

**AGENDA
MUNICIPAL COUNCIL
WORKSESSION MEETING
Tuesday, October 11, 2011
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 January 6, 2011, and posted in the Main Lobby of the Municipal Complex on the same date.
4. **ORAL PETITIONS AND REMARKS**
5. **APPROVAL OF MINUTES:**
 - a. Worksession Meeting of September 12, 2011
 - b. Closed Session Meeting of September 26, 2011
6. **REPORTS FROM ALL COUNCIL COMMITTEES:**
7. **POINTS OF LIGHT**
8. **FROM THE BUSINESS ADMINISTRATOR:**
 - a. Resolution authorizing auction of surplus equipment
9. **FROM THE DEPARTMENT OF FINANCE:**
 - a. Report of Disbursements through October 6, 2011
 - b. Resolution authorizing refund in the amount of \$162,187.52 for redemption of tax sale certificates.
 - c. Resolution authorizing refund of tax overpayments, totaling \$2,253.31.
 - d. Release of street opening escrow fees
10. **FROM THE DEPARTMENT OF HEALTH:**
 - a. Middlesex County Cultural and Heritage Commission 2012 Mini E-Grants
 - b. Refund of ELT Fare Fees
11. **FROM THE DEPARTMENT OF LAW:**
 - a. Resolution extending waiver of fees for permits and inspections
 - b. Declaration of restriction with Chevron USA Inc.
12. **FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**
 - a. Grant Application for the resurfacing of Talmadge Road
 - b. Tree Maintenance Bond Refund for Ella Olcha, 215 Central Avenue, Permit #07-113
 - c. Resolution authorizing additional payment for home improvements as part of the CDBG Program
13. **FROM THE DEPARTMENT OF PUBLIC WORKS:**
 - a. Award of contract for maintenance and support of the refueling system hardware and software
14. **FROM THE DEPARTMENT OF RECREATION:**
 - a. Refund of ABC Program Fee
15. **FROM THE CHIEF OF POLICE:**
 - a. Award of contract for three Panasonic toughbooks
16. **FROM THE TOWNSHIP CLERK:**
 - a. Calendar Year 2010 Audit Report

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

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

O.1779-2011 AN ORDINANCE AMENDING SECTION 11-11 OF THE
CODE OF THE TOWNSHIP OF EDISON REGARDING
MASSAGE, BODYWORK AND SOMATIC THERAPY
ESTABLISHMENTS

19. **COMMUNICATIONS:**
None

20. **DISCUSSION ITEMS:**

Council President Diehl
None

Councilmember Gomez
None

Councilmember Karabinchak
a. Tax Appeals
b. Oak Tree and Woodland Intersection
c. Creation of a parking authority
d. Expanding Edison TV
e. Edison Tower

Councilmember Lankey
None

Councilmember Mascola
None

Councilmember Perilstein
None

Councilmember Prasad
None

21. **CLOSED SESSION:**
a. Personnel

22. **ADJOURNMENT**

R E S O L U T I O N

WHEREAS, certain equipment owned by the Township of Edison is no longer necessary or needed for the operation of the Township governmental functions; and

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

WHEREAS, Resolution R.519-072011 authorized US GOVBID/AUCTION LIQUIDATION SERVICES, PO BOX 1216, Eatontown, NJ 07724 to conduct a public auction for the Township of Edison; and

NOW, THEREFORE, IT IS RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that the attached property list be offered at public sale upon the terms and conditions hereafter described:

- Auction will be conducted by US GOVBID/AUCTION LIQUIDATION SERVICES, on Thursday, October 27, 2011, at 1072 Truman Drive, Edison, N.J.
- All bidders must register to bid at the auction.
- All merchandise must be paid in full the day of sale.
- No express or implied warranty is made for the property subject to sale.
- All property is being sold in **“AS IS CONDITION” - “WHERE IS”**.
- Seller has the right to accept or reject any and all bids.
- Method of payment is CASH, or Certified check or Pre-approved Business Check payable to US GOVBID/AUCTION LIQUIDATION SERVICES.
- All sales are final.
- All miscellaneous merchandise must be removed day of sale. Vehicles are to be removed by 4:00 PM that following day, Friday, October 28, 2011 or buyers will be charged a \$25.00 per day, per vehicle storage fee.
- Cashier may at the Auctioneer's discretion request payment in full or a deposit from any bidder at anytime during the sale in order for the bidder to be permitted to continue bidding.
- This resolution shall be published in accordance with provisions of N.J.S.A. 40A-11-36.

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 \$162,187.52.

RESOLUTION

Whereas, on various properties located within the Township of Edison, overpayments of real estate taxes have been made due to erroneous or duplicate payments: and

Whereas, applications have been made to the Tax Collector for refunds of said overpayments, totaling \$2,253.31 and

Whereas, the attached listing is a detail of the requested refund.

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that the Director of Finance shall and is hereby authorized to draw checks to the parties in the amounts specified on the attached listing.

RESOLUTION TO RELEASE STREET OPENING ESCROW

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

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

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Finance Department is hereby authorized to release Street Opening Escrow Funds, under reference number **STO0000031**, to the following:

Permit Number:	10237
Opening Location:	240 Fletcher Street
Block/Lot:	920/10.01
Applicant's Name & Address:	Ziga Homes Inc. 910 Amboy Avenue Edison, NJ 08837
Initial Deposit Date:	8/19/11
Deposit Amount:	\$512.00
Paid by and refunded to:	Same as applicant

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

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 more than twelve 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, the Middlesex County Cultural & Heritage Commission recently distributed a Request For Proposals for the 2012 Mini E-Grants in the ARTS Program, as funded by the Middlesex County Cultural & Heritage Commission, Middlesex County Board of Chosen Freeholders, NJ State Council of the Arts/NJ Department of State and the US National Endowment for the Arts; and

WHEREAS, the Edison Department of Health and Human Services, through the EMA/BRIDGES program, intends to apply for grant funding for a maximum of \$2,500.00 from the Middlesex County Cultural & Heritage Commission 2012 Mini E-Grants in the ARTS Program, as it will help to further strengthen its mission, focus and vision through an artistic and creative format; and

WHEREAS, EMA/BRIDGES will provide the requisite \$.50 to \$1.00 match funds from public and/or private grants, for a maximum match amount of \$1,250.00; and

WHEREAS, the Edison Department of Health and Human Services, through the EMA/BRIDGES program, will utilize all grant funds awarded by the Middlesex County Cultural & Heritage Commission 2012 Mini E-Grants in the ARTS Program activities as described in its application for said funds and in compliance with all applicable Middlesex County and New Jersey agency requirements, guidelines, regulations and statutes; and

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, Middlesex County, New Jersey, does hereby approve and authorize the development and submission of said grant application at a regularly-scheduled, public meeting on October 13, 2011.

**RESOLUTION AUTHORIZING A REIMBURSEMENT OF FARE CARD FEES TO VARIOUS
FORMER RIDERS OF EDISON LIGHT TRANSIT**

WHEREAS, The Edison Light Transit to the Edison Train Station was suspended on April 8, 2011; and

WHEREAS, the following riders pre-purchased fare cards and are requesting refund on the unused fares.

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the respective amounts totaling \$52.00 to the former Edison Light Transit riders as listed below:

Alok Biswas 436 Cinder Road, Edison NJ 08820 23 fares @ \$1.50: \$34.50

Shridhan Pandit 604 Rivendell Way, Edison, NJ 08817 12 fares @ \$1.50: \$18.00

EXPLANATION: A Resolution extending the waiving of fees for permits and inspections relating to damage from Hurricane Irene as authorized by Resolution R.699-092011 for the Valley Manor Apartments and its residents only through October 31, 2011.

EDISON TOWNSHIP

RESOLUTION

WHEREAS, the Township of Edison on September 14, 2011 adopted Resolution R.699-092011 to authorize the waiver of the Township fees for permits and inspections to repair damage from Hurricane Irene upon proof from the property owner that the repair work is related to damage from Hurricane Irene; and

WHEREAS, as the Township waived their portion of the fees the State of New Jersey by letter of August 29, 2011 from the Director of Division of Codes and Standards has advised municipalities that if the municipal fees for permits and inspections to repair damage from Hurricane Irene are waived that the State will also waive State permit surcharge fees; and

WHEREAS, Resolution R.699-092011 authorized the waiver of these fees through Friday, September 30, 2011; and

WHEREAS, it has come to the attention of the Township that due to extensive damage to the Valley Manor Apartments located along the Raritan River at 141-C Marina Drive, Edison that they have not been able to determine the extent of the repair work required and submit the appropriate permits by the Friday, September 30, 2011 established in Resolution R.699-092011; and

WHEREAS, the Township would like to extend the waiver of fees as authorized in Resolution R.699-092011 to the owner of Valley Manor Apartments and its residents only through October 31, 2011.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Edison, that it does hereby authorize the Construction Official to waive the Township fees for permits and inspections to repair damage from Hurricane Irene for the owner of Valley Manor Apartments and its residents only through October 31, 2011 upon proof from the property owner that the repair work is related to damage from Hurricane Irene.

EXPLANATION: This Resolution authorizes the Mayor to execute the attached Declaration of Restriction with Chevron U.S.A. Inc., restricting the real property known and designated on the Tax Map of the Township of Edison as Block 591, Lot 1-A-1 and Block 591-A, Lot 2-A.

EDISON TOWNSHIP

RESOLUTION

WHEREAS, Chevron U.S.A. Inc. has obtained title to the real property known and designated on the Tax Map of the Township of Edison as Block 591, Lot 1-A-1 and Block 591-A, Lot 2-A by way of a tax sale foreclosure which is adjacent to its property at 21 New York Boulevard; and

WHEREAS, the Township of Edison and some of its residents raised concerns regarding the potential development of the property acquired by the tax sale foreclosure and the need to keep members of the public off of this property; and

WHEREAS, Chevron U.S.A. Inc. has agreed to restrict the property acquired by the tax sale foreclosure so that it is not developed and to install and maintain a fence and a landscape buffer on that property to address these concerns; and

WHEREAS, the Township of Edison wishes to enter into the attached Declaration of Restriction with Chevron U.S.A. Inc.; and

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

1. The attached Declaration of Restriction is hereby approved by the Township Council and the Mayor, Township Clerk, Township Attorney and other necessary Township Officials are hereby authorized to execute and deliver the Declaration of Restriction attached hereto and all other documents and undertake all actions reasonably necessary to effectuate this Resolution and the Declaration of Restriction.
2. The Township Clerk is also directed to forward a certified copy of this Resolution, once adopted, to the Township Attorney.

Township of Edison
Resolution No.

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 I** project.

NOW, THEREFORE, BE IT RESOLVED that Council of **the Township of Edison** formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the **Mayor** and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2012-Edison Township-00716** to the New Jersey Department of Transportation on behalf of **the Township of Edison**.

BE IT FURTHER RESOLVED that **Mayor** and Clerk are hereby authorized to sign the grant agreement on behalf of **the Township of Edison** and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

TOWNSHIP OF EDISON
RESOLUTION

WHEREAS, Nir Olcha & Ella Dror posted a Tree Maintenance Bond check #1151 in the amount of \$1,710.00 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Maintenance Bond Permit #07-113, located at 215 Central Avenue, Block: 97-C and Lot: 16; and

WHEREAS, a Tree Maintenance Bond was posted on September 5, 2007 in the amount of \$1,710.00, on deposit in account #7760237736; and

WHEREAS, the Certificate of Occupancy was issued on September 14, 2009; and

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

WHEREAS, it is the recommendation of the Township Engineer that a Tree Maintenance Bond refund in the amount \$1,710.00, plus accrued interest, if applicable, be refunded to the applicant; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, that the Tree Maintenance Bond in the amount of \$1,710.00, plus accrued interest, if applicable, hereinabove mentioned be refunded to the applicant; and

BE IT FURTHER RESOLVED, that the Director of Finance be and is hereby authorized to refund the sum of \$1,710.00, plus accrued interest, if applicable, on deposit in Account #7760237736 to Ella Dror having an address of 215 Central Avenue, Edison, N.J. 08817.

**RESOLUTION AUTHORIZATING ADDITIONAL PAYMENT 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 2010 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 received by the Township of Edison for Case Number 0311; and

WHEREAS, A-PLUS CONSTRUCTION, 18 Station Road, Lincoln Park, NJ 07035, submitted the sole quote in the amount of \$4,900.00 and PO Number 11-04997 was issued for said work; and

WHEREAS, during the course of work, when the contractor ripped off the dormer, it was discovered that all of the wood was rotted and additional work needed to be performed to remediate the issue as the house could not be left exposed; and

WHEREAS, the additional work in the amount of \$1,650.00 necessitates council authorization since the total project will now exceed \$5,000.00; and

WHEREAS, funds in the amount of \$1,650.00 have been certified to be available in the CDBG Housing Rehabilitation Account Number T-14-10-0510-000-001.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that additional funds to A-PLUS CONSTRUCTION, 18 Station Road, Lincoln Park, NJ 07035 in the amount of \$1,650.00 have been approved as indicated herein.

**RESOLUTION AWARDING CONTRACT TO MULTIFORCE SYSTEMS CORPORATION FOR
THE MAINTENANCE AND SUPPORT OF THE TOWNSHIP'S REFUELING SYSTEM
HARDWARE AND SOFTWARE**

WHEREAS, the Township of Edison needs to renew the annual hardware and software maintenance agreement for the township refueling system; and

WHEREAS, such annual renewal for the support of proprietary software and hardware may be awarded without public advertising for bids or bidding in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(dd); and

WHEREAS, MULTIFORCE SYSTEMS CORPORATION, 101 Wall Street, Princeton, NJ 08540, has submitted a proposal to provide such services for a one year term from October 1, 2011 to September 30, 2012 at a total cost of \$5,400.00; and

WHEREAS, funds in the amount of \$5,400.00 have been certified to be available in the Fuel and Lubricants-Maintenance Other Equipment Account, Number 1-01-31-0460-000-026.

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

1. The Mayor, or her designee, is hereby authorized to execute a contract and any other necessary documents, in the amount of \$5,400.00, with MULTIFORCE SYSTEMS CORPORATION, 101 Wall Street, Princeton, NJ 08540 as set forth above.
2. This contract is awarded without competitive bidding pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-5(dd).
3. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and in compliance with the Local Public Contracts Law guidelines.

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO
PATRICIA RYAN FOR THE ABC PROGRAM**

WHEREAS Patricia Ryan, in partnership with Community Child Care Solutions, made co-payments in the amount of \$313.14 for her child Ariana Barksdale's participation in the ABC Program at Ben Franklin Elementary School; and

WHEREAS Community Child Care Solutions submitted monthly payments in the full amount due for Ariana Barksdale's participation in the ABC Program; thereby causing an overpayment by Patricia Ryan.

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$313.14 to Patricia Ryan, 2335 Edward Stec Blvd., Edison, NJ 08837, which amount represents the overpayment for the ABC program.

RESOLUTION AWARDING CONTRACT TO COMPUTER SYSTEMS & METHODS FOR THE FURNISHING OF THREE PANASONIC TOUGHBOOKS FOR THE DIVISION OF POLICE

WHEREAS, there is a need to purchase three Panasonic Toughbooks for the Division of Police; and

WHEREAS, COMPUTER SYSTEMS & METHODS, 15 Maple Street, Somerville, NJ 08876, has been awarded State Contract Number 75583 under M-0483/WSCA Computer Contract; and

WHEREAS, funds in the amount of \$15,368.01 have been certified to be available in the Acquire Various Communications Equipment Account, Number C-04-01-1242-374-001 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.

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

1. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$15,368.01 and any other necessary documents, with COMPUTER SYSTEMS & METHODS, 15 Maple Street, Somerville, NJ 08876, 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.

RESOLUTION

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

WHEREAS, The Annual Report of Audit for the year ending December 31, 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the Governing Body; and

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

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

GENERAL COMMENTS

RECOMMENDATIONS

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

GENERAL COMMENTS

RECOMMENDATIONS

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

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

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

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

R.S. 52:27BB-52 - "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office".

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

EXPLANATION: This Ordinance requires that all Massage, Bodywork And Somatic Therapy Establishments shall only employ Massage, Bodywork and Somatic Therapists that are certified by the New Jersey Division of Consumer Affairs, New Jersey Board of Nursing pursuant to the provisions of the Massage, Bodywork and Somatic Therapist Certification Act and related amendments.

EDISON TOWNSHIP ORDINANCE

WHEREAS, the New Jersey Board of Nursing in the Division of Consumer Affairs has adopted regulations to qualify and certify Massage, Bodywork and Somatic Therapists; and

WHEREAS, the Township Code needs to be amended to reflect that New Jersey Board of Nursing is now responsible for qualifying and certifying Massage, Bodywork and Somatic Therapists and this Ordinance also requires that all Massage, Bodywork And Somatic Therapy Establishments shall only employ Massage, Bodywork and Somatic Therapists that are certified by the New Jersey Division of Consumer Affairs, New Jersey Board of Nursing pursuant to the provisions of the Massage, Bodywork and Somatic Therapist Certification Act and related amendments.

BE IT ORDAINED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that Chapter XI General Licensing and Business Regulations is hereby amended as follows:

SECTION I. Chapter XI General Licensing and Business Regulations, Section 11-11 Massage, Bodywork and Somatic Therapy Establishments is hereby amended and supplemented as follows:

11-11 MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENTS.

11-11.1 Definitions.

As used in this section:

Massage, bodywork and somatic therapies means and refers to systems of activity structured touch which include, but are not limited to, holding, applying pressure, positioning and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic, auditory and palpating skills to assess the body for purpose of applying therapeutic massage, bodywork or somatic principles. Such applications may include, but are not limited to, the use of therapies such as heliotherapy or hydrotherapy, the use of moist hold and cold external applications, external application of herbal or topical preparations not classified as prescription drugs, movement and neural myofascial education and education in self-care and stress management. Massage, bodywork and somatic therapies do not include the diagnosis or treatment of illness, disease, impairment or disability.

Massage, bodywork or somatic therapy establishment means any establishment or operation wherein massage, bodywork or somatic therapies are administered or are permitted to be administered, when such therapies are administered for any form of consideration.

Massage, bodywork and somatic therapist means any person, male or female, who administers massage, bodywork and/or somatic therapies for any form of consideration.

11-11.2 Permits Required.

a. *Business Permit Required.* No person, firm or corporation shall operate any establishment or utilize any premises in the Township of Edison in Middlesex County as or for massage, bodywork or somatic therapy establishment unless or until there has first been obtained a permit for such establishment or premises from the Township of Edison in accordance with the terms and provisions in this section.

b. *Massage, Bodywork and Somatic Therapist Permit Required.* No person shall practice massage or related therapies as a massage, bodywork or somatic therapist, employee or otherwise, unless he or she has a valid and subsisting massage, bodywork and somatic therapist's permit issued to him or her by the New Jersey Division of Consumer Affairs, New Jersey Board of Nursing Township of Edison pursuant to the provisions of the Massage, Bodywork and Somatic Therapist Certification Act, N.J.S.A. 45:11-53 et seq. and N.J.A.C. 13:37-16 et seq. hereinafter referred to the "Certification Act" this section.

11-11.3 Fees.

Every applicant for a permit to maintain, operate or conduct a massage, bodywork or somatic therapy establishment or out-call massage, bodywork or somatic therapy service shall file an application with the Department of Health Division of Licensing and Permits upon form provided by said Department Division and pay a fee of five hundred (\$500.00) dollars. The permit to be issued shall be valid until March 31 of the third year that the permit is in effect.

11-11.4 Application for Massage, Bodywork or Somatic Therapy Establishment Permit.

Any person desiring a massage, bodywork or somatic therapy business permit shall file a written application with the Department of Health Division of Licensing and Permits on a form to be furnished by the Department of Health Division of Licensing and Permits. The applicant shall accompany the application with a tender of correct fee as hereinafter provided and shall, in addition, furnish the following:

- a. The type of ownership of the business, i.e., whether individual, partnership, corporation or otherwise.
- b. The name, style and designation under which the business is to be conducted.
- c. The business address and all telephone numbers, including facsimile, where business is to be conducted.
- d. A complete list of the names and addresses of all massage, bodywork and somatic therapists and employees in the business and the name and residence address of the manager or other person principally in charge of the operation of the business.
- e. The following personal information concerning the applicant, if an individual; concerning each stockholder holding more than ten (10%) percent of the stock of the corporation, each officer and each director, if the applicant is a corporation; concerning the partners, including limited partners, if the applicant is a partnership; and concerning the manager or other person principally in charge of the operation of the business:
 1. The name, completed residence address and residence telephone number.
 2. The two (2) previous addresses immediately prior to the present address of the applicant.
 3. Written proof of age.
 4. Height, weight, sex and color of hair and eyes.
 5. Two (2) front-face portrait photographs taken within thirty (30) days of the date of the application and at least two by two (2 x 2) inches in size.

6. The massage therapy or similar business history and experience, including, but not limited to whether or not such a person has previously operated in this or another city or state under a license or permit denied, revoked or suspended and the reason therefor and the business activities or occupations subsequent to such action or denial, suspension or revocation.

7. All criminal convictions other than traffic violations, disorderly persons offenses and petty disorderly persons offenses shall be reported on the applicant's application fully disclosing the jurisdiction in which the crime was committed and circumstances thereof. The applicant shall execute a waiver and consent to allow a fingerprint and criminal background check by the Police Department. Upon completion of the background check, the Police Department, in its discretion and based upon the circumstances of the offense or nature of the crime, shall make a recommendation in writing to the Department of Health ~~Division of Licensing and Permits~~ as to whether the applicant may receive a license.

f. The names and addresses of three (3) adult residents of the County who will serve as character references. These references must be persons other than relatives and business associates.

11-11.5 Building Requirements; Inspections.

The Department of Health ~~Division of Licensing and Permits~~, upon receiving an application for a massage, bodywork or somatic therapy establishment permit, shall refer the application to the Department of Planning and Engineering, the Fire Department, the Police Department, the Health and Human Services Resources Department, which departments shall inspect the premises proposed to be operated as a massage establishment and shall make written recommendations to the Division of Licensing and Permits concerning compliance with the codes that they administer.

No massage, bodywork or somatic therapy establishment shall be issued a permit or be operated, established or maintained in the Township unless an inspection by the Health Officer, Building Subcode Official, and Fire Inspector reveals that the establishment complies with the minimum requirements of the building and health codes for businesses operating in the Township of Edison.

~~11-11.6 Application.~~

~~— a. — To be eligible for a permit as a massage, bodywork and somatic therapist, an applicant shall submit satisfactory evidence of:~~

~~— 1. — Successful completion of a minimum of five hundred (500) hours in class study in the field of massage, bodywork or somatic therapy; or~~

~~— 2. — Successful completion of the written examination offered by the National Certification Board for Therapeutic Massage and Bodywork.~~

~~— b. — For up to one year (365 days) after the date procedures are established by this section for applying for permit to conduct massage, bodywork or somatic therapy in the Township of Edison, any person engaged in the full-time practice of massage, bodywork or somatic therapy for two (2) years preceding the enactment of this section, or any person engaged in the part-time practice of massage, bodywork or somatic therapy for five (5) years preceding the enactment of this section, or any person who has successfully completed one thousand (1,000) hours in the practice of massage, bodywork or somatic therapy with a minimum completion of two hundred (200) hours of education or training in massage preceding the enactment of this section, may acquire a permit to practice without satisfying the requirements in paragraphs a,1. and a,2. above. One (1) year after~~

~~the enactment of this section, any person wishing to be permitted as a massage, bodywork or somatic therapist in the Township of Edison must fulfill the requirements listed in paragraphs a,1. and a,2. above.~~

~~c. The following information concerning the application will also be required:~~

- ~~1. The name, complete residence address and residence telephone number.~~
- ~~2. The two (2) previous addresses immediately prior to the present address of the applicant.~~
- ~~3. Written proof of age.~~
- ~~4. Height, weight, sex and color of hair and eyes.~~
- ~~5. Two (2) front face portrait photographs taken within thirty (30) days of the date of the application and at least two by two (2x2) inches in size.~~
- ~~6. The massage therapy or similar business history and experience, including, but not limited to whether or not such a person has previously operated in this or another city or state under a license or permit denied, revoked or suspended and the reason therefor and the business activities or occupations subsequent to such action or denial, suspension or revocation.~~
- ~~7. All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and circumstances thereof. The applicant shall execute a waiver and consent to allow a fingerprint and criminal background check by the Police Department.~~
- ~~8. The names and addresses of three (3) adult residents of the County who will serve as character references. These references must be persons other than relatives and business associates.~~

11-11.6 [Reserved].

11-11.7 Permit Fee.

~~The applicant for a massage, bodywork or somatic therapist's license shall pay a permit fee of one hundred (\$100.00) dollars, which permit shall be valid until March 31 of the third year that the permit is in effect.~~

11-11.7 Employment of massage, bodywork and somatic therapists.

Every massage, bodywork or somatic therapy establishment shall only employ massage, bodywork and somatic therapists that have a current Certification issued under the Certification Act which shall be displayed as required in Section 11-11.8. Every massage, bodywork or somatic therapy establishment shall maintain a photocopy of said Certifications for all massage, bodywork and somatic therapists that are currently in their employ and shall maintain said Certifications for one (1) year after the last date of employment of each massage, bodywork and somatic therapist and the same shall be kept at the licensed establishment and shall be made available upon demand to the Township Department of Health, its employees and any law enforcement officer, investigator and/or agency.

11-11.8 Display of Permits and Certifications.

The massage, bodywork or somatic therapy establishment shall display his/her permit in an open and conspicuous place on the premises of the establishment. The massage, bodywork or somatic therapy establishment shall ensure and that the Certificate issued under the Certification Act for ~~of~~ each and every massage, bodywork or somatic therapist employed in the establishment is displayed in an open and conspicuous place on the premises of the establishment.

11-11.9 Operating Requirements.

- a. Every portion of the massage, bodywork or somatic therapy establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- b. Prices rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.
- c. All employees, including massage, bodywork or somatic therapists, shall be clean and wear clean, non-transparent outer garments. Dressing rooms must be available on the premises. Doors to such dressing rooms shall open inward and be self-closing. If the dressing room is also used as the therapy/massage room, then adequate procedures shall be in place to safeguard the privacy of the client. In no case shall these doors be locked when both a client and any employee are present.
- d. All massage, bodywork and somatic therapy establishments shall be provided with clean, laundered sheets and towels in sufficient quantity, which shall be laundered after each use thereof and stored in a sanitary manner.
- e. The sexual or genital area of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or massage, bodywork or somatic therapist.
- f. It shall be unlawful for any person knowingly, in a massage establishment, to place his or her hand upon or touch with any part of his or her body, to fondle in any manner or to massage a sexual or genital area of any other person.
- g. No massage, bodywork or somatic therapist, employee or operator shall perform, or offer to perform any act which would require the touching of the patron's sexual or genital area.
- h. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry-heat rooms, steam or vapor rooms or steam or vapor cabinets and shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.
- i. Oils, creams, lotions and other preparations used in administering massage, bodywork or somatic therapies shall be kept in clean, closed containers or cabinets.
- j. Animals, except for Seeing Eye dogs, shall not be permitted in the massage work area.
- k. Each massage, bodywork and somatic therapist shall wash his or her hands in hot running water, using proper soap or disinfectant before administering a massage, bodywork or somatic therapy to each patron.

11-11.10 Inspections.

The Department of Health and Human Services Resources, and/or the Department of Planning and Zoning shall, from time to time, at least twice a year, make an inspection of each massage, bodywork or somatic therapy establishment granted a permit under the provisions of this section for the purpose of determining whether the provisions of this section are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

11-11.11 Sleeping Quarters.

No part of any quarters of any massage, bodywork or somatic therapy establishment shall be used for or connected with any bedroom or sleeping quarters, nor shall any person sleep in such massage, bodywork or somatic therapy establishment except for limited periods incidental to and directly related to a massage, bodywork or somatic therapy treatment or bath. This provision shall not preclude the location of a massage, bodywork or somatic therapy establishment in separate quarters of a building housing a hotel or other separate businesses or clubs.

11-11.12 Prohibited Acts.

a. No owner or manager of a massage, bodywork or somatic therapy establishment shall tolerate in his establishment any activity or behavior prohibited by the laws of the State of New Jersey, particularly, but not exclusive of laws proscribing prostitution, indecency and obscenity, including the sale, uttering or exposing and public communication of obscene material; laws which relate to the commission of sodomy; relating to the commission of adultery; and proscribing fornication; nor shall any owner or manager tolerate in his or her establishment an activity or behavior which violates this section.

b. Any conviction of a bodywork or somatic therapy establishment or, any employee thereof, of a violation of the aforementioned statutes and codes shall devolve upon the owner or manager of the establishment, it being specifically declared that, following such a conviction of the owner or the manager of the establishment shall be prosecuted as an accessory to such a violation and the required permits will be automatically revoked.

11-11.13 Violations; Penalties.

Any person violating any provision of this section shall, upon conviction, be liable to the penalty stated in Chapter I, Section 1-5.

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.