

## **EAST WINDSOR TOWNSHIP COUNCIL**

Wednesday, November 3, 2010

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 8:00 p.m. on November 3, 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.

Chief of Police William Spain led the flag salute.

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

### **PRESENTATIONS & PROCLAMATIONS:**

Princeton Regional Chamber of Commerce – 50<sup>th</sup> Anniversary (October 21, 2010)

Reverend Bernard T. Fowler, Pastor of Mt. Olivet Baptist Church – 10<sup>th</sup> Anniversary (November 13, 2010)

Mayor Mironov announced that these presentations would be done at an outside event.

**PUBLIC FORUM:** None

**INTERVIEWS FOR BOARDS AND COMMISSIONS:** None

### **MINUTES:**

August 3, 2010

It was MOVED by DANIELS and seconded by ROSENBERG that the minutes of August 3, 2010, with changes dated October 18, 2010, be approved.

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

There being six (6) ayes and no nays, the August 3, 2010 minutes were approved with changes.

September 7, 2010

It was MOVED by ROSENBERG and seconded by DANIELS that the minutes of September 7, 2010, with changes dated October 18, 2010, be approved.

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

There being five (5) ayes and no nays, the September 7, 2010 minutes were approved with changes.

September 21, 2010

It was MOVED by LIPPMAN and seconded by SHAPIRO that the minutes of September 21, 2010 be approved.

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

There being five (5) ayes and no nays, the September 21, 2010 minutes were approved.

October 5, 2010

It was MOVED by LIPPMAN and seconded by SHAPIRO that the minutes of October 5, 2010, with changes dated October 18, 2010, be approved.

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

There being five (5) ayes and no nays, the October 5, 2010 minutes were approved with changes.

Mayor Mironov stated that the October 19, 2010 would be rescheduled.

**RESOLUTIONS:**

**Resolution R2010-206**      Approval of Project Agreement with Mercer County for a  
Municipal Assistance Grant for 120 Disbrow Hill Road (Bock 32,  
Lot 6)

The Township Clerk read by title Resolution R2010-206.

Mayor Mironov stated that this was the agreement for the County grant assistance for the Disbrow Hill Road project. She noted that the ordinance had already been passed.

It was MOVED by LIPPMAN and seconded by ROSENBERG that Resolution R2010-206 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-206 was adopted.

**Resolution R2010-207**      Approval of Contribution and Compliance Agreement with the County of Mercer for Acquisition of Replacement Property Resulting from the Proposed New Jersey Turnpike Exit 6 to Exit 9 Widening Program

The Township Clerk read by title Resolution R2010-207.

Mayor Mironov stated that this reflected an agreement between the County and the Township whereby the County assigned to the Township the rights to any County property taken by the Turnpike located within the Township. She stated the Township agreed to use this as replacement open space property.

It was MOVED by ROSENBERG and seconded by SHAPIRO that Resolution R2010-207 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-207 was adopted.

**Resolution R2010-208**      Approval of Application to New Jersey Department of Environmental Protection Division of Parks and Forestry for 2011 Green Communities Grant Program

The Township Clerk read by title Resolution R2010-208.

Mayor Mironov stated this was discussed at a prior meeting. She noted that the Environmental Commission completed the application; she also noted there were some corrected materials in Council folders.

It was MOVED by SHAPIRO and seconded by LIPPMAN that Resolution R2010-208 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-208 was adopted.

**Resolution R2010-209**      Approval of Service Agreement with Benefit Tax Link for Services Related to the I.R.S. Section 125 Cafeteria Plans

The Township Clerk read by title Resolution R2010-209.

Mayor Mironov stated that this was a partner resolution to R2010-210. She asked Mr. Fisher to explain the purpose of the two resolutions.

Mr. Fisher stated that R2010-209 would provide the services necessary to carry out the intent of R2010-210, which was the cafeteria plan. He stated that this plan, referred to as a salary-reduction plan, offers employees the option to have monies withheld from their salaries for certain medical purposes on a tax-deferred basis. He noted that this was beneficial to the employee and the employer as taxes did not have to be paid on those monies. He noted that one of the biggest benefits is that the employee-made contributions toward the plan would be pre-tax dollars. He noted this would start January 1, 2011.

Mayor stated that the second "whereas" on the resolution references that the Township solicited proposals; she asked if they had the proposals on file.

Mr. Fisher stated they did.

Mayor Mironov stated that the third paragraph referenced the most responsive proposal; she stated it was her understanding this was also the lowest proposal. She stated it should read most responsive and lowest proposal. She stated that the maximum amount of the contract is \$3,500.00; she asked how and where this was reflected in the agreement.

Mr. Fisher stated that there was no maximum in the agreement; rather, it referred to the changes per person per month as well as the initial fees. He stated the maximum was based on an estimate from the benefit consultant.

Mayor Mironov asked if charge per person was sufficient.

Mr. Fisher stated he felt it was and that the resolution provided a cap.

Mayor Mironov stated that the maximum should be included in the agreement.

It was MOVED by LIPPMAN and seconded by DANIELS that Resolution R2010-209 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-209 was adopted.

**Resolution R2010-210**      Approval of Salary Reduction Plan Creating the I.R.S. Section 125 Cafeteria Plans

The Township Clerk read by title Resolution R2010-210.

Mayor Mironov reiterated that this was a partner resolution.

It was MOVED by LIPPMAN and seconded by SHAPIRO that Resolution R2010-210 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-210 was adopted.

**APPLICATIONS:** None

**REPORTS BY COUNCIL AND STAFF:**

Mr. Shapiro stated that Planning Board had met the previous Monday and reviewed the applications for Brooktree Swim Club and for a protective wall on the Peddie School Golf Course. He noted that an application for Route 33 Real Estate (Woodside Corner) was supposed to be heard. However, there were issues with the application. It was withdrawn and would be resubmitted.

Mr. Daniels stated that the Committee on Aging had met the previous Thursday and began to update the senior services manual. They also discussed the “GrandPALS” program. He also stated that the Drug Alliance had met earlier in the night and discussed prom activities.

Mayor Mironov stated that the Clean Communities Committee had met on October 28 and prepared letters for Adopt-A-Spot groups. She stated that the wrap-up meeting was tentatively planned for the last Thursday in January. They also discussed another recycling day. The Committee was also going to review the suggestion box comments the following Thursday. The winners would be recognized at an upcoming Council meeting. They also presented a Litter-Free award to Perkins Restaurant. She stated that a recycling program was being presented at the Drew School.

Mayor Mironov also stated that on December 26, East Windsor had co-hosted a networking breakfast at the Americana with the Princeton Regional Chamber of Commerce. Assemblyman Greenwald, Chairperson of the Budget Committee, spoke. She also stated that the ribbon-cutting ceremony had been held earlier in the day for Nicolina Restaurant, which opened where the Atlanta Bread Company had previously been in East Windsor Town Center.

Mayor Mironov stated that along with Mr. Lippman and Mr. Shapiro, served on the subcommittee for the police/court study negotiation. The subcommittee had last reported to the Council on the matter on September 21, at which time there was an open and a closed session updating everyone on the negotiations. It appeared that a decision was made by the Borough of Hightstown to no longer proceed with negotiations with the Township. Mayor Mironov, Mr. Lippman and Mr. Shapiro

regretted the many contentious stories that have appeared, although they did not blame the media.

The subcommittee members wished to address one particular item which referenced the seemingly crucial issue of the hiring of Hightstown officers by East Windsor. This would not have been possible and that this was a Hightstown issue, as one of the express pre-conditions agreed to prior to the study and the expenditure of any money was that there would not be any hiring requirements and that the East Windsor Police Chief would retain all of his hiring prerogatives. At the September 2 meeting the subject was raised but that it was never characterized as a contract term. This issue had been removed from the table prior to the study. Mayor Mironov noted that the governing body has always been and would continue to be willing to investigate any possibility that would provide enhanced services or financial benefits for the community.

Mr. Rosenberg thanked the three subcommittee members for their efforts and their time.

**CORRESPONDENCE:** None

**APPOINTMENTS:**

Mayor Mironov stated the following student appointments would be made: Ysreal Peer to the Economic Development Committee, Gavin Etterton to the Clean Communities Committee, and Angelo Fernando to the Recreation Commission.

**APPROVAL OF BILLS:**

Listed for approval were vouchers approved for payment dated November 3, 2010, a current 2010 bill list dated October 28, 2010 a current 2009 bill list dated October 28, 2010, and a capital bill list, as well as other miscellaneous and trust account bill lists.

It was MOVED by SHAPIRO and seconded by ROSENBERG be approved with changes.

ROLL CALL: Ayes – Daniels, Duke, Lippman, Rosenberg, Shapiro, Mironov  
Nays – None

There being six (6) ayes and no nays, bills were approved with changes.

**MATTERS BY COUNCIL:**

Mr. Shapiro asked if there had been an answer regarding his question about leaf collections.

Mr. Fisher stated he would provide that information.

Mayor Mironov stated that free rabies clinics would be held on November 6 and 13. She also stated that there was an article regarding the tree settlement was in USA Today. She stated that the County had been working on culverts on Cedarville Road while the Township did work on the roadway; this work was finished ahead of schedule. While the County is still available, they would like to replace the bridge on Feldsher Road. This would necessitate a road closing. She

noted that Council had a report on the matter. She asked that Council raise any questions or issues immediately if there were any.

Mayor Mironov also stated that \$20,000 was received from the Energy Efficiency and Conservation Block Grant Program. This money would be added to the Direct Install monies to put towards the energy efficiency updates identified in the audit. She noted a report was received from Public Works regarding the trail monies and a timeline. She asked Mr. Fisher if the Township was on schedule regarding the 2011 budget.

Mr. Fisher stated they were.

**MATTERS BY PUBLIC:** None

**DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:**

1. New Jersey Division of Highway Traffic Safety FY2011 Grants

Mayor Mironov stated that there was a memo from Chief Spain regarding the grant applications for the Highway Traffic Safety program. She stated suggestions were made as to useful places to apply for funding. She noted that there was a requirement that the Township track the impact of the funding, and that these projects would allow for that.

The item was carried to the November 15 meeting.

2. Reforestation Plans to New Jersey Department of Environmental Protection and New Jersey Turnpike Authority for 2010-2011

Mayor Mironov stated that Council had a memo from her office. She noted that the settlement between East Windsor, Hamilton, and Robbinsville, and the NJDEP and the Turnpike, would provide \$4,981,681.00 to East Windsor. The impacted property is 81.4 acres, which amounts to approximately 17,000 trees.

Mayor Mironov stated she has been working with Public Works to identify areas where reforestation would be possible. Properties identified included the Disbrow Hill Road open space and playing fields, the Milford Road by the realignment of Milford Road and Etra Lake Park. She suggested submitting all these properties for approval, noting that the Township would still have flexibility and would not be limited to just those sites. Mayor Mironov stated that other sites and projects to be designed, which could include a tree street program.

Mr. Shapiro stated it looked like an excellent plan but asked if it was possible that some of the trees be flowering trees.

Mayor Mironov stated this would be looked into.

Mr. Lippman agreed the plan was easy to understand and well-prepared.

Mayor Mironov stated the matter would be raised again when it came time to buy the trees. She noted that the abbreviated timeline was at the request of the Township.

The Council unanimously agreed to submit all of the plans as drawn.

3. Assembly Bill A-3393 Police and Fire Arbitration Proposals  
**Resolution R2010-211** Calling for Changes to Assembly Bill A-3393 and/or  
Gubernatorial Veto

Mayor Mironov stated Council had a revised resolution. She stated that the resolution was in accordance with the position of the League of Municipalities and statements made by many local officials and mayors. She stated that the legislature enacted a hard 2% levy cap. At that time, it was promised that other legislation would follow that would help contain costs and provide relief to municipalities. Little has been done since that time. She noted that they had previously requested that the cap not be enacted until these other steps were taken. She stated that the real problem is that the legislature has enacted a hard 2% cap that they are not matching.

Mr. Shapiro stated he did not understand how the legislature could justify the hard 2% cap without these other measures.

It was MOVED by LIPPMAN and seconded by DANIELS that Resolution R2010-211 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-211 was adopted.

4. Municipal Energy Tax Receipts  
**Resolution R2010-212** Calling on the Governor and Legislature for Restoration of  
the Energy Tax Receipts

Mayor Mironov stated that this is the primary problem facing municipal officials. She stated that the three things that could actually help municipalities would be to return the monies owed, reform COAH and the affordable housing system, and to amend the binding arbitration system. She stated that she hoped the Township would take a lead in refocusing the State government on what will truly help the municipality, such as returning the monies so it can be used to provide property tax relief. She stated that this was an appropriate time to put this on the agenda as she had recently learned two things. First, the state has sent out a bill for the pension system for 2011; East Windsor's bill has gone up from 1.4 million to over 1.9 million. Secondly, by joining the State Health Benefit System, there was a 12% increase. If the State returned the monies owned to the Township, both of those bills could be paid without having to look to property tax funds.



Mr. Lippman and Mr. Rosenberg both expressed hope that the State would take notice and refocus on the important issues.

Mr. Shapiro asked if the resolution would be distributed to other towns so they can send similar resolutions.

Mayor Mironov stated that the resolution would be distributed to other towns and to the League. She stated that there is interest from local municipal leaders in making this a top priority. She noted it is very distressing to hear the comments from the State regarding local spending and other matters, when it is the State that drives property taxes. She stated that if the State would restore the funds and stop imposing mandates on municipalities, it would go a long way in helping taxpayers.

It was MOVED by ROSENBERG and seconded by SHAPIRO that Resolution R2010-212 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-212 was adopted.

#### 5. 2011 Independence Day Celebration

Mayor Mironov stated that a note was available from the Recreation Director.

It was MOVED by LIPPMAN and seconded by ROSENBERG that the date be set as July 2 with July 3 as the rain date.

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

There being six (6) ayes and no nays, the Independence Day celebration date was approved.

There being no further business Mayor Mironov adjourned the meeting at 9:17 p.m.

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Cindy A. Dye  
Municipal Clerk

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Janice S. Mironov  
Mayor