMS

In the event that the service of another multi-channel video program provider not subject to the Township's regulatory authority within the Township creates a significant competitive disadvantage to Cablevision, the Company shall have the right to request from the Township lawful amendments to its franchise that relieve it of the burdens which create the unfair competitive situation. Should the Company seek such amendments to its franchise, the parties agree to negotiate in good-faith appropriate changes to its franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such

terms, the Township agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

If the parties are unable to reach an agreement on appropriate amendments to this franchise, the Township acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided, however, the Township shall be under no obligation to support Cablevision's request for such relief from the Board.

In any subsequent municipal consent, the Township shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Township's regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Township agrees to support the Company's petition to the Board for modification of the consent in accordance with NJSA 48:5A-47 and NJAC 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

SECTION 20. REMOVAL OF FACILITIES

Upon expiration, termination or revocation of this Ordinance, Cablevision at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices constructed or maintained in connection with the services authorized herein, unless Cablevision, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS

A. Cablevision shall continue to make available two (2) non-commercial public, educational and governmental (PEG) access channels as described in the Application for municipal consent. All Cablevision support for PEG access shall be for the exclusive benefit of Cablevision's subscribers.

B. The Township agrees that Cablevision shall retain the right to use the PEG access channel, or portion thereof, for non-PEG access programming, during times when the Township is not utilizing the channel for purposes of providing PEG access programming. In the event that the Company uses said PEG access channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company's rights with respect to using the channel for non-PEG programming shall be subordinate to the Township's provision of PEG access programming on such channel.

C. Cablevision shall have discretion to determine the format and method of transmission of the PEG access programming provided for in this Section 21.

D. Cablevision shall continue to provide and maintain one (1) fiber access return line each at the Township Building, 100 Municipal Boulevard and , the Education Center, 312 Pierson Avenue for use by the Township in the production of non-commercial educational and governmental access programming on the cable system. Cablevision shall have discretion to determine the format and method of transmission of the PEG access programming provided for in this Section 21.

E. In consideration for the rights granted in this Ordinance, the Company shall provide the Township with an initial grant in the amount of forty thousand dollars (\$40,000.00) (the “Initial Grant”). The Initial Grant shall be paid within ninety (90) days following the grant of the Certificate of Approval from the Board. In addition, beginning in the second year of this municipal consent and annually thereafter through the fifteen year term of this franchise, Cablevision shall, upon annual written request, pay a grant to the Township in the amount of ten thousand dollars (\$10,000.00) per year (the “Annual Grant”). The total amount of all grants under this Section 21(E) shall not to exceed one hundred and eighty thousand dollars (\$180,000) over the term of this franchise. Cablevision shall not be obligated to make any additional payments beyond year fifteen of this franchise. The Annual Grant shall be payable to the Township within sixty (60) days from receipt of the Township’s written request. Notwithstanding the foregoing, should Cablevision apply for a system-wide certification or otherwise convert its municipal consent to a system-wide certification in accordance with applicable law, it shall be relieved of any payments due and owing after the date of such conversion or award of a system-wide franchise.

F. The Township agrees that the Initial Grant and the Annual Grant provided pursuant to Paragraph E, shall be used for any cable and/or other telecommunications related capital purpose and/or for the exclusive support of PEG access programming, such as the purchase and/or rental of PEG access equipment and facilities. On request, the Township shall provide Cablevision with a certification of compliance with this Section 21(E).

SECTION 22. INCORPORATION OF APPLICATION

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Township by the Company except as modified herein, are binding upon Cablevision as terms and conditions of this consent. The Application and any other written amendments thereto submitted by Cablevision in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

SECTION 23. CONSISTENCY WITH APPLICABLE LAWS

This consent shall be construed in a manner consistent with all applicable federal, State and local laws; as such laws, rules and regulations may be amended from time to time.

SECTION 24. SEPARABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 25. NOTICE

Notices required under this Ordinance shall in writing and shall be mailed, first class, postage prepaid, to the addresses below. Either party may change the place where notice is to be given by providing such change in writing at least thirty (30) days prior to the time such change becomes effective. The time to respond to notices under this Ordinance shall run from receipt of such written notice.

Notices to the Company shall be mailed to:

Cablevision Systems Corporation
111 Stewart Avenue
Bethpage, NY 11714
Attention: Vice President for Government/Public Affairs, New Jersey

With a copy to:

CSC TKR, LLC, d/b/a Cablevision of Raritan Valley
1111 Stewart Avenue
Bethpage, NY 11714
Attention: Legal Department

Notices to the Township shall be mailed to:

Township of Edison
100 Municipal Boulevard
Edison, New Jersey 08817
Attention: Township Administrator

SECTION 26. EFFECTIVE DATE

This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities that incorporates the material terms of this Ordinance. Nothing herein shall alter the right of the Company to seek modification of this Ordinance in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7. In accordance with N.J.S.A. 48:5A-25.1, the terms of this Ordinance will no longer be in effect upon Cablevision converting the municipal consent (and any certificate of approval) into a system-wide franchise.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon the passage, and publication as required by law.

Signed this ____ day of _____, 2014.

Mayor

Attest: _____
Clerk