

**MINUTES OF
MUNICIPAL COUNCIL
WORKSESSION MEETING
FEBRUARY 21, 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 6:02 p.m. by Council President Karabinchak, followed by the Pledge of Allegiance.

Present were Councilmembers Diehl, Karabinchak, Lankey, Lombardi and Mascola.
Councilmember Gomez entered at 6:13 p.m.
Councilmember Dr. Prasad entered at 6:30 p.m.

Also present were Township Clerk Murphy, Deputy Township Clerk Kenny, Township Attorney Kemm, Labor Attorney Rainone, 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 Captain Kelly 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 Karabinchak opened the meeting for comments from the public.

Melissa Perilstein, 111 Clive Street, wanted clarification regarding the hiring process for the Acting CFO. She hopes the Administration can provide clarity on what the process was. She felt there was cause for concern regarding the process since this Administration has not had the best track record in terms of hiring on the executive level. She spoke about the Business Administrator debacle and hoped someone can provide her with assurances about the process and the qualifications. She felt it is important to obtain qualifications particularly when there is so much unemployment. She asked if a background check, specifically a financial and criminal background check was done. A lot of things are being thrown out about the lack of qualifications and the lack of certification. She said there may be local residents who have CPA and financial backgrounds and she wanted to know why the qualifications were lessened.

Councilmember Diehl asked if the Administration can share the information about the background check.

Ms. Ruane said this was run.

Council President Karabinchak said they cannot go into any details because this is personal.

Ms. Perilstein said she wanted to know if they were criminal or financial background checks.

Ms. Ruane said right now just a criminal background check.

Ms. Perilstein said she is urging the Council to move forward with the financial piece for the Ordinance. She asked if the CFO appointment was extended prior to this being done.

Ms. Ruane said it was and it was contingent on this. This is the first time a background check has been run on an employee that is not employed in the Police department.

Council President Karabinchak said he received many phone calls regarding his proposed Ordinances.

Ms. Perilstein asked about the relaxation of the qualifications.

Ms. Ruane said five resumes were submitted and three of the candidates were interviewed. The first candidate said he would not accept the job. The second candidate interviewed but wanted to work closer to his home. They also looked into hiring a company. When they looked at the current person they saw she had municipal experience and had taken some courses.

Ms. Perilstein asked about the criteria for CFO and how many people were missed in the process because they took themselves out of the process because they did not meet the criteria. She asked why this individual got beyond that point if she did not have all the qualifications.

Council President Karabinchak said some of the points brought up are extremely important. He said this is the best Township in the State of New Jersey. We have good employees that know their jobs but we have a salary structure that is far below surrounding municipalities in the county. He explained some of the salaries in other municipalities. The Council cannot turn so many things over so quickly. We have to change the salary structure in order to get the best of the best and we also have to change the way Edison is perceived outside of Edison. He said this person is bonded in her prior municipality. He said Mr. Pollex will stay on during the transition period and there is also another CFO in the department that is the comptroller. He said there are many people out there who are having economic problems and should be given an opportunity. If she cannot perform, the Administration will explore other avenues. The Council is looking into changing the criteria to review people's backgrounds to protect the taxpayers. He said Edison is a very tough political town. He felt we should not have a character assassination on someone who is trying to do a job.

Councilmember Mascola asked if we did a background check on the validity of the resume. He wanted to ensure that she graduated from the college she listed. He said there have been issues with the test taking and felt this information was withheld and now knowing what he does, he would not have had the same opinion. He has a problem trusting someone with the amount of money Edison has when they start off on the wrong foot. He also felt we should include in the Ordinance that the resume be checked.

Ms. Ruane said this is not part of a Police background check but she did speak to the State at length and also the former employer.

Councilmember Mascola felt he was duped.

Council President Karabinchak agreed with his points and felt we should look at creating a hiring ordinance to address these issues and he asked him to take the lead on this.

Ms. Perilstein said this is not a normal circumstance. We had unusual circumstances surrounding why the last CFO left. She felt it is incumbent to have a gatekeeper with a sparkling clean and justifiable background and qualifications. She felt the salary Ordinance should have been done prior to this, and said this is incompetence on the human resource level. She said our salary structure is out of whack and she asked the Administration to prepare a new ordinance and not make this an obstacle in the hiring process. She felt the public trust needs to be rebuilt on this.

Councilmember Diehl asked if it is true that except for Police and Fire we have never conducted a background check on an employee.

Ms. Ruane said this is correct.

Councilmember Diehl said people can look good in an interview and the Council has been fooled in the past. He said people always present favorable references on their resumes. He felt we need to move forward with changing these background checks and agreed with Councilmember Mascola that a lot of questions have come forward since the initial interview.

Jim Walsh, 8 Yuro Drive, Second Vice President of the Firefighters Association and taxpaying resident. He addressed the new protocol regarding Edison Fire not being called to any EMS calls. He said this was originally started during a bike tour under Mayor Spadaro's administration. He said after that day, Fire, Police and EMS were

called to the scene. He read statistics about performing early CPR and defibrillation. He said Edison Fire has made three CPR saves within the last seven months and he explained the incidents. He said the Police department will still be doing first responder work and they are also short on manpower. He said the Township has trained assets in the Firehouse that will not be sent out. He asked whose decision this was and the rationale behind it.

Lou Rainone said he cannot speak to the public safety aspects of this. He does not know if there is a relationship between this order and proceedings that have taken place. There is ongoing litigation with the Fire union that resulted in an order by PERC. The Fire union attorney wanted conformation that they will not be doing this any longer. He spoke about the additional stipends. He thought the first responders 98% of the time are Police Officers. He said in some respects the issue of operations and costs are balanced with limited resources. He is aware of the Spadoro order and the circumstances but this was at a time when there was a much larger Police and Fire Department.

Councilmember Diehl said the two questions asked were the rationale and the origin and he asked for this information from the Administration.

Deputy Chief Latham said the origin was a culmination between himself and the Mayor. He said the manpower is down to 111 and spread out over four shifts. The estimates for overtime are \$1.9 million. He said we do not have the funds to hire but we are pursuing the safer grant. This was an operational decision based on reports for EMS calls. He felt it was overkill to have Police, Fire and EMS all responding. He felt this would ease up on the operations of the Department and focus on Fire fighting. He said his Firefighters are missing out on training and his priority is firefighting and EMS is secondary.

Council President Karabinchak thanked him for the information.

Councilmember Dr. Prasad asked if the Deputy Chief went to the Mayor and said this is what he wanted to do.

Deputy Chief Latham said this issue has been going on for awhile. He has lost seven Firefighters over the last two years and he spoke about the sick absences which affect almost 10% of his Department.

Councilmember Diehl said the issue of manpower is understood. He asked about the priority of saving a life and fighting a fire and felt they are saving lives no matter where they go. He asked if there is another way to do this. He was concerned with not being able to respond because of a protocol.

Deputy Chief Latham said the wording on the order may be revised. He said if there is an accident in front of the Firehouse, they have an obligation to react. He said the Firefighters will do their job no matter what.

Councilmember Diehl asked if this can be done through this day of communication.

Deputy Chief Latham said if there is an ambulance on the scene he does not know why they would not cancel additional responders.

Councilmember Gomez asked about retirements this year and Deputy Chief Latham said he hoped to make replacements with the safer grant.

Councilmember Gomez felt we may be able to obtain fourteen Firefighters at a lower salary if there are seven that retire.

Deputy Chief Latham said some of them are on terminal leave and they cannot be filled until they officially leave.

Councilmember Gomez asked, if we can afford to hire, can this be done now.

Deputy Chief Latham said once the list is in place, this can be done.

Councilmember Gomez asked for an analysis on overtime breakdown and the differential on replacement of employees.

Council President Karabinchak said all the points were well taken. He said he cannot understand this when he knows we have qualified people sitting in the Firehouses. When it comes to a life threatening emergency he cannot fathom not sending services to help a resident. He asked, if there is a resident that is hurt, can they respond.

Deputy Chief Latham said the order needs to be defined.

Council President Karabinchak said the other agencies should be able to say who is there first. He said the people who are paid by the taxpayers are accountable to the taxpayers of the Township. He suggested speaking to the public safety committee. He said life has no dollar value and this is an emotional issue for him because Mr. Walsh came to his rescue one year ago.

Mr. Walsh said the litigation mentioned by Mr. Rainone needs to be given to the arbitrator. He said the Firefighters are not getting paid for first responder work and he hoped we are not doing this to save on diesel fuel.

Councilmember Gomez asked, if we do hire, is there a plan for the structure of the department and if they intend to bring back EMS duty.

Deputy Chief Latham said the first priority is to put an engine company back in service. He hoped that down the road we can man the Raritan Center Firehouse. He said there is a plan in place.

Councilmember Dr. Prasad asked if he could clarify the statement about the cost.

Mr. Rainone said if this is the Firefighters position he can square this away quickly. We are not talking about the cost of diesel.

Councilmember Lombardi asked if there is a limited time for the safer grant application.

Ms. Ruane said the due date is Friday. It was submitted to Mr. Yackel in a tentative form. The grant writer said the grant can be extended for another week.

Councilmember Gomez asked for a copy of the plan for the Fire Department when they meet for the budget.

Robert Yackel, 25 Dellwood Road, said on January 31st, Mr. Rainone sent a letter to the PERC commission regarding the Township's decision to eliminate the Firefighters role as backup to the EMS situation. He spoke about manpower. He said the Union lowered the starting salaries and extended the steps. They lowered the vacation and did everything the Administration asked them to do and still have not had one replacement. He said there is an ad in the newspaper to hire civilian EMT's. He asked how many Firefighters have been hired since 2006. He said the Fire Department has been doing Fire rescue since 1991. He said we spend more money on legal fees and going to court than we do on hiring people in the first place. He said we do not have a list or a testing procedure in place. He felt the Council should take over some of the management of the Township.

Sal DellaFave, Edison PBA President, said he could not agree more. This is an asset that is not being used properly and you cannot put a dollar amount on a person's life. He said Police and Fire are all trained in saving lives and everyone is down in manpower. He felt we need to prioritize. We do not need to send Fire to every call but they need to be sent to unresponsive calls. He said if there is a fire engine available, they need to be on the call and try to save the life. He said the Police go to every call. He said EMS, Fire and Police all talk to a central dispatch area and he did not think it was that hard to pass on an order that someone has already responded. He said nothing is more important than human life.

Councilmember Dr. Prasad said he cannot imagine how easily Mr. DellaFave solved a problem that the Administration could not handle. He did not know how much simpler it could be other than what he explained.

Mr. DellaFave said sometimes people are not aware of all the facts.

Ed Grandjean, Meeker Avenue, Firefighter and certified EMT, asked if the Township code is the same as a law.

Mr. Kemm said the Code is part of the law that pertains to Edison itself.

Mr. Grandjean asked Councilmember Dr. Prasad what type of medicine he practices.

Councilmember Dr. Prasad said he is an internist.

Mr. Grandjean said the Fire Department is still in charge of EMS services as it is still unchanged in the code. He also said there is nothing in the code that allows for a Chief of EMS. He spoke about a call by his father when it took twenty minutes for an ambulance to arrive when Squad One was across the park. He said this problem was addressed by having all Fire personnel sent out on all emergencies. He said in 1999 his mother waited twenty five minutes for an ambulance. He felt not sending Fire to emergency calls is ludicrous. He also said when he had a heart attack Engine 6 came in three minutes and saved his life. How we deny any resident someone who is trained is asinine, he said. He spoke about a certificate of need for the volunteer ambulance squads and that someone should look at the Chief EMS person as she has no managerial experience in the EMS Field.

Emil Ferlicchi, 203 Ethel Road, discussed the resolution regarding moving the April School Board election to November. He said although some may think it is too late to do this, it is not. He called the Board of Elections and they indicated if the Council adopted a Resolution this week, that they would remove Edison's name from the five remaining districts in all of Middlesex County that decided to stay with the April election. Three of the five districts have their budgets passed all the time. He spoke about the money that would be saved if the election was moved from April to November. He does not know why the Township would not want to save money. Five hundred thirty eight districts are eligible to move this election and four hundred sixty eight districts have made the decision to move. He said 10% of the residents will decide the fate of the school system if this is left in April. He implored the Council to do the right thing and move the election.

Brian Schreck, 139 Prestwick Way, asked who runs the EMS. He said all the Department heads are present except for the EMS Chief.

Ms. Ruane said she will attend the meeting Thursday night.

Council President Karabinchak said this is the first time he will meet her.

Mr. Schreck was concerned with the big raise she just received. He felt EMS should be put back into the Fire Department and the laws are being violated.

Councilmember Dr. Prasad asked if the raise was given before Ms. Ruane came on board.

Ms. Ruane said it was given in August and it was \$5,000.

Councilmember Dr. Prasad said many people received 2% increases at this time. He asked who else received more than 2%.

Ms. Ruane said she would have to consult the list.

Tony Pepe, Secretary of Local 1197, said he was hired in 1994 and took an Oath to protect life first and then property. When the Mayor was running for election, she asked for support and said the Township was in business to provide services and not to make money. He spoke about billing for the services and the money coming back to the Township. He asked where the Raritan Valley money is going.

Ms. Ruane said she will get this for the Council on Thursday.

Mark Reynolds, 8 Fairfax Road, Captain of the Clara Barton First Aid Squad, said issues have been brought to his attention about dispatch protocol last Friday. He said the closest emergency personnel with an ambulance are dispatched to a call. He said it took the paid service over seven minutes to get to a call and he does not know why his members are not being utilized. He asked if we can really put a price on the life of residents of the Township. He said a CPR save is the greatest thing in the world. He said the Fire Department always helped them out. He said dispatch calls are being taken from Clara Barton making them secondary in their own area. He said the emergency services serve the people.

Esther Barcan spoke about the capital improvement plan on the agenda. She said on behalf of the residents of the people who are affected by flooding, she is waiting for this. She spoke about plastic bags and said many of the local supermarkets have a distributor that distributes flyers in plastic bags unsolicited. She asked the Township if they can do something to stop this. She discussed green technology for plastic bags and felt we should learn as much as we can.

Mary Riley commended the Police and Fire and all who serve. She said everyone elected has an awesome responsibility and thanked them for looking at everything clearly. There does not seem to be any communication that is clear and she feels the leadership of the Township is faltering. She said we have to be careful with grants because they are competitive. She also thought it appropriate to have photo ID's for anyone in the Township in a leadership position. She commented that we should bring the website up to code.

Councilmember Gomez asked to make a formal request of the Administration. He said we have a lot of people with excellent ideas on how to tackle the situation of Fire response. He asked to go back and visit and explore every avenue to amend the directive that has gone out and to have an answer by Thursday.

Ernest Docs, Metuchen, said Metuchen was using Edison for EMS services and response time was so long that Metuchen is now using JFK. He asked if they are equipped with GPS because they cannot find addresses.

Ed Grandjean, said he is hearing a lot about Raritan Valley EMS. He asked if this is a paid service.

Ms. Ruane said she will have an answer for Thursday.

Mr. Grandjean asked if they are paid, was this bid and we now no longer have a volunteer organization because they are billing.

Joann Toth, 5 Doris Court, asked if Edison was responding to Metuchen calls prior to the institution of JFK and felt this should be looked at.

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

5. APPROVAL OF MINUTES

a. through f. No comments were made.

6. REPORTS FROM ALL COUNCIL COMMITTEES:

None

7. POINTS OF LIGHT

None

8. FROM THE BUSINESS ADMINISTRATOR:

a. Councilmember Lankey wanted to ensure this did not violate the extension.

Ms. Ruane said this can be done depending on the prices.

Councilmember Lankey said he does not want to infringe on that option by going month to month.

Ms. Ruane said this will ensure that.

b. No comment was made.

9. FROM THE DEPARTMENT OF FINANCE:

a. through e. No comments were made.

f. Council President Karabinchak asked for an explanation.

Mr. Pollex said the MCUA formulates a budget for this year last November. They monitor flows for quality and content. They give a true up bill once this is done. He said the Redflex system did not start running until July. The Township was going to do a dedication by rider but the State said we could not do that. There was no money appropriated for this in the budget and he is seeking to pay bills for January and February.

10. FROM THE DEPARTMENT OF HEALTH:

a. and b. No comments were made.

11. FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:

a. through e. No comments were made.

12. FROM THE DEPARTMENT OF PUBLIC WORKS:

a. No comment was made.

13. FROM THE DEPARTMENT OF RECREATION:

a. No comment was made.

14. FROM THE CHIEF OF FIRE:

a. and b. No comments were made.

15. FROM THE CHIEF OF POLICE:

a. through c. No comments were made.

16. FROM THE TOWNSHIP CLERK:

a. No comment was made.

17. FROM THE COUNCIL MEMBER TO THE PLANNING BOARD:

Councilmember Lankey said no update at this time.

18. UNFINISHED BUSINESS:

ORDINANCES FOR FURTHER CONSIDERATION AND PUBLIC HEARING:

O.1791-2012 No comment was made.

O.1792-2012 No comment was made.

19. COMMUNICATIONS:

a. No comments

20. DISCUSSION ITEMS:

Council President Karabinchak:

a. through d. No comments were made.

- e. Council President Karabinchak asked if Mr. Medina was still working on this.
- Mr. Medina said he is forwarding information to Ms. Ruane in segments.
- Council President Karabinchak asked to set up a meeting when this is done.
- f. Council President Karabinchak said he discussed this at the last meeting. The two Ordinances that have been drawn up have multiple parts that reflect the changes. One of the items that came up was that a financial background check should be added to the criminal background check. He felt this is a great step forward and these are all good ordinances that protect the taxpayers. He asked that they be introduced on Thursday.
- g. Council President Karabinchak agreed that single use plastic bags do not help the environment. This creates issues that are for perpetuity. He asked to investigate avenues that help move businesses into looking into green bags. He is passing this information on to the Senate and Assembly.
- h. Council President Karabinchak asked if we get an Annual Financial Statement for the Library.
- Mr. Pollex said this is done separately.
- Council President Karabinchak said this will help during the budgetary process.
- i. Council President Karabinchak spoke about State aid based on energy tax receipts. He felt it is time the Council takes a proactive stance to get Edison's fair share of this money. He asked for a Resolution to demand compliance with the State laws.

Councilmember Diehl:

- a. Councilmember Diehl asked to clarify the status of the Township Attorney and Township Labor Attorney. In January they were both given three month contracts. He said it is past the halfway point and he wanted to ensure that the Mayor knows this. He is concerned that in a month or so if the Council does not renew the contracts what the Mayor's plan is.
- Ms. Ruane said there is no plan at this moment because the Council has not decided to renew the contracts past this point.
- Councilmember Diehl said normally the contracts are for a year but these are for three months. If they are not renewed, he did not want the Mayor to say she was surprised and that she did not have a plan. He wanted to go on record stating this.
- Ms. Ruane said if the Council is saying they will not renew the contracts in April then they will go on. She said the Council said they would revisit this in April.
- Councilmember Diehl asked if the Mayor will wait until this date to take action.
- Ms. Ruane said she does not know how she can legally take action prior to this.
- Councilmember Diehl said he thought the Mayor was exploring other possibilities and he wanted to go on record that this is a Council concern.
- Ms. Ruane said the Mayor was aware of the Resolution being for three months.
- Councilmember Mascola agreed with Councilmember Diehl. He said it is troublesome that there is no plan in place. He said this was done in January and felt there should be some conclusion should this situation arise.

Councilmember Diehl said he is concerned with the history of the way the Mayor deals with lawyers. He spoke about the committee of the whole and said the Mayor changed her mind about hiring a lawyer for that. He is skeptical about the procedures in place and the ones that have taken place.

Councilmember Gomez:

- a. Councilmember Gomez asked about the status of the garbage trucks lost in the fire.

Mr. Roderman said we lost three trucks and the fourth one sustained heat damage and is repairable. All three are being investigated by the insurance company. The assessment is ongoing.

Councilmember Gomez asked how we are covering collection services.

Mr. Roderman said it was a tough week because of the holiday and they are looking at a plan that they can sustain for awhile.

Councilmember Lankey:

- a. Councilmember Lankey spoke about the original DPW layoffs. He asked how many have been brought back and how many remain out.

Councilmember Lombardi:

None

Councilmember Mascola:

- a. Councilmember Mascola asked how much FEMA money we received last year and how this was allocated.

Ms. Ruane said she will look into this.

Mr. Pollex said it was received as revenue and will offset taxes next year.

Councilmember Mascola thought we should replace damaged vehicles with FEMA money.

Councilmember Prasad:

- a. Councilmember Dr. Prasad asked about the investigation for the CFO and where it stands.

Mr. Kemm said he left messages for the Prosecutors office to respond but has not heard back yet.

- b. Councilmember Dr. Prasad spoke about Cablevision and asked if we are in negotiations with them.

Ms. Ruane said we receive cable franchise fees every year.

Councilmember Dr. Prasad said we do not have a contract with Cablevision and he felt we have lost \$20,000 because the contract was not signed. He asked if we can make the next contract better.

21. CLOSED SESSION:

The Council retired to Closed Session at 8:15 p.m., on a motion made by Councilmember Diehl, seconded by Councilmember Lankey and duly carried. The Township Clerk read the following Resolution into the record:

CLOSED SESSION RESOLUTION

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

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

- 1) Personnel
- 2) Attorney Client Privilege
- 3) Report on Pending Litigation
- 4) Review of Requests for Closed Session Minutes
- 5) Pending Litigation, Acquisition of 2375 Woodbridge Avenue for Woodbridge Avenue and Gurley/Trenton Road traffic signal

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 9:58 p.m., on a motion made by Councilmember Lankey, seconded by Councilmember Mascola and duly carried.

On a motion made by Councilmember Lankey, seconded by Councilmember Mascola, with all in favor, the meeting was adjourned at 9:58 p.m.

Robert Karabinchak
Council President

Reina A. Murphy, RMC
Municipal Clerk