

**MINUTES OF AN EMERGENCY MEETING
MUNICIPAL COUNCIL - TOWNSHIP OF EDISON
DECEMBER 8, 2011**

A Special Meeting of the Municipal Council was held in the Council Chambers of the Municipal Complex on Thursday, December 8, 2011. The meeting was called to order at 6:00 p.m. by Council President Diehl, followed by the Pledge of Allegiance.

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

Also present were Township Clerk Murphy, Deputy Township Clerk Kenny, Mayor Ricigliano, Township Attorney Kemm, Business Administrator Ruane, Acting Finance Director Pollex, Health Director Elliot, Township Engineer Medina and Police Chief Bryan.

The Township Clerk advised that adequate Notice of this meeting as required by the Open Public Meetings Act of 1975, has been provided by a Special Notice sent to The Home News Tribune, The Star Ledger and the Sentinel on December 7, 2011, and posted in the Main Lobby of the Municipal Complex on the same date.

Council President Diehl said the Council is going to into closed session to discuss personnel.

4. CLOSED SESSION:

The Council retired to Closed Session at 6:02 p.m., on a motion made by Councilmember Mascola, 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 7:42 p.m., on a motion made by Councilmember Lankey, seconded by Councilmember Karabinchak and duly carried.

PROPOSED RESOLUTION

RESOLUTION R.842-112011

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

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

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

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

NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF EDISON IN THE COUNTY OF MIDDLESEX, NEW JERSEY, THAT the proper Township Officials are hereby authorized to transfer funds as indicated on the annexed spread sheet from those designated appropriations having apparent surplus balances to those designated appropriations having apparent insufficient balances to insure that adequate appropriation balances exist where needed.

TO: SALARIES AND WAGES

ACCOUNT	TO:
Administration 20-0100-001-011	\$ 11,000.00
Communication/T.V. 20-0100-001-011	\$ 12,300.00
HR/Personnel 20-0105-000-011	\$ 9,100.00
Purchasing 20-0100-002-011	\$ 30,000.00
Clerk 20-0120-001-011	\$ 2,200.00
Tax Collector 20-0145-000-011	\$ 29,750.00
Tax Assessor 20-0150-000-011	\$ 13,750.00
Planning & Zoning 20-0186-000-011	\$ 12,500.00
Insp/Code Enf. 22-0195-000-011	\$ 61,000.00
Rent Control 22-0200-001-011	\$ 4,000.00
Communications 9-1-1 25-0250-000-011	\$ 50,000.00
Health 27-0330-001-011	\$ 124,500.00
Health (Mun. Alliance)41-0740-000-000	\$21,016
Senior Citizens 27-0330-002-011	\$ 35,500.00
Community Shuttle 27-0330-003-001	\$ 15,000.00
Recreation 28-0370-000-011	\$ 26,750.00
Police 25-0240-000-011	\$ 215,000.00
Fire 25-0265-001-011	\$ 307,134.00
EMT's 25-0265-003-011	\$ 136,000.00

TO: OTHER EXPENSE

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

TOTAL	\$ 1,216,500.00
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ACCOUNT**FROM:****FROM: SALARIES AND WAGES**

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

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FROM: OTHER EXPENSES

Municipal Clerk 20-0120-001-028	\$ 10,000.00
Data Processing 20-0140-000-059	\$ 10,000.00
Tax Collection 20-0145-000-104	\$ 20,000.00
Health 27-0330-001-028	\$ 20,000.00
Seniors 27-0330-002-032 & 036	\$ 7,500.00
Shuttle 27-0330-003; 034,077&093	\$ 5,000.00
Communications/911 25-0250-000-026	\$ 20,000.00
Maint. of Police Vehuicles 26-0315-002-025	\$ 20,000.00
Fire Prevention 25-0265-002-026	\$ 180,000.00
Fire 25-0265-001-079	\$ 30,000.00

Parks 28-0375-000-030	\$	4,000.00
Municipal Garage 26-0315-001-034	\$	20,000.00
Zoning 21-0185-001-028	\$	8,000.00
Rent Control 22-0200-001-021	\$	6,500.00
Emergency Management 25-0252-000-030	\$	5,000.00
Ethics 20-0120-002-023	\$	9,000.00
Public Events 30-0420-000-020	\$	2,000.00
Court 43-0490-000-058	\$	30,000.00
Code Enforcement 22-0195-000-029	\$	200,000.00
Payroll 20-0130-003-029	\$	10,000.00
Personnel/HR 20-0105-000-059	\$	50,000.00
EMT Services 25-0265-003-051	\$	100,000.00
	TOTAL	\$ 1,216,500.00

A motion was made by Councilmember Karabinchak, seconded by Councilmember Perilstein to remove this Resolution from the table.

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

NAYS - None

Councilmember Dr. Prasad was absent.

The Township Clerk explained an amendment had to be made to delete the line item of Solid Waste Recycling and replace it with 911 Communications.

A motion was made by Councilmember Mascola, seconded by Councilmember Lankey to amend this Resolution.

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

NAYS - None

Councilmember Dr. Prasad was absent.

A motion was made by Councilmember Lankey, seconded by Councilmember Karabinchak to adopt this Resolution as amended.

Councilmember Perilstein said she will be reluctantly supporting the transfer. Her reason for adopting this is for the individuals in the audience. There was no need to have furloughs thrust on the employees. She also questions whether payroll can be withheld. She was concerned with the undue stress and felt this was a great dramatic exercise. Unfortunately, the Council was never given a drop dead date on which something of this magnitude would happen. They had constant dialogue on the need for transfers. This was significant because the amount is the highest at \$1.2 million. Given the economic situation of the country she felt the Council had reason to have answers to their questions. To some extent they were answered in closed session and she thanked the Mayor for finally coming to closed session to have a dialogue. She said she is obligated to the residents of the Township to obtain answers on the resolution. The only answer that was given to the Council at the last meeting was that all the blame was thrust upon former Business Administrator Gonzalez and she felt this was not a good enough answer. She hoped they would continue to have a dialogue. There was never a deadline articulated to the Council in terms of expending line items that would result in the furloughs we now see. She said some people would argue that the law was broken, but in certain circumstances common sense needs to be something that drives this. She felt this was incredibly irresponsible and again nothing was articulated to the Council in terms of the date that was needed to be met. The Council was notified at the same time the employees were notified that furloughs were going to ensue. The Council did not vote for or against the transfer but only to table it because they had concerns and needed answers to their questions. Some questions were answered but a lot of concerns still existed. She hopes there is an understanding with the Administration that it is important to communicate to the Council how things of this magnitude will affect the Township. The sole responsibility of the Township is to provide services and to have this so cavalierly interrupted was unfortunate. She hoped the vote will signify that things can go back to normal.

Councilmember Karabinchak thanked the Mayor for attending closed session. He also thanked Ms. Ruane and Mr. Pollex for going into details that they were not involved in and explaining how everything started. He felt it was important to know why this happened and most important to move forward. There was a lot of miscommunication out there about what transfers are about. He said he received hundreds of telephone calls within the last two weeks. He said this is a complicated situation. The laws are evolving around municipal finances and it is important that everyone understands when a transfer is made where the money is going to and where it is coming from. He read the Resolution into the record. He said on one side it helps, and on the other side it will negatively impact other areas.

Councilmember Mascola thanked the Administration for attending closed session. He said they received some answers that were needed but there is still a serious lack of communication. He said much time and energy is being put forth that could have been taken care of with better communication. He felt nothing has been accomplished in the Township for over a year. We need to start working together and moving forward and he hoped this would open a dialogue. He will support this Resolution for the employees.

Councilmember Gomez thanked the Mayor, Mr. Pollex and Ms. Ruane for all the help they received in the past few weeks and he felt if they would have had this at the last meeting, we probably would not have had the issue of the transfer being tabled. He said this was the past and he is looking forward to working together and making this better.

Councilmember Lankey said there is a lot of rhetoric on what, why, when and how things happened. He voted no to table because they needed to get this resolved and needed the communication. He thanked the Mayor, Mr. Pollex and Ms. Ruane for attending and talking to the Council and he is optimistic they will move forward in a positive way.

Council President Diehl thanked the Mayor, Mr. Pollex and Ms. Ruane for meeting with them tonight. He thanked the employees for attending. He hoped to have a meeting where sensitive issues could be discussed in closed session and he felt comfortable enough with some of the answers to vote affirmatively. He felt it was a shame that this did not happen a few weeks ago and said it is important to move forward and enhance communication. They need to get back to work and work together.

A vote was then taken on the motion to adopt.

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

NAYS - None

Councilmember Dr. Prasad was absent.

ORAL PETITIONS AND REMARKS

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

Greg Ingratsia, 5 Lancolm Court, said he just moved to the community and received a wake-up call to get involved. He is trying to open a business which is an emotional situation for him. He was prevented from opening his business temporarily due to the furloughs and he is glad there was a resolution to this. He thanked the Council for their time.

Rich Brescher, 868 Grove Avenue, asked if everyone received an email he sent. He felt this was a big fiasco of "he said she said" and he is glad they are working things out and the Township is moving ahead. He said if the Township needed to raise taxes a percentage in order to pick up branches and not have Grove Avenue flood, he would be willing to pay.

Council President Diehl said he received other calls regarding the same issue.

Mr. Brescher asked for the Township to come up with a plan to determine what is necessary to correct this flooding situation. He heard there was a pipe and it was broken but was expensive to fix.

Mr. Medina said he will put this on the list to investigate further.

Council President Diehl said the problem is because this area did not look like it does today. Oak Tree Road was not a four lane highway. He said Oak Tree Road was a dividing line for a watershed. He said this is a big project because there is a lot of water running down.

Mr. Brescher explained when his area floods.

Bimal Joshi, 11 Myrtle Street, thanked the Council and the Administration for resolving the issue and he asked if the employees are going back to work tomorrow.

Council President Diehl said "yes", that is what he understood.

Sam Joshi, Library Place, said when Councilmember Karabinchak went through the line items there was one thing repeated for communications.

Councilmember Karabinchak said the "to" is to salary and the "from" is from other expense.

Mr. Joshi said he is happy this was resolved and everyone is going back to work. He wished everyone a wonderful Christmas, Hanukkah and a Happy New Year.

Louise Manginelli, 353 Hoover Avenue, asked if the Senior Center will be open.

Council President Diehl said he understands that all services will be reopened.

Ms. Ruane said that is correct.

Burton Gimelstob, 6 Churchill Road, asked if the Mayor left. He understood that Mr. Pollex had a long lunch with Mr. Gonzalez on Friday.

Council President Diehl said questions should not be phrased as a personal attack.

Mr. Gimelstob asked if the budget was discussed with Mr. Gonzalez and if Mr. Gonzalez was asked any legal questions.

Mr. Pollex would not answer.

Mr. Gimelstob asked if legal advice from Mr. Kemm was sought on the furloughs.

Ms. Ruane said there was discussion with the entire Administration and the Mayor made the decision. She said different aspects of the furloughs were discussed.

Mr. Gimelstob asked if the Mayor should be consulting with her brother on these matters or should she consult with the Township Attorney.

Mr. Iacocca said he was unaware of this situation.

Mr. Gimelstob asked if she should restrict her questions to his firm or get advice from her brother.

Sal Pizzi, 35 Trenton Avenue, asked if the Township is billed for counseling from the Mayor's brother.

Ms. Ruane said she is not aware of what happened.

Mr. Pizzi thanked the Council for adopting the Resolution and felt we should move forward and that finger pointing has to stop.

On a motion made by Councilmember Lankey, seconded by Councilmember Gomez, and duly carried, the public comments were closed.

On a motion made by Councilmember Mascola, seconded by Councilmember Gomez, the meeting was adjourned at 8:15 p.m.

Robert Diehl
Council President

Reina A. Murphy, RMC
Municipal Clerk