

## **EAST WINDSOR TOWNSHIP COUNCIL**

April 16, 2013

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 7:30 p.m. on April 16, 2013.

Assistant Township Manager, Eric Schubiger 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, on January 14, 2013. All requirements of the "Open Public Meetings Act" were satisfied.

Phyllis Anker led the flag salute.

Present were: Mayor Janice S. Mironov and Council Members Hector Duke, Marc Lippman, Perry Shapiro, Alan Rosenberg, Peter Yeager and John Zoller. Also present were Township Manager James P. Brady, Assistant Township Manager/Acting Municipal Clerk Eric Schubiger.

### **PRESENTATIONS & PROCLAMATIONS:**

#### **National Donate Life Month**

Mayor Mironov presented prior to the meeting a proclamation to a member of that organization in recognition of National Donate Life Month.

#### **National Volunteer Week**

Mayor Mironov stated the Commission on Aging members and Senior Center volunteers were recognized at the Senior Center on April 16, 2013.

#### **Month of the Young Child**

Mayor Mironov stated this presentation will take place at the Better Beginnings Annual Gala on May 4, 2013

#### **Arbor Day**

Mayor Mironov stated it will be done on Arbor Day and she will be announcing that event.

### **INTERVIEWS FOR BOARDS AND COMMISSIONS: NONE**

### **PUBLIC FORUM:**

Sean O'Connor, running for General Assembly in the 14<sup>th</sup> District, residing at 152 Hickory Corner Road, apartment 313, East Windsor, explained what he believes should be considered and done on Municipal, State and National levels to address government debt.

Steve Uccio, residing at 661 Abbington Drive, apartment J18, East Windsor, stated he had some points regarding the budget but decided to wait till the public hearing to discuss.

Mayor Mironov asked if there was any additional comment from the public. As there was no additional public comment, the public forum was closed.

**MINUTES:**

Mayor Mironov stated that all minutes will be rescheduled and she will get a report from the staff on Friday.

January 22, 2013

February 5, 2013

February 19, 2013

February 26, 2013 Special Meeting – Budget Session

March 5, 2013 Special Meeting – Budget Session

March 5, 2013

March 19, 2013

March 19, 2013 Closed Session

April 2, 2013

**RESOLUTIONS:**

**Resolution R2013-56A**      Waiving Participation in the New Jersey Division of Local Government Services Budget Self Examination Program and Requesting Review of 2013 Municipal Budget by New Jersey Division of Local Government Services

The Assistant Township Manager read by title Resolution R2013-56A.

Mayor Mironov stated that tonight Council will be adopting Resolution R2013-56A, which waives the right of local self examination of the budget by the municipality. The budget was sent to the Department of Community Affairs Local Government Services for their review and approval which provides another set of eyes on the budget. They have reviewed and approved the Township budget.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2013-56A be approved.

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

There being seven (7) ayes, no (0) nays and no (0) abstentions, Resolution R2013-56A was approved.

**Resolution R2013-56B** Authorizing Township to Participate in New Jersey  
Division of Local Government Services Budget Self  
Examination Program

**NOT MOVED**

**Resolution R2013-41** Adoption of the 2013 Municipal Budget

The Assistant Township Manager read by title Resolution R2013-41.

Mayor Mironov stated the budget was introduced on March 19, 2013 and set tonight for the public hearing. The NJ DCA approved the Township to move forward with the hearing. The hearing was declared open on the 2013 Municipal Budget.

Mayor Janice Mironov asked if there were any comments from the public.

Steve Uccio, residing at 661 Abbingdon Drive, apartment J18, East Windsor, asked a series of questions regarding the budget.

Mayor Mironov responded to each question and explained in detail several areas of the budget.

As there was no additional public comment, the public hearing on the 2013 Municipal Budget was closed.

Mayor Mironov stated a small technical amendment in the amount of \$856.00 to the Municipal Budget was required before moving to adopt. We decreased the Financial Administration other expenses in the amount of \$856.00 and increased deferred charges and statutory expenditures by \$856.00.

It was MOVED by LIPPMAN and seconded by SHAPIRO to approve this amendment to the 2013 Municipal Budget.

Mayor Mironov noted this amendment does not result in any change to the bottom line of the budget and is technical only.

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

There being seven (7) ayes, no (0) nays and no (0) abstentions, Amendment to the 2013 Municipal Budget was approved.

**Resolution 2013-41** Adoption of the 2013 Municipal Budget as amended.

It was MOVED by ROSENBERG and seconded by ZOLLER to adopt the 2013 Municipal Budget as amended.

Mayor Mironov stated property taxes in New Jersey are too high. It is a statewide structural problem in New Jersey and she feels that it is a top priority of citizens throughout New Jersey and our legislators in Trenton should address this and make substantial decreases in property taxes for residents throughout New Jersey. The budget tonight is with respect to the municipal component of the overall tax bills in East Windsor, the smallest part of the total property tax bill, under 15%, which we provide a large number of services within that component. The municipal component of the property tax bill is among the smallest in the region. A recent state wide study showed that the municipal component of East Windsor's tax bill is at approximately 50% of the average municipal component throughout the state, while the county and school averages are at about average. The budget does maintain all existing services and service levels and does not add any services or any new positions.

Mayor Mironov said the basic reasons for the budget increase are decreases in the ratable base valuation. Mayor Mironov stated residents do not always understand that when an assessment goes down, the result is that the tax rate goes up, because the same amount of money needs to be raised. The municipal component is the smallest part of the budget, and the school and county get paid their full share, even though the Township has to appropriate extra money in our budget to ensure citizens get their money.

Other items for the increases in the budget include medical insurance and the reserve for uncollected taxes. Reserve for uncollected taxes is a state mandated calculation that is imposed on the municipal government. The impact from pension costs is also a reason for the increase.

The budget is well under the allowable levy cap that could be implemented in East Windsor and if the town were to use the entire levy cap allowance the tax rate would go up four cents more this year.

The bottom line is we work hard to keep our spending well contained and the budget documents represent a very responsible, very fiscally conservative spending document for the town.

ROLL CALL: Ayes – Duke, Lippman, Rosenberg, Shapiro, Yeager, Zoller, Mironov

Nays – None

There being seven (7) ayes, no (0) nays and no (0) abstentions, the amended 2013 Municipal Budget was approved.

**Resolution R2013-42** Adoption of the 2013 Garbage District No. 1 Budget

The Assistant Township Manager read by title Resolution R2013-42.

Mayor Mironov stated this was introduced on March 19, 2013 and the public hearing was scheduled for tonight. The public hearing is declared open for Resolution R2013-42.

Steve Uccio, residing at Abbington Drive, East Windsor, stated he was not at the prior meeting but he heard the Mayor passed an ordinance to use private contracting services to handle recycling. He thought it was a good idea and would like the Mayor to expand it throughout the garbage budget.

Sean O'Connor, Hickory Corner Road, East Windsor also commended the Mayor regarding the private contracting services.

No additional public comment was made; Mayor Mironov closed the public hearing for the Adoption of the 2013 Garbage District No. 1 Budget.

It was MOVED by YEAGER and seconded by DUKE that Resolution R2013-42 be approved.

Mayor Mironov introduced the Township Auditor who described the budget procedures followed by the Township as conforming to all State requirements and going beyond by having the State review the budget in a year when the review is not required.

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

There being seven (7) ayes, no (0) nays and no (0) abstentions, Resolution R2013-42 was approved.

**Resolution R2013-57** Approval of Interlocal Services Agreement with  
Hightstown Borough for Senior Program/Center Services

The Assistant Township Manager read by title Resolution R2013-57.

Mayor Mironov stated there was a slightly amended resolution in all Council members' folders.

It was MOVED by LIPPMAN and seconded by ROSENBERG that Resolution R2013-57 be approved.

Mayor Mironov stated the resolution has been adopted, approved and signed by the Borough of Hightstown to continue the interlocal service arrangements.

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

There being seven (7) ayes, no (0) nays and no (0) abstentions, Resolution R2013-57 was approved.

**Resolution R2013-58**                      Approval of Agreement with Stonegate Homeowners Association for Reimbursement for Private Community Services for 2012

The Assistant Township Manager read by title Resolution R2013-58.

Mayor Mironov stated that the attorney was not in attendance but has advised on many occasions that Council Members do not have a conflict of interest in voting on these three matters because they may live in the development. This is because the process is done by a formula agreed to by the Associations and administered through agreed upon terms.

It was MOVED by SHAPIRO and seconded by ZOLLER that Resolution R2013-58 be approved.

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

There being seven (7) ayes, no (0) nays and no (0) abstentions, Resolution R2013-58 was approved.

**Resolution R2013-59**                      Approval of Agreement with Windsor Mill Condominium Association for Reimbursement for Private Community Services for 2012

The Assistant Township Manager read by title Resolution R2013-59.

It was MOVED by DUKE and seconded by YEAGER that Resolution R2013-59 be approved.

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

There being seven (7) ayes, no (0) nays and no (0) abstentions, Resolution R2013-59 was approved.

**Resolution R2013-60**                      Approval of Agreement with Windsor Regency  
Condominium Association for Reimbursement for Private  
Community Services for 2012

The Assistant Township Manager read by title Resolution R2013-60.

It was MOVED by ROSENBERG and seconded by LIPPMAN that Resolution R2013-60 be approved.

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

There being seven (7) ayes, no (0) nays and no (0) abstentions, Resolution R2013-60 was approved.

**Resolution R2013-61**                      Approval of Certified Participants List for Length of  
Service Award Program (LOSAP)

The Assistant Township Manager read by title Resolution R2013-61.

Mayor Mironov stated there is a memo from the Manager regarding the process of the program.

It was MOVED by ZOLLER and seconded by DUKE that Resolution R2013-61 be approved.

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

There being seven (7) ayes, no (0) nays and no (0) abstentions, Resolution R2013-61 was approved.

**Resolution R2013-62**                      Action on Bid for Construction and Surfacing of Bikeway  
on Disbrow Hill Playing Fields in East Windsor Township

The Assistant Township Manager read by title Resolution R2013-62.

Mayor Mironov stated Council has the recommendation from the Public Works Director regarding the nine (9) bids submitted to the Township, and this being the lowest bid.

It was MOVED by ROSENBERG and seconded by ZOLLER that Resolution R2013-62 be approved.

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

There being seven (7) ayes, no (0) nays and no (0) abstentions, Resolution R2013-62 was approved.

Mayor Mironov stated a clarification on the approval was that the award is for the base bid as well as the first and second alternates. That is what the award amount reflects. Mayor also requested a timeline for the work to be completed.

Mayor Mironov requested the Community Garden proposal (Discussion Item #3) be moved up on the agenda because the Health Advisory Board Chairperson, Mr. Green was in attendance. Mr. Green was introduced by Mayor Mironov and the Community Garden proposal was discussed.

Mayor Mironov spoke regarding the Community Garden proposal, the sites being considered and where the garden would fit best, when considering sun light, availability of water and accessible parking.

The Mayor stated there are three areas being considered; Woods Road Community Park, Etra Lake Park and Disbrow Hill Fields area.

Mr. Shapiro stated that he looked at all three areas and believed that Disbrow Hill Fields Area was the most logical due to the sunlight, water sources and parking. Mayor Mironov stated this would be for the fall planting season and we would launch it as a twenty plot Pilot Program.

Mr. Rosenberg agreed with this plan and feels it is an ideal situation.

Mr. Zoller stated the parking and safety works-well for the residents especially those with small children at the Disbrow Hill location.

Mr. Yeager stated he believes it is a good location for sunlight, parking and safety.

Mayor Mironov suggested the creation of a small sub committee to bridge the Health Advisory Board and Council. Mayor Mironov asked Mr. Shapiro to sit on that board in order to iron out all details, forms, etc.

Mayor Mironov and all Council Members agreed on the value of the Community Garden and the proposed site, as well as moving forward with the project.



Andrew Green, Health Advisory Board-Chairperson, thanked the Council for going out and taking the time to look into the locations.

**Resolution R2013-63** Authorizing Approval of Sidewalk Repairs with Zomparelli Contractors LLC, t/a RIPI Concrete for the Public Works Department

The Assistant Township Manager read by title Resolution R2013-63.

Mayor Mironov stated the sidewalk damages are a result of Hurricane Sandy. The Public Works Director provided a recommendation to repair the sidewalks.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2013-63 be approved.

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

There being seven (7) ayes, no (0) nays and no (0) abstentions, Resolution R2013-63 was approved.

**Resolution R2013-64** Approval of Filing of 2012 Recycling Tonnage Grant Application with New Jersey Department of Environmental Protection

The Assistant Township Manager read by title Resolution R2013-64.

Mayor Mironov stated this is a yearly submission that is made in order to document the recycling quantities in the town to calculate the tonnage grants for East Windsor. The grants are provided from the tax imposed by the state of New Jersey on operators of disposal facilities. Mayor Mironov stated the Public Works Director is not a certified recycling coordinator and the state passed a law that unless the coordinator is a certified recycling coordinator, they can no longer sign the forms. The Township was required to pay to send an employee to become certified so we can have someone on staff to sign our forms.

It was MOVED by ZOLLER and seconded by DUKE that Resolution R2013-64 be approved.

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

There being seven (7) ayes, no (0) nays and no (0) abstentions, Resolution R2013-64 was approved.

**Resolution R2013-65**            Certifying Submission of Expenditures for Recycling Program

Mayor Mironov stated this is a partner Resolution.

The Assistant Township Manager read by title Resolution R2013-65.

It was MOVED by LIPPMAN and seconded by YEAGER that Resolution R2013-65 be approved.

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

There being seven (7) ayes, no (0) nays and no (0) abstentions, Resolution R2013-65 was approved.

**Resolution R2013-66**            Appointment of Deputy Clerk

The Assistant Township Manager read by title Resolution R2013-66.

Mayor Mironov stated a revised resolution was in the Council Members' packets.

It was MOVED by LIPPMAN and seconded by ROSENBERG that Resolution R2013-66 be approved.

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

There being seven (7) ayes, no (0) nays and no (0) abstentions, Resolution R2013-66 was approved.

**APPLICATIONS:**

Raffle License RL:378            VFW Post 5700 Hightstown – April 11, 2013 – April 11, 2014 at the 140 Dutch Neck Road, East Windsor, Instant Raffle

It was MOVED by ROSENBERG and seconded by SHAPIRO that the Raffle License RL:378 VFW Post 5700 Hightstown – April 11, 2013 – April 11, 2014 at the 140 Dutch Neck Road, East Windsor, Instant Raffle be approved conditional upon the Municipal Clerk and the Township Attorney confirming everything is in order.

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

There being six (6) ayes, no (0) nays and one (1) abstentions, the Raffle License RL:378 VFW Post 5700 Hightstown – April 11, 2013 – April 11, 2014 at the 140 Dutch Neck Road, East Windsor, Instant Raffle was approved.

**REPORTS BY COUNCIL AND STAFF:**

Mr. Rosenberg stated that The Watershed Association Stream Clean-Up was Saturday April 13 at Etra Lake Park. Edward Kelley, Planning Board Chairman, James Brady, Township Manager, and Mr. Zoller were there picking up bags of trash.

Mr. Yeager stated the Municipal Alliance met on Wednesday, April 3, and discussed first quarter activities, an upcoming grant application and a brochure highlighting work of the Alliance. He also stated he attended a training class on April 6 for grant funding for 2014.

Mayor Mironov stated the Economic Development Committee met and are reviewing a draft brochure, a possible networking business event and National Night Out event.

**CORRESPONDENCE:**

Mayor Mironov indicated she will do correspondence under matters.

**APPOINTMENTS: NONE**

**APPROVAL OF BILLS:**

Mayor Mironov stated we have a current 2012 & 2013 bill list, a capital bill list, all dated April 11 and also several miscellaneous bills. She stated she would like to hold the legal bill until there is a status until the next meeting. On Page 15, payment to Treasurer of the State of New Jersey and training fee, she would like those removed. The Mayor stated wants to know what this means.

It was MOVED by DUKE and seconded by ZOLLER that the bills be approved with the items pulled and questioned.

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

There being seven (7) ayes, no (0) nays and no (0) abstentions, the bills were approved with the items pulled and questioned.

**MATTERS BY COUNCIL:**

Mayor Mironov stated that she received a letter from the DCA dated March 27, indicating that the Small Cities Grant agreement has been fully approved. She also stated we received a letter from the Arbor Day foundation indicating we have been named Tree City USA for 2012. Mayor Mironov also stated we received a lovely letter from the Hickory Corner Library for our kind donation.

**MATTERS BY PUBLIC:**

Sean O'Connor of 152 Hickory Corner Road, apartment 313, East Windsor, introduced himself and questioned the amount of debt. Mayor Mironov stated the debt is approximately twenty million dollars.

As there was no additional public comment, Matters by the Public was closed.

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

1. Senate Bill S-1896/Assembly Bill A-1503, "Requires fire districts, school districts and county governments to share in burden of property assessment appeal refunds"

**Resolution R2013-67**

Supporting Senate Bill S-1896/Assembly Bill A-1503 Sharing the Burden of Property Assessment Appeal Refunds

Mayor Mironov stated we received a letter regarding this bill from the New Jersey League of Municipalities and a proposed resolution has been drafted for consideration. Municipal government has to refund the entire amount including the school share and the school gets to keep their money. Mayor stated this is basically a bill that would propose everyone share and pay their parts. Mr. Yeager stated that when he spoke to different people and they are in disbelief to learn that Township is responsible to cover all the cost. Mr. Shapiro stated it makes no sense at all and he is glad they are taking a stand on this issue.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2013-67 be approved.

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

There being seven (7) ayes, no (0) nays and no (0) abstentions, that Resolution R2013-67 was approved.

2. Electricity Aggregation  
(Middlesex Regional Education Services Commission Contract)

Mayor Mironov stated they are always looking for ways to reduce the utility costs and joined a cooperative with respect to electricity purchases. The current contract with the MRESC is coming up this year for renewal and they are going out for new proposals. The Mayor suggested the Township continue to participate in the MRESC contract but should also look at other opportunities to lower the Township's utilities costs. The Township Manager was instructed to proceed with renewal of the MRESC contract.

3. Community Garden Proposal (discussed earlier)

There being no further business Mayor Mironov adjourned the meeting at 9:49 p.m.

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Kathie Senior  
Deputy Municipal Clerk

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Janice S. Mironov  
Mayor