

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, April 6, 2010

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 8:00 p.m. on April 6, 2010.

Municipal Clerk Cindy A. Dye certified that the meeting was noticed in the Annual Meeting Notice. Notice was sent to the Trenton Times, filed with the Municipal Clerk and posted in the East Windsor Township Municipal Building, all on January 5, 2010. All requirements of the "Open Public Meetings Act" were satisfied.

Herb Feltzer led the flag salute.

Present were: Mayor Janice S. Mironov, and Council Members Walter T. Daniels, Jr., Hector Duke, Alan Rosenberg, Perry Shapiro and Marsha Weinstein. Also present were Alan M. Fisher, Township Manager, Township Attorney David E. Orron and Municipal Clerk Cindy A. Dye. Deputy Mayor Marc Lippman was absent.

PRESENTATIONS & PROCLAMATIONS:

Mayor Mironov made a presentation to the Twin Rivers Softball Team.

Mayor Mironov read and presented a proclamation in recognition of Alcohol Awareness Month - - April 2010: Recognizing East Windsor Regional School District Hightstown High School After Prom Committee.

Mayor Mironov read and presented a proclamation in recognition of National Library Week – April 11-17, 2010.

Mayor Mironov indicated that a proclamation for the Patriot's Pen Winners (March 19, 2010): Jeffrey Weingast - First Place, Sarah Winzinger - Second Place and Leah Chen - Third Place would be done at an outside event.

Mayor Mironov stated that a proclamation for the Voice of Democracy Winner -- Colleen Murphy (March 19, 2010) would be done at an outside event.

Mayor Mironov stated that a proclamation for TIROS I Day - - April 1, 2010 (April 1, 2010) would be done at an outside event.

Mayor Mironov stated that a proclamation for Eagle Scout: Christopher Livesey of Boy Scout Troop 2002 (April 10, 2010) would be done at an outside event.

PUBLIC FORUM:

Mayor Mironov opened the meeting to the public.

The following members of the public spoke regarding the recent reduction in the police department and 9-1-1 dispatch services: Mark Sokol, 17 Allerton Way; Wayne Hummel, President, PBA Local 191;

Chief Joseph G. Michinsky of 36 Brooktree Road; Eric Lion, Delegate, PBA Local 191; Veronica Nash, 516 Madison Drive; Arlen Forst, 28 Covington Drive; Rob Arnold, 431 Dutch Neck Road; David Bock, 619 Greenwich Court; Nick Patel, 130 Hickory Corner Road, Paul Lindenfeld, 15 Wickham Lane; Ron Schecter, 2 Exeter Court; Bob Thomas, 7 Millstone Drive; Janice Kminek, 192 Oak Creek Circle; Bill Froelich, retired East Windsor Police Officer and Gary McWater, resident of Millstone Township.

Mayor Mironov thanked everyone for coming out. The 9-1-1 dispatch services will be discussed later on our agenda, which will be the first time this is being discussed.

Mayor Mironov indicated that she has nothing but the highest respect for our police. The Township has been hit very hard with the economic downturns. Revenues have plummeted dramatically, the tax appeals cost the Township approximately \$500,000 and the reserve for uncollected taxes had to be increased. The Township's surplus at the end of 2009 to support our budget was almost \$2 million less than what it was in 2008 to support our budget. There are also caps that the State imposed in the beginning of 2008. This has been a very trying time to try to put a budget together.

Mayor Mironov continued indicating that there was other unexpected news. The Governor and State officials dropped a bomb on East Windsor indicating that they were shorting us \$904,217, most of which is energy tax receipts which is our money. We are in the middle of our budget year, which makes the issue more extraordinary. This created an immediate crisis for the Township. One option to deal with the crisis was massive layoffs throughout all the Township departments including police. She also noted that the snow costs have not even been covered yet in the budget. Fortunately, we identified an alternative which could save jobs and staffing levels.

Mayor Mironov indicated that the Township had been in discussions with all of the unions regarding going into the State Health Benefits plan for 2011. Moving to this plan would create a substantial savings and still provide a solid health care plan for our employees. After the announcement from the Governor regarding the \$904,217 cut from the budget, emergency meetings occurred with all the unions in the Township to explain the dire situation that the Township had been placed in and we explained the urgency to act and the options. Mayor Mironov explained that if the Township went into the State Health Benefits plan effective June 1, the Township would experience enough savings to maintain the staffing levels. All the other unions made short term agreements with the Township in order for us to effect the savings. The offer to all unions was that there would be no staff reductions of any kind if they would move to the State Health Benefits plan. The PBA and SOA were offered the same proposals. The Township feels they made a fair offer to the PBA and SOA. Those unions as of now did not choose to accept our offer and that is what resulted in the layoffs. If we were able to move forward and come to an agreement, the layoffs and the existing spot would be staffed. Mayor Mironov indicated that it is all about dollars in terms of what the Township did with the unions. There were layoffs of non-police personnel going into 2010.

Mayor Mironov indicated that regarding the reduction of staffing, the department and the Chief would have to decide how to work and decide what discretionary programs would have to be curtailed.

The Council has worked the best they can with what they are given and they are always willing to talk.

Mayor Mironov closed the public portion of the meeting.

INTERVIEWS FOR BOARDS AND COMMISSIONS: None

MINUTES:

February 25, 2010 (Budget Hearing)

It was MOVED by DANIELS and seconded by WEINSTEIN that the minutes of February 25, 2010 (Budget Hearing) minutes be approved.

ROLL CALL: Ayes - Daniels, Duke, Weinstein, Mironov
Nays – None
Abstain - Rosenberg, Shapiro

There being four (4) ayes and no nays, the February 25, 2010 (Budget Hearing) minutes were approved.

February 27, 2010 (Budget Hearing)

It was MOVED by ROSENBERG and seconded by DANIELS that the minutes of February 27, 2010 (Budget Hearing) minutes be approved.

ROLL CALL: Ayes - Duke, Rosenberg, Weinstein, Mironov
Nays – None
Abstain - Daniels, Shapiro

There being four (4) ayes and no nays, the February 27, 2010 (Budget Hearing) minutes were approved.

March 16, 2010 (Closed Session)

It was MOVED by ROSENBERG and seconded by DANIELS that the minutes of March 16, 2010 (Closed Session) minutes be approved.

ROLL CALL: Ayes - Daniels, Rosenberg, Shapiro, Weinstein, Mironov
Nays – None
Abstain - Duke

There being five (5) ayes and no nays, the March 16, 2010 (Closed Session) minutes were approved.

Mayor Mironov announced that the following minutes will be rescheduled: January 12, 2010, January 26, 2010, February 2, 2010, February 16, 2010, March 2, 2010, March 16, 2010, March 25, 2010 and March 25, 2010 (Closed Session).

RESOLUTIONS:

Resolution R2010-13 Action on Request for Release of Performance Guarantees
for Riviera at East Windsor – Off-Site Improvements

The Township Clerk read by title Resolution R2010-13.

Mayor Mironov indicated that the letter has been received from the homeowners association indicated that all improvements have been made and that they accept the release of the bond.

Mayor Mironov indicated that a certification was received from the Township Manager to all of the fees and charges have been paid.

It was MOVED by DUKE and seconded by WEINSTEIN that Resolution R2010-13 be adopted

ROLL CALL: Ayes - Daniels, Duke, Rosenberg, Shapiro, Weinstein, Mironov
Nays - None

There being six (6) ayes and no nays, Resolution R2010-13 was adopted.

Resolution R2010-42 Authorizing Approval of Interlocal Service Agreement
with Hamilton Township for Health Services/Sexually
Transmitted Disease (STD) Clinic Services

The Township Clerk read by title Resolution R2010-42.

Mayor Mironov indicated that this has been carried subject to an amendment, which has been received from Hamilton Township by letter dated March 12, 2010.

It was MOVED by DUKE and seconded by DANIELS that Resolution R2010-42 be adopted

ROLL CALL: Ayes - Daniels, Duke, Rosenberg, Shapiro, Weinstein, Mironov
Nays - None

There being six (6) ayes and no nays, Resolution R2010-42 was adopted.

Resolution R2010-52 Approval of Professional Services Agreement for Pediatric
Nurse Practitioner

The Township Clerk read by title Resolution R2010-52.

Mayor Mironov requested that this resolution be held until answers to her previous questions have been received.

Resolution R2010-57 Approval of Interlocal Agreement with Hamilton Township for
Health Officer Services

The Township Clerk read by title Resolution R2010-57.

Mayor Mironov indicated that this is a continuation of our existing setup with the same fee as last year.

It was MOVED by DANIELS and seconded by ROSENBERG that Resolution R2010-57 be adopted

ROLL CALL: Ayes - Daniels, Duke, Rosenberg, Shapiro, Weinstein, Mironov
Nays - None

There being six (6) ayes and no nays, Resolution R2010-57 was adopted.

Resolution R2010-58 Approval of Health Officer Agreement with Hamilton Township
Health Officer

The Township Clerk read by title Resolution R2010-58.

Mayor Mironov indicated that this is our companion agreement to continue our existing setup.
Everything is at the same fee as 2009.

It was MOVED by WEINSTEIN and seconded by DANIELS that Resolution R2010-58 be adopted

ROLL CALL: Ayes - Daniels, Duke, Rosenberg, Shapiro, Weinstein, Mironov
Nays - None

There being six (6) ayes and no nays, Resolution R2010-58 was adopted.

Resolution R2010-67 Approval of Professional Services Agreement for Professional Surveying
Services for 290 Etra Road with Maser Consulting

The Township Clerk read by title Resolution R2010-67.

Mayor Mironov requested that first paragraph be changed to read “East Windsor Township desires to acquire and preserve as open space the property known as 290 Etra Road, designated on the East Windsor Township Tax Map as part of Block 30, Lot 12.” Grammatical corrections were also made.

It was MOVED by DANIELS and seconded by ROSENBERG that Resolution R2010-67 be adopted as revised.

ROLL CALL: Ayes - Daniels, Duke, Rosenberg, Shapiro, Weinstein, Mironov
Nays - None

There being six (6) ayes and no nays, Resolution R2010-67 was adopted as revised.

Resolution R2010-68 Approval of Professional Services Agreement for Professional Engineering Services for 290 Etra Road with Van Note Harvey Associates

The Township Clerk read by title Resolution R2010-68.

Mayor Mironov requested that the first paragraph be changed to read “East Windsor Township desires to acquire and preserve as open space the property known as 290 Etra Road, designated on the East Windsor Township Tax Map as part of Block 30, Lot 12. Grammatical corrections were also made.

It was MOVED by DUKE and seconded by DANIELS that Resolution R2010-68 be adopted as revised.

ROLL CALL: Ayes - Daniels, Duke, Rosenberg, Shapiro, Weinstein, Mironov
Nays - None

There being six (6) ayes and no nays, Resolution R2010-68 was adopted as revised.

Resolution R2010-69 Action on Bids for Twin Rivers Drive North Roadway Improvements

The Township Clerk read by title Resolution R2010-69.

Mayor Mironov indicated that we received a \$316,000 grant from the NJDOT for improvements to Twin Rivers Drive North.

Mayor Mironov indicated that there was a recommendation from the Public Works Director and Engineer.

It was MOVED by ROSENBERG and seconded by SHAPIRO that Resolution R2010-69 be adopted

ROLL CALL: Ayes - Daniels, Duke, Rosenberg, Shapiro, Weinstein, Mironov
Nays - None

There being six (6) ayes and no nays, Resolution R2010-69 was adopted.

Resolution R2010-70 Approval of Purchase of Asphalt for the Public Works Department with Stavola Inc.

The Township Clerk read by title Resolution R2010-70.

Mayor Mironov indicated that there was a recommendation from the Public Works Director.

It was MOVED by ROSENBERG and seconded by DUKE that Resolution R2010-70 be adopted

ROLL CALL: Ayes - Daniels, Duke, Rosenberg, Shapiro, Weinstein, Mironov
Nays - None

There being six (6) ayes and no nays, Resolution R2010-70 was adopted.

Resolution R2010-71 Authorizing Change Order for Police Building Lighting with
Facility Solutions Group (FSG)

The Township Clerk read by title Resolution R2010-71.

Mayor Mironov indicated that this is an amendment to the agreement we have reached with PSE&G for the energy efficient upgrades. They paid eighty percent of the cost. Within the first year we will save over \$30,000, which more than our twenty percent share.

Mayor Mironov recommended that the fourth paragraph should reference the Township Manager and the Director of Public Works.

It was MOVED by DANIELS and seconded by DUKE that Resolution R2010-71 be adopted as revised.

Council Member Daniels asked if there was a similar program for heaters and air conditions.

Mayor Mironov indicated that there is a second portion regarding the heating and air condition of this program that the Township is in line for.

ROLL CALL: Ayes - Daniels, Duke, Rosenberg, Shapiro, Weinstein, Mironov
Nays - None

There being six (6) ayes and no nays, Resolution R2010-71 was adopted as revised.

Resolution R2010-72 Action of Request for Performance Bond Release for D&E Realty
Company d/b/a Trifooderama

The Township Clerk read by title Resolution R2010-72.

Mayor Mironov indicated that we have a recommendation from the Township Engineer dated March 4, 2010 that is attached to and incorporated in the resolution.

It was MOVED by DUKE and seconded by SHAPIRO that Resolution R2010-72 be adopted

ROLL CALL: Ayes - Daniels, Duke, Rosenberg, Shapiro, Weinstein, Mironov
Nays - None

There being six (6) ayes and no nays, Resolution R2010-72 was adopted.

Resolution R2010-73 Action of Request for Performance Bond Release for Walgreen's
Pharmacy-Phase III (Carduner)

The Township Clerk read by title Resolution R2010-13.

Mayor Mironov indicated that we have a recommendation from the Township Engineer dated March 22, 2010 that is attached to and incorporated in the resolution. There is also a checklist from our Finance Director indicating all fees and charges have been paid.

Mayor Mironov indicated that there was a recommendation from the Township Manager.

It was MOVED by ROSENBERG and seconded by WEINSTEIN that Resolution R2010-73 be adopted

ROLL CALL: Ayes - Daniels, Duke, Rosenberg, Shapiro, Weinstein, Mironov
Nays - None

There being six (6) ayes and no nays, Resolution R2010-73 was adopted.

Resolution R2010-74 Refund of Tax Overpayments

The Township Clerk read by title Resolution R2010-74.

Mayor Mironov stated that there is a certified list from the Tax Collector which is attached to the resolution.

It was MOVED by SHAPIRO and seconded by ROSENBERG that Resolution R2010-74 be adopted

ROLL CALL: Ayes - Daniels, Duke, Rosenberg, Shapiro, Weinstein, Mironov
Nays - None

There being six (6) ayes and no nays, Resolution R2010-74 was adopted.

Resolution R2010-75 Approval of Agreement with the Communication Workers
of America Local 1032 Union

The Township Clerk read by title Resolution R2010-75.

Mayor Mironov stated that a corrected resolution has been provided this evening.

It was MOVED by SHAPIRO and seconded by ROSENBERG that Resolution R2010-75 be adopted

Mayor Mironov commended the members of the unions for stepping up. They did the right thing for themselves individually and their colleagues, and for the citizens of the town and it is much appreciated.

ROLL CALL: Ayes - Daniels, Duke, Rosenberg, Shapiro, Weinstein, Mironov
Nays - None

There being six (6) ayes and no nays, Resolution R2010-75 was adopted.

Resolution R2010-76 Approval of Agreement with the Teamsters Local Union No. 469

The Township Clerk read by title Resolution R2010-76.

Mayor Mironov stated that there was a corrected resolution has been provided this evening.

It was MOVED by DANIELS and seconded by ROSENBERG that Resolution R2010-76 be adopted

ROLL CALL: Ayes - Daniels, Duke, Rosenberg, Shapiro, Weinstein, Mironov
Nays - None

There being six (6) ayes and no nays, Resolution R2010-76 was adopted.

Resolution R2010-77 Authorizing Additional 2010 Temporary Budget Appropriations

The Township Clerk read by title Resolution R2010-77.

It was MOVED by WEINSTEIN and seconded by DANIELS that Resolution R2010-77 be adopted

ROLL CALL: Ayes - Daniels, Duke, Rosenberg, Shapiro, Weinstein, Mironov
Nays - None

There being six (6) ayes and no nays, Resolution R2010-77 was adopted.

Resolution R2010-78 Resolution Supporting the Pre-Application Submission to the New Jersey Department of Environmental Protection Green Acres Program for the Diversion of Certain Parkland in Connection with the New Jersey Turnpike Authority's Exit 6 to Exit 9 Widening Program

The Township Clerk read by title Resolution R2010-78.

Mayor Mironov requested that the following be added to the resolution: "5. this resolution is subject to and conditioned upon: a. Changes by the New Jersey Turnpike Authority to the pre-application and final application to direct or dispose of parkland as discussed and agreeable to East Windsor Township. b. Formulation and execution of all agreements with East Windsor Township by the New Jersey Turnpike Authority incorporating agreed upon terms and conditions as discussed with and agreeable to East Windsor Township."

Mayor Mironov indicated that there was a public hearing with the Turnpike Authority. This is a follow-up and this is the next step that needs to be taken.

It was MOVED by ROSENBERG and seconded by SHAPIRO that Resolution R2010-78 be adopted as revised.

ROLL CALL: Ayes - Daniels, Duke, Rosenberg, Shapiro, Weinstein, Mironov
Nays - None

There being six (6) ayes and no nays, Resolution R2010-78 was adopted as revised.

APPLICATIONS:

Raffle License RL:346 East Windsor Police Athletic League, April 30, 2010, 140 Dutch Neck Road, Casino Night

Raffle License RL:347 Animal Friends for Education and Welfare, Inc., (AFEW). October 9, 2010, Off-Premise for Merchandise

It was MOVED by ROSENBERG and seconded by DUKE that Raffle Licenses RL:346 and RL:347 be approved.

ROLL CALL: Ayes - Daniels, Duke, Rosenberg, Shapiro, Weinstein, Mironov
Nays - None

There being six (6) ayes and no nays, Resolution R2010-78 that Raffle Licenses RL:346 and RL:347 be approved.

REPORTS BY COUNCIL AND STAFF:

Council Member Daniels stated that there was a meeting on April 1 for the County Drug Alliance Coordinators and Chairpersons to go over the new procedures for reimbursement. They are also extending the contract an extra year.

Council Member Shapiro indicated that the Planning Board met on April 5. The major item of business was an application to install antennas on existing towers in the Township for cell phone purposes.

Council Member Weinstein indicated that the Environmental Commission met and scheduled their Arbor Day celebration for the PAL field on May 1 from 10 a.m. to 12 noon, for the give-a-ways of the tree tublings.

Mayor Mironov indicated that the Economic Development Committee met on April 1. They are developing a Facebook page and sending a letter out to the local businesses. They are also trying to put together a business card exchange in June at the Silver Decoy Winery.

Mayor Mironov stated that the Clean Communities Committee met on March 25. They reviewed the status of the adopt-a-spot participants and grant support for the budget. The Committee is also underwriting a program at the McKnight School on Friday. A discussion also occurred regarding the organization of Recycling Day on May 1 and participation of the watershed stream cleanup on May 2. The posters are in for the Earth Day recycling contest and Ed Kelley has once again agreed to be the head judge.

Mayor Mironov indicated that Mr. Daniels and her attended the Latina Women's Council Mercer County and accepted an award on behalf of the East Windsor Municipal Alliance for the Prevention of Substance Abuse as part of "Women in Motion: Teamwork Making a Difference."

CORRESPONDENCE: None

APPOINTMENTS: None

APPROVAL OF BILLS: None

MATTERS BY COUNCIL:

Mayor Mironov indicated that a letter was received from the NJDOT dated March 16 indicating their status and they are moving forward regarding the lane use revisions at Route 33 and Twin Rivers Drive. Correspondence was received from Mercer County as well as a follow-up that the Cranbury Station bridge has been reopened. A letter was received from Senator Shirley Turner regarding the time of decision rule. A flyer was distributed noting that April 11 at 7 p.m. Yom Hashoah will be observed at the Beth El Synagogue. We are still accepting participants for Adopt-A-Spot. We are also promoting our Memorial Tree program in connection with Arbor Day.

MATTERS BY PUBLIC:

Mayor Mironov opened the meeting to the public.

The following people spoke regarding the reduction in the police department: Judy Shane, 5 Hidden Spring Lane; Mark Shane, 5 Hidden Spring Lane; Bob Thomas, 7 Millstone Drive; Mark Sokol, 17 Allerton Way; Wayne Hummel, President, PBA Local 191 and Veronica Nash, Teamster Local 676 Shop Stewart.

Mayor Mironov indicated that she and the other council members are committed to do the very best they can to oversee the Township in what are extraordinary difficult financial circumstances. There were discussions with the police and the Township put forward, what we believe was a very fair proposal in light of today's economic conditions. The Township's financial situation is very challenging. The Township received an extraordinary, unexpected bomb from the Governor and State Officials in the midst of our budget year. This changed the playing field for everyone. The Township approached all union groups, including the PBA and SOA, and put on the table what believe to be a fair offer. The Town is not going to enter into long term, expensive agreements that we cannot afford and never honor, and dishonor the other employees in the town and our citizens.

Mayor Mironov continued stating that the Clerk has been receiving notices from banks for potential foreclosure. People are losing jobs all around us. These are tough times. Everyone needs to recognize the tough times and work together. We need to hold hands for a couple of years and move forward together to get us all through this.

Mayor Mironov indicated that no one talked about taking benefits away from retirees. There was a comment made in the other room and it is not correct.

Mayor Mironov explained further the events that occurred with all the unions.

David Orron explained the negotiations and offers made with the PBA and SOA.

Mayor Mironov closed the public portion of the meeting.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. Reconstruction of Cedarville Road

Mayor Mironov indicated that there is a memo from the Director of Public Works regarding this matter. Letters have been sent to State and county officials regarding funding and there are funds in the capital account.

Council Member Rosenberg indicated that he would like to pursue the reconstruction of Cedarville Road.

It was MOVED by DANIELS and seconded by ROSENBERG to move forward the reconstruction of Cedarville Road.

ROLL CALL: Ayes - Daniels, Duke, Rosenberg, Shapiro, Weinstein, Mironov
Nays - None

There being six (6) ayes and no nays, to move forward the reconstruction of Cedarville Road.

2. Mercer County Providing East Windsor Emergency Police (9-1-1) Dispatch Services

Mayor Mironov indicated that a letter was received from the Mercer County Administrator indicating their openness to discuss whether or not this is something the Township might be interested in. They indicated that they believe it has some viability as a shared service.

Council Member Duke indicated that with the financial situation the Township is in, we have to look at every avenue to save money.

Council Members Rosenberg, Shapiro and Daniels concurred that this is something that should be looked into.

Council Member Weinstein stated a concern regarding giving up our dispatch to the County. She questioned what other towns that have shared services with the County have experienced in the time of delivering services.

Mayor Mironov indicated that the Council is obviously not making a decision this evening. There will have to be an overall review.

It was MOVED by ROSENBERG and seconded by DUKE to investigate and to gather information regarding Mercer County providing East Windsor emergency police (9-1-1) dispatch services.

ROLL CALL: Ayes - Daniels, Duke, Rosenberg, Shapiro, Weinstein, Mironov
Nays - None

There being six (6) ayes and no nays, to investigate and to gather information regarding Mercer County providing East Windsor emergency police (9-1-1) dispatch services.

3. 2010 Municipal Budget

There was no discussion on this matter.

There being no further business Mayor Mironov adjourned the meeting at 10:16 p.m.

Cindy A. Dye
Municipal Clerk

Janice S. Mironov
Mayor