

**MINUTES OF
MUNICIPAL COUNCIL
WORKSESSION MEETING
MAY 10, 2010**

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 6:01 p.m. by Council President Tomaro, followed by the Pledge of Allegiance.

Present were Councilmembers Karabinchak, Lankey, Mascola and Tomaro.
Councilmember Diehl arrived at 6:07 p.m.
Councilmember Perilstein arrived at 6:10 p.m.
Councilmember Dr. Prasad was absent.

Also present were Township Clerk Murphy, Deputy Township Clerk Kenny, Township Attorney Kemm, Business Administrator Gonzalez, Finance Director Acker, Public Works Director Roderman, Health Director Elliot, Township Engineer Medina, Deputy Fire Chief Latham, 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 December 10, 2010, and posted in the Main Lobby of the Municipal Complex on the same date.

Council President Tomaro said he attended the Library meeting last week regarding the closing of the Clara Barton library. He said he was disappointed on the way the process was handled. He felt the community should have been involved with the decision first. He made a lot of telephone calls on May 5th and asked to sit down with Messrs. Acker and Gonzalez to try to extend the life of the library. He will set up a Council Committee. He commented that the Bookmobile had more circulation than the Clara Barton Library. He felt funding needs to be obtained from donations in order to make this work.

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

Bob Spiegel said he sent an email to the Council asking them to adopt a Resolution regarding the BP oil spill. He felt what is going on in the gulf is unacceptable. It is shaping up to be one of the biggest disasters in the history of the United States. He asked the Federal government to take over the clean up.

Council President Tomaro said this will be put on the agenda if it is emailed to the Township Clerk.

Mr. Spiegel said Edison Wetlands conducted a tour of the walkway and he was pleased to see people using the walkway. He felt signage and gates need to be installed and he asked about the status of the landfill closure.

Mr. Kemm said they have a meeting scheduled in May and will let the Council know the status.

Mr. Medina said they still have to finalize a handicapped ramp at the bridge. A maintenance bond will be done in June.

Mr. Spiegel discussed the situation with Raritan Center and the change of the lot and blocks.

Mr. Kemm said this is still being looked at by the Engineer and Tax Assessor.

Don Ohlson, Harding Avenue, asked about his OPRA request stating that there was no record of the Police responding to a call. He asked why he has to file a complaint if the law is broken. He was concerned about the lights, questioned the buffer, and put the Township on notice regarding a sewer in front of his home.

Council President Tomaro asked about the buffer and drainage.

Mr. Medina said the topsoil is stock piled at North Edison Baseball and the work will start tomorrow. He said the drainage issue would have to be put into capital improvements to construct storm sewers.

Mr. Elliott said he met with Mr. Ohlson. He does not have any metering capabilities. Last year he put the Little League on notice regarding noise and the end time of the games. A complaint has to be filed by a resident because it is affecting the resident.

Mr. Roderman said there are a number of inlets and pipes that go across driveways. They have been there for some time. There will have to be survey work done to make sure this can be covered.

Mr. Ohlson asked if it is true that the Police do not keep records.

Mr. Kemm said any records from the Police have already been provided.

Mr. Ohlson asked for a letter stating that there are no records.

Councilmember Diehl asked if a Police Officer goes to a home, but does not issue a summons or write a complaint, is there a record of that.

Chief Bryan said this would be indicated on the CAD system.

Councilmember Diehl said he will help Mr. Kemm with the OPRA request. The swale needs to be put into the capital plan for the future.

Mr. Medina said the top soil is at the field and Mr. Roderman's crew will spread this and order trees from the tree fund to plant.

Mr. Roderman said it does not make sense to clear cut the entire area. It depends on the weather how quickly the soil is moved and getting the trees planted.

Irene Wall, 205 Fleet Avenue, read a letter she is sending to Governor Christie regarding the school budget and taxes. She felt school should be extended throughout the summer.

Jane Tousman, 14 Butler Road, said she was at the last Freeholder meeting and they are planning a meeting on May 25th for Generated Materials. She suggested that the County give back the Open Space tax money if they are not going to use it. She spoke about the flood damage and protection ordinance. She said in the previous ordinance, there was specific penalty language. She would also like to see the construction code employees involved in this.

Council President Tomaro asked about fines.

Mr. Medina said the Ordinance refers to the Township Ordinance and this outlines the penalties such as fines and imprisonment.

Mr. Kemm agreed that the language is virtually identical.

Ms. Tousman would like to see reference to permits issued by the DEP and the EPA that would still need coordination of these items.

Esther Nemitz, 162B Fay Street, said two Resolutions were improperly listed on the agenda. They referred to the wrong grant. They should have referred to the NPP grant.

Council President Tomaro said if the Council needs to add this, it can be done.

Ms. Nemitz spoke of changes in the ordinance for the convenience stores.

Mr. Kemm said this was republished.

Ms. Nemitz said she did not understand the ordinance regarding the playground program and refunds. She said the grant for the Martin Luther King School should indicate on the agenda what the grant is for. She did not understand canceling the water rents and also questioned the Raritan Center sewer refund Resolution. She was happy to hear the comments about the Clara Barton Library this evening and felt it was important to save the Library and this should not be diminished.

Tony Eggert asked about the Clara Barton Library.

Council President Tomaro said they will sit down together and try to extend this and make the community come together. He wants to have a committee put together with members of the community. He felt fundraising needs to be done by the community to help with the repairs to the Library. He discussed the circulation for the last nine years.

Mr. Eggert felt students should not be included in the circulation. He said the Clara Barton Library is scheduled to close June 30th. He said he heard that an office building will be put there.

Lois Wolke, 10 Peake Road, spoke about the Clara Barton Library. She felt closing the library is taking out the heart of Clara Barton. She explained the amount of condos being put into this area and stated that the population is growing. She said young families are coming in when the seniors move out. She asked how many families this area covers and the amount of time that the libraries must stay open. She spoke about the salaries compared to the amount needed to fix the Library. She did not feel the closing of the Library had been thought out. She spoke about the water rents and asked how this can become uncollectible.

Mr. Acker said the receivable has been on the books for several years. The auditor recommended that this should be cancelled because there is not any activity in the line item. This does nothing except to get rid of this. This dates back to 1997 when the water utility was privatized.

Ms. Wolke asked if there are names and addresses connected with this and Mr. Acker said not to his knowledge.

Ms. Wolke questioned a clothing allowance for the library and Council President Tomaro said this could be for the custodians.

Ralph Bucci, 231 Central Avenue, spoke about the defeated school budget. He asked for documents in order to understand the process for the meeting. He said the only document he received was the bid request. He felt this is a problem because this is a serious budget. He asked for someone to come up with a document. He had serious questions on how the meeting will be run. He asked if the auditor will present a report and if there will be a public portion.

Councilmember Mascola said he will give him the resume and on May 19th the meeting will start at 5:30 p.m. and will be open to the public. It will be 5:30 to 6:30 p.m. because of time constraints on the room. Dr Marlow will meet with the committee and decide if he will attend the meeting.

Mr. Bucci asked if there is a document for the RFP.

Councilmember Mascola said they only have the document he was already given.

Mr. Bucci felt it will be a serious mistake if he is not brought in.

Councilmember Mascola said Dr. Marlow is being paid \$3500 to go through the Board of Education budget. For his attendance on Monday, they will have to pay extra money.

Burton Gimelstob, 6 Churchill Road, commented that if a professional service contract is under a certain amount, there does not have to be a contract. He felt \$3500 to review an entire budget is reasonable. He asked if the Council was satisfied with the report that was given last year by Dr. Marlow. He questioned the need for Dr. Marlow to attend a meeting and also for the public to speak. He did not feel the Board of Education should charge for more than two children as suggested by a previous speaker.

Sue Barber, 85 Pleasant Avenue, thanked the Council for discussing the Library and forming a Committee.

Council President Tomaro said he could not give any answers at the Library meeting. He explained what he plans to do to try and keep the Library open.

Ms. Barber asked for a time frame for this. She said there is a residents meeting this Thursday night at the Clara Barton First Aid Squad at 7:00 p.m.

Maureen Carson, 10 O'Hara Street, spoke about the closing of the Clara Barton Library. She hoped that the total cost did not have to be raised through fundraising.

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

5. APPROVAL OF MINUTES

a. and b. Accepted as submitted.

6. REPORTS FROM ALL COUNCIL COMMITTEES:

Councilmember Perilstein said there will be an Environmental Commission meeting on the third Thursday in May.

Councilmember Mascola said he was disappointed in the way the meeting was held. He said the Library Board members are volunteers and attended the meeting as volunteers.

Councilmember Perilstein felt this was not communicated effectively to the residents. She did not see why people would volunteer if they are crucified at public meetings. She felt all members of the Board are dedicated to the task that was given them.

Councilmember Lankey said the Finance Committee will meet within the next week or so.

Council President Tomaro asked for members of the Council to submit their names for the Save the Clara Barton Library committee.

7. POINTS OF LIGHT

Councilmember Perilstein hoped everyone had a nice Mothers Day.

Council President Tomaro spoke about the annual bike tour on Sunday morning and he said 11:00 a.m. is the beginning of Family Day on Saturday.

Council President Tomaro said there is also a celebration at the Tower on May 16th to celebrate the last time Thomas Edison was in our community. The bid on the Tower work was delayed because the State decided to prequalify the bidders. They are also doing work inside the museum to make it ADA accessible.

8. FROM THE BUSINESS ADMINISTRATOR:

a. Councilmember Karabinchak asked the reasons why this has to change.

Mr. Gonzalez said this is work required for ADA compliance.

Mr. Roderman said this should be for the second floor bathrooms.

- b. No comment was made.
- c. Councilmember Perilstein asked what happens if the tickets are not used and if the Township pays a service fee on top of these amounts.

Mr. Gonzalez said he will find out.
- d. Council President Tomaro asked if this is fixed.

Mr. Gonzalez said this is an additional cost.

Mr. Roderman said the work was not done. This was rebid and services are being dealt with through Betzwood.

Councilmember Karabinchak asked what the first engineer did.

Mr. Roderman said he provided certain services along with the RFP. The services were rendered, but the prices were excessive.
- e. Councilmember Perilstein asked about refreshments and entertainment.

Council President Tomaro said a lot of this goes towards providing bus service for the bands. This was reduced from \$10,000.
- f. Councilmember Mascola asked the difference on the quotes.

Mr. Roderman said this comes in the same every year. He could not explain why there is such a big difference. The same company did the work last year and they performed excellently.
- g. Councilmember Perilstein asked if all \$10,000 goes towards keeping the garden.

Mr. Gonzalez said it is his understanding that the entire amount goes towards this and he is not sure if the Town applied for this last year.

Councilmember Tomaro said this may have been done because the food pantry receives the food grown from this garden.

Mayor Ricigliano said we did not apply for this last year. This is a new grant.

Council President Tomaro said the children take care of this all summer and they have done a tremendous job.
- h. No comment was made.

9. FROM THE DEPARTMENT OF FINANCE:

- a. No comment was made.
- b. Councilmember Karabinchak asked Mr. Medina if there was any new information.

Mr. Medina said Mr. Lorentzen provided a tabulation of water company meters tied to the refund. He said \$14,000 is not directly tied to this. This was erroneous past billing through the Tax Office.

Mr. Acker said when the Township switched from Vital to Edmunds \$87,000 was flagged because the water was not going into the sewer system. When the Town went to Edmunds this was no longer flagged. The \$14,000 was identified as accounts not associated with Middlesex Water. This should have been refunded to them awhile ago.

Mr. Medina said \$14,000 is not tied into the water meters.

Councilmember Karabinchak said the meters are placed by the water company and he asked for certification from the water company. He felt this should also be available to residents. He said there is no method to handle underground sprinklers.

Mr. Medina said there is a calculation for an 85% charge of the total bill.

Councilmember Karabinchak wanted to know why the service is not offered to homeowners.

Mr. Kemm said this is a flat formula for all users. The residents can get a separate meter put in by the water company.

Mr. Medina said he will review this matter further.

Councilmember Lankey asked about the erroneous accounts.

Mr. Acker said the meters were not linked to Middlesex Water accounts.

Councilmember Lankey asked if somebody else should be billed.

c. and d. No comments were made.

e. Councilmember Perilstein asked about the addition of accounts and controls.

Mr. Acker said this is a contract with ADP for payroll processing and is an extension for eight months until the end of the year.

f. This item was discussed previously

g. No comment was made.

10. FROM THE DEPARTMENT OF HEALTH:

a. Councilmember Perilsten asked the match of funds and service.

Mr. Elliot said this is the budget item and staff currently working for the Township.

11. FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:

a. through c. No comments were made.

d. Council President Tomaro asked if this is for the Jets field and Mr. Medina said the field will be finished by the end of the month.

e. No comment was made.

12. FROM THE COUNCIL MEMBER TO THE PLANNING BOARD:

Councilmember Karabinchak spoke about the items at the Planning Board meeting. He discussed maintenance in the tree ordinance and showed pictures of how a tree is trimmed. He felt this needs to be looked into.

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

O.1739-2010 No comment was made.

O.1740-2010 No comment was made.

O.1741-2010 Councilmember Perilstein asked about employees.

Council President Tomaro said he will ask that the employees be removed because Councilmember Dr. Prasad is absent.

Mr. Kemm said they can reintroduce the ordinance on Wednesday as he considers this is a major change.

Councilmember Karabinchak asked whose responsibility it is to monitor this.

Mr. Kemm said the cameras are reviewed and approved by the Police Department.

Councilmember Karabinchak asked if this applies to convenience stores if they are open from ten p.m. to twelve a.m.

Council President Tomaro felt this refers to only 24 hour stores.

Mr. Kemm explained why cameras are beneficial to capture criminals.

Councilmember Karabinchak asked for more language to be added regarding the video being stored at a central location.

Councilmember Diehl was concerned with the cost of continuing to add items such as a central location.

Councilmember Karabinchak said his company has installed over hundreds of security systems. He said the cost of eighteen cameras going to a central location is \$22 a month.

Council President Tomaro said he will ask that this be tabled and put before the public safety committee.

Councilmember Diehl suggested the Council adopt this, and see how it works, and amend it later. He was concerned with the cost.

Councilmember Perilstein said she is uncomfortable when trying to legislate something that should inherently be in the good interest of the owner.

O.1742-2010 No comment was made.

14. COMMUNICATIONS:

a. through j. No comments

15. DISCUSSION ITEMS:

Council President Tomaro:

a. through d. Council President Tomaro said these will be presented on Wednesday.

e. Council President Tomaro said the Health Department has been informed.

- f. Council President Tomaro said he will form committees
 - g. Council President Tomaro said he has a copy of the Walmart developer's agreement. He spoke about the safe crosswalks mentioned and wanted to spend the money to improve the traffic in the area.
Councilmember Karabinchak asked if the money can be used in any other area.
 - h. This was previously discussed.
 - i. This was previously discussed.
 - j. Council President Tomaro felt this can be used for capital improvements such as sidewalks in front of the cemetery.
 - k. In response to Council President Tomaro's questions, Mr. Medina said Mr. Kemm is working on the acquisition and they are ready to go into condemnation.
- l. through n. No comments were made.
- o. Council President Tomaro said he spoke about Generated Materials and the Resolution the Council adopted. This is the first time that he heard that SWAC moved something forward without Edison's approval. He asked where the Administration stands.
Mayor Ricigliano said she called Freeholder Pulomena and he has not responded yet. She will reach out to him again.

Councilmember Diehl:

- a. Councilmember Diehl spoke about the Dismal Swamp Preservation Commission. He felt it was in the best interest of the Township to protect all the acres in this location. He said they have a Commission of well intentioned people, but they have no money. They need to establish the metes and bounds and he hoped they can get some help with establishing these. He said they are appealing to the State to establish the funding. He also said the Commission would like to have a logo and he wanted to reach out to the school children to create a logo.
Council President Tomaro asked what the metes and bounds would cost.
Mr. Medina said he needs a solid definition of what a swamp is.
Councilmember Diehl said he will go back to the Commission to obtain information.

Councilmember Karabinchak:

- a. Councilmember Karabinchak asked the status.
Mr. Medina said he is waiting for the design from the County consultant. The estimate is \$850,000 and cost share is \$150,000 for construction costs.
Councilmember Karabinchak asked to be in contact with South Plainfield and the County.
- b. Councilmember Karabinchak said he testified in front of the State budget hearings. One of the issues he discussed was tax appeals. The burden of the lost tax revenue falls on the homeowner. He asked Mr. Kemm to draw up a Resolution to the Governor and Senators to change the system. He felt this directly affects the budget and revenue stream. We have over 450 tax appeals waiting right now.

Councilmember Lankey:

- a. Councilmember Lankey said, at the last meeting, he asked about the Village Point traffic calming that disappeared.

Mr. Roderman said he reordered this and there is not much more they can do that is not engineered.

Councilmember Perilstein asked to look at earning additional revenue by ticketing.

Councilmember Mascola:

- a. Councilmember Mascola said there is a meeting on May 19th for the school budget at 5:30 p.m.

Councilmember Perilstein:

- a. Councilmember Perilstein said this will be done.
- b. Councilmember Perilstein said there have already been benches that were removed along the walkway. She suggested putting in gates or cameras to figure out who is doing this.
- c. Councilmember Perilstein felt it is important to do a Resolution for the government to take serious action towards the oil spill off Mexico.

Council President Tomaro said they will add a Resolution for Wednesday evening.

Councilmember Prasad:

Councilmember Dr. Prasad was absent.

16. CLOSED SESSION:

The Council retired to Closed Session at 8:41 p.m., on a motion made by Councilmember Diehl, seconded by Councilmember Lankey 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) Settlement of Lawsuit
- 2) Investigation of Violation or Possible Violation of the Law
- 3) Contract Negotiations

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 9:14 p.m., on a motion made by Councilmember Karabinchak, seconded by Councilmember Diehl and duly carried.

On a motion made by Councilmember Karabinchak, seconded by Councilmember Diehl, with all in favor, the meeting was adjourned at 9:14 p.m.

Charles Tomaro
Council President

Reina A. Murphy, RMC
Municipal Clerk