

**MINUTES OF  
MUNICIPAL COUNCIL  
WORKSESSION MEETING  
FEBRUARY 7, 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 6:08 p.m. by Council President Diehl, followed by the Pledge of Allegiance.

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

Also present were Township Clerk Murphy, Deputy Township Clerk Kenny, Township Attorney Kemm, Business Administrator Gonzalez, Acting Finance Director Pollex, Assistant Business Administrator Laird, Management Specialist Stephens, Recreation Director Halliwell, Public Works Director Roderman, Health Director Elliott, Township Engineer Medina, Deputy Fire Chief Latham, Police Lieutenant Mozgai 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.

Richard Fritsche, 9 Colton Road, Committeeperson District 55, said he asked Mayor Ricigliano for a telephone number before she was elected and still has not received it. He also asked the Mayor what she is doing with the Township. He was concerned that the Administration is not helping him. He asked why she hired the Trenton mafia to run the Township and felt they are dragging the Township down. He asked the Council to start getting rid of the Trenton mafia.

Jane Tousman, 14 Butler Road, said at the last meeting she read a letter into the record regarding alternate sites for the Visco application. She said, last night, the Open Space Committee discussed this and came up with three sites that can be substituted for this church.

Jim Walsh, 80 Yuro Drive, Second Vice President of Edison Firefighters Association, said he put in an OPRA request for third party billing for Fire Rescue and Edison Township EMS. Today he was told by the Clerk's Office that the EMS Supervisor requested a seven day extension. He denied that request and said this is due tomorrow. He said a half hour later he received a letter from the Clerk's Office that Administration responded there were no records found. He felt it hard to believe that there are no records.

Mr. Laird said for the period in question they are trying to obtain the information because the claims company went out of business. He asked for the extension to obtain the additional information.

Mr. Walsh asked if they will obtain the information.

Mr. Gonzalez said they are trying to obtain the information, but because Mr. Walsh would not wait, the information was not available at this time.

Council President Diehl asked if there is any backup information if the billing company goes out of business.

Mr. Walsh asked for a possible time frame.

Mr. Gonzalez said he will let the Township Clerk know.

Council President Diehl asked what other options the Township has as far as who keeps the billing records.

Mr. Stephens said this was one of the reasons the Town changed billing companies because there was no accountability by the former billing company.

In response to Council President Diehl's questions, Mr. Stephens said the records have been very scant in the Fire Department.

Deputy Chief Latham said he will obtain the records from Statewide. At the Administration's request, they can have monthly reports sent and have them on file. The previous company's record keeping was terrible and the Township was not given their fair share of fees.

Mr. Walsh asked if can get the information from Statewide for this time period.

Councilmember Gomez said he understands that the information is missing but he asked how the Administration treats this internally. He asked if the accounting staff needed support in order for them to put this into the books and how could the Town not have a record of this.

Mr. Stephens said the records were sent to the billing company. The Town can only tell how much was paid back to them. The Town cannot tell what was collected because all medical companies are different.

Councilmember Gomez said his question was specific as to what was in our records. He questioned if the Town has copies of checks only.

Mr. Stephens said "yes" the Town can only track the revenue side.

Burton Gimelstob, 6 Churchill Road, asked if the Town will continue with twice a month recycling.

Mr. Roderman said they are still determining if this is possible and are making every effort to retain the service.

Mr. Gimelstob asked for a three month strategic plan in writing on expenditures because of the large snow fall.

Mr. Roderman said he knows the Town's responsibility to provide services. This has been a challenging winter and there will be a follow up of potholes. He is making plans to address these issues.

Mr. Gimelstob asked if Mr. Roderman can prepare a written strategic plan so the Council can know where they are going.

Mr. Roderman said this is something he forwards to the Administration.

Mr. Gimelstob asked if Recreation will also have budget cuts and layoffs.

Ms. Halliwell said all the Departments budgets are in discussion right now.

Mr. Gimelstob asked if she has a strategic plan.

Ms. Halliwell said no strategic plan but they do plan ahead a few months.

Mr. Gimelstob asked the Council to request strategic plans.

Bob Spiegel, had questions regarding the Edison Landfill. He asked the Council the current status of the plan for Edison to close the landfill.

Mr. Medina said the landfill closure plans are under review by the DEP and they are very close to finalizing this.

Mr. Spiegel said the closure plan has been under discussion for quite some time and he asked the projected time line.

Mr. Medina said once the Town has the final sign off from DEP, they will approach the Council for additional funding. They will have to discuss this privately before discussing it publicly.

Mr. Spiegel asked how much money the Township has in the closure fund.

Mr. Medina said he would have to research the financial records and report back.

Mr. Spiegel asked if the Township received notice of violation regarding the failure of the Township to conduct certain activities that the DEP requested the Township undertake.

Mr. Medina said he spoke to the DEP and believed they are abating the situation and there should be no fines.

Mr. Spiegel asked if there will be penalties assessed.

Mr. Medina said the DEP has expressed that they will work with the Township and no violation will be assessed.

Fred Wolke, 10 Peake Road, welcomed Councilmember Mascola back. He questioned the adequate notice date of December 9, 2009.

The Township Clerk said this is incorrect on the agenda. It should read January 6, 2011.

Mr. Wolke said the Metuchen Historical Society is inviting everyone to their open house. He also spoke about Cable Television and said the Assembly is considering a Bill to not require local cable TV channels to carry the local access stations.

Council President Diehl said the Council has already sent a unified letter opposing this.

Mr. Wolke felt the town has to get the cable TV stations in order.

Mr. Stephens said the Mayor testified before the committee last week. This was started by Verizon as they do not want to provide local access channels. They were assured this will be pulled back and public television will continue to move forward.

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

- 5. APPROVAL OF MINUTES**  
a. and b. No comments

- 6. ADMINISTRATIVE AGENDA:  
FROM MAYOR ANTONIA RICIGLIANO:**  
a. and b. Mr. Kemm said there is a question on the terms of office and he asked to have these pulled.

- 7. REPORTS FROM ALL COUNCIL COMMITTEES:**  
Councilmember Mascola said the Library Board will meet tomorrow but he will be unable to attend.

Councilmember Perilstein said the Ethics Committee will be conducting interviews for replacements to the Ethics Board. She thanked everyone who applied. She said the Environmental Committee has vacancies as well. This is a Mayoral appointment and she wanted to remind them publicly to get the vacancies filled.

Council President Diehl said he was contacted by Walter Stochel with questions about the land between Paterniti Park and Edison Town Square. He asked if the Town holds the deed to this property.

Mr. Medina said the deed came in and he will have to retrieve a copy. He will verify the acreage.

**8. POINTS OF LIGHT**

None

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

a. through c. No comments were made.

d. Councilmember Mascola asked the time frame.

Mr. Pollex said he tried to follow the same pattern of a six week period. One exception is the JIF bill for a six month time period.

e. Councilmember Perilstein asked if this is based upon a Resolution for additional services for the landfill closure fund.

Mr. Pollex said this was in the letter of representation regarding other things needed to be done such as the landfill closure fund. This number was not covered in the amount that was originally appropriated for this. The Departments may not expend this much but this should cover everything, he said.

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

a. Mr. Medina said this is a zero balance.

b. Mr. Medina said when applications are submitted to the Township by developers for sanitary sewers this authorizes him to endorse the applications. This formalizes the process.

c. Mr. Medina said this names the Township Engineer as the person to execute flood plan permits, etc.

d. Mr. Medina said this authorizes the Division of Engineering personnel and certifies the rates that can be charged.

e. Mr. Medina said this is Planning Board approval and formalizes the will of the Board.

f. Mr. Medina said this is only a 45% reduction.

g. through j. No comments were made.

k. Mr. Medina said this was a daycare center but they decided to withdraw the application.

l. No comment was made.

m. Mr. Medina said the Township authorized the contract for the renovation. The project was delayed due to weather and other conditions. He explained the work that was completed.

**11. FROM THE DIRECTOR OF PUBLIC WORKS:**

a. and b. No comments were made.

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

a. and b. No comments were made.

**13. FROM THE TOWNSHIP CLERK:**

a. No comment was made.

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

Councilmember Karabinchak was absent.

15. **COMMUNICATIONS:**

- a. No comments

16. **DISCUSSION ITEMS:**

**Council President Diehl:**

- a. Council President Diehl noted that Councilmember Karabinchak will continue as member of the Planning Board. He said he would like to appoint Councilmember Gomez as member of the Housing Authority. He recommended that Mr. Errico move from alternate member to Councilmember Gomez's spot on the Zoning Board.
- b. Council President Diehl said he received a telephone call from a gentleman at 54 Marlin Street about snow getting pushed up and then freezing. He inquired if the Town goes back to problem locations and clean them up.

Mr. Roderman said we do this as a regular procedure.

Council President Diehl said the problem is that people throw snow out on the street. He asked if there is anything that can be done with roads that have ruts.

Mr. Roderman said when this condition exists, it takes a tremendous amount of manpower to scrape the roads down. They have a reduced workforce at this point and they have to prioritize. He asked that residents throw the snow on the lawns instead of the streets.

- c. Council President Diehl said a resident brought up the amount of recycling and the challenges. The Town is only a third of the way through winter. He thanked DPW for fixing two pot holes on Stephenville Parkway. He asked the Administration if they considered the laying off of workers at the absolute worst time.

Mr. Gonzalez said Mr. Roderman is evaluating the Department to see how he can allocate resources. He hoped within the next week he can inform the Council with the plans to address the potholes. He hoped to have the budget to the Council at the end of the month.

Council President Diehl said there is still a question between the Council and Administration about whether or not there is money to hire the employees back. The residents of Edison expect a certain type of service. He has not received any calls from the residents saying it's a good idea to pick up recycling once a month. He questioned if this is the best time to lay people off.

**Councilmember Gomez:**

- a. Councilmember Gomez had questions regarding the layoffs. He asked if there is a plan behind this and the impact of overtime versus the savings on the layoffs. He asked if the Town will do better.

Mr. Gonzalez said the Town will save about \$600,000 the first year and \$800,000 in the following year. The Town needs to commence saving money because there are several issues the Administration raised that cannot be implemented without Council approval. The substantial savings that would have been realized are not done. The full plan will be provided as part of the presentation of the budget later this month along with more detail as to what other actions may be necessary to provide no tax increase.

Councilmember Gomez said he has a hard time with the insurance. He said this has not gone through the formal process. The Finance Committee went through the due diligence and did not find any savings so far. Part of the discussion was the transfer and he felt that this was not a plan but a reaction.

Mr. Gonzalez felt this was a change in circumstance because it did not occur to anyone that the Council would not approve the transfers and create an over expenditure.

Councilmember Gomez asked the impact of the line that went under.

Mr. Gonzalez said this is a specific line in the 2011 budget that they have to appropriate to equal the amount of the over expenditure.

Councilmember Gomez asked why the Administration cannot reduce the other line.

Mr. Gonzalez said it does not work that way in government. The funds remain with the Township but cannot be used and the Administration can't just balance out with an over expenditure after January 1<sup>st</sup>.

Councilmember Gomez asked if the Town can use the surplus.

Mr. Pollex said there is no doubt that surplus will be used but that amount will be determined. The problem is that it creates a deficit in next year's budget. He spoke about the money being under the cap and felt the Town is limited by the appropriations cap.

Council President Diehl asked how much the surplus is.

Mr. Pollex said he will know when he gets back the annual financial statement.

**Councilmember Karabinchak:**

Councilmember Karabinchak was absent.

**Councilmember Lankey:**

None

**Councilmember Mascola:**

- a. Councilmember Mascola asked Mr. Laird if he has worked on redoing the hiring procedures for the Fire Department. It has been many months and he wanted to know the status of revamping the procedures.

Mr. Laird said he has no changes to present to the Council but is looking into the process.

Councilmember Mascola asked why the Administration is not moving this any faster.

Mr. Laird said the Administration was waiting for the court decisions and now they can look at the process because the cases were dismissed.

**Councilmember Perilstein:**

- a. Councilmember Perilstein asked for an update on the Oakcrest Pool improvements.

Mr. Medina said the architect is finalizing the plans. We are waiting for the snow to melt to provide field surveying services. The schedule will not be impacted.

- b. Councilmember Perilstein asked last time there was a meeting with the DEP regarding the landfill.

Mr. Medina said in October 2010.

Councilmember Perilstein said they were in the habit of having monthly meetings.

Mr. Medina said this is still under review with DEP.

Councilmember Perilstein asked how committed the Administration is to bringing this to fruition.

Mr. Gonzalez said they are looking to see if there is a means of generating revenue. They will be taking a look at a number of items after the DEP says the plans are approved.

Councilmember Perilstein felt it is very important to continue with the meetings and is concerned with the commitment to see this to fruition. She said the Town has gotten this to a point where they need to move this forward and she was concerned with the commitment to do this.

Mr. Medina said Mr. Kemm is reviewing the legality of the agreement and a lot of other technical issues that need to be addressed.

Councilmember Perilstein asked if this will impede the final plans.

Mr. Kemm said they will sign off on the physical requirements for closure. The agreement for leachate is to ensure proper collection.

Mr. Medina said once the agreement is in draft format, the Council can review, vote and authorize the Mayor to execute.

Councilmember Perilstein asked for an anticipated time table.

Mr. Kemm said he will ask the DEP for their timetable to review.

Councilmember Perilstein asked for a report at the next Council meeting.

**Councilmember Prasad:**

- a. Councilmember Dr. Prasad said when the Council extended the life of the hiring list for Fire he understood that the Administration would move forward with a new hiring process and would accomplish that within three to six months. Now more than six months have passed. He did not feel this was fair to the taxpayers who are paying for overtime that could be saved. He felt it was the Administration's responsibility to do this. He asked if the Mayor is designated as the appropriate authority.

Mr. Kemm said that is correct.

Councilmember Dr. Prasad felt it is time the Council considered taking this authority from the Mayor and giving it to someone else who can move forward with this for Edison.

- b. Councilmember Dr. Prasad said when Mr. Laird was hired, the Council did not have consent in his hiring. The Council was not happy that no Council consent was required for his hiring. He asked what Mr. Kemm's opinion is and asked if this will stand legal muster.

Mr. Kemm said the position is not a Director position and the Mayor has the authority to hire.

Councilmember Dr. Prasad asked if Mr. Laird can be acting Mayor without the consent of Council.

Mr. Kemm said the Mayor can appoint someone from the Administration.

Councilmember Dr. Prasad asked who can be appointed as Acting Mayor.

Mr. Kemm said the Mayor can appoint a designee. It is common practice for the Business Administrator to act in the Mayor's stead.

Mr. Pollex said this is limited to Directors, the Municipal Clerk and the Business Administrator not the Assistant Business Administrator.

**17. CLOSED SESSION:**  
None

On a motion made by Councilmember Mascola, seconded by Councilmember Gomez, with all in favor, the meeting was adjourned at 7:25 p.m.

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Robert Diehl  
Council President

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Reina A. Murphy, RMC  
Municipal Clerk