

**AGENDA  
MUNICIPAL COUNCIL  
REGULAR MEETING  
Wednesday, October 26, 2011  
7:00 p.m.**

1. Call to Order and Pledge of Allegiance.
2. Roll Call.
3. Adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on January 6, 2011, and posted in the Main Lobby of the Municipal Complex on the same date.
4. **APPROVAL OF MINUTES:**
  - a. Regular Meeting of September 14, 2011
  - b. Combined Meeting of September 26, 2011
  - c. Worksession Meeting of October 11, 2011
5. **COUNCIL PRESIDENT'S REMARKS**
6. **ADMINISTRATIVE AGENDA:  
FROM MAYOR ANTONIA RICIGLIANO:**
  - a. Re-appointment of Carlos Sanchez as a member of the Housing Authority.
7. **NEW BUSINESS:  
PROPOSED ORDINANCES PUBLIC HEARING SET DOWN FOR  
WEDNESDAY, NOVEMBER 9, 2011:**

O.1780-2011 AN ORDINANCE AMENDING SECTION 7-14 OF THE CODE  
OF THE TOWNSHIP OF EDISON REGARDING NO PARKING  
ON KILMER ROAD FROM PLAINFIELD AVENUE TO THE  
BOROUGH OF HIGHLAND PARK
8. **PUBLIC COMMENT ON THE RESOLUTIONS**
9. **PROPOSED RESOLUTIONS**

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

**Consent Agenda**

- R.760-102011 Resolution approving disbursements for the period ending October 20, 2011.
- R.761-102011 Resolution authorizing award of bid for Contract No. 11-06-27, Pool Renovations – YMCA Family Swim Club at Oakcrest to RJR Engineering Company, Inc., in an amount not to exceed \$115,300.00.
- R.762-102011 Resolution authorizing payment to Malouf Ford, Inc. for repair of a vehicle, in the amount of \$12,342.55.
- R.763-102011 Resolution authorizing refund in the amount of \$31,277.53 for redemption of tax sale certificates.
- R.764-102011 Resolution authorizing refund of tax overpayments, totaling \$3,930.64.
- R.765-102011 Resolution authorizing refund of sewer use overpayments, totaling \$140.23.
- R.766-102011 Resolution receiving corrective action plan for the audit for calendar year ending December 31, 2010.
- R.767-102011 Resolution requesting approval of item of revenue and appropriation for the YMCA Family Swim Club at Oakcrest.

- R.768-102011 Resolution authorizing release of cash performance bond for MCC Realty Investment Co., Festival Plaza, Route 27 and Division Street, Application #P14-08/09.
- R.769-102011 Resolution authorizing refund of ABC Program fee to Lorena Jurado, in the amount of \$150.00.
- R.770-102011 Resolution authorizing an agreement with ACS State and Local Solutions, Inc., for the provision of a point of service device required by the State of New Jersey Department of Human Services for any facility providing child care services.
- R.771-102011 Resolution authorizing renewal of liquor license for Wick Wholesalers, Inc.
- R.772-102011 Resolution rejecting bids for RFP No. 11-04, Project Management.

10. **COMMUNICATIONS:**

None

11. **ORAL PETITIONS AND REMARKS**

12. **ADJOURNMENT**

**EXPLANATION:** This Ordinance establishes Parking Prohibitions (No Parking) on the entire segment of Kilmer Road as described, specifically the establishment of No Parking on both the north side and the south side of Kilmer Road, from the limits of Plainfield Avenue (CR # 529) to the Borough of Highland Park border.

**EDISON TOWNSHIP**

**ORDINANCE O.1780-2011**

**WHEREAS**, the Township of Edison wishes to prohibit parking at all times on the entire roadway segment of Kilmer Road, and wishes to establish No Parking on both the north side and the south side of Kilmer Road, from the limits of Plainfield Avenue (CR # 529) to the Borough of Highland Park border; and

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

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

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

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

<i>Name of Street</i>	<i>Sides</i>	<i>Location</i>
[Kilmer Road]	[South]	[From Truman Drive to a point 600 feet east thereof]
Kilmer Road	North	From Plainfield Avenue (CR # 529) west to the Borough of Highland Park border
Kilmer Road	South	From Plainfield Avenue (CR # 529) [to the NJ Transit Driveway opposite Kilmer Court] <b><u>west to the Borough of Highland Park border</u></b>
[Kilmer Road]	[South]	[From Truman Drive southwest to the Highland Park border]

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

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

**RESOLUTION R.760-102011**

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF  
THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING OCTOBER 20, 2011

**WHEREAS**, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through October 20, 2011

FUND	AMOUNT
Current	\$12,070,692.73
Dog (Animal Control)	983.70
Sewer Utility	124,842.04
Capital	601.55
CDBG	177,382.78
Trust	60,388.32
Grant Funds	2,461.80
Sanitation Fund	443,901.41
Payroll Deductions	433,890.72
Park Improvements	0.00
Developers Escrow	30,528.31
Cash Performance	335,082.25
Affordable Housing	2,437.50
Tax Sale Redemption	41,640.12
Law Enforcement	0.00
Affordable Housing	1,425.00
Street Opening Escrow	0.00
Tree Fund	0.00
<b>TOTAL</b>	<b>\$13,724,833.23</b>

/s/ Lawrence Pollex  
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.

**R.761-102011**

**RESOLUTION AWARDING CONTRACT FOR ALTERNATE BIDS TO RJR ENGINEERING COMPANY INCORPORATED FOR POOL RENOVATIONS-YMCA FAMILY SWIM CLUB AT OAKCREST**

**WHEREAS**, bids were received by the Township of Edison on August 3, 2011 for Public Bid No. 11-06-27, Pool Renovations-YMCA Family Swim Club at Oakcrest; and

**WHEREAS**, RJR ENGINEERING COMPANY INCORPORATED, 105 Guinea Hollow Road, Califon, NJ 07830 submitted the lowest legally responsible, responsive bid; and

**WHEREAS**, Resolution R.622-082011 dated August 24, 2011 awarded RJR ENGINEERING COMPANY INCORPORATED Item Number One of Public Bid 11-06-27 in the amount of \$637,300.00 as funding was only available for the base bid at that time; and

**WHEREAS**, the Township of Edison wishes to award the bid alternates (Item Numbers 2 through 6) in the total amount of \$115,300.00 at this time; and

**WHEREAS**, on October 6, 2011 the County of Middlesex, Board of Chosen Freeholders authorized Resolution 11-1690-R contributing additional funds for this project in the amount of \$100,000.00 to be forwarded to the Township of Edison; and

**WHEREAS**, the balance of funds in the amount of \$15,300.00 have been certified to be available in the Middlesex County Oakcrest Swim Club Grant Account, Number G-02-10-0165-804-000.

**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 alternates as submitted by RJR ENGINEERING COMPANY INCORPORATED, 105 Guinea Hollow Road, Califon, NJ 07830 for Pool Renovations-YMCA Family Swim Club at Oakcrest, is determined to be the lowest legally responsible, responsive bid.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$115,300.00 for Item Numbers 2 through 6 (Alternate Items 1-5), and any other necessary documents, with RJR ENGINEERING COMPANY INCORPORATED as described herein.
3. I hereby certify that funds are available as per the attached Certification.

**RESOLUTION AUTHORIZING PAYMENT OF \$12,342.55 TO MALOUF FORD, INC.-\$9,842.55 OF IT TO BE REIMBURSED BY INSURANCE**

**WHEREAS**, during hurricane Irene on August 28, 2011, a 2009 Ford Escape Hybrid (E-2) was damaged due to water resulting in the need for a new electric motor and transmission in addition to various other repairs; and

**WHEREAS**, the damaged vehicle was sent to Malouf Ford, Inc., Route 1 & Commerce Blvd., PO Box 7480, North Brunswick, NJ 08902 for repairs; and

**WHEREAS**, total vehicle damage was \$12,342.55; \$9,842.55 of it to be reimbursed by insurance; and

**WHEREAS**, funds in the amount of \$12,342.55 have been certified to be available in the Engineering Services-Other Contractual Account, Number 1-01-20-0165-000-029; and

**NOW, THEREFORE IT IS RESOLVED** by the Municipal Council of the Township of Edison, Middlesex County, New Jersey that the proper Township officials shall make payment to Malouf Ford, Inc., Route 1 & Commerce Blvd., PO Box 7480, North Brunswick, NJ 08902 in the amount of \$12,342.55.

**RESOLUTION R.763-102011**

**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 \$31,277.53.

RESOLUTION R.764-102011

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 \$3,930.64 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 R.765-102011

Whereas, on various properties located within the Township of Edison, overpayments of sewer use fees have been made due to erroneous or duplicate payments; and

Whereas, applications have been made to the Tax Collector for refund of said overpayments, totaling \$140.23 and

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

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 RECEIVING CORRECTIVE ACTION PLAN  
FOR THE TOWNSHIP OF EDISON AUDIT FOR THE  
FISCAL YEAR ENDING ON DECEMBER 31, 2010**

**WHEREAS**, New Jersey Local Government Units are required to be audited and required to formulate a Corrective Action Plan within sixty (60) days of the receipt of the audit by the Municipal Governing Body; and  
**WHEREAS**, the Council of the Township of Edison in the County of Middlesex, New Jersey has received the report of Audit for the Fiscal year ending on December 31, 2010 in time for it to be included in their agenda packets for the public meeting scheduled for October 13, 2011; and  
**WHEREAS**, the Council of the Township of Edison in the County of Middlesex, New Jersey has received the Corrective Action Plan;  
**NOW, THEREFORE, IT IS RESOLVED** by the Council of the Township of Edison in the County of Middlesex, New Jersey that it has received the Corrective Action Plan for the report of Audit for the fiscal year ending on December 31, 2010 within sixty (60) days of the receipt of said audit.

**R.767-102011**

**RESOLUTION REQUESTING APPROVAL OF ITEM OF REVENUE  
AND APPROPRIATION PURSUANT TO N.J.S.A 40A:4-87**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County of Municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, IT IS RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF EDISON IN THE COUNTY OF MIDDLESEX, NEW JERSEY** hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of **\$100,000.00**, which will be available from **GENERAL REVENUES 3. Miscellaneous Revenues-Section F. Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services-Public and Private Revenues Offset with Appropriations;** YMCA Family Swim Club at Oakcrest; in the amount of \$100,000.00

**IT IS FURTHER RESOLVED** that the like sum of **\$100,000.00** is hereby appropriated under the caption **8. GENERAL APPROPRIATIONS (A) Excluded from "CAPS";** YMCA Family Swim Club at Oakcrest; and

**IT IS FURTHER RESOLVED** that the above is the result of a grant extension and funds to be received from the County of Middlesex (see annexed) in the amount of **\$100,000.00**.

**RESOLUTION R.768-102011**

**WHEREAS**, the Township Engineer advises that an inspection has been made of MCC Realty Investment Co. (Festival Plaza) located at Route 27 & Division Street in Block #96, Lots 45 & 46, Application #P14-08/09, and said inspection indicates all improvements are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison, therefore, it is now in order that Final Acceptance is granted and the Cash Performance Bond Reduction Balance presently being held by the Township of Edison be released; and

**WHEREAS**, a Maintenance Bond was posted on August 2, 2011 in the amount of \$193,669.50; and

**WHEREAS**, Cash Performance Bond fees were posted in the amount \$ 480,846.00 on deposit in Account #7760013393 by Edison I, LLC having offices at 301 N. Canon Drive, Suite 105, Beverly Hills, California 90210; and

**WHEREAS**, a Cash Performance Bond Reduction was posted on January 28, 2010 in the amount of \$147,168.00, Resolution #082-022010 reducing the Cash Performance Bond to \$333,678.00 ; and

**WHEREAS**, the Township Engineer recommends the release of the Cash Performance Bond Reduction balance in the amount of \$333,678.00 plus accrued interest, if applicable, on deposit in account #7760013393 principal being Edison I, LLC, and acceptance of the subject improvements; and

**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 Performance Bond in the amount of \$333,678.00, to the applicant; and

**NOW THEREFORE**, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the Director of Finance be and is hereby authorized to return the Cash Performance Bond in the amount of \$333,678.00, plus accrued interest if applicable on deposit in account #7760013393 to the applicant.

**RESOLUTION AUTHORIZING A REIMBURSEMENT TO  
LORENA JURADO RESTIEPO FOR THE ABC PROGRAM**

**WHEREAS** Lorena Jurado Restiepo, made payment in the amount of \$150.00 for her child Bryan Torrech's participation in the ABC Program at John Marshall Elementary School; and

**WHEREAS** the child will be attending school out of the district due to medical reasons.

**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 \$150.00 to Lorena Jurado Restiepo, 229 Forest Dr., Edison, NJ 08817, which amount represents the monthly payment for the ABC program.

**R.770-102011**

**AUTHORIZING AN AGREEMENT WITH ACS STATE AND LOCAL SOLUTIONS, INC., FOR THE PROVISION OF A POINT OF SERVICE (POS) DEVICE REQUIRED BY THE STATE OF NEW JERSEY DEPARTMENT OF HUMAN SERVICES FOR ANY FACILITY PROVIDING CHILD CARE SERVICES.**

**WHEREAS**, the state of New Jersey has mandated all facilities that furnish child care services to provide for implementation of their **e-Child Care** system (ECC) to automate child care attendance this fall; and

**WHEREAS**, the vendor selected by the state to furnish this service on their behalf is ACS State & Local Solutions, Inc., a New York Corporation having an office at 8260 Willow Oaks Corporate Drive, Fairfax Virginia, 22031; and

**WHEREAS**, ACS and the Township require an agreement between the parties to memorialize the terms and covenants between the parties before the relationship ripens into one having legal consequences

**NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF EDISON IN THE COUNTY OF MIDDLESEX, NEW JERSEY, THAT** the proper Township Officials are hereby authorized to execute the agreement with ACS State & Local Solutions, Inc., 8260 Willow Oaks Corporate Drive, Fairfax, Virginia, 22031; copies of which have been furnished to the Municipal Clerk, on behalf of the Township of Edison.

**DATED:**                    October 26, 2011

**RESOLUTION R.771-102011**

**WHEREAS**, applications have be made for the renewal of Plenary Retail Consumption Licenses, issued by the Municipal Council of the Township of Edison, expiring on June 30, 2011; and

**WHEREAS**, the proper applications and fees have been received; and

**WHEREAS**, no legally valid objections have been made as to why these applications should not be approved.

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey, that the following Plenary Retail Consumption Licenses expiring on June 30, 2011, for which the required fees of \$2,500.00 to the Township of Edison and \$200.00 to the State Division of Alcoholic Beverage Control have been paid, be the same hereby granted and renewed, effective October 26, 2011.

**LICENSE NUMBER**

**LICENSEE AND LOCATION**

**ADDRESS**

1205-33-062-001

Wick Wholesalers, Inc  
PO Box 29

Woodbridge, NJ 07095  
Pocket License

**RESOLUTION R.772-102011**

**RESOLUTION REJECTING ALL BIDS FOR PROJECT MANAGEMENT AND AUTHORIZING  
NEGOTIATIONS OF SAID CONTRACT**

**WHEREAS**, the Township of Edison advertised on the Township website for Request for Proposals on September 12, 2011, for RFP 11-04, PROJECT MANAGEMENT for a bid opening date of September 27, 2011 and no proposals were received; and

**WHEREAS**, the Township of Edison re-advertised for the above project under RFP 11-04R on the Township website on September 29, 2011; and

**WHEREAS**, on October 14, 2011, two sealed proposals were received for the above project and the lowest bidder was CCMS, 1670 Route 34, North, Wall, NJ 07727 in the amount of \$31,280.00; and

**WHEREAS**, Section 40A:11-13.2a of the Local Public Contracts Law allows for the rejection of bids when the lowest bid substantially exceeds the cost estimate for goods or services; and

**WHEREAS**, pursuant to 40A:11-5(3) when bids have been advertised on two occasions and have been rejected on both occasions, any such contract may then be negotiated.

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

1. The bids for RFP 11-04R entitled "PROJECT MANAGEMENT" is hereby rejected pursuant to N.J.S.A 40A:11-13.2a.
2. The Township is hereby authorized to initiate negotiations of said project.