

**MINUTES OF
MUNICIPAL COUNCIL
WORKSESSION MEETING
DECEMBER 12, 2011**

The Worksession Meeting of the Municipal Council of the Township of Edison was held in the Council Chambers of the Municipal Complex. The meeting was called to order at 6:03 p.m. by Council President Diehl, followed by the Pledge of Allegiance.

Present were Councilmembers Diehl, Karabinchak, Lankey and Mascola.

Councilmember Gomez entered at 6:10 p.m.

Councilmember Perilstein entered at 6:04 p.m.

Councilmember Prasad was absent.

Also present were Township Clerk Murphy, Deputy Township Clerk Kenny, Township Attorney Kemm, Business Administrator Ruane, Acting Finance Director Pollex, Recreation Director Halliwell, Public Works Director Roderman, Health Director Elliott, Township Engineer Medina, Deputy Fire Chief Latham, Police Chief Bryan and Cameraman Cologna.

The Clerk advised that adequate notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by an Annual Notice sent to The Home News and Tribune, The Star Ledger and the Sentinel on January 6, 2011, and posted in the Main Lobby of the Municipal Complex on the same date.

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

Jane Tousman, 14 Butler Road, urged the Council to try to make a trade regarding the Visco property. She felt there are other properties such as Hartz Mountain that could be traded. She said the current site needs to be protected as there are wetlands there. She said she noticed that the Town is giving more money to Mr. Kemm and she asked if this is in addition to the other money.

Mr. Kemm said this is for legal fees that are in excess of what has been authorized so far.

Ms. Tousman asked for a list of cases that the Town is being charged for. She said there are other municipalities that list these.

Mr. Kemm said the cases come up on the bill list.

Council President Diehl asked Ms. Ruane to put together a list.

Robert Spiegel, Edison Wetlands, had questions regarding the Visco property. He saw a Council appointment for an update on the landfill closure and he asked what is going on there and if this will be closed.

Mr. Kemm said that is the point of the appointment.

Mr. Spiegel felt they have been hearing the same thing through several administrations. We have been ordered by the DEP to close the landfill. He said all the other landfills are in some state of closure and only Edison is not on this schedule. He asked the status of the process for what is going on with Visco and if this has to be voted on by the end of the year.

Mr. Kemm said the Council has until January 14th to make a decision.

Mr. Spiegel asked if they can vote "no" and Mr. Kemm said that is correct.

Mr. Spiegel asked the Council to show leadership. He said there is no reason to give away this land. He is not seeing any leadership from the Administration or Council as to how to resolve this. If we give away this parkland we are opening it up for every developer who wants parkland. He again asked the Council to come to some resolution that shows leadership. He asked if this is Councilmember Perilstein's last meeting. He thanked her for all her leadership and hard work and felt she tried to do a lot of good for the Township environmentally and fiscally.

Council President Diehl said Councilmember Perilstein is not going anywhere. She intends to be active and involved in Township affairs.

Dave Wheeler, Edison Wetlands, asked about the pending litigation under Visco on the agenda.

Mr. Kemm said this is the same litigation and discussions that has been going on.

Mr. Wheeler spoke about the flooding and the traffic for the neighbors at this site. He has heard from the neighbors that the flooding is pretty bad. He felt we also need to take the traffic into consideration. He said this does set a bad precedent across the State if this is done.

Dana Patterson, 206 Tyler Road, asked the process for moving forward with the Visco development. She said she attended a hearing in November and via the public notice it states that the DEP will make the decision.

Mr. Kemm said Edison does not make the final decision. They hold the hearing and make a recommendation. Green Acres makes the final decision.

Ms. Patterson asked why the citizens were not allowed to speak.

Mr. Kemm said the hearing that was held was an Edison hearing. The input was both verbal and written testimony. The Council heard the position of the public.

Ms. Patterson felt there should be two different hearings.

Mr. Kemm said the public hearing was held in accordance with DEP regulations.

Ms. Patterson said the Township applied and felt this should be Edison's decision. She was under the impression that once the comment period was closed, it was closed, but they are allowing everyone to speak on this tonight.

Jill Weislo, Edison Wetlands, asked if the vote for Visco will be held in a public meeting or a closed session.

Mr. Kemm said this will be a public meeting.

Ms. Weislo spoke about events that occurred last year with the Resolutions. She felt the Township has alternatives to building in the Dismal Swamp. They started a petition regarding this issue and have received 500 signatures against this issue.

Esther Nemitz, 162B Fay Street, spoke about the events Saturday on Amboy Avenue. They held a Holiday festival which was a great success and she thanked Public Works for helping to get the tree lit and decorated. She also thanked the Police Auxiliary and the Heritage for letting the Township use their facility. She said Raritan Bakery handed out trays of cookies as well as the Girl Scouts handing out hot chocolate and smores. She said she supports what Bob Spiegel said about Visco. She said they have worked for over 20 years to protect the Dismal Swamp and to do anything else would be a travesty.

Burton Gimelstob, 6 Churchill Road, asked if the entire property is open space in the Visco area.

Mr. Kemm explained the piece of property at the end of Alexis Lane. Everything the Visco's own is not Open Space.

Mr. Gimelstob said he does not see how one house and a driveway will cause such flooding in this entire area. He asked if we don't allow this development, would the Visco family have the right to sue as the Township. He felt the Town would be denying Ms. Visco a donation on her tax return. He asked Mr. Pollex if the Council is going to receive proper documentation before the next meeting so there is no problem about having the correct documentation.

Mr. Pollex said he cannot do this until payroll is finished. The next payroll is next Wednesday. The Council will receive the same documentation as they received this evening.

Bob Spiegel, said the area in the Dismal Swamp needs to be looked at in its entirety. He felt the three acres will impact the entire area. He felt this will increase flooding for the entire area including the existing residents. He said Mrs. Visco can build in other areas. He said there will be collection at the food pantry on Woodbridge Avenue this Saturday and he urged everyone to donate.

Julian Zames, 17 Stiles Road, said he asked a question about the organizational chart a few meetings ago. The question was whether or not Bill Stephens should be on this chart.

Ms. Ruane said he is not on the chart and she will be addressing this at the beginning of the year.

Mr. Zames asked if he should be on there.

Mr. Kemm said "no" because certain staff is not on there. He gave examples of the staff that would not be listed. He said usually the higher positions would be on there.

Mr. Zames felt Mr. Stephens has a lot of authority and should be included.

Mr. Kemm said he falls under the Mayor's staff. He said Ms. Ruane will review this before it is released in the beginning of the year.

Mr. Zames asked if the Township was to put his name on the chart, where would it go.

Mr. Kemm said within the Administration.

Councilmember Perilstein said she would be interested if it would not be on the chart as taxpayer dollars are going to fund his salary. She felt we would want this on there so people understand what the roles and responsibilities are for the purpose of clarity.

Mr. Zames felt anyone who had that much authority should be on the chart.

Council President Diehl said there is confusion because certain positions in the Administration and it needs to be clarified. He spoke about the Assistant Business Administrator who was not really in that role. He said the position of Management Specialist needs some clarity. Over the years they have heard various descriptions of the role of Management Specialist. He asked Ms. Ruane to provide the Council with a written description of the duties and responsibilities of the Management Specialist with his current salary.

Councilmember Perilstein said there has been a situation over the past two years with the ever changing role of the position and its responsibilities. She said there has been a lack of continuity for the Council and the residents in terms of roles and felt if this could be legislated that it should be done.

Council President Diehl felt it is only fair that they try to clarify or define this because in the end, it is the Council who has to deal with the budgetary and salary of the appointments.

Esther Nemitz, 162B Fay Street, asked where the budget process is at this point.

Councilmember Lankey said they are still waiting for the first draft.

Ms. Ruane said the Council will not be getting any kind of version until after 2011 has ended and they have real numbers off the annual financial statement. She felt some of the issues that happened last year were because the budget was given early on without numbers being certified in the AFS.

Ms. Nemitz asked if we will be having meetings that will be open to the public.

Councilmember Lankey said this has not been decided yet. It depends on the documents received.

Councilmember Gomez said there are a lot of personnel matters discussed in the meetings that will make it difficult.

Ms. Nemitz felt the personnel issues can be handled separately.

Councilmember Gomez said 70% of the budget is salaries.

Ms. Nemitz said Mayor Yelencsics had budget meetings on Saturdays. She felt this was an open process.

Councilmember Lankey agreed it needs to be open and thought it was. He said the plans are the key such as restructuring and layoffs and they cannot necessarily discuss this in public. We should hold the debate until after the budget is received.

Jane Tousman, 14 Butler Road, agreed with Ms. Nemitz and said she used to come to all the hearings.

Burton Gimelstob, 6 Churchill Road, felt under the Spadaro Administration the Directors came in and each Councilmember appointed one person to serve as a representative. He felt the people in the audience could not ask questions if they do not know the intricacies of the budget. He also felt open government has to start with the Mayor.

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

5. APPROVAL OF MINUTES

- a. No comments.

6. COUNCIL APPOINTMENTS:

Neil Yoskin, Sokhol, Behot et al, special Counsel to Edison Township introduced himself. He said there are three aspects to the Township closure of the landfill, the landfill mound, the environmental benefit area and the interim shoreline stabilization. The landfill was closed in the early part of 2004 and we conversely applied to the DEP for a landfill closure permit. They have been reviewing the application ever since. There have been about ten notices of deficiencies to which the Township responded. In October 2010 a permit was supposed to be issued, however it was not and we were told they were preparing another notice of deficiency this October. The money is deficient to cover the landfill. He explained that the environmental benefit area was not included in the initial application and there is an additional cost to cap and close this area. They have meetings every other month with the Administration. He said the shoreline regularly releases trash and the Township is going ahead with the inter shoreline restoration project. They will have to wait to see if DEP will allow monies taken out of the escrow funds for this and if not they will have to bond for this.

In response to Council President Diehl's questions, Mr. Yoskin explained the two escrow funds and their amounts.

Council President Diehl said the shoreline is the hardest to remedy and he felt the only thing that can be done is a river wall.

Mr. Medina said the estimation is that the project will cost \$2 million. The DEP categorized the shoreline as a priority. If the DEP approves the escrow account, the Township can go out to bid right away. The material will be taken off the shoreline and put under the cover.

Councilmember Perilstein asked if this will be pushed up on the environmental benefit area.

Mr. Medina said this is not approved by DEP yet and it is better to get this on the landfill proper.

In response to Councilmember Perilstein's questions, Mr. Medina said solar has not been approved by the DEP yet.

Councilmember Perilstein said every year that this goes on we incur more cost. She asked how we can make the process move along better.

Mr. Yoskin said meetings were moving in the right direction under the Choi Administration in getting everyone in the room to force them to do this but this stopped with the new Administration.

Councilmember Perilstein felt this should be a priority. If this does not get done, it will be a bigger issue. She recommends that the solar piece be part of the clean up piece. The longer we wait the more damage to the environment and the more it costs.

Mr. Yoskin said last year a number of solar providers approached the Township and there would be nothing to prevent the Township from preparing a RFQ today for the placement of solar panels.

Councilmember Perilstein said the prior Administration looked into all forms of energy and solar was the most beneficial. She feels it is the right thing to do for this community.

Council President Diehl agreed it will cost less now than in the future. He asked if the garbage will be extracted.

Mr. Medina said they will use traditional construction equipment and cut the grade and put it on the landfill.

Council President Diehl compared this with the CIC site and asked how far back off the shoreline this goes.

Mr. Medina said twelve to thirteen feet. It will look similar to the Raritan River walk project. He said there is a cost estimate that outlines the project. Formal requests have been made to see if there is authorization to use money from the escrow account.

Councilmember Karabinchak asked Mr. Medina to forward with an estimate and drawing.

Councilmember Perilstein thanked Mr. Yoskin for attending this evening.

**7. ADMINISTRATIVE AGENDA:
FROM MAYOR ANTONIA RICIGLIANO:**

a. No comment was made.

8. REPORTS FROM ALL COUNCIL COMMITTEES:

Councilmember Mascola said he missed the Library Board meeting but was told they have the amount that the Township needs to fund. They lost \$300,000 and the library budget is in dire straits again. There are going to be personnel and scheduling changes.

9. POINTS OF LIGHT

None

10. FROM THE DEPARTMENT OF FINANCE:

a. through d. No comments were made.

e. In response to Councilmember Karabinchak's questions, Mr. Medina said these are developer review escrow accounts.

Mr. Medina said this is from the Administrative Officer in Finance.

Ms. Ruane said these are any funds that were left over.

Councilmember Karabinchak said these are just fees left over in planning and zoning accounts.

f. Councilmember Mascola asked where the money goes.

Mr. Pollex said these are outstanding checks that people never cashed and reverts back to the fund balance.

Councilmember Karabinchak said some go back to 2007 and he asked if we can reconcile the books now.

Mr. Pollex said these are end of the year close outs.

g. and h. No comments were made.

11. FROM THE DEPARTMENT OF HEALTH:

a. and b. No comments were made.

12. FROM THE DEPARTMENT OF LAW:

a. Mr. Kemm said there is an application before the Planning Board for this property and we are required by Ordinance to create this easement.

b. Councilmember Karabinchak asked for a description on this.

Mr. Kemm said there are 2-3 units on each property for a total of 5.

Councilmember Karabinchak asked about the contract.

Mr. Kemm said this is the same 30 year deal that is done with everyone. They have to comply with all the COAH requirements and this binds them to a deed restriction.

Councilmember Karabinchak asked if this prohibits them from doing any other work in Edison and Mr. Kemm said not that he knew of.

Councilmember Karabinchak wanted to ensure this is the only connection between Edison and the developers and Mr. Kemm said "yes".

c. Councilmember Gomez asked if we will spend additional legal fees and asked for a breakdown.

Mr. Kemm said a large amount was for tax appeals, the Visco appeal, the India Day parade, etc.

Councilmember Gomez asked for this at the next meeting for time allocation and dollars.

Councilmember Mascola asked if money is in the budget for this type of increase.

Mr. Pollex said he has not certified this yet. He asked for prior Resolutions to try to catch up. He will have this by Wednesday.

13. FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:

a. through d. No comments were made.

e. Council President Diehl asked about the closure of Tingley Lane.

Mr. Medina said there is an emergency situation on the Conrail Line at the Tingley Lane crossing attributed to the heavy amount of train traffic. He said a pothole is occurring at the seam and Conrail has to rebuild the tracks. They have to detour traffic for a period of four days. This will be a continuous closure day and night starting tomorrow at 8:00 a.m. until Friday at 4:00 p.m. The quiet zone will have to be abolished for the week.

Council President Diehl asked if we are prepared with signage.

Mr. Medina explained the locations and how this was noticed.

Councilmember Karabinchak said signs are already up but he is concerned that vehicles will have to turn around due to the placement of the signs.

Councilmember Karabinchak asked if this was Conrail and Mr. Medina said yes, this is being funded by them.

Councilmember Karabinchak asked Mr. Medina to discuss the culvert by Brookview.

Council President Diehl asked if the Township will incur any costs such as additional Police presence.

Mr. Medina said Conrail will be given the bill if there is any additional work.

14. FROM THE DEPARTMENT OF RECREATION:

a. No comment was made.

b. Councilmember Mascola asked if we are refunding \$100 for seven teams and felt this should be \$1400 on the bottom.

15. FROM THE TOWNSHIP CLERK:

a. The Township Clerk explained this item.

16. FROM THE COUNCIL MEMBER TO THE PLANNING BOARD:

Councilmember Karabinchak said the Planning Board meeting is December 19th and he explained the cases.

17. UNFINISHED BUSINESS:

ORDINANCES FOR FURTHER CONSIDERATION AND PUBLIC HEARING:

O.1785-2011 No comment was made.

O.1786-2011 Councilmember Perilstein asked how much the lease agreement is for.

Mr. Kemm said instead of a monetary amount, they will be providing janitorial services for the entire station.

Councilmember Perilstein asked if we are housing ambulances.

Mr. Kemm said we house one ambulance and provide the use of two rooms.

Councilmember Perilstein asked what personnel is housed there.

Chief Bryan said the auxiliary officers utilize a portion of this building.

Councilmember Perilstein asked if the people who donated the building are okay with this arrangement.

Mr. Kemm said the use is for public safety and not just fire.

Ms. Ruane said the EMTs are there also.

Councilmember Perilstein asked if Edison will receive any benefit from the ambulance.

Ms. Ruane said this is a paramedic unit.

18. COMMUNICATIONS:

a. and b. No comments

19. DISCUSSION ITEMS:

Council President Diehl:

- a. Council President Diehl spoke about the special meeting last Thursday and said the Council did pass the transfer resolution which led to the ending of the furloughs.
- b. Council President Diehl said, at the last couple of meetings, they have been discussing branches. He said someone decorated their branches with Christmas lights. He asked Mr. Roderman to address the dangerous spots such as the corner of Stephenville Parkway and Calvert Avenue West.

Councilmember Gomez:

a. None

Councilmember Karabinchak:

a. through e. No comments were made.

f. Councilmember Karabinchak asked how the meeting with the Local Finance Board went.

Ms. Ruane said they are putting the final touches on the application. It is on the agenda for Wednesday.

g. Councilmember Karabinchak said he spoke about a reverse auction for energy a few weeks ago. He spoke with another municipality that just did this and asked for a fee from the broker.

Councilmember Lankey:

a. Councilmember Lankey said the Police Sergeants promotion list expires on January 7, 2012. This list was never acted upon and he asked to extend the list until 2013.

Councilmember Mascola:

None

Councilmember Perilstein:

a. Councilmember Perilstein said there was a meeting a few weeks ago in Highland Park to discuss this issue. Edison is a high performing school district and this will take funds away from the

Township. She asked the residents to write their local legislators. She felt Edison cannot afford to lose any State money for education.

- b. Councilmember Perilstein said, after the emergency meeting last week, she wants to ensure that all Resolutions have supporting documentation.
- c. Councilmember Perilstein spoke about the Finance Committee and felt as a result of what happened with the transfers, it is really important to have some type of public forum around the budget. She feels that the Council should have some ownership other than voting and felt it is important for the residents also.
- d. Councilmember Perilstein made an appeal to have a vote on the Visco matter before she leaves the dais.
- e. Councilmember Perilstein asked what is going on at Wood Avenue by Marshall's.

Mr. Medina said no application has been submitted.

Councilmember Prasad:

Councilmember Dr. Prasad was absent.

20. CLOSED SESSION:

The Council retired to Closed Session at 8:01 p.m., on a motion made by Councilmember Karabinchak, seconded by Councilmember Perilstein and duly carried. The Township Clerk read the following Resolution into the record:

CLOSED SESSION RESOLUTION

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

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

- 1) Visco Property – Pending Litigation
- 2) Personnel

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

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

The Council returned from Closed Session at 9:43 p.m., on a motion made by Councilmember Mascola, seconded by Councilmember Perilstein and duly carried.

On a motion made by Councilmember Mascola, seconded by Councilmember Perilstein, with all in favor, the meeting was adjourned at 9:43 p.m.

Robert Diehl
Council President

Reina A. Murphy, RMC
Municipal Clerk