

**MINUTES OF  
MUNICIPAL COUNCIL  
WORKSESSION MEETING  
AUGUST 22, 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 6:09 p.m. by Council President Diehl, followed by the Pledge of Allegiance.

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

Also present were Township Clerk Murphy, Deputy Township Clerk Kenny, Township Attorney Kemm, Business Administrator Ruane, Management Specialist Stephens, Acting Finance Director Pollex, Recreation Director Halliwell, Public Works Director Roderman, Health Director Elliott, Township Engineer Medina, CDBG Coordinator Sue Peck and Police Chief Bryan.

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 announced a special presentation by Mayor Ricigliano.

Mayor Ricigliano congratulated Detective John Canavera on his retirement and read a Mayoral proclamation.

Police Chief Bryan asked Chiefs Haydak and Capella to come forward.

Chief Capella thanked the Council for allowing them to speak. He noted that Detective Canavera solved a cold case file after twenty years and felt this was a wonderful accomplishment to retire with. He presented him with a plaque from the Police Chiefs Association.

Chief Bryan wished Detective Canavera all the best. He said he has been an outstanding Police Officer and is very proud of him.

Detective Canavera said it has been an honor to serve.

Council President Diehl said this is a wonderful story and a perfect ending to a great career.

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

Robert Yackel, 25 Dellwood Road, said in October 2010 the Fire inspectors were transferred. He said his Firefighters were demoted and money is owed to them and nothing has been done to date.

Mr. Stephens said it is his understanding that no money is owed because they are paid in advance. He offered to meet with Mr. Yackel and the Personnel Department.

Mr. Yackel was concerned that every time there is an issue it has to go through the attorney. He also asked when they will receive retroactive pay from the contract.

Mr. Stephens said the first pay in September.

Council President Diehl asked how they can get to the bottom of this.

Ms. Ruane said she will look into this tomorrow morning.

Jane Tousman, 14 Butler Road, explained a letter sent to the Council by Walter Stochel regarding the Visco matter. She said she noticed the Council has attorney fees on the table again and asked for a general accounting of how much the attorneys were paid in 2010. She asked for an explanation of the housing project on the agenda. She said the Mayor has called for an audit of Edison's funds and she thought we already had an audit.

Council President Diehl introduced the new Business Administrator, Maureen Ruane. He also noted that Larry Pollex is again Acting Chief Financial Officer.

Nancy Fiore, 9 Stonewall Drive, resident of Woodbrooke Corners, said she is present with a petition requesting the Council to look at various safety issues such as the turn arrow at the traffic light on Talmadge Road and Park Avenue. She explained that a vehicle cannot see cars coming towards the people that are turning. She said the Traffic Department told her an arrow was going to be installed but they have no money to do this. She said there is a lot of speeding on Woodbrooke and Sagamore and asked for speed humps. At the corner of Sagamore and Talmadge, water accumulates and it is difficult to stop on frozen surfaces, she said.

Council President Diehl asked Mr. Medina to look at the area.

Mr. Medina said he will look at all three items and report back.

Council President Diehl asked if Park Avenue is a County Road.

Mr. Medina said he will check to see if this location is on the improvement plan.

Jim Kelly, Route 27, spoke about abandoned houses and was concerned with the overgrown lawns.

Mr. Elliott said DPW has cut some lawns. The banks do not want to take responsibility. The Township maintains about a dozen locations and a lien is placed on the property.

Council President Diehl asked about children going into the abandoned homes and if we can board up the lower levels.

Mr. Elliott said the Township has done this in the past.

Mr. Kelly said the same is true for the old gas station on Route 27 and near the church on the Boulevard of the Eagles. He felt someone needs to trim the brush in these areas. He asked if there is any way to have PSE&G comply with the tree ordinance.

Council President Diehl said we had the same situation a few years ago and the power company said they do not have the money or manpower to come back on a short term basis.

Mr. Kelly asked if they can cut the tree down and plant it in another location. He also asked if Verizon will be televising the Council meetings.

Ms. Ruane said she has not heard anything on this but will investigate.

Burton Gimesltob, 6 Churchill Road, asked how many signatures are required for a non computer generated check. He said under the Spadoro Administration, two signatures were required and he would like to see that two signatures are required again.

Mr. Pollex said he did not know if two are required but he agreed with Mr. Gimelstob that two should be required and he will reinstitute having two signatories on every account.

Mr. Gimelstob asked how many signatures were required when Mayor Ricigliano first took office. He felt Mr. Pollex should have instituted this when he was Acting Business Administrator. He spoke about the proposed Fire ordinance and the change in the physical test. He asked the rationale in giving two people the same score.

Joe Petrucelli, 62 Revere Boulevard, spoke about the control function in the State Statutes. He felt the Council is supposed to do the controls and felt someone other than the Business Administrator should be reviewing this. He felt we need to create an ordinance to have the CFO file a report with the Council. He said he is still waiting to see the gap analysis and the EMS schedules and requested the Council to demand these items.

Council President Diehl said Mr. Petrucelli brings up some valid points. He asked Ms. Ruane if she can look into this and discuss it with the Council.

Councilmember Karabinchak asked for copies of the policies currently in place. In the last few audits recommendations have been made that this needs to be instituted.

Councilmember Perilstein said there are a lot of things wrong and they have been brought to light by this unfortunate happening. She said the Council tried to put forward some legislation sharing the balance of power with the current Administration but the Township Attorney's interpretation was that the Council was overstepping their boundaries. She is concerned with the Ordinances vetoed by the Mayor and noted the Attorney General's office would not make a ruling on this. She does not want to waste time if there is not a collaborative effort on this with the Administration. She welcomed the new Business Administrator. She said the leadership comes from the top and she does not want to waste time on ordinances where the Mayor feels the Council is overstepping their bounds. The Council went to great lengths to put in controls which they were told were not legal. Before we move forward, she felt everyone needs to get on the same page about management practices as everybody's time is precious. The Finance Committee has done a great job establishing reports.

Councilmember Mascola agreed with Councilmember Perilstein. He said when they received the email from the Attorney General stating they cannot be involved with this he asked the Township Clerk to send another email to the League of Municipalities as to where they can go for help without going to court. He asked for the response.

The Township Clerk said she was told they should go to the Division of Local Government Services.

Councilmember Mascola said they are trying to do everything they can legally but he felt they may need to go to court. He said if the Council adopts an Ordinance and the Mayor vetoes it and the Council overrides the veto their hands are tied because Mr. Kemm is telling them that the Ordinances are illegal.

Councilmember Perilstein said they owe it to the residents to make the best management practices they can. She suggested doing background checks on anyone who is hired. She felt we are operating on a 1960's manual.

Council President Diehl said the model needs improvement. If we purchase something that is over \$5,000 we are required to get three quotes, but we can hire people without looking at other interviews.

Esther Nemitz, 162B Fay Street, spoke about the proposed Fire ordinance. She spoke about the Fire protection subcode and felt something is missing. She said they need to clearly define who is doing what.

Mr. Kemm said the difference is that the UCC is handled by the construction office. The Division of Fire Inspection is being used for all other regulations outside the UCC.

Ms. Nemitz asked to include this language in the Ordinance.

Mr. Kemm said that would require additional pages of regulations that are mentioned elsewhere in the codebook.

Councilmember Karabinchak said the Fire prevention division is the Fire Inspectors. He said the Fire inspectors under the construction office look at drawings for new buildings.

Lois Wolke, 10 Peake Road, asked about the memorandum of understanding for the HOPWA grant. She questioned the financial end of this.

Mr. Medina said Edison receives the administrative fee and Ms. Peck administers this fee.

Sue Peck said, last month, a Resolution was presented to accept the grant from HUD. This resolution allows us to enter into a memorandum of understanding with various counties that make up our region. We are accepting the grant on behalf of Middlesex, Somerset, Ocean and Monmouth counties. The Township gets 3% of the grant for the Administration of it. She noted this is rental assistance for existing housing. Each County gets 6% for administering the program.

Ms. Wolke did not know why Edison was chosen.

Ms. Peck said the formula is based on population and Edison is higher in population.

Ms. Wolke asked about the stop light on Vineyard Road.

Mr. Medina said this formalizes the existing signalization.

Ms. Wolke said there a lot of Resolutions for reimbursements and asked why we have to go through the Resolution process to give back the money.

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

- 5. APPROVAL OF MINUTES**  
a. through h. No comments

- 6. REPORTS FROM ALL COUNCIL COMMITTEES:**  
None

- 7. POINTS OF LIGHT**  
Councilmember Perilstein congratulated Officer Dudash for managing the Junior Police Academy and was happy to see this back. She complimented everyone who was involved with this very valuable program.

Councilmember Perilstein said Elmer Tan is a JP Stevens student who received a silver medal in the science Olympiad and we will present him with a Resolution in September.

- 8. FROM THE BUSINESS ADMINISTRATOR:**  
a. Councilmember Karabinchak asked for an explanation and if this is changing the existing ordinance in its entirety.

Ms. Peck said the part that is different is the residential fee. This will go from .5% to 1.5%. The balance on commercial fees will be continued. This was approved in 2009 by COAH and was never brought to the Council. Because we may lose commercial fees, the residential fees will help bring funds into this account.

Councilmember Karabinchak said he would like to see the changes in the ordinance and he explained the items that he was concerned with.

Ms. Peck said we can only do what is outlined in the spending plan. The Ordinance is based on COAH's Ordinance.

Councilmember Karabinchak asked why we are doing this now with what is going on in Trenton.

Ms. Peck said we are collecting money for residential but not commercial.

Councilmember Karabinchak said he has a lot of questions on this.

Council President Diehl asked the sense of urgency on this.

Ms. Peck said there is no urgency. It was discovered that this was never adopted.

Council President Diehl asked to look into this further and said it will not appear on Wednesday's agenda.

Ms. Peck suggested speaking to Shirley Bishop since this was written in 2009.

b. and c. No comments were made.

d. Councilmember Perilstein wanted to confirm that 80% is from the Federal government and 20% from the Township. She asked if this was in the budget.

Ms. Ruane said this will not be appropriated until 2012.

e. Councilmember Karabinchak questioned the low bidder exception. He asked if anyone reviewed this.

Mr. Kemm said he will speak to the Purchasing Agent.

**9. FROM THE DEPARTMENT OF FINANCE:**

a. and b. No comments were made.

c. Councilmember Perilstein asked if this is procedural.

Mr. Pollex said the person who is currently authorized is Mark Acker. He contacted all the banks and this turned up and he wants to fix it.

Councilmember Perilstein asked if we should have two signatures.

Mr. Pollex said Agnes Yang is the continuity in the Department and he wants her signature on everything.

Councilmember Lankey asked if we only have Ms. Yang, to which Mr. Pollex said this is correct.

Councilmember Lankey asked the amount of money.

Mr. Pollex said it is a lot of money. He said the staff in the Finance office is doing a bank reconciliation.

Councilmember Lankey asked if this is a dormant account.

Mr. Medina said the account will have activity when we go out to bid on the Mound B restoration project.

Mr. Pollex said he will add himself to the Resolution.

d. No comment was made.

e. Councilmember Karabinchak asked if it was true that we have 76 out of 88.

Mr. Pollex said last year's survey had over 80 questions. This year there is only 50. The survey is still not equally applicable to all municipalities. He felt we have more than our requirement to retain full aid numbers. He spoke about the mandate that the Council attend courses. He said the Administration cannot mandate this, only the Council can adopt an Ordinance for this.

Councilmember Mascola said some answers need clarification. He spoke about current salaries being posted on the web.

Mr. Pollex said we do provide onsite review if requested.

Councilmember Mascola asked about a transitional duty program for compensation.

Mr. Pollex said he was told that light duty was always made available to Police and Fire.

Councilmember Lankey asked if an "n/a" counts the same as a yes.

Mr. Pollex said the Township is not penalized for this.

**10. FROM THE DEPARTMENT OF HEALTH:**

a. through e. No comments were made.

f. Councilmember Perilstein said she received concerns and complaints regarding massage parlors in the Township and as a result she reached out to Mr. Elliot for licensing information.

Mr. Elliot said he spoke with Mr. Kemm. He said this is the State model ordinance for massage therapy. When the Township got involved, the State did not have a license for therapists. Right now, they do require this. The proposed ordinance is more stringent. They want to remove local licensure of therapists and give to the State but we will continue licensing the establishments.

**11. FROM THE DEPARTMENT OF LAW:**

a. Councilmember Karabinchak wanted confirmation that this is our current firm.

Mr. Kemm said "yes".

b. In response to Councilmember Karabinchak's questions, Mr. Kemm explained this is a bill that needs approval because the Resolution has lapsed.

Councilmember Karabinchak asked if this is under the JIF and Mr. Kemm said this claim is not covered by the JIF and he is entitled to representation.

Councilmember Karabinchak asked if this is a contractual obligation.

Mr. Kemm gave an example on what would not be covered under the JIF. He noted the case is resolved.

Councilmember Karabinchak asked if there are other bills outstanding from years ago.

Mr. Kemm said this is the only one he is aware of.

c. and d. No comments were made.

e. Councilmember Perilstein asked why this is back on the agenda.

Council President Diehl asked the genesis of this.

Mr. Kemm said at the last meeting Deputy Chief Latham proposed this ordinance and it was not redlined. The Council asked for a redlined version. The function of the change is the volunteer Fire Department. To be eligible to be a paid Firefighter you must be a volunteer for two years. The volunteers must pass multiple tests. He said there is no reason to go through testing again at an added expense.

Battalion Chief Milcsik explained the test. The original proposal was to take one level of written testing away to streamline the process.

Councilmember Perilstein asked if there are significant differences between our current test and the state test.

Battalion Chief Milcsik said they are trying to streamline the procedure and reduce cost. We had to extend the list because it takes so long to go through the process.

Councilmember Karabinchak asked who created the philosophy.

Mr. Stephens said Deputy Chief Latham gave this to Administration.

Councilmember Karabinchak noted Deputy Chief Latham is not present.

Mr. Stephens said he can have Deputy Chief Latham present on Wednesday.

Councilmember Karabinchak said many elements have changed. With respect to the State test, he asked the format and the passing grades.

Battalion Chief Milcsik explained that the test is pass or fail with a passing score of 70. He explained the physical testing.

Councilmember Karabinchak said the tests used to be rated and now everyone will be on the same level. He asked about a time limit for the physical test.

Council President Diehl said there are so many changes that he finds it interesting that this was presented without prior comments. They will wait until they get some answers from Deputy Chief Latham.

Councilmember Mascola said the way he is reading this ordinance, they might as well forget about the testing.

Councilmember Perilstein said Councilmember Mascola continually asked the former Assistant Public Safety Director about this and he said he was working on a new procedure. She felt we are going back in time. She recognizes the need for Firefighters but felt the process needs integrity. She is concerned that this will change the appointments to the Mayor's whim. She suggested meeting with the Public Safety committee.

Council President Diehl said one of the problems with Mr. Laird's position was that no one understood what he did.

f. and g. No comments were made.

**12. FROM THE DEPARTMENT OF PLANNING AND ENGINEERING:**

a. through i. No comments were made.

j. Councilmember Karabinchak asked why we are taking money out of the affordable housing trust fund.

Sue Peck said this is for group homes under our spending plan. We give money per bedroom. This is existing housing and helps meet our COAH obligation. She noted this is the second one. We are trying to meet our COAH obligations without creating new housing. People with special needs are put into a shared living home.

Councilmember Karabinchak asked how this fits into our COAH obligation when it is for disabled people.

Ms. Peck explained the bonuses for disabled housing.

Mr. Kemm explained how the credits for the housing are obtained.

In response to Councilmember Karabinchak's questions Ms. Peck explained that Piazza & Associates are not used for this process. She noted that these people are qualified under the State.

A discussion took place on the amount of units for the formula.

Councilmember Karabinchak was concerned about spending money with no Ordinance adopted to do this. He said they are now asking the Council to spend money that the Council did not originally approve.

Mr. Medina said the spending plan and formula should be brought before the Council and then they adopt the Resolution.

Council President Diehl suggested leaving this on the agenda and pulling it on Wednesday if they are not satisfied.

**13. FROM THE DIRECTOR OF PUBLIC WORKS:**

a. through d. No comments were made.

**14. FROM THE DEPARTMENT OF RECREATION:**

a. No comment was made.

b. In response to Councilmember Perilstein's questions, Ms. Halliwell said the amount will be charged to the donation account.

Councilmember Perilstein asked the amount of fundraising.

Ms. Halliwell said the total received is \$7500 with promises of another \$6000.

**15. FROM THE CHIEF OF POLICE:**

a. and b. No comments were made.

**16. FROM THE COUNCIL MEMBER TO THE PLANNING BOARD:**

Councilmember Karabinchak said he was out of the country for the meeting however, he explained the applications that were before the Board.

**17. UNFINISHED BUSINESS:  
ORDINANCES FOR FURTHER CONSIDERATION AND PUBLIC HEARING:**

O.1777-2011 No comment was made.

**18. COMMUNICATIONS:**

None



**19. DISCUSSION ITEMS:**

**Council President Diehl:**

None

**Councilmember Gomez:**

Councilmember Gomez was absent.

**Councilmember Karabinchak:**

a. through e. No comments were made.

f. Councilmember Karabinchak said Raritan Center has applied to the Federal Government for foreign trade zone designation and he asked to put forward a Resolution.

Mr. Stephens said this is fine.

Councilmember Karabinchak said since Edison is the host municipality for Raritan Center, we fully support this position.

g. No comment was made.

h. Councilmember Karabinchak agreed with Councilmember Perilstein that they should put together an Ordinance that anyone hired should have a background check.

**Councilmember Lankey:**

None

**Councilmember Mascola:**

a. Councilmember Mascola asked the Township Clerk to send the vetoed Ordinances to the Division of Local Government Services.

**Councilmember Perilstein:**

a. No comment was made.

b. Councilmember Perilstein asked the process being used to search for a new CFO.

Ms. Ruane suggested advertising in local papers and on the League of Municipalities website.

Councilmember Perilstein said the Council was not consulted on the acting position and asked if there is an active process going on.

Mr. Stephens said there is an active process and the Mayor is reviewing resumes and will call candidates in. They will also put out the advertisement again.

c. Councilmember Perilstein said, in December 2010, she publically requested that the Council be given an update on the landfill. She was promised by several individuals that she would receive a report. She said she was kept in the loop by an individual who is no longer with the Administration and she felt it is important to receive official updates.

Mr. Stephens said there was a breakdown in communication between the Township and the DEP on what had to be done to move forward with the closure. As soon as he receives this information he will share it with the Council.

Councilmember Perilstein said there are a lot of unique issues going on and it is important for the Council to understand this. She said this has languished for some time and felt the Council should have a technical understanding of what is happening out there.

Mr. Stephens said he will make sure this happens in the near future.

- d. Councilmember Perilstein felt it is important to move forward with our significant Human Resources issues. We need to require background checks and have a managed disability plan.

**Councilmember Prasad:**

- a. Councilmember Dr. Prasad said we have a major PGA tour happening in Edison. A lot of residents are being inconvenienced but felt it is important to have the Township highlighted and this is a great honor to the Township.

Council President Diehl agreed that this is nice for the Township.

**20. CLOSED SESSION:**

The Council retired to Closed Session at 8:34 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) 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 9:33 p.m., on a motion made by Councilmember Lankey, seconded by Councilmember Perilstein and duly carried.

On a motion made by Councilmember Lankey, seconded by Councilmember Perilstein, with all in favor, the meeting was adjourned at 9:33 p.m.

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Robert Diehl  
Council President

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Reina A. Murphy, RMC  
Municipal Clerk