

**MINUTES OF
MUNICIPAL COUNCIL
WORKSESSION MEETING
JANUARY 23, 2012**

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 Karabinchak, followed by the Pledge of Allegiance.

Present were Councilmembers Karabinchak, Lankey, Lombardi, and Mascola.

Councilmember Gomez arrived at 6:14 p.m.

Councilmember Dr. Prasad arrived at 6:20 p.m.

Councilmember Diehl arrived at 6:25 p.m.

Also present were 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, Police Captain Pemberton, Clerk's Assistant McCray 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 3, 2012, 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.

Len Sendelsky Chairman of the Edison Tower Board of Trustees, provided an update on the progress of the explanation and improvements. They will announce a grand reopening in the Spring. He said they are continuing their community outreach and noted that Eagle Scouts are helping improve the area. He thanked the Council, Administration and public for their support.

Council President Karabinchak thanked Mr. Sendelsky for the update. He said the work that the Edison Township Tower Commission has done has been remarkable. He said the Tower is known throughout the world. He felt once the Tower is renovated, it is important to get the word out to encourage more visitors.

Joe Illuzzi, 110 Ethel Road, said Ethel Road is a hazard to everyone. He was concerned with cars speeding on this roadway. He said there are no sidewalks on this roadway and was concerned with children walking to school. He spoke about the "no trucks over 4 tons" signs. He said trucks constantly use this roadway. He wanted to know if this is an illegal sign.

Council President Karabinchak asked the Chief to look into this. He thanked Mr. Illuzzi for alerting the Council to these problems and noted other people have called about this road also.

Jane Tousman, 14 Butler Road, said she received some legal costs for 2011 but has still not received 2010.

Mr. Kemm said he has not seen an OPRA for the 2010 items.

Mrs. Tousman spoke about the temporary emergency appropriations. She felt the Council already passed a budget.

Mr. Pollex said the Council adopted a temporary in January for 1/12th of the budget. This is only for one month. By law, they are allowed to adopt up to 26.25%. However, after the initial is adopted, the Statutes call the document a temporary emergency appropriation. He explained the insurance line is a little higher because a bill is due to the Joint Insurance Fund.

Sam Kahn spoke about the Zoning Board meeting on January 17th. He said the Vice Chair's term was expired on the Zoning Board but he voted for two of the applications, he voted on the Vice Chair and on he voted on the Chair. He asked how this could happen. He asked if the Attorney of the Zoning Board should have stopped this.

Mr. Kemm said that Mr. Pizzi assumed that he should stay in office until someone is appointed to take his place. However, this is not the case with the Zoning and Planning Board. Once the term is expired they are done. Mr. Pizzi thought he should continue his duties so there is not a lapse in membership. There is no exposure to the Town as far as potential lawsuit. The applications were still passed by a legal requirement of votes for each one. The Board will revote on the Chair and Vice Chair at their next meeting.

In response to Mr. Kahn's additional questions, Mr. Kemm said no one on the Zoning Board was aware that Mr. Pizzi's term expired.

Mr. Kemm said it is routine that members still serve on the Boards until they are replaced, such as the Environmental Commission. However, this is not the case for the Zoning or Planning Boards.

Council President Karabinchak said everyone always learn from their mistakes. He spoke about the classes that the Zoning Board members must take. If they do not, they have to be automatically removed from that Board. These certificates must be on file. He said all members have an expiration date and this should be kept by the secretaries and the attorneys'.

Mr. Khan said his only concern was that this will not happen again in the future.

Councilmember Mascola said he understood that Mr. Pizzi attended the meeting as a "hold over", but questioned why he accepted the position of Vice Chair knowing that he was not appointed to a position. He felt at this point he should have talked to the Attorney about this before he was sworn in.

Sal Pizzi, 35 Trenton Avenue, said he did attend the meeting and agreed with Mr. Kemm's assessment of the situation. He apologized if anyone was offended by this. He said he thought he was doing a good thing by attending the meeting. He said he did not find out he could not do this until after the meeting.

Burton Gimelstob, 6 Churchill Road, spoke about a request for closed session minutes. He asked if he ruled that they could not be released based on attorney client privilege. He felt the closed session minutes would come under the jurisdiction of the Council. He said when the minutes are voted on, the Attorney should advise on whether or not they should be released to the public.

Mr. Kemm said the minutes are approved but that does not mean they can be released.

Mr. Gimelstob was concerned that Mr. Kemm is denying the citizens a right. He felt Mr. Kemm was wrong in many decisions. He spoke about a conversation he had with Mr. Kemm's partner. He asked the confidentiality of the furloughs when no employees names were mentioned.

Mr. Kemm said do not have to speak about an individual employee to have attorney client privilege. This is a personnel and privacy issue. He asked how Mr. Gimelstob knows that names were not mentioned.

Councilmember Mascola asked Mr. Kemm for an update on this matter.

Mr. Kemm said there was a request for closed session minutes that contained attorney client privilege. He said the Council requested his opinion on certain matters regarding the furloughs. He said this is not subject to disclosure under the open public records act. This is the basis upon which the request was denied.

Councilmember Mascola asked when this information will be available. He felt this should be available at some point. He said there are no lawsuits on this case and it should be available to the public. He said all the meetings are available at a certain time and they are not kept closed forever. He said the furlough part is over with and wanted to know why this cannot be released.

Mr. Kemm said not everything is releasable at a certain point in time. He elt certain matters will always remain confidential such as a position or strategy the Township takes in negotiation of contracts. He spoke about appraisal values of property. He said this is also being reviewed by labor counsel because there are implications of litigation that are presently pending. He said also waiting for final review from labor counsel.

Jane Tousman, 14 Butler Road, said she was familiar with the OPRA law. She noted that the law states that after a matter is closed, then the public can find out what is going on. Otherwise, everything would be behind closed doors. She felt if the furlough question was settled, then she felt the minutes should be available to the public.

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

5. APPROVAL OF MINUTES

a. No comments

6. REPORTS FROM ALL COUNCIL COMMITTEES:

Councilmember Mascola said attended the Library meeting and they are moving forward to look for new revenues. He said the Library will now allow drop off of printer cartridges.

Councilmember Mascola said he also attended the Landfill Meeting. He said there are quite a few changes that DEP is requesting. He said the consultants felt they can refine their plan within two weeks and DEP will review within two weeks. He hoped to have another meeting in six weeks and sign off on this. They then can start the bidding for the mound area.

Council President Karabinchak asked if there was minutes available, to which Ms. Ruane said the Attorney has them available.

Council President Karabinchak asked the Councilmembers to get back to him on which Committee they would like to serve on.

7. POINTS OF LIGHT

None

8. FROM THE BUSINESS ADMINISTRATOR:

a. Councilmember Dr. Prasad asked the process.

Council President Karabinchak said he had questioned the fees awhile ago. He said the auction is done on the internet. The savings is to the Township for electric. He asked about the post for the event.

Mr. Kemm said seems the Township has the option to review the bids on the internet and make an offer immediately. He said he will get back to him by Wednesday.

9. FROM THE DEPARTMENT OF FINANCE:

a through d. No comments

e. Councilmember Lombardi said there are two separate numbers and noted the email sent from the Fire Chief's secretary. He asked if the amounts were inadvertently switched on the Resolution.

Mr. Pollex said he will amend this for Wednesday.

f. No comments

10. FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:

a through h. No comments

11. FROM THE DEPARTMENT OF PUBLIC WORKS:

a and b. No comments

12. FROM THE CHIEF OF POLICE:

a. No comments

13. FROM THE TOWNSHIP CLERK:

a. No comments

14. FROM THE COUNCIL MEMBER TO THE PLANNING BOARD:

Councilmember Lankey explained the applications before the Board and noted a Reorganization was held.

Councilmember Dr. Prasad asked for details on the Inman Sports Club.

Council President Karabinchak said this was approved last year. He explained that the application entailed.

**15. NEW BUSINESS
PROPOSED ORDINANCES:**

O.1790-2012 Council President Karabinchak wanted to ensure that the Council received the information from Chief Bryan regarding the auxiliary officers.

Councilmember Dr. Prasad felt the credit being proposed in this is not sufficient. He suggested giving them the opportunity to be hired if they get police training at their own cost. He said there are trained officers in other Townships who have been laid off and are looking for jobs.

Council President Karabinchak said the people who have been doing this job for the Town have been doing this for years. He compared this to volunteer firefighters noting that there is a quota they have to meet every month.

Mr. Kemm said the ordinance presented addresses one of two hiring options. The Town still has the ability to hire people that are already qualified. This change is if the Township decides not to hire someone that is already qualified and that needs to go through an academy.

Councilmember Dr. Prasad said that most Township's require college credits. He said this can be expanded that if they are working for the Township already, they should have an option.

Councilmember Lankey thought that the alternate route program has been suspended. He asked to consider keeping this at two years as an auxiliary but maybe adding 30 credits of college courses. He said if they go through and complete the credits, this would give them an incentive to complete their associates degree.

Councilmember Dr. Prasad suggested holding this Ordinance until they speak with the Chief again.

16. COMMUNICATIONS:

a. No comments

17. **DISCUSSION ITEMS:**

Council President Karabinchak:

a through c. Not discussed.

- d. Council President Karabinchak said he spoke about digital ticketing at the last meeting. He asked Ms. Ruane to submit the proposal that the Chief accepted to the Council.
- e. Council President Karabinchak said he also discussed the capital improvement plan at the last meeting. He hoped that he will get feedback from Messrs. Medina and Roderman.
- f. Council President Karabinchak said the Council has discussed new Ordinances that stemmed from a few issues that arose over the last few years. He noted these are control Ordinance. He felt if they are put in place, that if new people are hired, they will understand the policies in Edison. He said the Township Attorney and the Labor Attorney are reviewing these. He listed his proposed Ordinances as follows:
 - Background checks for new hires
 - Random Drug Testing
 - Signatories on checks
 - Definition of furlough
 - Require a minimum of five health insurance carrier quotes
 - Financial Reports to the Council
 - Payroll process be reestablished under the authority of the CFO
 - Reports on health care costs and detail of claims
 - Employment Agreements be on file in the Clerk's office and the Human Resources Office
 - CFO and Human Resources will maintain the official records for compensated absences and will provide formal proofs.

Councilmember Diehl:

None

Councilmember Gomez:

- a. Councilmember Gomez said he sent an email to Mr. Kemm over the weekend regarding a follow up on the legal bill analysis.

Mr. Kemm said he will have this for the February Council meeting.

- b. Councilmember Gomez asked about the year end close.

Mr. Pollex said this is not done yet. This should conclude when the annual financial statement is done by the end of the month.

Councilmember Gomez asked if there is enough data for the Director's to complete the year end variance analysis.

Mr. Pollex said he can start on this.

Councilmember Lankey:

None

Councilmember Lombardi:

None

Councilmember Mascola:

- a. Councilmember Mascola asked to add a Resolution to the agenda to vote on the Zoning Board member to clear up the Zoning Board issue.

Council President Karabinchak asked him to contact the Township Clerk to explain how he would like this listed.

Councilmember Prasad:

- a. Councilmember Dr. Prasad asked the status of the CFO incident investigation last year.

Mr. Kemm said this is being handled by the Prosecutor's Office and the Town has not received any further word from them. He said there were criminal charges filed.

Councilmember Dr. Prasad asked the status of the audit for this.

Mr. Kemm said this is something the Prosecutor's office asked them not to discuss without contacting them first. He said he can ask them to attend a closed session meeting to discuss this.

Councilmember Gomez felt the Council requested this be done last year.

Mr. Kemm said he will send them a list of meetings and ask them to attend one to give an update.

Councilmember Dr. Prasad asked if the insurance carrier was approached on this regarding liability.

Mr. Pollex felt the Prosecutor will have to send an agent to answer the Council's questions.

18. CLOSED SESSION:

The Council retired to Closed Session at 7:11 p.m., on a motion made by Councilmember Diehl, seconded by Councilmember Dr. Prasad 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) 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 8:43 p.m., on a motion made by Councilmember Mascola, seconded by Councilmember Dr. Prasad and duly carried.

On a motion made by Councilmember Mascola, seconded by Councilmember Dr. Prasad, with all in favor, the meeting was adjourned at 8:43 p.m.

Robert Karabinchak
Council President

Robin Kenny, RMC
Deputy Municipal Clerk