

**MINUTES OF A REGULAR MEETING
OF THE MUNICIPAL COUNCIL - TOWNSHIP OF EDISON**

OCTOBER 26, 2011

A Regular Meeting of the Municipal Council was held in the Council Chambers of the Municipal Building on Wednesday, October 26, 2011. The meeting was called to order at 7:00 p.m. by Council President Diehl, followed by the Pledge of Allegiance.

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

Also present were Township Clerk Murphy, Deputy Township Clerk Kenny, Township Attorney Kemm, Business Administrator Ruane, Acting Finance Director Pollex, Public Works Director Roderman, Township Engineer Medina, Health Director Elliott, Recreation Director Halliwell, Police Chief Bryan, Deputy Fire Chief Latham 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 January 6, 2011, and posted in the Main Lobby of the Municipal Complex on the same date.

APPROVAL OF MINUTES

On a motion made by Councilmember Karabinchak, seconded by Councilmember Lankey and duly carried, the Minutes of the Regular Meeting of September 14, 2011, Combined Meeting of September 26, 2011 and Worksession Meeting of October 11, 2011 were accepted as submitted.

COUNCIL PRESIDENT'S REMARKS

Council President Diehl did not have any remarks.

**ADMINISTRATIVE AGENDA
FROM MAYOR ANTONIA RICIGLIANO**

October 19, 2011

The Municipal Council
Township of Edison
100 Municipal Boulevard
Edison, NJ 08817

Honorable Council Members:

This is to inform you that I have re-appointed Mr. Carlos Sanchez of 3 McEvoy Road, Edison, New Jersey, to the Housing Authority of the Township of Edison for a five year term pursuant to N.J.S.A 40A:12A-1.

His term will expire on November 9, 2016.

Thank you.

/s/ Antonia Ricigliano
Mayor

cc: Madeline Cook, PHM
Carlos Sanchez
Maureen Ruane, Business Administrator
Reina Murphy, Clerk

On a motion made by Lankey, seconded by Councilmember Perilstein, and duly carried, the above re-appointment was received.

NEW BUSINESS

PROPOSED ORDINANCES (PUBLIC HEARING SET DOWN FOR WEDNESDAY, NOVEMBER 9, 2011)

The following Ordinances were introduced by title:

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

On a motion made by Councilmember Karabinchak, 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 November 9, 2011.

AYES - Councilmembers Gomez, Karabinchak, Lankey, Mascola, Perilstein, and Council President Diehl

NAYS - None

Councilmember Prasad was absent.

PUBLIC COMMENTS AS TO PROPOSED RESOLUTIONS

Councilmember Karabinchak made a motion to add Resolution R.773-102011. This motion was seconded by Councilmember Lankey.

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

NAYS - None

Council President Diehl opened the meeting to the public for comments on Proposed Resolutions R.760-102011 through R.773-102011.

Jane Tousman, 14 Butler Road, spoke about the corrective action plan for the audit. She said Fire and Police are still doing their own thing even though we have the Edmunds system. There are deficiencies about collecting and depositing cash and she felt this can lead to abuse. She did not find any real details about the Law Department and she spoke about the settlement for Officer Kenny. She said she would like to see more detail about what is going on in the Law Department. She spoke about outstanding tax appeals for 2010 and 2011. The last comment made was everything should be under the CFO and she felt this was well founded and the CFO should have complete control. She was happy to see Resolution R.761-102011 and she questioned the liquor license and Resolution R.773-102011.

Council President Diehl said this is a request for help with the continual flooding problems in the Township.

Ms. Tousman asked about the project management on Resolution R.772-102011.

Councilmember Karabinchak said the RFP was for a solar system construction manager and was over budget.

Gloria Dittman, Midland Avenue, asked for the background on Resolution R.761-102011.

Ms. Ruane said the award of the bid was in two phases. We received money from the County for the second phase.

Mr. Kemm said this is a grant project funded by the County and the Township administers this.

Councilmember Karabinchak said the Township owns this and the YMCA monitors it.

Ms. Dittman questioned what Resolution R.767-102011 was all about.

Mr. Pollex said we received notice of a grant awarded by Middlesex County. This money was not anticipated when the budget was adopted. This is a budget amendment.

Bill Brunner, 215 Loring Avenue, asked which department Resolution R.762-102011 belonged to.

Mr. Medina said this was assigned to Engineering and was loaned out to the Police for emergency response during the hurricane.

Mr. Brunner said this highlights the negative aspects of hybrid cars. They are expensive to repair.

Ernest Docs, Metuchen, asked if the Mayor attends Council meetings.

Council President Diehl explained this portion of the meeting is just for the Resolutions.

Maryann Hennessey, 20 Carmello Drive, asked about Festival Plaza. She said the two buildings are not completed.

Mr. Medina said the applicant has completed the construction that falls under the initial submission. The two pads that are empty are separate construction and will be under a separate bond.

Mark Vasquez, 81 Oak Lane, asked if Resolution R.773-102011 is for flooding and requested more details.

Councilmember Karabinchak said after the hurricane, the flooding that occurred throughout the entire Township was tremendous. There were sanitary sewer issues. This Resolution asks for help from the government above the municipal level.

Fred Wolke, 10 Peake Road, spoke on Resolution R.766-102011 and asked who is receiving the corrective action plan.

Ms. Ruane said the Council is receiving it and Mr. Pollex filled out the corrective action plan.

Mr. Wolke said every year we go over the same audit plan and he felt the corrective actions in each audit are the same and nothing has changed.

Mr. Pollex said last year's correction plan required two corrective actions. One concerned payroll and moving someone from Human Resources into Finance. He said most items are being worked on or are already corrected.

Mr. Wolke asked if the payroll situation has been corrected.

Mr. Pollex said he feels the auditor knows we are working on this because the comment is not in this year's audit.

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

Councilmember Lankey requested that Resolution R.760-102011 be pulled for separate vote.

Councilmember Karabinchak requested that Resolution R.773-102011 be pulled for separate vote.

Councilmember Mascola requested that Resolution R.761-102011 be pulled for separate vote.

The following Resolutions R.762-102011 through R.772-102011 were adopted under the Consent Agenda on a motion made by Councilmember Prasad and seconded by Councilmember Mascola.

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

NAYS - None

RESOLUTION R.762-102011

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

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

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

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

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

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

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$12,342.55 are available for the above payment in Account No. 1-01-20-0165-000-029.

/s/ Lawrence Pollex
Acting Director of Finance/ CFO

RESOLUTION R.763-102011

WHEREAS, at various sales of land for delinquent taxes held by the Edison Township Collector of Taxes, Middlesex County, New Jersey, the attached listing of tax sale certificates were sold; and

WHEREAS, the said tax sale certificates have been redeemed thereof, and the purchasers of said property are legally entitled to a refund of monies paid at the time of redemption.

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the Director of Finance is hereby authorized to draw checks to the noted parties in the amounts specified on the attached listing, totaling \$31,277.53.

RESOLUTION R.764-102011

WHEREAS, on various properties located within the Township of Edison, overpayments of real estate taxes have been made due to erroneous or duplicate payments: and

WHEREAS, applications have been made to the Tax Collector for refunds of said overpayments, totaling \$3,930.64 and

WHEREAS, the attached listing is a detail of the requested refund.

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that the Director of Finance shall and is hereby authorized to draw checks to the parties in the amounts specified on the attached listing.

RESOLUTION R.765-102011

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

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

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

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison that the Director of Finance shall and is hereby authorized to draw checks to the parties in the amounts specified on the attached listing.

RESOLUTION R.766-102011

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

WHEREAS, New Jersey Local Government Units are required to be audited and required to formulate a Corrective Action Plan within sixty (60) days of the receipt of the audit by the Municipal Governing Body; and

WHEREAS, the Council of the Township of Edison in the County of Middlesex, New Jersey has received the report of Audit for the Fiscal year ending on December 31, 2010 in time for it to be included in their agenda packets for the public meeting scheduled for October 13, 2011; and

WHEREAS, the Council of the Township of Edison in the County of Middlesex, New Jersey has received the Corrective Action Plan;

NOW, THEREFORE, IT IS RESOLVED by the Council of the Township of Edison in the County of Middlesex, New Jersey that it has received the Corrective Action Plan for the report of Audit for the fiscal year ending on December 31, 2010 within sixty (60) days of the receipt of said audit.

RESOLUTION R.767-102011

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

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

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

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

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

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

RESOLUTION R.768-102011

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

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

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

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

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

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF EDISON that the aforementioned improvements are hereby complete and satisfactory and the Township Clerk be and is hereby authorized to return the aforesaid Cash Performance Bond in the amount of \$333,678.00, to the applicant; and

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

RESOLUTION R.769-102011

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

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

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

NOW; THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, that the Chief Financial Officer of the Township of Edison shall refund the amount of \$150.00 to Lorena Jurado Restiepo, 229 Forest Dr., Edison, NJ 08817, which amount represents the monthly payment for the ABC program.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$150.00 are available in Account #1-01-55-0291-000-000.

/s/ Larry Pollex
Acting Chief Financial Officer

RESOLUTION R.770-102011

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

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

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

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

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

RESOLUTION R.771-102011

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

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

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

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

<u>LICENSE NUMBER</u>	<u>LICENSEE AND LOCATION</u>	<u>ADDRESS</u>
1205-33-062-001	Wick Wholesalers, Inc PO Box 29	Woodbridge, NJ 07095 Pocket License

RESOLUTION R.772-102011

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

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

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

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

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

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

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

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

The following Resolutions will be voted upon separately:

RESOLUTION R.760-102011

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

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

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

/s/ Lawrence Pollex
Acting Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Edison, that the above-referenced disbursements report is hereby approved.

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

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

NAYS - None

Councilmember Lankey abstained from voting.

Councilmember Prasad was absent.

RESOLUTION R.761-102011

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

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

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

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

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

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

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

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison, as follows:

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

Councilmember Mascola asked about the exceptions.

Mr. Pollex explained the exceptions.

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

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

NAYS - None
Councilmember Prasad was absent.

RESOLUTION R.773-102011

WHEREAS, during the course of many years, there has been continual flooding problems due to poor infrastructure for sanitary sewer lines and stormwater lines in Middlesex County; and

WHEREAS, because of budget constraints, the municipalities of Middlesex County are having difficulties maintaining or upgrading this infrastructure; and

WHEREAS, the excess flooding is driving many residents out of Middlesex County because they are unable to continually repair the damage caused by these floods; and

WHEREAS, the Municipal Council of the Township of Edison feels that it would be in the best interest of the County that an avenue be created to institute capital improvement stimulus money; and

WHEREAS, the Municipal Council of the Township of Edison strongly suggests the Legislators – Senators and Assemblymen, the Governor, and County, State and Federal Governments to find more way to help the Township to fund for infrastructure fixes for sanitary sewer lines, stormwater lines and flooding issues.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Governor Chris Christie, Senator Barbara Buono, Senator Robert Smith, Assemblyman Peter J. Barnes, III, Assemblyman Patrick Diegnan, Jr., Assemblyman Upendra Chivukula, Assemblyman Joseph Egan, and the Middlesex County Freeholders.

Councilmember Karabinchak said this is a Resolution asking for help.

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

AYES - Councilmembers Gomez, Karabinchak, Lankey, Mascola, Perilstein, and Council President Diehl

NAYS - None
Councilmember Prasad was absent.

COMMUNICATIONS

None

ORAL PETITIONS AND REMARKS

Council President Diehl opened the meeting for public comment.

Gloria Dittman, 5 Midland Road, asked the status of the Hartz Mountain property.

Ms. Ruane said there is no status update.

Ms. Dittman suggested Edison reach out to Hartz Mountain to obtain some ratables. She asked if we have an Economic Development officer.

Council President Diehl said we had one but the economic times have changed. It was suggested that the Council get a subcommittee together to help as an economic coordinator.

Ms. Dittman felt the money would be well spent to hire a Director because the property has been lying vacant for so long. She felt this would be a wonderful center of town to make the community proud. She said she is sorry that Councilmember Perilstein is not running for reelection as she has made a great impact in Edison.

Bill Brunner, 215 Loring Avenue, said he has been working at the senior center to try and get the speaker system fixed as it is embarrassing when they have speakers who have to bring their own sound system. He also said there was no heat at the center yesterday and was told there was a problem with the boiler. He felt the center is not fit for the seniors.

Mr. Elliott said the wired microphone is functional. They received a grant to replace the coffeepot at the center and have filed a second application for additional funding to replace the sound system.

Council President Diehl felt the cordless microphones are not that expensive and he asked when this will be fixed.

Mr. Elliot said they should find out between now and the next meeting. He said the heat went out a few days ago and there is a replacement part on order. There is also a repair to be done to the sprinkler system and they are closing the club activities tomorrow.

Bernadette Roa, 64 Oak Lane, thanked the Council for Resolution R.773-012011. She has a flooding and unkempt property issue on her roadway which she explained. She said there were storm drains replaced in 2009 but they cannot handle the overflow of water. She asked if the DPW can clean this property if it does not belong to a resident. If not, she asked that a letter be sent to the owner of the property to clean it up. She said her family has to rake the storm drains on Morgan and Crosby.

Council President Diehl asked if anyone has gone out to this property.

Mr. Elliot said this is the first time he has heard about this.

Council President Diehl said in the past we have taken action against homeowners who let their property go.

Sam Khan, 7 Lambert Avenue, had concerns about Councilmember Karabinchak. The Ethics Committee met on September 8th because Councilmember Karabinchak applied to obtain a grant for his property on Woodbridge Avenue. He asked the criteria for applying for this.

Councilmember Karabinchak said he is part owner of an apartment building on Woodbridge Avenue and he applied for a marketable to affordable unit according to COAH. This unit would be deed restricted for thirty years. It is a program that was started three years ago and anyone can apply. The residents have to meet the requirement of the State based on income and what the rent will be. The State sets the rates. The only reason he went to the Ethics Board is because he is a Councilmember and there may have been a conflict. It was ruled by the State that there is no conflict as long as he does not vote on this. The DCA said elected officials cannot be in contract. Unless he breaches his fiduciary duty, the Township Attorney has to make a decision whether or not this is allowable. The only thing the Township obtains is credit for COAH. The Edison Ethics Board said there is no conflict if he does not vote on this. This is still ongoing and has not come to fruition.

Mr. Khan discussed COAH.

Councilmember Karabinchak said COAH is still under the DCA. It is not disbanded and the Township still has to follow the third round rules.

Mr. Khan spoke about affordable housing legal income limits.

Councilmember Karabinchak said the tenant would have to qualify and not the owner. He said inspections and qualifications have to be met all the time.

Dorothy Stewart, 51 Oak Lane, wanted to verify how important it is to get the drains looked at. She said it is like a lake in her backyard. She said she met with the Mayor and Township officials. She said cars were submerged on her street.

Louis Roa, Oak Lane, said this has been an ongoing problem for fourteen years. He was concerned that no one will be able to get to residents if the cul de sac floods. He said the system is not adequate to handle this much water.

Mr. Medina said in 2008 they did a drainage study for the Lindeneau school area and CDBG funding was allocated for this. They have had meetings recently looking at additional drainage improvements. The projects need to be prioritized. The 2009 project was phase one.

Sylvia Engel, 82 Winthrop Road, asked about Councilmember Dr. Prasad's absence.

Councilmember Perilstein said he is celebrating Diwali.

Ms. Engel spoke about the minutes of the Ethics Board meeting and said they were very vague. She asked who receives the \$50,000.

Councilmember Karabinchak said this is an LLC.

Ms. Engel said the Business Administrator advised the Mayor back in January not to do this.

Councilmember Karabinchak said the Business Administrator originally said that once the application was filed, he would review it with the attorney. Mr. Gonzalez said he should go to the DCA and he also denied the application.

Ms. Engel felt the Mayor was against this.

Councilmember Karabinchak said this is a legal issue. He said he loves this Township and invests in it. He said the entity gets the money and has to fix the units.

Ms. Engel felt there is something wrong with the Council's relationship with the Administration. She felt there is turmoil and the Council was on the right track when they formed the Committee of the Whole and then they dropped the ball. She asked if the Committee of the Whole is still active or disbanded.

Council President Diehl said they have not disbanded. There was disagreement as to who could be where and if they could delve into certain issues. Some of the things they were concerned about are not here anymore but there are still issues that the Council is very concerned about. The Council is considering reconvening as new issues have arisen but he does not have a date. He has asked the Council and Mayor for available dates. If things do not get better, the Committee of the Whole will be reconvened.

Ms. Engel asked if they can investigate a Councilmember through the Committee of the Whole.

Council President Diehl said this would go to the Ethics Board.

Ms. Engel said meeting after meeting residents go to the microphone with issues and it takes many months to resolve their problems. She spoke about the Administration suspending the Police Chief.

Council President Diehl said the accountability for that sits with the Mayor and the people who advised her.

Ms. Engel spoke about Mr. DeRosa being charged with taking money. She also spoke about leveling the taxes.

Council President Diehl said they have gone over the tax situation.

Walt Shneer, Park Way, asked if there were laws about political speeches in the Council Chambers.

Council President Diehl said 90% of what is presented is political and disguised as something else.

Mr. Shneer felt there is a time and place for this and the only time some people attend the Council meetings is when they are running for office. He asked if there is anything going on against Generated Materials.

Mr. Kemm said they went to the County for approval and it died there.

Mr. Shneer said this area smells.

Rich Sweeney, 313 Suttons Lane, thought this was one of the brightest and smartest Councils and that is why there is a lack of communication with the Administration. He still does not know what a Management Specialist does and felt that the Management Specialist was disrespectful to Councilmember Gomez because he refused to come to the microphone and answer questions. He spoke about the Mayor refusing to attend closed session meetings. He told Councilmember Perilstein he was sorry she was not running for reelection. He thanked Mr. Pollex for coming back to the Administration as he felt he shows professionalism. He spoke about the Management Specialist attending meetings before he was hired.

Burton Gimelstob, 6 Churchill Road, said you know it is the political season when the Chair of the Republican Party is attacking an ethical Councilmember. He spoke about an article in the newspaper attacking the Council. He read a letter from the DCA to Ralph Bucci regarding losing his accounting license because he did not tell the truth. He said if Mr. Bucci was going to represent himself as an accountant, he should follow the law. He spoke about the recent pay raises and asked if at least three individuals got more than 2% and received between \$10,000 and \$13,000.

Ms. Ruane said she knows of two.

Julian Zames, 17 Stiles Road, asked who did the organizational chart.

Council President Diehl said Mr. Gonzalez did the latest one.

Mr. Zames said there is no Management Specialist listed.

Council President Diehl thought the Administration might consider recreating the organizational chart.

Mr. Zames said he agreed with the cancellation of the leaf bags.

Joe Petrucelli, 62 Revere Boulevard, spoke about the tax rate. He said this year the Governor decided to break the tax rate into different components. He said the fact is that the Council reduced the dollars. He said the Finance Committee sat through meetings with budgets that did not reconcile. They are trying to get a payroll system put in and he felt if someone casts stones they should offer solutions.

Ernest Docs, Metuchen, asked how he can contact the Mayor if she does not attend meetings. He has gone to her office in person and she does not answer emails. He has concerns about the Raritan arsenal.

Council President Diehl said the Council has requested her presence on numerous occasions and she has decided not to speak to the Council.

Maryann Hennessey, 20 Carmello Drive, said she is sorry that Councilmember Perilstein is not coming back as she has brought a lot of growth to the Council and she thanked her for serving. She spoke about the leaf bags and asked why this money went to recycling.

Mr. Roderman said the decision to discontinue the distribution was part of an overall analysis for recycling and DPW.

Ms. Hennessey asked if something major happened that required the \$75,000 in recycling.

Mr. Roderman said the budget was reduced from last years and they suffered layoffs and reduced manpower.

Ms. Hennessey thought it was nice to supply the bags, but it should not be the Township's responsibility. She asked if we have an interlocal agreement.

Mr. Roderman said the interlocal was not executed this year.

Ms. Hennessey asked when the recycling bin will go up at Festival Plaza.

Mr. Roderman said next week.

Ms. Hennessey asked about an article regarding a local municipality bonding for \$1.7 million for residential tax appeals and another \$1.7 million for commercial tax appeals. She asked if the Township might have to do this.

Councilmember Karabinchak said at the next meeting they should find out where we stand and we may have to go to bonding.

Ms. Hennessey said this is a bad economic time.

Sylvia Engel, 82 Winthrop Road, said Mr. Petrucelli and Councilmember Lankey worked hard on the budget but she felt it is hard to explain this to a senior citizen. She felt Mr. Bucci's letters to the editor made sense. She asked if the Township spent \$1.00 per bag.

Council President Diehl said this was incorrect.

Ms. Engel said she got her bags from Lowes.

Walt Shneer, Park Way, said nothing is at the Hartz Mountain property because of the economy and he spoke about all the empty office buildings on Route One. He wondered how South Brunswick gets the big warehouses and why there are no new warehouses in Edison.

Sam Khan, 7 Lambert Avenue, said he was listening to Mr. Petrucelli's comments and felt he should not get so excited. He said the residents do not know about this and only asked if Councilmember Karabinchak was eligible to obtain the funds.

Councilmember Karabinchak said it is still undetermined at this time and Edison's legal counsel is looking into this.

Fred Wolke, 10 Peake Road, said as a member of the Finance Committee, he agreed with Mr. Petrucelli. From the outset when the Finance Committee received the budget, it was a zero tax increase. They had difficulty obtaining information from the Administration. They reduced the tax levy by \$1.2 million. He said it was a pleasure to serve on the Finance Committee but they spent more time obtaining information from the Administration than putting the budget together.

Joe Petrucelli, 62 Revere Boulevard, said he explains the budget to more seniors than to anyone. He said seniors are the first and foremost consideration. He felt Mr. Bucci's letter was purely political and he spoke about the comments regarding COAH. He said this is an established program.

Bill Brunner, Loring Avenue, said he did understand his tax bills and 80% of the tax increase is the school budget and the Board of Education is blaming the Council.

Burton Gimelstob, 6 Churchill Road, explained his comments to Mr. Khan. He felt he should not attack a Councilmember if he does not know the facts.

Rich Sweeney, Suttons Lane, asked if Councilmember Karabinchak is a resident of Edison and if this is taxable property.

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

Councilmember Mascola asked about the executive order sent out regarding racial profiling.

Chief Bryan said there was a policy change a few weeks ago but he did not do this. It was the Director of Public Safety. He received an email from Mr. Stephens where he indicated the Mayor wanted him to change the policy. He had concerns about this. Subsequently they had a meeting and the directive still stood and he was told to change the policy.

Councilmember Mascola said Ms. Ruane sent an email saying there was no directive from the Administration.

Ms. Ruane said she received an OPRA request from Councilmember Mascola and she will provide correspondence.

Councilmember Mascola asked the reason for doing this.

Chief Bryan said the Attorney General guidelines mandate that they capture information to monitor Police Officer conduct. In this aspect, once an Officer executes a stop, the Officer fills out certain fields. By doing this, they can head off potential problems and also protect against bias.

Councilmember Mascola asked why this was stopped.

Chief Bryan said there was discussion between the SOA President and the Mayor as to why tickets were down but he did not believe that the reporting affected this.

Councilmember Mascola asked if this affects accreditation.

Chief Bryan said the new policy is reactive instead of proactive.

Councilmember Perilstein asked if Ms. Ruane was unaware of the correspondence between the Police Chief and the Administration.

Ms. Ruane said she was aware but the question asked was for a directive issued by the Mayor.

Councilmember Perilstein felt the need for better communication. She said this is not the first time the Administration has done something that is reactive.

Councilmember Perilstein thanked people for their kind words tonight. She said these are hard tough times economically which makes it difficult for every individual at the dais to devote their time. She said the Finance Committee worked diligently and it was hard to come up with a budget that we can live with. The intent was always there to hold down spending. They reality is that ratables are shrinking. She said the Council does want to hear from the residents and she felt the services are not sustainable.

Having no further business to discuss, on a motion made by Councilmember Mascola, seconded by Councilmember Perilstein, the meeting was adjourned at 9:15 p.m.

Robert Diehl
Council President

Reina A. Murphy, RMC
Municipal Clerk