

**MINUTES OF
MUNICIPAL COUNCIL
WORKSESSION AND REGULAR MEETING
NOVEMBER 21, 2011**

A Combined Meeting of the Municipal Council of the Township of Edison was held in the Council Chambers of the Municipal Complex. The meeting was called to order at 6:07 p.m. by Council President Diehl, followed by the Pledge of Allegiance.

Present were Councilmembers Diehl, Karabinchak, Lankey, Mascola, Perilstein, and Prasad.
Councilmember Gomez entered at 6:20 p.m.

Also present were Township Clerk Murphy, Deputy Township Clerk Kenny, Township Attorney Kemm, Business Administrator Ruane, Health Director Elliott, Recreation Director Halliwell, Township Engineer Medina, 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.

4. REVIEW OF MINUTES

a. and b. No comments.

5. REPORTS FROM ALL COUNCIL COMMITTEES:

Councilmember Lankey said the Finance Committee met to discuss the CFO firm being proposed. They also met with the Administration on the status of the 2011 budget and will continue the conversation for 2012.

6. POINTS OF LIGHT

Councilmember Mascola said the Edison POP Warner Jets are conducting a fundraiser at Applebee's on November 12th.

7. FROM THE BUSINESS ADMINISTRATOR:

a. Councilmember Karabinchak asked why the Town is not buying this.

Ms. Ruane said it is more beneficial to lease it. This is costly and as the machines get older it does not keep with up technology.

b. Councilmember Karabinchak said during the Finance Committee meeting, they were asked to be involved in health care issues coming up in 2012. He looked at a few items in the RFP and would like to see them changed. He felt some of the wording was loose and he cannot support this.

8. FROM THE DEPARTMENT OF FINANCE:

a. No comment was made.

b. Councilmember Perilstein asked what was found during the meetings.

Councilmember Lankey said the Department heads submitted salary and other expense budgets to the Administration. Reductions were made to the budgets. The Health Department asked for 1.3 million and 1.2 million came to the Finance Committee. The Finance Committee was not on the same page as the discussions. Mr. Gonzalez made a lot of those changes. If there was a strategic plan that would have accomplished the reductions in salary, he did not inform the Administration what the plans were. This is the main reason for a lot of the salary numbers being different.

Councilmember Perilstein asked if Mr. Stephens was at the meetings and what his involvement was.

Councilmember Lankey said Mr. Stephens was at last Thursdays meeting.

Councilmember Perilstein said Mr. Stephens was the Acting Business Administrator when the budget was adopted.

Councilmember Lankey said this was part of what they were trying to determine. Most of the comments they received were that it was Mr. Gonzalez that did this. He was not aware of the situations occurring and he questioned the transition.

Ms. Ruane said she was not sure who made the amendment changes.

Councilmember Lankey said the amendments were made before it went to the Council for introduction.

Councilmember Karabinchak spoke about hard costs and estimated costs. He said the hard costs were salary and wages and this should stay the same throughout the course of the year. The estimated costs are gasoline, snow and salt. The meeting last Thursday was to try to obtain reasons why this happened so we do not have the same problems reoccur in the next budget. This transfer shows this was an Administrative failure. He said people were involved with the budget other than Mr. Gonzalez. He said the Council asked for a strategic plan and there is none. There is not even a departmental plan. He said the Directors said they did not establish the budget, Mr. Gonzalez did. He noted this is a lack of communications and a lack of basic management procedures. He said the Council did not receive all the documents they needed and there was a lot of political posturing by the Administration. He said this is bad government. He was concerned that they were told this was all Mr. Gonzalez's fault. He felt their demeanor in not speaking to the Council is disheartening, unprofessional, ludicrous and shameful. He read in the newspaper that if the Council wants to talk to the Mayor they should create a committee of the whole. He was concerned with hiring a lawyer to force the Mayor to talk to the Council and felt this was not the way of good government. He gave the example of the Fire Chief stating he needed money in a particular line item.

Councilmember Mascola felt we have a failure to communicate. He said the Mayor was asked to attend tonight's closed session and they still have not received a response. He said they received a budget that was pie in the sky numbers. He said in order to have a plan, there has to be some other people involved and felt the Mayor should have known the plan. They need to step up to the plate and get some answers. He cannot in good conscience make a transfer of \$1.2 million without some type of explanation.

Councilmember Perilstein said with the hiring of Ms. Ruane, she thought we were moving forward. They had issues with Mr. Gonzalez and his management style. She said Councilmember Lankey tried to build a bridge but the only responses received from the Mayor were that she was confident in his management style. She said they were forced to create a committee of the whole and the Mayor chose to put a gag order on the Council. She felt the Council was impotent because they were not able to obtain information to make the correct decisions. She spoke about the efforts the budget committee went through to make this a viable budget. She noted the Council was not allowed to ask the Directors for any information. She felt the Administration is utterly incompetent. The one major charge of the Council is the budget. She said the government is on life support and they are trying to extend an olive branch and obtain answers. She said the Mayor does not have time to meet with the Council but has time to go to the League of Municipalities. She said Mr. Stephens attended Council meetings previously as an advocate and then took the job as Management Specialist. He then became the Acting Business Administrator after Mr. Gonzalez left but does not have the courage to attend meetings to justify what was done. She felt we should budget for raises before they are given, citing the 2% increase for non union employees.

Councilmember Dr. Prasad agreed with the previous Councilmembers' comments. He said when the Mayor refuses to attend a closed session to explain the actions of the Administration and the need to transfer such a large amount of money there is no one to answer for these actions. He remembered when Mr. Stephens was appointed Acting Business Administrator and said his work did not change at all because he already sat in all the meetings. He would just lead the meetings now. He was concerned that the Administration was dependent on Mr. Gonzalez who was paid by the Township for four to six weeks after he was terminated. He noted that Mr. Stephens was paid as Acting Business Administrator. He questioned what he did and said when they needed an explanation Mr. Stephens was nowhere to be found. He felt it was time for Mr. Stephens to let go of Edison Township and he should resign before any of this comes to fruition again.

Council President Diehl said he heard from several Councilmembers and can sense the frustration. One of the easiest things to do is blame someone for things when that person is not around anymore and he feels this is wrong. His biggest problem is that he does not believe what he has been told. He does not believe that Mr. Stephens did not know the answers to these items. He said Mr. Gonzalez did not grow up in Edison. He was just a man hired for the job. He asked if Mr. Gonzalez was given the power to do anything he wanted without consultation by the Mayor or Mr. Stephens. They have been asking for answers for two years and have been told inaccurate things. He was concerned that Mr. Stephens was receiving a \$65,000 raise. He felt if he is going to take money for a job, he should stand up and own up to it. He said he took this money and now he does not know the answers. He felt Mr. Stephens should give the money back and rehire the people that were laid off and need a job. He felt there is a problem with the Committee of the Whole because the lawyers take over. He said the Council asked the Mayor on four different occasions to meet with them to discuss personnel and finances. They cannot talk to the Mayor in public or in the Committee of the Whole because it is a personnel issue. He said the Mayor was a Councilmember for many years and knows that sometimes the conversations are not comfortable but she should be strong enough to listen to what the Council has to say and they should be strong enough to give their opinion. He said Mr. Stephens is no where to be found, but he took the money.

Councilmember Perilstein asked to put forward a vote of "no confidence" for the Mayor and Mr. Stephens for their lack of response on all of the items listed before, also their lack of professionalism, communication and accountability.

Council President Diehl added Resolutions R.847-112011 and R.848-112011.

Councilmember Dr. Prasad asked Ms. Ruane if Mr. Stephens can take the chair and answer questions since he just arrived.

Ms. Ruane asked Mr. Stephens to come to the table.

Councilmember Dr. Prasad said they have been discussing transfers that have been requested by the Administration. He said this is part and parcel of the budget process.

Mr. Stephens said he was the Acting Business Administrator but the prior Business Administrator and the CFO were responsible for the numbers in the budget.

Councilmember Dr. Prasad said Mr. Stephens said he was part and parcel of all the meetings that Mr. Gonzalez attended. He said his job as Acting Business Administrator would not be any different because he attended all the meetings they had in the Township.

Mr. Stephens said when Mr. Gonzalez met with the Mayor he was there but he was not present every time he met with a Department head and the CFO.

Councilmember Dr. Prasad asked if Mr. Stephens saw where the budget was going.

Mr. Stephens said the whole time he was Acting Business Administrator the Administration made no changes to the budget. He was concerned with some of the changes that were made to the budget.

In response to Councilmember Dr. Prasad's questions, Mr. Stephens said he asked for an emergency appropriation because the CFO did not have money to pay the employees.

Mr. Stephens said when he was Acting Business Administrator they did not exceed any line item in the budget.

Councilmember Dr. Prasad said if we go over 1/12th of the budget he asked who looks at this.

Mr. Stephens said he knew there would be a need for transfers because groups were running excessive overtime.

Councilmember Dr. Prasad asked when they compared monthly budgets to expense items did they see a trend that this was going to be exceeded in the first seven months.

Mr. Stephens agreed that there would be transfers. He was concerned with Police overtime. The last time he met with the CFO he said there would be no issues until late November or early December. He felt they have to talk to the Directors about why the lines went over.

Councilmember Dr. Prasad said Mr. Stephens was the Management Specialist and one of his duties was how to manage the budget.

Mr. Stephens said he would be more than happy to discuss personnel issues in closed session and he discussed many ways to deal with the situation.

c. through e. No comments were made.

9. FROM THE DEPARTMENT OF HEALTH:

a. Councilmember Mascola asked for an explanation.

Mr. Elliott said this is an opportunity put in place that will provide \$50,000 in funding to continue to improve the activities involved such as adoptions and placements.

10. FROM THE DEPARTMENT OF LAW:

a. Mr. Kemm said this is the second reading on the Ordinance for Cross River Fiber. This is a right of way agreement.

b. and c. No comments were made.

11. FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:

a. Council President Diehl asked for an explanation.

Mr. Medina said this is a housing rehabilitation agreement. He explained the work to be done. During the work process, they encountered an infestation of carpenter ants.

12. FROM THE DEPARTMENT OF PUBLIC WORKS:

a. through c. No comments were made.

13. FROM THE CHIEF OF POLICE:

a. Chief Bryan said this is a capital funding project from last year that they are moving forward with.

Councilmember Karabinchak asked Chief Bryan if he reviewed the drawings in the second bid regarding security cameras.

Chief Bryan said he was satisfied with this.

Councilmember Perilstein asked how involved Chief Bryan was in the budget process.

Chief Bryan said he was not involved. The process was different. Upon his return in June, he discovered that other members of the Police Department were not involved either. He explained the ceiling of overtime he received which was unreasonable and he explained this to the Administration. He gave the documents to the Business Administrator that the Council asked for.

Councilmember Perilstein asked if this was consistent. She asked when he came back from hiatus if this was articulated.

Chief Bryan said it was and there was no response.

Councilmember Karabinchak said we had an Assistant Public Safety Director at that time.

Chief Bryan said he also expressed his concerns to him.

Councilmember Karabinchak asked for an explanation on how they obtained the numbers.

Councilmember Dr. Prasad said there was a change in the number of hours worked.

Chief Bryan said there was a reduction of time in the hours of work that was negotiated in the contract. He said we are down to 170 Officers and there is a substantial drop in the work force. His hands are tied with the collective bargaining agreement. The Officers are working sixty hours less per year.

Councilmember Dr. Prasad asked if the Officers worked the same numbers of hours, how this affected the budget.

Chief Bryan noted that this does decrease the overtime.

Councilmember Perilstein asked if he expressed these concerns to the Administration who was negotiating the contract.

Chief Bryan said he put in his concerns in writing when he heard rumors. He said he had no input into the contract.

Councilmember Perilstein asked who was on the contract negotiating team. She thought it was Mr. Stephens and Mr. Rainone.

Mr. Stephens came back to the table and said this was primarily Mr. Rainone but he did assist him.

Councilmember Perilstein asked if the overtime was given away before the contracts were signed.

Mr. Stephens explained that they received an extra five to six days vacation. This was a breakeven contract. Overall the amount of time equaled out. He said negotiations are a give and take. He said losing people impacted the manpower. He also discussed civilianizing many of the positions.

Councilmember Mascola said the deal was made to change the hours in the middle of the contract. He said this could have been used during negotiations. He said he discussed these items during the Committee of the Whole. He felt he did not receive the right answers.

b. and c. No comments were made

14. FROM THE PLANNING BOARD:

a. No comment was made

15. FROM THE COUNCIL MEMBER OF THE PLANNING BOARD:

Councilmember Karabinchak said the meeting is on November 14th and he explained the items before the Board.

16. UNFINISHED BUSINESS:

ORDINANCES FOR FURTHER CONSIDERATION AND PUBLIC HEARING:

O.1781-2011 No comment was made.

O.1782-2011 No comment was made.

- O.1783-2011 No comment was made.
- O.1784-2011 Councilmember Perilstein asked for clarification that this special emergency is for the severance liability for layoffs.
- Ms. Ruane said yes and retirements also.
- Councilmember Perilstein asked if it is safe to assume that the costs were anticipated when they did the initial layoff.
- Ms. Ruane said she did not know.
- Councilmember Perilstein said the layoffs were supposed to save money.
- Councilmember Karabinchak said a majority is going to sick time buyouts.
- In response to Councilmember Perilstein's questions, Councilmember Gomez said there is no long range plan that was put together.

17. COMMUNICATIONS:
a through c. No comments

18. DISCUSSION ITEMS:

Council President Diehl:
None

Councilmember Gomez:
None

Councilmember Karabinchak:
a. through e. No comments were made.

Councilmember Lankey:
None

Councilmember Mascola:
None

Councilmember Perilstein:
a. Councilmember Perilstein asked about the debris removal and said there are areas that have still not seen the removal.

Ms. Ruane said the message on the website was updated extending the date until this is cleaned up.

Councilmember Perilstein said residents were concerned with snow on top of the debris. The debris is also obstructing views and children do not have a clear path to walk on.

Councilmember Prasad:
a. Councilmember Dr. Prasad spoke about Cablevision and asked that they come back and discuss this because we do not have a contract.

Ms. Ruane said she hoped to do this in December.

19. CLOSED SESSION:
There was no closed session held.

APPROVAL OF MINUTES

On a motion made by Councilmember Lankey, seconded by Councilmember Karabinchak and duly carried, the Minutes of the Regular Meetings of October 26, 2011 and Closed Session Meeting of November 9, 2011 were accepted as submitted.

COUNCIL PRESIDENT'S REMARKS

Council President Diehl said the Council will be adding two Resolutions of No Confidence.

UNFINISHED BUSINESS
ORDINANCES FOR FURTHER CONSIDERATION AND PUBLIC HEARING

The following Ordinances, which were introduced by Title on November 9, 2011, passed on first reading, published according to law for further consideration at this meeting, were read by the Township Clerk:

O.1781-2011 AN ORDINANCE AUTHORIZING A RIGHT OF WAY USE AGREEMENT WITH CROSS RIVER FIBER LLC FOR THE INSTALLATION OF TELECOMMUNICATION LINES AND FACILITIES

(The above Ordinance O.1781-2011 can be found in its entirety in Ordinance Book #25.)

Council President Diehl declared the Public Hearing opened for O.1781-2011.

Esther Nemitz, 162B Fay Street, asked for an explanation about where the lines will be coming into the building.

Mr. Kemm said this gives the use for the public right of way. Once they receive this, they will put together plans. They would need building permits and when they come in for approval, we will know the locations.

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

On a motion made by Councilmember Karabinchak, seconded by Councilmember Perilstein, the Ordinance was adopted.

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

NAYS - None

O.1782-2011 AN ORDINANCE CHANGING THE ZONING OF VARIOUS PROPERTIES AS RECOMMENDED IN THE MASTER PLAN REVIEW

(The above Ordinance O.1782-2011 can be found in its entirety in Ordinance Book #25.)

Council President Diehl declared the Public Hearing opened for O.1782-2011.

Fred Wolke, 10 Peake Road, asked if this was for the benefit of Walmart.

Mr. Kemm said when they did the master plan reexamination this is for various properties around the Township. This will not affect Walmart.

Mr. Wolke asked if Walmart will receive variances for additional buildings.

Councilmember Karabinchak said this is from the planning board and was already approved prior to the planning board approval.

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

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

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

NAYS - None

Councilmember Prasad abstained form voting

O.1783-2011 REFUNDING BOND ORDINANCE PROVIDING FOR THE PAYMENT OF AMOUNTS OWING TO OTHERS FOR TAXES LEVIED IN AND BY THE TOWNSHIP OF EDISON, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$5,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF

The Township Clerk explained that Local Finance Board approval is needed.

In response to Councilmember Karabinchak's questions, Ms. Ruane said this had to be introduced.

Ms. Ruane said they will meet in December on this.

Councilmember Karabinchak said we had to introduce prior to going to the LFB.

Councilmember Lankey asked if there is a deadline if this goes into next year.

Councilmember Karabinchak said this has to do with tax appeals that the Township has a deadline on. There was \$1.5 million that had to be settled. He said if this can wait as long as next April why did they not know this in the beginning. We are number two in the State with the highest number of tax appeals. He felt either this is an emergency or it is not.

Ms. Ruane said this is a bond Ordinance for the funding mechanism. We had to introduce the Ordinance by law to show we are willing to put the funding mechanism in place once we have approval from the LFB.

On a motion made by Councilmember Mascola, seconded by Councilmember Lankey, the Ordinance was tabled.

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

NAYS - None

O.1784-2011 AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION FOR CONTRACTUALLY REQUIRED SEVERANCE LIABILITIES RESULTING FROM THE LAYOFF OR RETIREMENT OF EMPLOYEES OF THE TOWNSHIP OF EDISON, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

(The above Ordinance O.1784-2011 can be found in its entirety in Ordinance Book #25.)

Council President Diehl declared the Public Hearing opened for O.1784-2011.

Hearing no comments, on a motion made by Councilmember Lankey, seconded by Councilmember Perilstein and duly carried, this Public Hearing was closed.

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

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

NAYS - None

NEW BUSINESS

PROPOSED ORDINANCES (PUBLIC HEARING SET DOWN FOR WEDNESDAY, DECEMBER 14, 2011)

The following Ordinances were introduced by title:

O.1785-2011 AN ORDINANCE AUTHORIZIGN A RIGHT OF WAY USE AGREEMENT WITH QWEST COMMUNICATIONS COMPANY, LLC FOR THE USE OF PUBLIC RIGHTS OF WAY FOR THE INSTALLATION OF TELECOMMUNICATION LINES AND FACILITIES

On a motion made by Councilmember Mascola, seconded by Councilmember Perilstein, 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 December 14, 2011.

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

NAYS - None

O.1786-2011 AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH THE COMMUNITY HOSPITAL GROUP, INC. T/A JFK MEDICAL CENTER FOR THE USE OF PORTIONS OF THE EDISON TOWNSHIP PUBLIC SAFETY CENTER IN RARITAN CENTER.

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 December 14, 2011.

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

NAYS - None

Councilmember Lankey abstained from voting.

O.1787-2011 AN ORDINANCE CHANGING THE ZONING OF PROPERTIES ALONG PLAINFIELD AVENUE AS RECOMMENDED IN THE MASTER PLAN REVIEW

On a motion made by Councilmember Mascola, seconded by Councilmember Prasad, 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 December 14, 2011.

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

NAYS - None

PUBLIC COMMENTS AS TO PROPOSED RESOLUTIONS

Councilmember Mascola made a motion to add Resolutions R.847-112011 and R.848-112011 to the agenda. This motion was seconded by Councilmember Perilstein.

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.832-112011 through R.848-112011.

Esther Nemitz, 162B Fay Street, spoke on Resolution R.834-112011 and said she was glad to see work being done on this bridge. She asked what Resolution R.835-112011 is for.

Ms. Ruane said this is a contract to repair any traffic signal problems. We adopted a Resolution in the beginning of the year and that has already been exhausted.

Ms. Nemitz asked is this is for the rest of the year.

Ms. Ruane said until February 9, 2012.

Ms. Nemitz asked about the two added Resolutions and would appreciate if they can both be read for the public.

Councilmember Mascola asked what we have done with traffic signals since February 2011.

Ms. Ruane said this was initiated in February 2011.

Lois Wolke, 10 Peake Road, asked what department and vehicles Resolution R.836-112011 is for.

Ms. Ruane said this is collision for every Department.

Ms. Wolke spoke on Resolution R. 840-112011 and asked why we are renting this.

Chief Bryan said this is asset forfeiture money. There is no cost to the taxpayer. It will replenish the detective bureau for vehicles used in special investigations.

Ms. Wolke asked if this was annual.

Chief Bryan said the money is used from arrests and narcotics.

Burton Gimelstob, 6 Churchill Road, asked about Resolution R.846-112011.

Councilmember Karabinchak said this was discussed during the work session.

Mr. Gimelstob spoke about added Resolutions R.847-112011 and R.848-112011. He said Mr. Stephens is not an elected position but he would be considered an employee of the Township.

Mr. Kemm said that is correct.

Fred Wolke, 10 Peake Road, spoke on Resolution R.842-112011. He said as a member of the Finance Committee, he found last Thursday's meeting enlightening. He said most comments were directed to Mr. Stephens who said it was Mr. Gonzalez's fault. It was enlightening why they did not receive any information throughout the year and he hoped they will get information next year. He felt the transfer should go forward for budgeting purposes.

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

Councilmember Dr. Prasad requested that Resolution R.842-112011 be pulled for separate vote.

Councilmember Perilstein requested that Resolutions R.847-112011 and R.848-112011 be pulled for separate vote.

Councilmember Karabinchak requested that Resolution R.846-112011 be pulled for separate vote.

Councilmember Lankey requested that Resolution R.832-112011 be pulled for separate vote.

The following Resolutions R.833-112011 through R.841-112011 and R.843-112011 through R.845-112011 were adopted under the Consent Agenda on a motion made by Councilmember Lankey and seconded by Councilmember Perilstein.

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

NAYS - None

RESOLUTION R.833-112011

Explanation: A Resolution of Support from the Municipal Council of the Township of Edison, authorizing the development and submission of an application to the 2011 Animals In The Community Pilot Program, funded by the International Fund for Animal Welfare (IFAW), for an amount not to exceed \$50,000.00.

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Township of Edison strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Township of Edison is one of the first, certified, Bronze Level participating communities of the Sustainable Jersey Program since its inception during 2009; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues and therefore created a public initiative titled: the **2011 Sustainable Jersey Animals In The Community Pilot Program**; and

WHEREAS, no matching funds are required of the Township of Edison in order to participate in the **2011 Sustainable Jersey Animals In The Community Pilot Program**; and

WHEREAS, the Municipal Council of the Township of Edison has determined that the Township of Edison should develop and submit a viable application to the **2011 Sustainable Jersey Animals In The Community Pilot Program**, in order to support local green/sustainable initiatives.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Edison, State of New Jersey, authorizes the development and submission of an application to the 2011 Sustainable Jersey Animals In The Community Pilot Program, funded by the International Fund for Animal Welfare (IFAW), for an amount not to exceed \$50,000.00, with no requirement of cash match, at a regularly-scheduled, public meeting, on November 21, 2011.

Sustainable Jersey

The Sustainable Jersey Program is the product of a coalition of public and private organizations and agencies, throughout New Jersey, working together to identify the actions municipalities need to pursue in order to become green and sustainable, develop the guidance resources that will be needed in order to initiate such efforts, as well as to assist them to progress and build upon their successes. The Small Grants Program is one of the first incentives to be provided to municipalities through Sustainable Jersey.

RESOLUTION R.834-112011**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT TO KAPPA CONSTRUCTION CORPORATION FOR POLICE DIVISION RENOVATIONS**

WHEREAS, bids were received by the Township of Edison on October 7, 2011 for Public Bid No. 11-02-06R-Police Division Renovations; and

WHEREAS, KAPPA CONSTRUCTION CORPORATION, 3 Matilda Drive, Ocean, NJ 07712, submitted the lowest legally responsible, responsive bid; and

WHEREAS, the maximum amount of the purchase shall not exceed \$1,143,000.00; and

WHEREAS, funds in the amount of \$1,143,000.00 have been certified to be available in Account Numbers T-14-10-0520-000-003, C-04-05-1452-391-004, C-04-05-1452-391-005, C-04-05-1452-391-011 and C-04-07-1565-394-002; and

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 submitted by KAPPA CONSTRUCTION CORPORATION, 3 Matilda Drive, Ocean, NJ 07712 for Police Division Renovations, 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 \$1,143,000.00, and any other necessary documents, with KAPPA CONSTRUCTION CORPORATION as described herein.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and/or bonds of the unsuccessful bidders.

RESOLUTION R.835-112011

RESOLUTION AUTHORIZING ADDITIONAL FUNDS FOR THE EMERGENCY TRAFFIC SIGNAL REPAIRS CONTRACT WITH JEN ELECTRIC, INC. IN AN AMOUNT NOT TO EXCEED \$15,000.00

WHEREAS, JEN ELECTRIC, INC., 631 Morris Avenue, Springfield, NJ 07081 was awarded Contract No. 10-06-26, EMERGENCY TRAFFIC SIGNAL REPAIRS on February 9, 2011 through Resolution R. 087-022011 effective February 25, 2011 in the amount of \$50,000.00 and that amount has been depleted; and

WHEREAS, the Purchasing Agent is in the process of rebidding this contract since the maximum dollar amount of the contract has been depleted; and

WHEREAS, the Township recommends that we execute a contract on a month to month basis expiring February 25, 2011 for additional funds in the amount not to exceed \$15,000.00 with JEN ELECTRIC with the price as well as all terms and conditions to remain the same until such as time as the new contract is awarded; and

WHEREAS, the total amount of this contract, not to exceed \$15,000.00, cannot be encumbered at this time; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)).

NOW, THEREFORE, IT IS RESOLVED by the Township Council of the Township of Edison the Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$15,000.00, and any other necessary documents, with JEN ELECTRIC, INC. as described herein.

RESOLUTION R.836-112011

RESOLUTION ACCEPTING BID AND AWARING A CONTRACT TO ULTIMATE COLLISION REPAIR

WHEREAS, bids were received by the Township of Edison on October 20, 2011 for Public Bid No. 11-10-25-Collision Repairs; and

WHEREAS, ULTIMATE COLLISION RPEAIR, 1115 Route 1, Edison, NJ 08837, submitted the lowest legally responsible bid; and

WHEREAS, the total amount of this contract, not to exceed \$30,000.00, cannot be encumbered at this time; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)).

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 by ULTIMATE COLLISION REPAIR, 1115 Route 1, Edison, NJ 08837 for Collision Repairs is determined to be the lowest legally responsible bid.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$30,000.00 and any other necessary documents, with ULTIMATE COLLISION REPAIR.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and or bonds of the unsuccessful bidders.

RESOLUTION R.837-112011

RESOLUTION AWARING FORTY EIGHT MONTH LEASE FOR A MULTI FUNCTION COPIER TO LANIER WORLDWIDE, INC. C/O RICOH AMERICAS CORPORATION FOR THE MUNICIPAL COURT

WHEREAS, the Municipal Court is in need of a multi function machine that copies, scans and faxes; and

WHEREAS, the Township recommends that the Municipal Court leases a multi function machine and has researched several State contract vendors and LANIER WORLDWIDE, INC. C/O RICOH AMERICAS CORPORATION best fits the Municipal Court's needs for the best price; and

WHEREAS, LANIER WORLDWIDE, INC. C/O RICOH AMERICAS CORPORATION has been awarded State Contract Number 64043 under T-437C/Digital Color Copiers-Color Copier/Printers-Cost Per Copy; and

WHEREAS, the lease shall be a forty eight month lease in the amount of \$365.35 per month not to exceed \$17,536.80 which shall include 7,000 black and white copies and 1,400 color copies per month and all maintenance and toner; and

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract; and

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

1. The Mayor, or her designee, is hereby authorized to execute a forty eight month lease for \$365.35 per month not to exceed \$17,536.80 and any other necessary documents, with Lanier Worldwide, Inc. C/O Ricoh Americas Corporation, 485 Route 1 South, Building F/Suite 120, Iselin, NJ 08830 as described herein.
2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. 64043/T-437C.

RESOLUTION R.838-112011

RESOLUTION REJECTING ALL BIDS FOR PARKING LOT IMPROVEMENTS-MUNICIPAL COMPLEX

WHEREAS, the Township of Edison advertised for bids by public notice published in the Home News on September 28, 2011, for Public Bid No. 11-27-01, PARKING LOT IMPROVEMENTS-MUNICIPAL COMPLEX with a bid opening date of October 18, 2011 and one (1) bidder submitted the lowest legally responsible, responsive bid in the amount of \$280,365.00; 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.

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 Public Bid No. 11-27-01 entitled "PARKING LOT IMPROVEMENTS-MUNICIPAL COMPLEX" is hereby rejected pursuant to N.J.S.A 40A:11-13.2a .
2. The Purchasing Agent is hereby authorized to rebid said project.

RESOLUTION R.839-112011

RESOLUTION AUTHORIZING CHANGE ORDER # 1 TO THE CONTRACT WITH A-PLUS CONSTRUCTION

WHEREAS, Resolution R.581-072011 dated July 27, 2011 authorized a contract with A-PLUS CONSTRUCTION, 18 Station Road, Lincoln Park, NJ 07035 for Case #0710 to provide improvements to qualified single family, owner occupied dwelling to the Township of Edison, in the amount of \$13,150.00; and

WHEREAS, during the performance of said siding contract, the contractor took off the siding and it was discovered that there were areas of severely rotted wood due to water damage that needed to be replaced; and

WHEREAS, the changes will not alter the contract in such a manner as to nullify the effect of the competitive determination of lowest responsible bidder which was made at the time of the contract award; and

WHEREAS, the amount of this change order is \$1,450.00 and funds in this amount have been certified to be available in the Housing Rehabilitation Account, No. T-14-10-0510-000-001.

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

1. Change Order #1 to the contract with A-PLUS CONSTRUCTION, 18 Station Road, Lincoln Park, NJ 07035 is hereby authorized.
2. A brief notice shall be printed once in an official newspaper and filed with the Township Clerk indicating the additional amount to be expended, the original contract price, the nature of the original and additional work, and why it is necessary to expend the additional funds.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$1,450.00 are available for the above contract in Account No. T-14-10-0510-000-001.

/s/Lawrence Pollex
Acting Chief Financial Officer

RESOLUTION R.840-112011**RESOLUTION ACCEPTING BID AND AWARDING A CONTRACT TO EAN HOLDINGS D/B/A ENTERPRISE RENT A CAR FOR RENTAL VEHICLES FOR THE DIVISION OF POLICE**

WHEREAS, bids were received by the Township of Edison on November 1, 2011 for Public Bid No. 11-10-06-Rental Vehicles for the Division of Police; and

WHEREAS, EAN HOLDINGS, D/B/A ENTERPRISE RENT A CAR, 4900 Route 33, Suite 201, Neptune, NJ 07753, submitted the lowest legally responsible bid; and

WHEREAS, the total amount of this contract, not to exceed \$27,500.00, cannot be encumbered at this time; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.10 funds for Open-End Contracts shall be committed at the time an order is placed and shall not exceed the unit price; and

WHEREAS, no amount shall be chargeable or certified until such time as goods or services are ordered or otherwise called for. Prior to incurring the liability by placing the order, the certification of available funds shall be made by the Chief Financial Officer or Certifying Financial Officer. It shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds of the Chief Financial Officer or Certifying Finance Officer, as appropriate (N.J.A.C. 5:30-5.5(b)).

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 by EAN HOLDINGS D/B/A ENTERPRISE RENT A CAR, 4900 Route 33, Suite 201, Neptune, NJ 07753 for Rental Vehicles for the Division of Police is determined to be the lowest legally responsible bid.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$27,500.00 and any other necessary documents, with EAN HOLDINGS D/B/A ENTERPRISE RENT A CAR.
3. The Township of Edison Purchasing Agent is hereby authorized to return any and all deposits and or bonds of the unsuccessful bidders.

RESOLUTION R.841-112011**RESOLUTION AWARDING CONTRACT TO ATLANTIC TACTICAL FOR THE FURNISHING OF BULLET RESISTANT VESTS FOR THE DIVISION OF POLICE**

WHEREAS, there is a need to purchase Bullet Resistant Vests for the Division of Police; and

WHEREAS, ATLANTIC TACTICAL, 14 Worlds Fair Drive, Somerset, NJ 08873, has been awarded State Contract Number A73994 under T-0106/Police and Homeland Security Equipment and Supplies; and

WHEREAS, the maximum amount of this purchase shall not exceed \$48,517.80 and funds in this amount have been certified to be available as follows:

\$10,740.49-Account No. G-02-YY-0240-716-00-Bullet Vest Partnership (Prior Years)
\$ 8,543.30- Account No. G-02-YY-0240-706-000-Body Armor (Prior Years)
\$ 2,151.00-Account No. G-02-XX-0240-706-000-Body Armor Replacement
\$ 2,500.00-Account No. T-13-00-1000-000-022-Donation-Police Department
\$ 1,500.00-Account No. T-13-00-1000-000-024-Donation-Purchase Bullet Proof Vests
\$19,236.64-Account No. G-02-09-0240-706-001-Body Armor Fund 2008
\$ 3,846.37-Account No. G-02-10-0240-706-001-Body Armor Fund 2010

WHEREAS, in accordance with the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, public bidding is not required when the purchase is under a state contract.

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

1. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed \$48,517.80 and any other necessary documents, with ATLANTIC TACTICAL, 14 Worlds Fair Drive, Somerset, NJ 08873as described herein.

- 2. This contract is authorized pursuant to the authority set forth in N.J.S.A. 40A:11-12 of the Local Public Contracts Law, and State Contract, No. 73994 under T-0106.

CERTIFICATION OF AVAILABILITY OF FUNDS

I hereby certify that funds in the amount of \$48,517.80 are available as follows:

- \$10,740.49 – Account No. G-02-YY-0240-716-00 – Bullet Vest Partnership (Prior Years)
- \$ 8,543.30 – Account No. G-02-YY-0240-706-000-
- \$ 2,151.00 – Account No. G-02-XX-0240-706-000 – Body Armor Replacement
- \$ 2,500.00 – Account No. T-13-00-1000-000-002 – Donation-Police Department
- \$ 1,500.00 – Account No. T-13-00-1000-000-024 – Donation-Purchase Bullet Proof Vests
- \$19,236.64 – Account No. G-05-09-0240-706-001-Body Armor Fund 2008
- \$ 3,846.37 – Account No. G-02-10-0240-706-001-Body Armor Fund 2010

/s/Lawrence Pollex
Acting Chief Financial Officer

RESOLUTION R.843-112011

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 **\$5,000.00**, 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; 2011 Municipal Alliance Competitive RFA Grant** ; in the amount of \$5,000.00

IT IS FURTHER RESOLVED that the like sum of **\$5,000.00** is hereby appropriated under the caption **8. GENERAL APPROPRIATIONS (A) Excluded from "CAPS"**; 2011 Municipal Alliance Competitive RFA Grant; in the amount of \$5,000.00; and

IT IS FURTHER RESOLVED that the above is the result of a grant and funds to be received from the County of Middlesex, 2011 Municipal Alliance Mini-grant Program (see annexed) in the amount of **\$5,000.00**.

RESOLUTION R.844-112011

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 \$254,456.17.

RESOLUTION R.845-112011

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 \$24,123.06 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.

The following Resolutions will be voted upon separately:

RESOLUTION R.832-112011

APPROVAL OF DISBURSEMENT OF FUNDS BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EDISON FOR THE PERIOD ENDING NOVEMBER 17, 2011

WHEREAS, the Director of Finance of the Township of Edison has transmitted to the Township Council a Report of Disbursements made through November 17, 2011

FUND	AMOUNT
Current	\$25,001,476.67
Dog (Animal Control)	1,794.60
Sewer Utility	35,754.98
Capital	95,626.02
CDBG	23,712.36
Trust	454,866.48
Grant Funds	8,359.56
Sanitation Fund	243,865.81
Payroll Deductions	431,147.98
Park Improvements	0.00
Developers Escrow	20,681.05
Cash Performance	0.00
Affordable Housing	0.00
Tax Sale Redemption	0.00
Law Enforcement	2,109.45
Affordable Housing	0.00
Street Opening Escrow	0.00
Federal Forfeited	200.00
TOTAL	\$26,319,594.96

/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 Karabincahk to adopt this Resolution.

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

NAYS - None

Councilmember Lankey abstained from voting.

RESOLUTION R.842-112011

**AUTHORIZING THE TRANSFER OF FUNDS IN THE CALENDAR YEAR 2011 CURRENT FUND
BUDGET APPROPRIATIONS PURSUANT TO N.J.S.A. 40A:4-59**

WHEREAS, N.J.S.A. 40A:4-59 authorizes the transfer of funds during the last two months of a fiscal year and during the first three months of the subsequent fiscal year; and

WHEREAS, certain calendar year 2011 appropriations as budgeted are insufficient to meet the needs for which those appropriations were originally established while certain other appropriations appear to have surplus balances not currently needed to pay claims for which they were budgeted; and

WHEREAS, the annexed spread sheet details the accounts to which funds need to be transferred and the accounts from which funds will be transferred to insure that adequate appropriation balances exist where needed to pay approved claims against the Township;

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 transfer funds as indicated on the annexed spread sheet from those designated appropriations having apparent surplus balances to those designated appropriations having apparent insufficient balances to insure that adequate appropriation balances exist where needed.

TO: SALARIES AND WAGES

ACCOUNT	TO:
Administration 20-0100-001-011	\$ 11,000.00
Communication/T.V. 20-0100-001-011	\$ 12,300.00
HR/Personnel 20-0105-000-011	\$ 9,100.00
Purchasing 20-0100-002-011	\$ 30,000.00
Clerk 20-0120-001-011	\$ 2,200.00
Tax Collector 20-0145-000-011	\$ 29,750.00
Tax Assessor 20-0150-000-011	\$ 13,750.00
Planning & Zoning 20-0186-000-011	\$ 12,500.00
Insp/Code Enf. 22-0195-000-011	\$ 61,000.00
Rent Control 22-0200-001-011	\$ 4,000.00
Solid Waste Recycling 26-0305-000-011	\$ 50,000.00
Health 27-0330-001-011	\$ 124,500.00
Health (Mun. Alliance)41-0740-000-000	\$21,016
Senior Citizens 27-0330-002-011	\$ 35,500.00
Community Shuttle 27-0330-003-001	\$ 15,000.00
Recreation 28-0370-000-011	\$ 26,750.00
Police 25-0240-000-011	\$ 215,000.00
Fire 25-0265-001-011	\$ 307,134.00
EMT's 25-0265-003-011	\$ 136,000.00

TO: OTHER EXPENSE

Streets & Roads 26-0290-000-030	\$ 70,000.00
Fuel & Lubricants 31-0460-000-074	\$ 30,000.00
TOTAL \$	1,216,500.00

ACCOUNT

FROM:

FROM: SALARIES AND WAGES

Parks 28-0375-000-011	\$ 50,000.00
Buildings and Grounds 26-0310-000-011	\$ 120,000.00
Streets & Roads 26-0290-000-011	\$ 100,000.00
Municipal Garage 26-0315-001-011	\$ 80,000.00
Auto Impound 26-0300-000-011	\$ 17,000.00
Maint. Of Police Vehicles 26-0315-002-011	\$ 7,500.00
Municipal Court 43-0490-000-011	\$ 75,000.00

FROM: OTHER EXPENSES

Municipal Clerk 20-0120-001-028	\$	10,000.00
Data Processing 20-0140-000-059	\$	10,000.00
Tax Collection 20-0145-000-104	\$	20,000.00
Health 27-0330-001-028	\$	20,000.00
Seniors 27-0330-002-032 & 036	\$	7,500.00
Shuttle 27-0330-003; 034,077&093	\$	5,000.00
Communications/911 25-0250-000-026	\$	20,000.00
Maint. of Police Vehuicles 26-0315-002-025	\$	20,000.00
Fire Prevention 25-0265-002-026	\$	180,000.00
Fire 25-0265-001-079	\$	30,000.00
Parks 28-0375-000-030	\$	4,000.00
Municipal Garage 26-0315-001-034	\$	20,000.00
Zoning 21-0185-001-028	\$	8,000.00
Rent Control 22-0200-001-021	\$	6,500.00
Emergency Management 25-0252-000-030	\$	5,000.00
Ethics 20-0120-002-023	\$	9,000.00
Public Events 30-0420-000-020	\$	2,000.00
Court 43-0490-000-058	\$	30,000.00
Code Enforcement 22-0195-000-029	\$	200,000.00
Payroll 20-0130-003-029	\$	10,000.00
Personnel/HR 20-0105-000-059	\$	50,000.00
EMT Services 25-0265-003-051	\$	100,000.00
TOTAL	\$	1,216,500.00

Councilmember Dr. Prasad said he is not satisfied with the explanation received so far.

Councilmember Mascola said he feels the same way and we still have two more meetings this year. He would like to table this and have the Mayor attend and give an explanation on what went wrong.

A motion was made by Councilmember Mascola, seconded by Councilmember Prasad to table this Resolution.

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

NAYS - Councilmember Gomez and Lankey

RESOLUTION R.846-112011

**RESOLUTION AWARDING CONTRACT TO FAIRVIEW INSURANCE AGENCY ASSOCIATES, INC.
FOR INSURANCE BROKER**

WHEREAS, the Township of Edison advertised on the Township website for Request for Proposals on October 4, 2011, for RFP 11-05, INSURANCE BROKER for a bid opening date of October 19, 2011 and four proposals were received; and

WHEREAS, after review of said proposals, it has been recommended by the Township that the contract be awarded to FAIRVIEW INSURANCE AGENCY ASSOCIATES, INC., 25 Fairview Avenue, Verona, NJ 07044 in the amount not to exceed five dollars (\$5.00) per employee, per month.

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

1. All proposals have been reviewed, and the proposal as submitted by FAIRVIEW INSURANCE AGENCY ASSOCIATES, INC., 25 Fairview Avenue, Verona, NJ 07044 is determined to be the lowest, responsible, responsive proposal for an INSURANCE BROKER.
2. The Mayor, or her designee, is hereby authorized to execute a contract in the amount not to exceed five dollars (\$5.00) per employee per month, and any other necessary documents, with FAIRVIEW INSURANCE AGENCY ASSOCIATES, INC. in accordance with their proposal.

Councilmember Karabinchak said he had questions on the RFP and asked for a motion to reject the bids.

A motion was made by Councilmember Karabinchak, seconded by Councilmember Lankey to reject the bids.

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

NAYS - None

RESOLUTION R.847-112011

WHEREAS, the Municipal Council has requested, on several occasions, to meet with the Mayor in a closed session meeting regarding personnel matters; and

WHEREAS, the Mayor has declined to meet with the Council in a closed session meeting and instead offered her office hours to meet with the Governing Body; and

WHEREAS, the Municipal Council felt it would be beneficial to meet with Mayor as a whole, instead of meeting her individually; and

WHEREAS, the Municipal Council feels it is disrespectful to refuse to meet with the Council during a closed session meeting over serious personnel issues; and

WHEREAS, the Mayor is purposely rejecting reaching out to the Council;

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council, Township of Edison, Middlesex County, New Jersey that the Municipal Council hereby votes "No Confidence" in Mayor Ricigliano.

RESOLUTION R.848-112011

WHEREAS, the Municipal Council has increasing concerns over the financial and managerial irresponsibility of the management Specialist; and

WHEREAS, the Management Specialist was instrumental in creating the Municipal Budget, which there are appears to be budgetary problems as the Administration is requesting transfers in the budget; and

WHEREAS, the Municipal Council, on several occasions, has requested that the Mayor meet with them in closed session to discuss their concerns as suggested by the Township Attorney; and

NOW, THEREFORE, BE IT RESOLVED, by the Municipal council, Township of Edison, Middlesex County, New Jersey that the Municipal Council hereby votes "No Confidence" in the Management Specialist in Mayor Ricigliano's Administration.

Councilmember Perilstein said it is truly unfortunate that we do not have an Administration willing to come and discuss matters and take accountability. She does not expect perfection but does expect a dialogue. She felt it is a sad day in the Township when we have so many issues facing us with no rationale or cognitive understanding. Not one person can explain the reasons for what has been done. She finds this troubling on so many levels. She said this is not about politics or policy. This is about doing the right thing and understanding what the Mayor's role is. She said you can't shrug responsibility when things go wrong. True leadership is when you step up to the plate. They need the Mayor to come and have a dialogue with everyone. She said this is serious stuff. She asked if her memory is so short that she would recognize what she would do if she was in their position right now. She felt she set up a roadblock and impeded what we now have to deal with. We have people in positions that are reaping rewards for jobs that are not necessarily producing an end result. When the Mayor first got into office she created a cascade of litigations that no one can justify now. She spoke about her confidants that she threw under a bus. She asked her to come to the Council and not shut them out. She felt the Council has been more than kind and patient. It is no longer good enough to just shake hands and cut ribbons and be a ceremonial figurehead. She felt there was no plan and the only answer they receive is that it was Mr. Gonzalez. She does not feel these Resolutions are frivolous and it is about managing the Town for a productive future.

Councilmember Gomez said after Thursday's meeting he came to the conclusion that we do not have the right management structure and will continue to have the same problems again and again as long as we do not have the right people leading. He does not have any confidence until we move with a change.

Council President Diehl said a lot of strong things have been said this evening. This is a culmination of two years of frustration. They have gone back and forth many times. The Mayor and members of her Administration have heard what was said. This is about as loud and clear as they can be. This is a clear message to the Mayor and it is an opportunity for the Mayor to move forward in the New Year and work together. This is a statement and a challenge to change management style and personnel so we have the right people doing the right thing.

A motion was made by Councilmember Prasad, seconded by Councilmember Mascola to adopt Resolutions R.847-112011 and R.848-112011.

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

NAYS - None

COMMUNICATIONS

- a. Electronic Mail Message from Maryann Hennessey regarding electronic equipment in the Council Chambers - receive
- b. Letter from Fran and Hugh McCourt regarding speed bumps on Ferris Road – receive and refer to Police and Engineering (Added to the agenda at the meeting)

- c. Electronic Mail Message from Alan Sciarrillo regarding water on Paley Place – receive and refer to Engineering (Added to the agenda at the meeting)

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

ORAL PETITIONS AND REMARKS

Council President Diehl opened the meeting for public comment.

Jane McLaughlin, owner of the Dressing Room Dance Studio. She said she represents a group of small business owners called the Clara Barton Business Alliance. She spoke about a winter fall festival that they are having on December 10th between 2 p.m. and 6 p.m. She said this Saturday is small business Saturday.

Burton Gimelstob, 6 Churchill Road, asked Ms. Ruane if she is familiar with the employee handbook and if she attended the League of Municipalities.

Ms. Ruane said she attended on Tuesday, Wednesday and Thursday.

Mr. Gimelstob asked if she was present at a dinner with Mr. Dee Gillespie, the Mayor, Mr. Stephens and the Purchasing Agent.

Ms. Ruane said she was there.

Mr. Gimelstob said in the employee handbook it states that employees may not accept meals or other gifts in excess of \$25 and the handbook takes precedent over any ethics rules. He asked if the meal was \$25 or more.

Ms. Ruane said that is correct and she will respectfully not argue with him.

Mr. Gimelstob said we have a contract coming up with American Water. He asked if they are a vendor.

Ms. Ruane said they pay a lease payment.

Mr. Gimelstob asked if we have two standards for the employees. He asked if she had a problem with the Purchasing Agent being there also. He felt Mr. Stephens secured a meal for his brother also. He asked the Council to look into this as this is the second year in a row this has happened.

Walt Shneer, Park Way, asked when the DPW will go into south Edison to clean up what's left of the storm.

Council President Diehl spoke to Mr. Roderman and he asked for patience because he never saw anything like this before. They started cleaning this up but there are so many branches and they do not have a big tree crew. They are very limited in resources, equipment and manpower.

Mr. Shneer asked how many chippers and sweepers the Township has and he felt the worst areas should be cleaned first.

Council President Diehl felt we should go to the most dangerous areas first.

Mr. Shneer asked if the garbage men have radios. He felt they should communicate with the main office.

Council President Diehl said it looked like a war zone after the storm.

Mr. Shneer said he has asked for a small sign and was told this is still being made. He said he should make his own sign and put it up.

Mr. Elliott said he ordered no dumping signs and will get an update on the estimated time of delivery.

Council President Diehl asked him to give Mr. Shneer a call when he finds out about the delivery.

Mr. Shneer said the area that has the sign says this is Open Space.

Council President Diehl said the terms Open Space and Green Acres can be synonymous.

Carl Zimmerman, 247 Grandview Avenue, said last year he spoke about the parade on Amboy Avenue. He asked if he had to get a tape of the parade and send it to the Attorney General's office. The Chief and the Deputy Chief of the Police Reserves were abusing the police cars. He said during hurricane Irene nine police cars were lost by the reserves. He asked about the CERT program. He said on June 9th we had a bad lighting storm. Trees were down all over the place. He asked why we cannot have help now to clean it up. He asked how many people are still laid off from Public Works and felt they should all be recalled.

Councilmember Lankey said five were still laid off.

Mr. Zimmerman asked what would happen with the first snow. He discussed the Durham Woods explosion. He spoke about the window shades on the Firehouse at Amboy Avenue.

Council President Diehl felt he brought up some good points but he does not have any answers. He thought the CERT program was a wonderful program.

Chief Bryan said we did have vehicles that went down. This storm was unprecedented. We had Police Officers driving to protect life and property that were abandoned. He understands Mr. Zimmerman's frustration and a directive went out to Officers to only respond to life and death situations.

Esther Nemitz, 162B Fay Street, said due to the snowstorm at the end of October the Farmers Market got snowed out but she thanked everyone who made the Farmers Market a success. It will start in June next year. She said the Clara Barton Preservation Committee will continue meeting and she thanked Jane McLaughlin and others for putting together something good for Clara Barton.

Charles Tomaro, Waverly Drive, wished everyone Happy Thanksgiving. He thanked the residents and organizations who donated turkeys for the Hands of Hope this Saturday. He said a nice job was done on Vineyard Road and he spoke about the pedestrian crosswalk.

Fred Wolke, 10 Peake Road, said earlier in the meeting Councilmember Dr. Prasad discussed Cablevision. On his cable bill, he pays for a local franchise tax. He asked if the Township is still collecting this as we have not had a contract for a number of years.

Ms. Ruane said she will get a copy of this.

Council President Diehl said this is a ten year old problem we are dealing with. He asked for an update on where they are with Cablevision.

Mr. Wolke asked if someone on the Council is responsible for this.

Council President Diehl said he is not at this time and some residents in the Township are happy with Cablevision.

Mr. Wolke said Verizon keeps advertising on television and in the newspapers but he doesn't think they are in Edison yet.

Councilmember Dr. Prasad said it is time to reopen contract negotiations with Cablevision. He felt the Township deserves this and we need the money that they promised the Township.

Esther Nemitz, 162B Fay Street, said there was an editorial in the Home News about the telecom bill and she urged everyone to contact Senator Buono's office regarding this bill. She said it is important for local channels. She said a bill like this never goes away.

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

Councilmember Dr. Prasad wished everyone Happy Thanksgiving.

Having no further business to discuss, on a motion made by Councilmember Prasad, seconded by Councilmember Karabinchak, the meeting was adjourned at 8:31 p.m.

Robert Diehl
Council President

Reina A. Murphy, RMC
Municipal Clerk