

**MINUTES OF  
MUNICIPAL COUNCIL  
WORKSESSION AND REGULAR MEETING  
Wednesday, May 28, 2014**

A Combined Meeting of the Municipal Council of the Township of Edison was held in the Council Chambers of the Municipal Complex. The meeting was called to order at 6:14 p.m. by Council President Karabinchak, followed by the Pledge of Allegiance.

Present were Councilmembers, Gomez, Karabinchak, Mascola, and Shah.  
Councilmember Prasad entered at 6:27p.m.  
Councilmember Diehl entered at 6:45p.m.  
Councilmember Lombardi was absent.

Also present were Acting Township Clerk Russomanno, Deputy Township Clerk Kenny, Township Attorney Northgrave, Business Administrator Ruane, Public Works Director Roderman, Township Engineer Medina, Police Captain Kelly, and Cameraman Cologna.

The Township Clerk advised that 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. REVIEW OF MINUTES:**

a. through e. Accepted as submitted.

**5. ADMINISTRATIVE AGENDA FROM MAYOR THOMAS LANKEY:**

a. No comment was made.

**6. REPORTS FROM ALL COUNCIL COMMITTEES:**

Councilmember Gomez thanked everyone that was involved with working on the Police hiring Ordinance. He said now the Public Safety committee will start to work on a new Fire Department hiring Ordinance.

**7. POINTS OF LIGHT**

Councilmember Mascola thanked everyone that was involved with the Memorial Day Parade. He said it was done on short notice but was well attended and the best one we've had in a long time.

**8. FROM THE BUSINESS ADMINISTRATOR:**

a. Councilmember Gomez asked the total amount outstanding.

Ms. Ruane said it is \$540,000 but that goes back a very long time.

Councilmember Gomez asked how much we can expect to collect.

Ms. Ruane said about 15% of the past amount and 100% going forward.

b. through d. No comments were made.

**9. FROM THE DEPARTMENT OF FINANCE:**

a. through c. No comments were made.

d. Council President Karabinchak asked if this is an upgrade.

Ms. Ruane said this is only maintenance.

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

a. No comment was made.

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

a. and b. No comments were made.

c. Councilmember Shah said she would like to hear how the residents in Clara Barton feel about this ordinance before moving forward. She felt she did not have enough information. She asked if a traffic study was done and also about the amount of children that may be added to the school system. She asked to table this.

Council President Karabinchak said a traffic study was not done. He explained the changes being proposed. He said parking will be added and building heights will be raised from 2 ½ stories to 3 stories. He felt that some growth needs to happen there.

- d. Council President Karabinchak said the Flexible Business Zone Ordinance, O.1871-2014 is being added to the agenda. He explained that this replaces the Overlay Zone Ordinance that was previously proposed. He said it covers commercial areas on Woodbridge Avenue between Middlesex County College and Raritan Center excluding the EPA property. He felt this is easier to understand than the overlay zone. It allows owners more flexibility but they must still meet all requirements.

Councilmember Mascola had questions regarding the Flexible Business Zone.

Council President Karabinchak explained again that this is to help create jobs and increase economic development.

Councilmember Gomez said this is to help drive economic development and point us in the right direction and he is in full support of this.

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

- a. and b. No comments were made.

**13. FROM THE TOWNSHIP CLERK:**

- a. No comment was made.
- b. Council President Karabinchak said the state is in a financial crunch and needs new revenue streams.
- c. Council President Karabinchak said we are adding Resolution R.243-052014 urging DOT support for improvements to Route 1 North so as to allow the development at the former Ford site to proceed.

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

Councilmember Mascola reported that final approval was given for Macy's to extend their warehouse in Raritan Center. He said GPS was also given final approval to extend their warehouse even though some residents had concerns about trucks idling at night. He said the Oak Tree Road project came back and they cut some elements but all in all the design looked very nice. Residents were concerned about the buffer but the applicant agreed to all conditions. They are short on parking but preliminary approval was given. A traffic light will need to be installed at Oak Tree Road and the builder will do that at his own expense.

Councilmember Prasad said this is a very large area and felt the size of the project could be reduced in order to increase the parking.

**15. UNFINISHED BUSINESS:  
ORDINANCES FOR FURTHER CONSIDERATION AND PUBLIC HEARING:**

O.1866-2014 No comment was made.

O.1867-2014 No comment was made.

**16. COMMUNICATIONS:**

- a. Received as submitted.

**17. DISCUSSION ITEMS:**

Council President Karabinchak

- a. through f. No comments were made.

Councilmember Diehl:

- a. He said there was a Second Grade Essay contest held again this year where the students visited various landmarks around Edison and wrote about what is great about Edison. He said the winners will be presented with Resolutions of Recognitions at the next council meeting.

Councilmember Gomez:

None

Councilmember Lombardi:

Absent

Councilmember Mascola:

- a. He asked if there were any updates on the Landfill.

Mr. Medina said they are working on the leach line and there should be a meeting within the next two weeks and he will notify the Council.

Councilmember Prasad:

- a. He said that the Memorial Day Parade was a great event with lots of participation and very well attended.

Councilmember Shah:

None

**18. APPROVAL OF MINUTES:**

On a motion made by Councilmember Mascola, seconded by Councilmember Gomez, and duly carried, the Minutes of the Combined Meeting of April 21, 2014 Closed Session Meeting of May 12, 2014, Regular Meeting of April 9, 2014, Special Meeting of April 30, 2014, and Worksession Meeting of May 12, 2014 were accepted as submitted.

**19. COUNCIL PRESIDENT'S REMARKS:**

Council President Karabinchak said we are into the fifth month of the year and we continue to move forward. He said we must continue to be progressive.

**20. CY 2014 MUNICIPAL BUDGET:**

Introduction of CY 2014 Municipal Budget.

On a motion made by Councilmember Mascola, seconded by Councilmember Gomez, the budget was introduced.

AYES - Councilmembers Diehl, Gomez, Mascola, Prasad, Shah and Council President Karabinchak

NAYS - None

Councilmember Lombardi was absent.

**21. CY 2014 SOLID WASTE BUDGET:**

Introduction of CY 2014 Solid Waste Budget

On a motion made by Councilmember Mascola, seconded by Councilmember Gomez, the budget was introduced.

AYES - Councilmembers Diehl, Gomez, Mascola, Prasad, Shah and Council President Karabinchak

NAYS - None

Councilmember Lombardi was absent.

**22. ADMINISTRATIVE AGENDA  
FROM MAYOR THOMAS LANKEY:**

May 22, 2014

Honorable Council Member  
100 Municipal Boulevard  
Edison, NJ 08817

Dear Members of Council:

Pursuant to NJS 2B:12-4(b), with your advise and consent, I am pleased to inform you that I have appointed Anthony Sarno, Jr. as Public Defender for the Township of Edison for a one year term.

Anthony is being appointed Public Defender as he has proven record of professionalism and while appearing in our court numerous occasions. I am confident he will be an asset to the residents of Edison in this capacity.

Mr. Sarno's term is effective even date of this correspondence through December 21, 2014.

Thank you in advance for your consideration,

Sincerely,

/s/ Thomas Lankey

Mayor

cc: Kelly Sommer, Court Administrator  
Cheryl Russomanno, Acting Township Clerk  
Anthony Sarno, Jr., Esquire

The above appointment was received on a motion made by Councilmember Mascola, seconded by Councilmember Prasad, and duly carried.

**23. UNFINISHED BUSINESS**  
**ORDINANCES FOR FURTHER CONSIDERATION AND PUBLIC HEARING**

The following Ordinances, which were introduced by Title on May 14, 2014 passed on first reading, published according to law for further consideration at this meeting, were read by the Township Clerk:

**O.1866-2014                    AN ORDINANCE TO ESTABLISH A GOVERNMENT-PRIVATE ENERGY AGGREGATION PROGRAM IN THE TOWNSHIP OF EDISON TO PROVIDE ELECTRIC GENERATION SERVICE FOR RESIDENTIAL AND NON-RESIDENTIAL CUSTOMERS PURSUANT TO THE GOVERNMENT ENERGY AGGREGATION ACT OF 2003 (P.L. 2003, C.24)**

(The above Ordinance O.1866-2014 can be found in its entirety in Ordinance Book #27.)

Council President Karabinchak declared the Public Hearing opened for O.1866-2014

Fred Wolke, 10 Peake Road, asked when this will be implemented.

Ms. Ruane said this is the first step and may start by the middle of summer.

Hearing no further comments, on a motion made by Councilmember Gomez, seconded by Councilmember Mascola and duly carried, this Public Hearing was closed.

On a motion made by Councilmember Mascola, seconded by Councilmember Gomez, the Ordinance was adopted.

AYES - Councilmembers Diehl, Gomez, Mascola, Prasad, Shah and Council President Karabinchak

NAYS - None  
Councilmember Lombardi was absent.

**O.1867-2014                    AN ORDINANCE AMENDING TOWNSHIP CODE 14-1.6 REVISING THE CONDITIONS TO ISSUE CERTIFICATES OF CONTINUED OCCUPANCY**

(The above Ordinance O.1867-2014 can be found in its entirety in Ordinance Book #27.)

Council President Karabinchak declared the Public Hearing opened for O.1867-2014

Hearing no further comments, on a motion made by Councilmember Gomez, seconded by Councilmember Prasad and duly carried, this Public Hearing was closed.

On a motion made by Councilmember Gomez, seconded by Councilmember Shah, the Ordinance was adopted.

AYES - Councilmembers Diehl, Gomez, Lombardi, Mascola, Prasad, Shah and Council President Karabinchak

NAYS - None  
Councilmember Lombardi was absent.

**NEW BUSINESS**  
**PROPOSED ORDINANCES (PUBLIC HEARING SET DOWN FOR WEDNESDAY, June 11, 2014.**

The following Ordinance was introduced by title:

**O.1868-2014                    ORDINANCE TO EXCEED THE MUNICIPAL BUDGET**

**APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK.**

On a motion made by Councilmember Mascola, seconded by Councilmember Gomez, this Ordinance was passed on first reading and ordered published according to law for further consideration and Public Hearing at the next Regular Meeting of the Township Council to be held on June 11, 2014.

AYES - Councilmembers Diehl, Gomez, Mascola, Prasad, Shah, and Council President Karabinchak

NAYS - None  
Councilmember Lombardi was absent.

**O.1869-2014                    THIS ORDINANCE NAMES THE PARKLAND AND OPEN SPACE SOUTHERLY OF MILL CREEK AT THE EDISON BOAT BASIN, COMPRISING A PORTION OF BLOCK 366.B, LOT 18, AS "RIVERSIDE PARK".**

On a motion made by Councilmember Mascola, seconded by Councilmember Gomez, this Ordinance was passed on first reading and ordered published according to law for further consideration and Public Hearing at the next Regular Meeting of the Township Council to be held on June 11, 2014.

AYES - Councilmembers Diehl, Gomez, Mascola, Prasad, Shah, and Council President Karabinchak

NAYS - None  
Councilmember Lombardi was absent.

**O.1870-2014                    ORDINANCE AMENDING CHAPTER 39 LAND USE, SECTION 37-25 OF CHAPTER XXXVII ZONING, AMBOY AVENUE REVITALIZAITON ZONE.**

On a motion made by Councilmember Mascola, seconded by Councilmember Gomez, this Ordinance was passed on first reading and ordered published according to law for further consideration and Public Hearing at the next Regular Meeting of the Township Council to be held on June 11, 2014.

AYES - Councilmembers Diehl, Gomez, Mascola, Prasad, Shah, and Council President Karabinchak

NAYS - None  
Councilmember Lombardi was absent.

The following Ordinance was added at the meeting:

**O.1871-2014                    AN ORDINANCE CREATING THE NEW FLEXIBLE BUSINESS ZONE.**

Councilmember Diehl said he will be voting "no" on this tonight. He said he has several concerns with this Ordinance and needs more information. He feels this is the Overlay Zone Ordinance being brought back under a different name and he felt that Ordinance would allow the circumventing of certain Boards. He asked if there is a rush or sense of urgency on this as he would like to be absolutely clear on what this entails.

On a motion made by Councilmember Gomez, seconded by Councilmember Mascola, this Ordinance was passed on first reading and ordered published according to law for further consideration and Public Hearing at the next Regular Meeting of the Township Council to be held on June 11, 2014.

AYES - Councilmembers Gomez, Mascola, Prasad, and Council President Karabinchak

NAYS - Councilmember Diehl, and Shah  
Councilmember Lombardi was absent.

**PUBLIC COMMENTS AS TO PROPOSED RESOLUTIONS**

Council President Karabinchak opened the meeting to the public for comments on Proposed Resolutions R.232-052014- R.243-02014.

Esther Nemitz, 162B Fay Street, said she is happy to see Resolution R.237-052014 and fully supports it.

Lois Wolke, 10 Peake Road, on Resolution R.234-052014, she asked if this is a flat fee or a percentage.

Ms. Ruane said they receive a percentage of the funds that they collect.

There were no other comments from the public regarding Proposed Resolutions. On a motion made by Councilmember Prasad, seconded by Councilmember Gomez, and duly carried, the public hearing was closed.

Councilmember Prasad requested that Resolution R.240-052014 be pulled for separate vote.

The following Resolutions R.232-052014 through R.239-052014 and R.241-052014 through R.243-052014 were adopted under the Consent Agenda on a motion made by Councilmember Mascola, and seconded by Councilmember Shah.

**RESOLUTION R.232-052014**

**APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING May 22, 2014**

**WHEREAS**, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through May 22, 2014.

FUND	AMOUNT
Current	\$3,156,990.86
Affordable Housing	4,065.19
Capital	103,112.22
Cash Performance	0.00
CDBG	5,250.00
Developers Escrow	6,757.75
Dog (Animal Control)	3,796.79
Federal Forfeited	0.00
Grant Funds	49,356.26
Law Enforcement	0.00
Open Space	0.00
Payroll Deduction	447,355.63
Sanitation Fund	83,648.61
Sewer Utility	45,838.38
Tax Sale Redemption	0.00
Water Operation Fund	0.00
Tree Planting	0.00
Trust	53,265.07
<b>TOTAL</b>	<b>\$3,959,436.76</b>

/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 R.233-052014**

**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 **\$198,288.44**.

**RESOLUTION R.234-052014**

**RESOLUTION ACCEPTING BID AND AWARDED A CONTRACT TO ALLIANCEONE RECEIVABLES MANAGEMENT, INC. FOR PRIVATE COLLECTION OF MUNICIPAL COURT DEBT**

**WHEREAS**, in conformance with N.J.S.A 40A:11-4.1 et seq, Resolution R.090-022012 dated February 23, 2012 authorized the use of competitive contracting for Private Collection of Municipal Court Debt; and

**WHEREAS,** notice for request for bids were advertised on May 7 and June 21, 2013 and bids were received July 3, 2013; and

**WHEREAS,** after review and evaluation of said bids it has been recommended by the Evaluation Committee that this contract be awarded to AllianceOne Receivables Management, Inc., 6565 Kimball Dr., Ste. 200, Gig Harbor, WA 98335 in accordance with our RFP and their submittal; and

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

**NOW, THEREFORE, IT IS RESOLVED** by the Municipal Council of the Township of Edison, Middlesex County, New Jersey, that the appropriate Township Officials are hereby authorized to execute a contract with AllianceOne Receivables Management, Inc. for a period of two (2) years with the option for two (2) one (1) year renewals.

**RESOLUTION R.235-052014**

**WHEREAS,** the Local Budget Law, specifically N.J.S.A. 40A:4-20, requires that the governing body of a municipality shall by Resolution make appropriations if any contract, commitments or payments are to be made between the beginning of the Calendar year and the adoption of budget; and

**WHEREAS,** the Local budget Law and the Optional Municipal Charter Act of 1950 provide for the adoption of municipal budget by March 20 unless said budget calendar is extended according to law; and

**WHEREAS,** the date of this Resolution is prior to the adoption of the 2014 Calendar Year Budget,

**NOW, THEREFORE, BE IT RESOLVED,** by the Municipal Council of the Township of Edison, County of Middlesex, New Jersey that the following Temporary Emergency Appropriations be made and that a certified copy of this Resolution be transmitted to the Director of Finance for her record.

	<u>2014</u>
<b>CURRENT FUND</b>	
<b>BUILDING &amp; GROUNDS:</b>	
<b>SALARIES &amp; WAGES</b>	<b>55,000.00</b>
<b>OTHER EXPENSES</b>	<b>0.00</b>
<b>MUNICIPAL GARAGE:</b>	
<b>SALARIES &amp; WAGES</b>	<b>46,000.00</b>
<b>OTHER EXPENSES</b>	<b>0.00</b>
<b>POLICE VEHICLE:</b>	
<b>SALARY &amp; WAGES</b>	<b>2,600.00</b>
<b>OTHER EXPENSES</b>	<b>0.00</b>
<b>O.A.S.I. (SOCIAL SECURITY)</b>	<b>53,000.00</b>
<b>TOTAL CURRENT FUND</b>	<b><u>156,600.00</u></b>

**RESOLUTION R.236-052014**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO VITAL COMMUNICATIONS, INC. FOR THE MAINTENANCE AND SUPPORT OF DATA PROCESSING TAX ASSESSOR SOFTWARE USED BY THE TAX ASSESSOR'S OFFICE**

**WHEREAS,** the Township of Edison needs to renew the annual maintenance and support agreement for the data processing tax assessor software used by the Tax Assessor's Office as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 et. seq.; and

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

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

**WHEREAS**, VITAL COMMUNICATIONS, INC., 900 South Broad Street, Trenton, NJ 08611, has submitted a proposal to provide such services for a one year term from July 1, 2014 through June 30, 2015 at a cost of \$44,052.40; and

**WHEREAS**, VITAL COMMUNICATIONS, INC, has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Edison in the previous one year, and that the contract will prohibit VITAL COMMUNICATIONS, INC. from making any reportable contributions through the term of the contract; and

**WHEREAS**, funds in the amount of \$44,052.40 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 and any other necessary documents, in the amount of \$44,052.40, with VITAL COMMUNICATIONS, INC., 900 South Broad Street, Trenton, NJ 08611 as set forth above.
2. This contract is awarded pursuant to N.J.S.A. 19:44A-20.5 et. seq, and without competitive bidding under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(dd).
3. The Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution.
4. The Township Clerk shall advertise notice of this action in a legal newspaper pursuant to N.J.S.A. 40A:11-1, et seq. and in compliance with the Local Public Contracts Law guidelines.

#### **RESOLUTION R.237-052014**

**WHEREAS**, the New Jersey Historical Trust (NJHT) administers the Discover NJ History License Plate Fund for Heritage Tourism (DNJHLPFHT); and

**WHEREAS**, the 2014 NJHT DNJHLPFHT provides small grants of up to \$5,000 to support projects that promote local heritage sites, as well as related activities as described in the program guidelines; and

**WHEREAS**, to be eligible, applicants must be certified as a Municipal or Not-For-Profit organization; and

**WHEREAS**, the Edison Township Environmental Commission (ETEC) was officially established by local Ordinance on November 9, 1978; and

**WHEREAS**, the ETEC intends to apply to the 2014 NJHT DNJHLPFHT for grant funding of up to \$5,000.00 for the purchase and installation of illustrated signs for the Edison Greenway; and

**WHEREAS**, the intent of this ETEC 2014 NJHT DNJHLPFHT project is to increase public awareness and appreciation of the local heritage and historical value of the Edison Greenway; and

**WHEREAS**, matching funds are not required to apply to the New Jersey Historical Trust Discover NJ History License Plate Fund for Heritage Tourism for grant support.

**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 by the Edison Township Environmental Commission to the 2014 NJHT DNJHLPFHT, at a regularly-scheduled, public meeting, on the evening of Wednesday, May 28, 2014.

#### **RESOLUTION R.238-052014**

**EXPLANATION:** Resolution releasing Cash Performance to Dominick & Laura Guido for 8 Addalia Lane site construction work.

**WHEREAS**, the Township Engineer advises that an inspection has been made of 8 Addalia Lane, Block 411, Lot - 5-G, and said inspection indicates all improvements guaranteed under the cash performance guarantee are complete and in accordance with Site Plan approval and Municipal Standards of the Township of Edison; and



**WHEREAS**, the Township Engineer, recommends the release of the Cash Performance Check #190003055 posted on September 8, 2008 in the amount of \$10,000.00, plus accrued interest, if applicable, on deposit in account #7760013351 with the Township of Edison, principal being Dominick & Laura Guido, having offices at 8 Addalia Lane, Edison NJ 08820 and acceptance of the subject improvements; and

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON**, that the Cash Performance Guarantee in the amount of \$10,000.00 plus accrued interest, if applicable, hereinabove mentioned be refunded to the applicant; and

**BE IT FURTHER RESOLVED** that the Township Clerk and the Director of Finance be and is hereby authorized to return the aforesaid Cash Performance Bond in the amount of \$10,000.00 plus accrued interest, if applicable, on deposit in account #7760013351 to the applicant.

**RESOLUTION R.239-052014**

**EXPLANATION:** Resolution Refunding Tree Maintenance Bond to Fox & Foxx on Established Site Plan Tree Plantings at 31 Adams Street under Tree Permit No. 10-152.

**WHEREAS**, on November 2, 2011 Fox & Foxx Development, LLC posted Tree Maintenance Bond fees in the amount of \$450.00 on deposit with the Township of Edison in account #7761963532 to guarantee the installation of trees per the Municipal Code of the Township of Edison for designated Tree Permit #10-152 for property located at 31 Adams Street; 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 \$450.00, plus accrued interest, if applicable, be refunded to the applicant;

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON**, that the Tree Maintenance Bond in the amount of \$450.00 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 \$450.00, plus accrued interest, if applicable, on deposit in Account #7761963532 to Fox & Foxx Development, LLC having an address of 940 Amboy Ave, Suite 101, Edison, NJ 08837

**RESOLUTION R.241-052014**

**EXPLANATION:** This Resolution expresses the Edison Township Council's desire for the Governor to restore educational funding and for the New Jersey Legislature to act accordingly during its budget process.

**RESOLUTION URGING THE GOVERNOR TO RESTORE EDUCATIONAL FUNDING AND FOR THE NEW JERSEY LEGISLATURE TO ACT ACCORDINGLY DURING ITS BUDGET PROCESS**

**WHEREAS**, during his campaign Governor Christie promised to make education funding his top priority; and

**WHEREAS**, New Jersey public schools rank as some of the best in the nation, however the Governor's education fund cuts threaten the quality of our public schools, and will in all probability lead to increased class sizes, the cutting of programs, teachers and staff; and

**WHEREAS**, Governor Christie's cuts of State aid to education will lead to an increase in real estate property taxes to obtain the proper level of school funding to provide a proper education to our children which will place an even greater stress on our already overburdened taxpayers; and

**WHEREAS**, the Edison Township Council urges Governor Christie to restore educational funding to protect our children, who are the innocent victims of these cuts; and

**WHEREAS**, the Edison Township Council urges the New Jersey Legislature to act accordingly during its budget process and restore educational funding, and for the New Jersey Legislature to also urge Governor Christie to restore educational funding to protect our children; and

**WHEREAS**, the Edison Township Council urges all municipalities and local and county school boards to pass similar resolutions to urge the restoration of funding to protect the future of our educational system and the education of our students who are the future of our great State; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Edison Township Council in the County of Middlesex in the State of New Jersey hereby urges Governor Christie to restore educational funding and for the New Jersey Legislature to act accordingly during its budget process and restore educational funding, and for the New Jersey Legislature to also urge Governor Christie to restore educational funding to protect our children; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be forwarded to the Office of the Governor, Acting Commissioner of Education Mr. Hespe, our local legislators Senator Peter J. Barnes III,

Assemblyman Patrick J. Diegnan Jr., the New Jersey Senate Mr. Sweeney, the New Jersey Assembly Prieto and all Middlesex County municipalities, all local School Boards in Middlesex County, the Middlesex County School Board and the League of Municipalities.

**RESOLUTION R.242-052014**

**EXPLANATION:** A Resolution authorizing the execution of an Interlocal Services Agreement with the Township of Woodbridge securing the provision of wastewater sampling.

**WHEREAS**, the Township of Edison (“Edison”) has a need for an industrial sampling program including grab sampling and analysis for its wastewater department (“Services”); and

**WHEREAS**, the Township Woodbridge (“Woodbridge”) has the necessary facilities and equipment to provide such Services on behalf of Edison; and

**WHEREAS**, both Woodbridge and Edison are desirous of entering into an agreement with respect to the provision of such Services under the parameters of the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1, et seq*; and

**WHEREAS**, Woodbridge and Edison have negotiated the terms of an Interlocal Services Agreement (“Agreement,” attached hereto as Exhibit A) for the provision of the Services and have determined that the provision of such Services under the Agreement are fair and equitable and will best serve the interests of each of the respective communities.

**NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON, NEW JERSEY AS FOLLOWS:**

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Mayor of Edison is hereby authorized to execute the Agreement substantially in the form as attached hereto as Exhibit A, subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in his discretion in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Agreement.
3. This Resolution shall take effect immediately.

**RESOLUTION R.243-052014**

**RESOLUTION OF THE TOWNSHIP OF EDISON  
MIDDLESEX COUNTY, NEW JERSEY  
SUPPORTING THE APPLICATION OF  
EDISON LAND INVESTMENT, LLC TO THE  
NEW JERSEY DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, Edison Land Investment, LLC is the owner and designated Redeveloper of the 97.8 acre tract of land located adjacent to Route 1 and designated as Block 198-L, Lots 37.01, 37.02 and 37.03, on the Tax Map of the Township of Edison (“Property”); and

**WHEREAS**, the Township of Edison on October 12, 2006 adopted a Resolution designating the Property as an Area in Need of Redevelopment; and

**WHEREAS**, the Township of Edison on October 18, 2007 adopted Ordinance Number O.1593-2007 approving and adopting the Ford Assembly Plant Redevelopment Plan (“Redevelopment Plan”) which governs and directs the redevelopment of the Property; and

**WHEREAS**, the Redevelopment Plan requires the redevelopment of the Property for a mix of uses including retail, office, recreation and hotel uses to off-set the loss of tax ratables and jobs lost due to the closing and demolition of the Ford Assembly Plant that historically occupied the Property; and

**WHEREAS**, Edison Land Investment, LLC has developed the First Phase of the Project including the Sam’s Club, the Route 1 lane and highway access points, buffers, stormwater management system, sanitary sewer system and local road improvements to Vineyard Road and Old Post Road; and

**WHEREAS**, the full redevelopment of the Property is a critical part of Edison’s and the State of New Jersey’s overall economic development programs and the Township of Edison fully supports the Redevelopment of the Property and the tax ratables and employment opportunities to be created thereby; and

**WHEREAS**, the NJDOT has requested that Edison Land Investment, LLC reconsider the scope of the development to reduce any traffic impact of the Project on Route 1; and

**WHEREAS**, Edison Land Investment, LLC is redesigning the development to reduce the overall size of the Project by approximately 400,000 square feet and is also proposing to add a direct exit from the site to Route 1 northbound; and

**WHEREAS**, Route 1 is a Federal Highway under the jurisdiction of the NJDOT and that the approval of the Project would provide a benefit to the Township of Edison and all persons utilizing Route 1; and

**WHEREAS**, the Township of Edison recognizes that due to the fully developed nature of the Route 1 corridor that there are currently traffic delays and that there is limited ability to do major highway improvements to improve current traffic conditions and to fully mitigate the full impact of the additional traffic to be created by the Project; and

**WHEREAS**, the Township of Edison fully supports the pending application of Edison Land Investment, LLC for a Highway Access Permit which may include roadway improvements to Route 1 and the development of a new exit from the site to Route 1 northbound.

**NOW, THEREFORE**, be it resolved by the Township Council of the Township of Edison that:

1. The Township Council hereby expresses its full support for the Project.
2. The Township Council hereby requests that the New Jersey Department of Transportation process and approve the application of Edison Land Investment, LLC for a Highway Access Permit for the balance, Phase II, of the Project.
3. That a copy of this Resolution be forwarded to the Governor and Lieutenant Governor of the State of New Jersey and to the Commissioner of the Department of Transportation.

The following Resolutions will be voted upon separately:

**RESOLUTION R.240-052014**

**WHEREAS**, applications have be made for the renewal of Plenary Retail Consumption Licenses, issued by the Township Council of the Township of Edison, County of Middlesex, New Jersey, expiring on June 30, 2014; and

**WHEREAS**, an application has been made for the renewal of Plenary Retail Consumption License (Hotel/Motel Exception), held by Raritan Hospitality LLC, for the premises commonly known as the Edison Hotel, bearing License Number: 1205-36-055-003 issued by the Director of the Division of Alcoholic Beverage Control, pursuant to N.J.A.C. 13:2-4.1, as a member of the Township Council has an interest in the License; and

**WHEREAS**, the proper applications and fees of \$2,500 to the municipality and \$200 to the State of New Jersey have been received by the Township Clerk; and

**WHEREAS**, as the Township Council is conflicted from considering this matter in its capacity as the local Alcoholic Beverage Control Board, it adopts this Resolution pursuant to N.J.A.C. 13:2-4.6 to advise that the Township Council is not aware of any local ordinance which would prohibit the renewal of this License, that any circumstances which could impact upon the renewal of this License have been provided to the Division by the Edison Police Department for the Division's consideration and/or action and therefore the Township Council has no basis to object to the renewal of this License.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Edison, County of Middlesex, New Jersey, in its capacity as the local Alcoholic Beverage Control Board, that it has no basis to object to the renewal of this License and submits this Resolution to the Director of the Division of Alcoholic Beverage Control for consideration in regard to the renewal application of Licensee Raritan Hospitality, LLC for Plenary Retail Consumption License (Hotel/Motel Exception), bearing License Number: 1205-36-055-003.

A motion was made by Councilmember Gomez, seconded by Councilmember Mascola to adopt this Resolution.

AYES - Councilmembers Diehl, Gomez, Mascola, Shah and Council President Karabinchak

NAYS - None

Councilmember Lombardi was absent.

Councilmember Prasad abstained from voting due to conflict.

**COMMUNICATIONS**

- a. Letter received from Jeffrey Bender regarding Petition regarding the crossing at Old Post Road and Route 1

On a motion made by Councilmember Mascola, seconded by Councilmember Gomez, and duly carried, the above Communications were received.

**ORAL PETITIONS AND REMARKS**

Council President Karabinchak opened the meeting for public comment.

Bill Brunner, 215 Loring Avenue, he asked what formula is used to determine the garbage portion of the tax bill.

Mr. Roderman said the assessed value of the property determines the fee.

Mr. Brunner felt that formula does not make sense and we need to re-examine it. He felt the size of the family should determine the rate.

Mr. Roderman said there have been discussions on this and hopefully this will be addressed in the future.

Mr. Brunner felt the formula should be looked at now. He said private collection costs less.

Councilmember Gomez said this will be reviewed during the budget process.

Mr. Doshi, 5 Lilly Road, commented that Tingley Lane has never been properly re-paved and he asked that something be done about that. He also asked why the grass on the traffic medians is allowed to grow so high without being cut.

Mr. Roderman said these are State owned properties and not maintained by Edison.

Mr. Deutchman, 892 Amboy Avenue, asked if there is an ordinance that regulates at what time a Township business must close.

Mr. Northgrave said he will make a note and check on this.

Tony Eggert, Pleasant Avenue, commented on the new ordinance regarding changes to Amboy Avenue. He felt there was no reason for concern as it is just being introduced this evening. He asked if the businesses are looking to go up in height.

Council President Karabinchak explained that this is just the first step in the process. The ordinance now goes to the Planning Board for their review and recommendations. He said the changes being presented are a change to the parking element and also increasing the building height from 2 ½ stories to 3 stories.

Esther Nemitz, 162B Fay Street, said last Thursday evening there was a Clara Barton neighborhood meeting held and she felt it would have been nice if the residents were told about this upcoming ordinance. She felt a lot of time and effort is put into the neighborhood preservation meetings and the businesses should have been consulted about their concerns. She would like this to be tabled in order to give the Clara Barton residents a chance to discuss their feelings on this. She said she is disappointed and not a happy camper. She announced that the Farmer's Market opens June 1<sup>st</sup>.

Councilmember Diehl felt that Ms. Nemitz brought up some good points and he shares some of her concerns. He said he did vote for introduction, however if he is not satisfied with this he will vote to table

Council President Karabinchak said this is only a first step and it has to start somewhere. He said there will be plenty of public hearing on this both at the Planning Board and the Council. He said he has spoken to many businesses along Amboy Avenue and they cannot wait for this.

Councilmember Diehl felt that Clara Barton is unique. It is unlike a Metuchen or Woodbridge downtown. He said the biggest challenge is parking. He said this needs to be looked at carefully without a sense of urgency.

Fred Wolke, 10 Peake Road thanked everyone involved in putting together the Memorial Day Parade. He felt this was the best parade we have held in the past ten years. He said it was excellent and very well attended. He felt the Amboy Avenue issue started back with Mayor Spadaro and no provisions were ever made for parking. He thanked Councilmember Shah for bringing this up.

Hearing no further comments from the public Councilmember Mascola made a motion to close the public hearing, which was seconded by Councilmember Gomez and duly carried.

Having no further business to discuss, on a motion made by Councilmember Mascola, seconded by Councilmember Gomez, the meeting was adjourned at 7:37 p.m.

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Robert Karabinchak  
Council President

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Cheryl Russomanno  
Acting Municipal Clerk