

**MINUTES OF
MUNICIPAL COUNCIL
WORKSESSION MEETING
JANUARY 10, 2011**

The Worksession 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 6:05 p.m. by Council President Diehl, followed by the Pledge of Allegiance.

Present were Councilmembers Diehl, Lankey, Mascola and Prasad.
Councilmembers Karabinchak and Perilstein were absent.

Also present were Township Clerk Murphy, Deputy Township Clerk Kenny, Township Attorney Kemm, Business Administrator Gonzalez, Assistant Business Administrator Laird, Management Specialist Stephens, Acting Finance Director Pollex, Recreation Director Halliwell, Public Works Director Roderman, Health Director Elliott, Township Engineer Medina, Human Resources Director Brescher, CDBG Coordinator Peck, Police Chief Bryan and Cameraman Ellis.

The 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 and 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.

Council President Diehl opened the meeting for comments from the public.

Walt Shneer, Park Way, spoke about trees and sweepers and other matters affecting his area of the Township. He understood the Town received a heavy snow fall but there were cars stalled in the middle of the street. He said a private contractor with a front end loader had to make a path for an ambulance to go through. He was concerned that the Township did not plow his street.

Council President Diehl asked for legal clarification. He said the executive gag order is still in place and he wanted to make sure that the Council during the Council meetings is allowed to discuss matters with the Directors.

Mr. Kemm explained the Administration said the Directors are being provided at Council meetings to answer questions.

Council President Diehl said an executive order was put out in December stating that Councilmembers could not communicate with the Directors and everything has to be funneled through the Mayor's office. He asked Mr. Roderman if he had any information on Mr. Shneer's comments.

Mr. Roderman said the Township is plowed in sections and it has nothing to do with the geography of the Township or the amount of taxes paid. With the blizzard conditions, they lost trucks during the night and had to fill in with pickup trucks and as a result they did not get the streets as wide as they wanted to. The trucks returned with salting the next day. He said he did not receive many complaints in this neighborhood. He will personally go out in the next snow storm and make sure services are rendered. There is no sand used on the streets.

Mr. Shneer said it has taken seven years to get trees trimmed and he felt residents should hold back on taxes until they get the services.

Council President Diehl said the Town does not normally get two feet of dry snow. He explained his personal experience with trying to clear the snow. He asked what the procedure is for the Council to contact Mr. Roderman with information that they get from residents to service them the best.

Mr. Roderman gave out a list of numbers that residents can call.

Council President Diehl asked if someone will pick up and Mr. Roderman said they are manned. He asked Mr. Roderman if he received a lot of calls on the blizzard.

Mr. Roderman said he received numerous calls throughout the day. He said clean up usually takes three to four days.

Council President Diehl asked how the Township is looking for tomorrow night.

Mr. Roderman said all vehicles are ready and they have plenty of salt on hand. They do implement pick- up trucks into the routes and they do well. All the equipment is available and ready to go.

Council President Diehl asked if there is a back- up plan, and Mr. Roderman said they can bring in a third party vendor.

Council President Diehl asked if the Town has a list of vendors and Mr. Roderman said he does not have a current contract.

Council President Diehl said that a real tragedy happened in New York where a snow plow hit someone and there was a fatality. This is a serious situation and the Town cannot wait for a tragedy to happen.

Jane Tousman, 14 Butler Road, spoke about the Sims recycling facility. She felt uneasy that this is on the agenda for the County Solid Waste Master Plan tomorrow. She felt Edison should hold a public meeting for the residents to ask questions. She hoped the Town sends a message to Middlesex County Officials.

Bruce Diamond, Calvert Avenue West, wished everyone a Happy New Year and congratulated Mr. Tomaro. He said he still watches Council meetings although he has not attended in a while. He was concerned with Mr. Gonzalez smirking and sneering during the dialogue about the transfer of funds. He said he would be fired if this was done in private industry and he felt this was disrespectful to the residents and the Council. He said it is ironic that Mayor Ricigliano who watched “nickels and dimes” when she was on the Council has the same type of attitude against the Council that Mr. Gonzalez has. He felt the Council is voting on a budget that is inaccurate from the day it is received. He said the Council is finally united and it astounds him that everyone is on the same page. He spoke about shared services and asked why the Town cannot have shared services with the County Police Department. He asked about bomb squads in the County.

Chief Bryan said the County and State bomb squads are relied on. The Town also has an Office of Emergency Management that has trained Officers.

Mr. Diamond asked why the Town cannot partner with the County instead of relying on home rule with each Police Department doing their own thing in Middlesex County.

Chief Bryan said this has been discussed and in the future there may be some type of consolidation on some level.

Mr. Diamond said he used to have a pick- up truck come down his road and it was fine. Now they use a big truck and he winds up with salt on his lawn. He said cars end up on his lawn. He felt there are quality of life issues that no one addresses.

Esther Nemitz, 162B Fay Street, said she had an exchange with Mr. Roderman about a pothole in the road at James Street and Route 27. This is still not filled in.

Mr. Roderman said this is on a State highway and they were notified. He cannot force them to fix this, but he will ask to meet with someone there.

Council President Diehl asked Mr. Roderman if he can call again tomorrow.

Ms. Nemitz said she has been following the gas station robberies along Route 1 in the newspaper. She is concerned with the quality of the Town's ordinance that was supposed to require security cameras. She asked the status of this and if something is being done.

Chief Bryan said there are many gas stations that have video systems however, Edison is a hub with many main arteries.

Ms. Nemitz felt the Ordinance is not adequate for the situation. She said the Township is continuing to be vulnerable and she asked the Council to revisit this Ordinance.

Chief Bryan said the Town shares information between agencies and his Officers know what to look out for.

Council President Diehl said the debate over the Ordinance was should the Town force small businesses to purchase the camera systems or leave it up to them.

Ruth Garibotto, 678 New Dover Road, asked about sidewalks on Barlow Avenue. She said there are more children walking due to reduced busing. She asked Chief Bryan to look at this because this is a disaster waiting to happen. They need sidewalks.

Council President Diehl asked if the property is private or public.

Ms. Garibotto said they are homeowners. She asked if there was money in the sidewalk fund.

Fred Wolke, 10 Peake Road, asked if the Town has a snow emergency plan. It makes it difficult to plow the streets when cars are parked on the street. He asked if there are any regulations.

Council President Diehl said he is not aware of any such ordinance. He would encourage residents to take their cars off the street but he did not know if this is required.

Chief Bryan said the Mayor put out a robo call to residents to get their vehicles off the road. He has sent Officers out to try to get people to move their cars.

Mr. Wolke asked for the total amount of the Temporary Budget.

Mr. Pollex said this is for a period of three months.

Julian Zames, 17 Stiles Road, spoke about the gas station robberies. He suggested having an unmanned Police car deployed at random gas stations.

Chief Bryan said they are looking at various ways to solve this.

Lois Wolke, 10 Peake Road, spoke about snow removal and said residents have to cooperate with the Sanitation Department. She spoke about people snow blowing their snow back onto the streets.

Council President Diehl said residents will be viewing this meeting tomorrow night. He is making a Public Service Announcement asking residents with a car outside to bring it onto the driveway and not throw snow onto the street.

Charles Tomaro, spoke about the Sims Recycling Class D recycling outfit and said this is no different than what is done in Heller Park. They will recycle thermometers, not barrels of mercury. He spoke about snow plowing. He said during one of the worst storms in 1996, the State was closed for a week. He asked how long it takes the Township to clean up when there is a foot of snow.

Mr. Roderman said under normal circumstances with one pass it take between 8-10 hours but when they have to go back over an area, the time increases. They follow the same plan but under extreme conditions, it is a challenge. The equipment is aging and this becomes a factor when they are out there for many hours.

Mr. Tomaro commended the Public Works Department for doing such a good job.

Jane Tousman, 14 Butler Road, spoke about Sims Recycling. She said there are schools on site where the thermometer factory is and even if there is no problem she felt they should still have had a hearing.

Bruce Diamond, Calvert Avenue, said as a resident of the Township he felt the Public Works Department is very responsive.

Hearing no further comments, this public hearing was closed, on a motion made by Councilmember Lankey, seconded by Councilmember Mascola, with all in favor.

5. APPROVAL OF MINUTES

a. through c. No comments

6. COUNCIL APPOINTMENTS:

Sue Peck, CDBG Coordinator for the Division of Community Development, said she has been facilitating the Camp Kilmer BRAC process since it was brought to the Township in 2006. She said the Council received an attachment to their packets on Friday. She spoke about items that were on the agenda of the final meeting in December. There was a Legal Binding Agreement between the housing collaborative and the amended BRAC land. The Council is the Local Redevelopment Authority recognized by the Congress for the BRAC. She gave the history of the BRAC project. The reason there was an amendment Resolution is because two pieces of the original plan were changed. She explained the initial project and the two changes for the Board of Education to use Building 2 for a preschool and Area 1 as a parking area and the front of Area 5 would become a public park. The housing element was approved by Council under the original BRAC. The only amendment is to change Building 2 to a preschool and switch the undeveloped property under recreation to a park. The LBA is a required piece of the housing under HUD. They need to know that the Township supports the housing that is going there. Once this is adopted, they have to write another application to the Department of Forestry to include the Open Space and remove Building 2.

Council President Diehl commented that they are a little short on Councilmembers this evening. Councilmember Karabinchak needs to be part of this conversation because he has the most questions about this. He said he cannot give any guarantees about what is going to happen.

Ms. Peck said problems can ensue by holding off on this and she spoke about the timeline.

Joe Albert, President of the Albert Group, said his company develops Affordable Housing throughout New Jersey. The financing program will be looking to utilize low income tax credits. This happens once a year in June and is a competitive round. This is the deadline and they need to show that the project is shovel ready to proceed. There are sixty units of affordable using and fifteen of homeless housing. They have a back log of paperwork if they want to hit the deadline.

Council President Diehl said that they can get together with the rest of the Councilmembers and make a decision. He said it is an interesting property that has been sitting there for decades. He felt this is something that the Council is going to take their time with. He asked if there was any other information they wanted to share now. He will set up another meeting and they can present to the entire Council.

Lisa Segalee, Triple C Housing, respectfully requested that the Council consider that time is of the essence. This is a collaborative of all the entities and they will be happy to present a full overview when all Councilmembers are present. She commented that Middlesex County has pledged their support. If there is any other information the Council needs, they will be more than happy to share that information.

Council President Diehl said this is a restart because for several years they have not dealt with this very much. They need to take a good look at this to be fair to everyone. This gives them a little time to get the other Councilmembers involved and look at the details.

Councilmember Mascola asked if the Council has to approve the two Resolutions.

Ms. Peck said both pieces are individual. The LBA will begin the process for HUD to transfer the property. They already did the environmental reviews and there is no problem. The only issue is the Board of Education building. This soil was replaced. They desperately want to move on the Kilmer site. They are doing bases all over the country and this is one of the smallest. They have been doing work behind the scenes over the past few years and this amendment will help to begin the application to the Forestry Department. HUD wants to approve the homeless piece as the 120 units are already claimed under COAH.

Madeline Cook, Housing Authority thanked the Council and Mayor for being present. She asked that this be done as soon as possible. She said they have been working on this for four years and she wanted the Council to be mindful of the timeline. She said the Freeholders are considering giving money and FHA also.

Council President Diehl said he has worked with Sue Peck for many years and it is not his intent to push this off, but he wants to take a look at this because it contains multi unit housing. He said this will be put in the forefront and commented that this is a great piece of property.

Councilmember Dr. Prasad said normally the Council is the Local Redevelopment Authority, however, in Edison by Ordinance we have an Edison Redevelopment Agency.

Mr. Kemm said these are two different things. This LRA is between the Township and the Federal Government.

Councilmember Dr. Prasad said if the Council does not designate this agency then it is the Council by default.

Mr. Kemm said the Edison Redevelopment Authority was formed under LHR law which is a separate statutory law. The LRA for BRAC is under Federal Law. If they want to change this they would have to petition the Department Of Defense to change to another entity.

7. REPORTS FROM ALL COUNCIL COMMITTEES:

Councilmember Mascola said the Library Board meeting is tomorrow.

8. POINTS OF LIGHT

Council President Diehl said he is looking forward to a good job from the road crew.

9. FROM THE BUSINESS ADMINISTRATOR:

a. Councilmember Mascola said this is a two year contract and he asked the cost after two years.

Mr. Gonzalez said there is no set amount after this. They would have to go back out to bid or renegotiate.

Councilmember Mascola asked the return on investment and felt this is a lot of money for a system

Mr. Gonzalez said this is a web based attendance system and would resolve some audit comments. This will require less labor in the Departments involved.

Councilmember Mascola asked if this includes hardware or is all software.

Mr. Gonzalez said all software.

Councilmember Mascola asked if this will be through ADP.

June Brescher, Human Resources Manager, said currently we do not have a Human Resources system in place. This will alleviate a lot of problems with working off different components. Time and attendance is in another system and not centralized in the personnel office. A lot of inputting is going on and this will enable us to show accurate time that was taken. We do not want to overpay or give time that was not earned.

Councilmember Mascola said there were statements in the audit report that Police and Fire were taking care of their own times.

Ms. Brescher said this will automate payroll time and attendance. Everyone will be linked together.

Councilmember Mascola asked if we looked at anyone other than ADP.

Ms. Brescher said this is the second time this was bid. We only received two the first time and three the second time.

Councilmember Lankey said this sounds like we are moving in the right direction. He felt the auditor's report did point out internal issues and he wanted to ensure they are addressed in the best possible way.

Mr. Gonzalez said the plan is to obtain authorization to enter into a contract with ADP. The corrective action plan will include this if it is approved. This will correct the audit comments.

Councilmember Lankey spoke about variance reports on a monthly basis and asked if this would help to do those reports.

Mr. Gonzalez said this will help a little bit. The information will be done automatically. Currently, the actual tracking of time is one payroll behind. In the next calendar year we want to change the way we pay the employees and try to get them all on the same process. By looking at specific line items, this would help a lot because we would have the ability to run reports.

Councilmember Lankey asked if he recommended this and Mr. Gonzalez said Human Resources would like to get this done as soon as possible.

Mr. Gonzalez explained how the system works per individual. It has controls that cannot be manipulated and minimizes mistakes.

Councilmember Dr. Prasad asked how long we have had the current system.

Ms. Brescher said we have had the current ADP system for seven years. Right now the cost for the payroll component is \$5,075 per month.

Councilmember Dr. Prasad asked if this amount would go away with the award of this contract.

Ms. Brescher said they had an attendance coordinator in the Department and this position has not been replaced.

Councilmember Dr. Prasad asked if we can manage this with part time help, and Ms. Brescher said everyone is pitching in and it is a great deal of work.

Ms. Brescher explained the steps it takes currently and noted this would cut down on a lot of steps. The new system will allow a supervisor to put in their own time and the employee will be given an access code.

Councilmember Dr. Prasad asked if we looked into someone who could merge the programs at a much cheaper cost for the Township.

Ms. Brescher said this was a bid process. After reviewing the bids, they wanted a system to do the steps and not just a software program.

Councilmember Dr. Prasad asked if the Police and Fire will remain separate.

Ms. Brescher said the time will be put in by the supervisor in each Department.

Councilmember Dr. Prasad felt we need to find a cheaper way to do this. He said this was expensive and suggested at looking at another way.

Mr. Gonzalez said currently for time and attendance there is no software program. This was done by the coordinator at a cost of around \$70,000 a year on top of the \$60,000 for ADP. They did not replace her because they wanted to create something that is more secure. This will meet the concerns in the last two audits.

Councilmember Mascola asked if at the end of each pay period data will be migrated into the Edmunds system.

Mr. Gonzalez said this is automatic. The employees clock in and it goes into the system and then automatically goes into Edmunds for accounting purposes.

Councilmember Mascola asked if employees will clock in at workstations and will supervisors provide oversight to ensure they are clocking in.

Mr. Gonzalez said some employees will be clocking in by thumbprint. This will be confirmed by supervisors. We want to provide oversight of where people should be.

b. Mr. Gonzalez said if the Council adopts the new payroll system it would have to be installed and would become effective on July 1st. We need to continue the current system to June 30th.

c. Councilmember Diehl asked for an explanation on this.

Mr. Laird said this is to contract with local volunteer EMS squads to better enhance services. In order to contract we have to open up bidding and be specific in our request for proposal. This will lay out the volunteer service to bill for services to provide for EMS and volunteer. We currently donate to EMS service and this would be discontinued so that billing will be in place.

Mr. Gonzalez said this will be open for competitive contracting so other entities other than the volunteers can make proposals. They expect that the volunteers will be able to be competitive but the process will be open. They will have to come back to the Council with a Resolution authorizing any agreement. This will supplement the force we currently have. They want to ensure that we have sufficient manpower at fires instead of Fire Officers providing medical back up.

Councilmember Lankey asked about vending machines mentioned in the Resolution.

Mr. Pollex said the Purchasing Agent assured him that this is a typographical error.

Councilmember Mascola asked about the stipends.

Mr. Laird said paperwork was submitted for the 2010 allotment.

Councilmember Mascola asked why they have not received their money.

Mr. Gonzalez said he will find out and report to Council.

d. No comment was made.

10. FROM THE DEPARTMENT OF FINANCE:

a. through c. No comments were made.

d. Council President Diehl said this is off.

e. Councilmember Lankey asked how this compares to the 25 or 26% of the approved budget from 2010 and he requested a column showing the line items.

Mr. Pollex said this is 26.25% but not of each line item. This is the overall budget and can be done up to 26.25%.

Councilmember Lankey said he needs to see how this compares to the approved budget by those line items.

Mr. Pollex said he will get an Edmunds print out in summary that will show this. He said that the line item for salt, etc. is large because 90% of this will be used in the beginning of the calendar year.

Councilmember Mascola asked if this was for three months.

Mr. Pollex said the history of the statute was to provide for 25% but was amended to 26.25%. This contemplates that the budget will be done by March but this rarely happens. After the first three months they will adopt a month by month budget.

f. No comment was made.

11. FROM THE DEPARTMENT OF LAW:

a. and b. Council President Diehl asked how much we have spent to date on Labor Counsel and the Township Attorney.

Mr. Kemm said he will obtain the number for 2010.

12. FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:

a. through f. No comments were made.

g. In response to Council President Diehl's questions, Mr. Medina said this is for a homeowner that had no heat and this finalizes the process with the change order.

14. FROM THE DEPARTMENT OF PUBLIC WORKS:

a. and b. No comments were made.

15. FROM THE TOWNSHIP CLERK:

a. No comment was made.

16. FROM THE COUNCIL MEMBER TO THE PLANNING BOARD:

Councilmember Karabinchak was absent.

17. COMMUNICATIONS:

a. Councilmember Mascola asked if we received any answers on this.

Mr. Medina said he received an email. This was investigated and the County Engineer advised that contaminated soil is present from demolition materials that were left in the road bed. The private property will not be tested. The total cost for excavation of the material is \$502,000 and the project is ongoing.

Councilmember Mascola asked that a copy of the report be provided to the resident.

18. DISCUSSION ITEMS:

Council President Diehl:

- a. Council President Diehl said Councilmember Mascola had asked him to contact the Mayor regarding the executive gag order. He was told by the Mayor that this is nothing new. It was done by prior administrations but this is the first time it has been put in writing. He said he's been here through two administrations and has discussed items with many Directors. He still does not understand why he will not be able to call the Directors to ask about an event or problem. Another problem he has is that former Councilmember Tomaro spoke to Mr. Roderman and he asked if Mr. Roderman would be penalized.

Mr. Gonzalez said this is an executive order not a gag order. Any Councilmember who wants information can obtain this from the Business Administrator or the Mayor as is stated in the Faulkner Act. He observed that often times, individuals give inaccurate or incorrect information to Councilmembers. The employees also feel that they have to be responsive immediately because a Councilmember called. This is a way of managing the information and making sure the Council obtains accurate information. They will continue to provide the information.

Council President Diehl said it seems like the Business Administrator does not have confidence in the Directors to give correct information to the Council. He again asked why he cannot contact the Directors directly. He spoke about timeliness.

Mr. Gonzalez said the Faulkner Act provides that all contact with municipal employees shall go through the Mayor or her designee. He said the order remains.

Council President Diehl asked about punitive action. He asked what happens if he decides to contact a Director.

Mr. Gonzalez said he did not feel they should be engaging in hypotheticals.

Council President Diehl asked if punitive action was taken when Councilmember Tomaro called Mr. Roderman.

Councilmember Mascola said he sent an email to the Clerk last Wednesday regarding an issue from a resident and could have gotten back to that resident last Wednesday if he could have just called Mr. Medina directly. If we did not have a Council meeting today he still would not have this information. He felt the executive order has made the Council move at a snail's pace. This resident already went to Administration and did not receive a response. He felt this is not helping the residents. He said the executive order should be taken away so they can do their job as elected officials.

Council President Diehl said there does not seem to be a level of trust with the Directors. He would not want a Director to feel because someone is a Councilmember that they should get on their request right away. He asked what the experience is from the directors regarding Councilmembers calling and wasting their time. He asked if a lot of this goes on.

Mr. Gonzalez said the first question is hypothetical and not worth answering. It is not a matter of trust but of management. He said this is for all employees and not just Directors. Unless our form of government is changed, they have to live with this.

Council President Diehl asked if Directors are getting so many phone calls from Councilmembers that they cannot do their job.

Mr. Gonzalez said he has difficulty with the way this is going and does not feel this is appropriate. He does not want to speculate.

Councilmember Karabinchak:

Councilmember Karabinchak was absent.

Councilmember Lankey:

None

Councilmember Mascola:

a. No comment was made.

Councilmember Perilstein:

Councilmember Perilstein was absent.

Councilmember Prasad:

None

18. CLOSED SESSION:

The Council retired to Closed Session at 8:19 p.m., on a motion made by Councilmember Lankey, seconded by Councilmember Mascola and duly carried. The Township Clerk read the following Resolution into the record:

CLOSED SESSION RESOLUTION

WHEREAS, Article VI of the Open Public Meetings Act provides that a public body may hold a closed session; and

WHEREAS, the Township Council will during this meeting enter into discussion of the following matters:

- 1) Personnel

WHEREAS, the matters to be discussed in closed session are to remain in the strictest of confidence by all Council Members in furtherance of their fiduciary duties to the Township of Edison;

NOW, THEREFORE, BE IT RESOLVED, matters discussed at this meeting will be released to the public when the reasons for discussing and acting upon them in closed session no longer exists.

The Council returned from Closed Session at 8:28 p.m., on a motion made by Councilmember Lankey, seconded by Councilmember Mascola and duly carried.

On a motion made by Councilmember Lankey, seconded by Councilmember Mascola, with all in favor, the meeting was adjourned at 8:28 p.m.

Robert Diehl
Council President

Reina A. Murphy, RMC
Municipal Clerk