

EAST WINDSOR TOWNSHIP COUNCIL

March 19, 2013

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 7:31 p.m. on March 19, 2013.

Acting Municipal Clerk Kathie Senior 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.

Freeholder Ann Cannon led the flag salute.

Present were: Mayor Janice S. Mironov and Council Members Hector Duke, Marc Lippman, Alan Rosenberg, Perry Shapiro, Peter Yeager and John Zoller. Also present were Township Manager James P. Brady, Township Attorney David E. Orron and Acting Municipal Clerk Kathie Senior.

PRESENTATIONS & PROCLAMATIONS:

Women's History Month -- March 2013

Mayor Mironov presented a proclamation for Women's History Month. Mayor Mironov honored attendees Freeholder Ann Cannon, Freeholder Lucylle Walter and Surrogate Diane Gerofsky.

PUBLIC FORUM: NONE

INTERVIEWS FOR BOARDS AND COMMISSIONS: NONE

MINUTES:

December 18, 2012

It was MOVED by LIPPMAN and seconded by ZOLLER that the December 18, 2012 minutes be approved with all revisions through January 2, 2013.

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 December 18, 2012 minutes were approved with revisions dated January 2, 2013.

January 8, 2013 Reorganization Meeting

It was MOVED by LIPPMAN and seconded by ROSENBERG that the January 8, 2013 Reorganization Meeting minutes be approved with revisions dated March 18, 2013.

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 January 8, 2013 Reorganization Meeting minutes be approved with revisions dated March 18, 2013.

January 22, 2013

Mayor Mironov stated that the January 22, 2013 minutes will be rescheduled.

February 5, 2013

Mayor Mironov stated that the February 5, 2013 minutes will be rescheduled.

February 19, 2013

Mayor Mironov stated that the February 19, 2013 minutes will be rescheduled.

February 26, 2013 Special Meeting – Budget Session

Mayor Mironov stated that the February 26, 2013 Special Meeting – Budget Session minutes will be rescheduled.

March 5, 2013 Special Meeting – Budget Session

Mayor Mironov stated that the March 5, 2013 Special Meeting – Budget Session minutes will be rescheduled.

March 5, 2013

Mayor Mironov stated that the March 5, 2013 minutes will be rescheduled.

ORDINANCE - INTRODUCTION:

Ordinance No. 2013-03 An Ordinance to Authorize Exceeding the
Municipal Budget Appropriation Limits to Establish
a Cap Bank for the Future

The Acting Clerk read by title Ordinance No. 2013-03.

It was MOVED by ROSENBERG and seconded by YEAGER that Ordinance No. 2013-03 be approved on introduction, authorized for publication and public hearing set for April 2, 2013.

Mayor Mironov stated that previously the funds used to be banked now we have to create an ordinance to do so. The ordinance therefore banks the amount the municipality has left over to expend. This is a done as a technicality.

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

There being seven (7) ayes, no (0) nays and no (0) abstentions, Ordinance No. 2013-03 was approved on introduction, authorized for publication and public hearing set for April 2, 2013.

RESOLUTIONS:

Resolution R2013-41 Introduction of the 2013 Municipal Budget

The Acting Clerk read by title Resolution R2013-41.

Mayor Mironov stated that the status of the budget was discussed at the previous meeting, at which time Council agreed unanimously to move forward. She stated that Resolution R2013-41 was the formal introduction of the budget. She stated that by moving the resolution, Council would introduce the budget and set a public hearing for April 16, 2013, as per the terms of the resolution.

The proposed 2013 budget has total appropriations of \$20,811,435. The 2013 budget would set a municipal tax rate of approximately .4306, which is an increase of approximately 1.5 cents, for the average resident assessment which in 2013 is \$260,750. It would result in a total municipal tax of \$1,124, which would be a modest increase of \$24 a year.

There has been a valuation decrease in the township rateable base of over \$45 million, half of the rate increase amount results solely from the reduction in the rateable base. Beyond that, the major items accounting for the increase are items that are for the most part out of the control of the Council. The group medical insurance has increased in the budget by \$230,800. Mayor notes that the town is in the State Health Benefits program, which certified an increase of 9.2%. The township reserve for uncollected taxes, this is an expenditure in the budget. The town is required to provide pursuant to State mandate and pursuant to a State formula, it is based on the prior year's tax collection rate, which was impacted by a very large number of tax appeals, resulting refunds and tax credits. Additionally that has been an increase in the pensions bill for the town.

The budget as presented and the tax levy are well under the mandated State 2% tax levy increase. If the town were to go to the limits of where we are legally entitled to under the tax levy calculations the tax rate could go up an additional \$.04 (four cents) beyond what we are proposing. The budget maintains all existing services and service levels and adds no new positions.

Mayor made a few general observations. The municipal component of the property tax bill is far and away is the smallest part of the tax bill in East Windsor, it is under 15%. The remaining part of the bill goes to the Schools and the County. The municipal component of the property tax bill in East Windsor is among the lowest equalized rates in

Mercer County and throughout the region and it remains so. There was a recent state study analyzing tax rates throughout the state, and while the study noted that the School and the County taxes in East Windsor were just below the state average level, the municipal component was at 50%, the East Windsor average residential tax was at 50% of the State average. Mayor Mironov would also not do right if she did not make an observation with respect to the energy tax receipts that the State continues to withhold from municipal governments and divert for use in the State budget. Those monies belong to local property taxpayers and if they were provided in the appropriate way, as the spirit and wording of the law always intended, there would be significant relief to local property taxpayers. We calculated previously that over 25% of the municipal component of the tax results from the State diverting those monies away from local property taxpayers, for use to support spending in the State budget. We hope that this situation will change and we continue to advocate for its change but it does have an effect and it would be a way that State officials could provide immediate tax relief to overburdened tax payers throughout our State. In general the budget represents a very fiscally conservative and responsible budget document that maintains a high level of service and well serves our residents.

It was MOVED by DUKE and seconded by YEAGER that Resolution R2013-41 be approved on introduction, authorized for publication and public hearing set for April 16, 2013.

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 R2013-41 was approved on introduction, authorized for publication and public hearing set for April 16, 2013.

Resolution R2013-42 Introduction of the Garbage District No. 1 Budget for 2013

The Acting Clerk read by title Resolution R2013-42.

Mayor Mironov stated that the status of the budget was discussed at the previous meeting, at which time Council agreed unanimously to move forward. She stated that Resolution R2013-42 was the formal introduction of the budget. She stated that by moving the resolution, Council would introduce the budget and set a public hearing for April 16 2013, as per the terms of the resolution.

Mayor Mironov stated that this document would provide for no change.

It was MOVED by ZOLLER and seconded by ROSENBERG that Resolution R2013-42 be approved on introduction, authorized for publication and public hearing set for April 16, 2013.

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 on introduction, authorized for publication and public hearing set for April 16, 2013.

Resolution R2013-43 Action on Bid for Collection of Recyclables in East Windsor Township Garbage District

The Acting Clerk read by title Resolution R2013-43.

Mayor Mironov stated that that Council had a memo from staff and Public Works Director with respect to our recycling contract. Mayor indicated that this went out to bid for three (3) years and five (5) years and Council has the results and recommendations. Of the three bids, they have been determined legal and sufficient, Central Jersey Waste is the low bid. This would be a change in the provider for our community and based on the bid we also have the opportunity to choose a three (3) year or a five (5) year contract. The pricing is extremely good and it is also very stable over a long period of time. The recommendation is to go with the five (5) year agreement.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2013-43 be approved.

Mayor Mironov asked if there were any further comments. Mr. Zoller would like to commend the Manager and Director Askenstedt for doing an excellent job in saving the taxpayers alot of money through the bid process, thank you. Mayor Mironov made a general promotion about our very extensive recycling program in the town. In addition to the contract we have a great many programs that are available, many through the ingenuity of our Public Works Director, whereby we are able to recycle materials. as a municipality and also for our residents have a great number of opportunities to recycle **their home materials**. We will have some events coming up in April. We are about to announce another Recycling Day on April 20. Mr. Yeager commented that the five (5) years contract is the way to go based on the information we have been provided. Not many things are going down over the course of the next several years and this locks in some really nice rates and guarantees us some savings. He is for the five (5) years. Mr. Lippman stated that one of the most important things is it shows contractors that we deal with not to take working with the Township for granted and that even though you have been doing business with us for a while you still

have to sharpen your pencils when it comes to bids because there is another guy out there. Mayor Mironov noted that all three were very major and substantial companies, any of which could handle the work if given the opportunity.

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 R2013-43 was approved.

Resolution R2013-44 Authorizing Approval of Repairs to Sanitation Truck S-7
for the Public Works Department with Norcia Equipment

The Acting Clerk read by title Resolution R2013-44.

Mayor Mironov stated that we have previously discussed this at a prior meeting. This is the follow up action that is needed to actually pay the bill and repair the truck. Council has a recommendation from the Manager and Public Works Director.

It was MOVED by LIPPMAN and seconded by ROSENBERG that Resolution R2013-44 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 R2013-44 was approved.

Resolution R2013-45 Approval of Agreement with Riviera at East Windsor
Homeowners Association for Reimbursement for Private
Community Services for 2012

The Acting Clerk read by title Resolution R2013-45.

Mayor Mironov indicated that this is all part of the Kelly Bill and we did review all these numbers back in January as well as during our budget process. There is a signed agreement back which needs our approval.

It was MOVED by ROSENBERG and seconded by SHAPIRO that Resolution R2013-45 be approved.

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

There being six (6) ayes, no (0) nays and one (1) abstentions, Resolution R2013-45 was approved.

Resolution R2013-46 Approval of Contract with Vital Services Group for
Computer Services for the Tax Assessor's Office

The Acting Clerk read by title Resolution R2013-46.

Mayor Mironov noted this was an annual expenditure which was in the budget.

It was MOVED by LIPPMAN and seconded by ZOLLER that Resolution R2013-46 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 R2013-46 was approved.

Resolution R2013-47 Approval of Purchase of Digital Recording System for a
replacement with FTR for Clerk's Office

The Acting Clerk read by title Resolution R2013-47.

Mayor Mironov stated that this is a necessary item.

It was MOVED by YEAGER and seconded by DUKE that Resolution R2013-47 be approved.

Mr. Shapiro questioned how old the system is that we are replacing. Kathie Senior, Acting Clerk, stated that the current system is from 2004.

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 R2013-47 was approved.

Resolution R2013-48 Refund of Tax Overpayments

The Acting Clerk read by title Resolution R2013-48.

Mayor Mironov stated that Council has a certified list from the Tax Collector.

It was MOVED by ROSENBERG and seconded by ZOLLER that Resolution R2013-48 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 R2013-48 was approved.

Resolution R2013-49 Closed Session (Contract Negotiations: Shared Services)

The Acting Clerk read by title Resolution R2013-49.

Mayor Mironov stated that the resolution needs a correction, it is just Contract Negotiations: Shared Services.

It was MOVED by ROSENBERG and seconded by DUKE that Resolution R2013-49 be approved with correction to the resolution.

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 R2013-49 was approved with correction to the resolution.

REPORTS BY COUNCIL AND STAFF:

Mr. Shapiro reported that the Planning Board met last night and the bulk of the meeting was devoted to certain changes that were proposed for the theater complex in East Windsor.

Mayor Mironov stated that the Economic Development Committee met on March 7, reviewed a new Economic Development Brochure that is being worked on and also discussed a fall networking event for businesses. Mayor Mironov also indicated that she has her State of Township Address in early May.

Mayor Mironov also attended an Eagle Court of Honor on St. Patrick's Day. It was actually a triple header, they had three (3) scouts that were together receiving their Eagles.

CORRESPONDENCE:

Mayor Mironov stated she will do correspondence when she does matters.

APPOINTMENTS: NONE

APPROVAL OF BILLS:

Mayor Mironov asked if there were questions on any bills. Mayor Mironov had a couple questions; on escrow bill list page 2 toward the bottom, third to last item, Toll Brothers there is something incorrect in the way that is being accounted for. These are not escrow bills, it needs to be removed, and we need to get that account straight and get that charged to the appropriate the account. On current bill on page 2, not going to pull anything but we need to have a review on travel and how we agree to cover travel charges. Mayor asked that take place quickly. That goes for page 2 and 3. On 2012 current bill list there are two (2) bills, first bill on page 2, won't pull it if we received an explanation of what that is for. Second to last one for the 2348 Mayor would like to pull that bill.

It was MOVED by SHAPIRO and seconded by DUKE that the bills be approved with the removals.

Mayor Mironov asked if there was anything further. Mr. Zoller had a general question on the escrow list, have we confirmed that there is sufficient funds. Township Manager Mr. Brady confirmed that there were.

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

There being seven (7) ayes and no (0) nays, the bills were approved with the removals.

MATTERS BY COUNCIL:

Mayor Mironov stated that she will run through some correspondence as well. Council has Tax Collectors report for the period ending February 28, 2013. Council also has from the Manager's office bill list questions from the meeting of February 5, bill list questions from the meeting February 19. Council has received from the Mercer County Board of Freeholders a copy of the resolution that they adopted with respect to Sustainable State Funding for Preserving Open Space and Farmland. This was something also had passed, it is important that we all make that a priority on our action list for Trenton this year. Council has a copy from Mercer County March 1, 2013 of the proposed amendment to the Mercer County Water Quality Management Plan. East Windsor is exempt from this, we have adopted our own plan and there is no change it, no comment is necessary but the Mayor would like to note that.

Mayor indicated there will be a two date closure of Old York Road in connection with the Turnpike widening project one of the days was to be March 19, because the weather was not permitting that did not take place. We will be kept posted on the two days of closure.

The road will not be passable between 8:00 a.m. to 5:00 p.m. except for local traffic. As a result they will be pouring concrete on the new Old York Road Bridge over the New Jersey Turnpike. This was also put in e-news.

Mayor reminded Council that we have the gun lock safety program during the month of March, where we are giving out for free, gun locks and encouraging gun owners to please use them for everyone's safety in the community. Confirmed is our Watershed Stream Clean-up partnering event for Saturday, April 13 from 9-11 am at Etra Lake Park. Mayor Mironov indicated that we are still soliciting nominations for the Sylvia Weiss Senior Citizen Award for outstanding services of volunteer. Also, have ongoing a recycling poster contest for elementary school students, posters are due in by March 25. We are sponsoring a Passport Service Day with the Mercer County Clerk, Paula Sollami Covello that will be Thursday, April 4, 2013, from 3 p.m. to 7 p.m. here at the Municipal Building.

Mr. Yeager reminded Council that the Township and the Recreation Committee is sponsoring Easter Egg Hunt, Saturday at 9 a.m. at Etra Lake Park.

MATTERS BY PUBLIC: NONE

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. National Night Out – Tuesday, August 6, 2013

Mayor Mironov stated that because this is in fact a major event which does entail some time and effort, it is always brought before Council for signoff before we go any further and before staff begins any planning. Mayor Mironov made a comment assuming the Council wishes to proceed and participate in National Night Out again this year, she thinks that the site at East Windsor PAL field proves to be an outstanding location. At that site there is plenty of parking and it is quite safe. Mr. Duke believes that it is a very worthwhile endeavor and he fully supports it. Mr. Rosenberg stated it is one of his favorite nights, it pulls together the community. Mayor Mironov has indicated that it's a community celebration, we have always had thousands of people that do come out and have a lot of fun. Unanimous consensus of Council is that we host National Night Out on Tuesday, August 6. Mayor Mironov asked that we make a note on the calendar for that date.

2. "Operation Take Back NJ" (DEA)/East Windsor "Operation Medicine Cabinet"

Mayor Mironov stated that we call it Operation Medicine Cabinet in East Windsor. Mayor Mironov stated that we have participated in the past, they have opened the invitation again to participate. This would be on Saturday, April 28, 10 am to 2 pm.

Mayor Mironov asked the Chief of Police to look at this and make recommendations as he has in the past. He is suggesting that if we do participate that the drop off location be in the lobby of the Police Station. This provides an opportunity for residents to discard unneeded or expired prescriptions and drug in a secure, safe and environmentally responsible manner. We have been very supportive of this program in the past. It does not require a great deal of labor or other effort. The materials are turned over the very next day to the Drug Enforcement Administration. Mayor Mironov asked Council if we wanted to participate.

Mr. Zoller stated the he thinks it is an excellent idea to collect these drugs. It keeps them out of our landfills and our clean environment and natural water supply.

Unanimous consensus of Council to again proceed and participate in this program.

3. New Jersey Division of Highway Traffic Safety “Click it or Ticket it” 2013

Mayor Mironov stated this is a program that is sponsored during primarily May, May 20 – June 2. The idea is to provide a higher awareness of the need for seatbelt safety and the program provides for grant funds to go toward the cost of expenses to undertake the policing for click it or ticket it. Council needs to make a decision whether to submit the grant application and to participate this year in the program. Unanimous consensus of Council to move forward.

4 JCP&L Request for 4.5% Rate Increase

Mayor Mironov stated that this was 4.5% Rate Increase brought up at our budget discussion and it is has also been all over the media. Mayor Mironov thought it would be important that the matter be addressed and considered for comment and observation. Mayor Mironov noted that a resolution was adopted back in December commenting on JCP&L’s response to Storm Sandy. In the Resolution we urged the following:

1. JCP&L must be required to provide substantial improvements for its communication so as to provide detailed, realistic, dependable action work plans regarding restoration efforts
2. JCP&L must be required to create a system to identify and restore prioritized facilities such as police and fire/rescue facilities so important for emergency response and community safety.
3. JCP&L, and other overseers and regulators of utility operations within our State such as the Board of Public Utilities and the NJ Legislature, need to ensure a comprehensive review of utility systems and infrastructure to determine what cost effective improvements and maintenance and upgrade

measures can and should be implemented to better safeguard utility service from disruption during weather impacts.

4. Regulators and other overseers of utility operations within our State need to ensure enactment of appropriate compliance mechanisms to motivate and ensure such improvements and remedial actions and to hold utility companies accountable.

Mayor Mironov ran through the items which were done in the context of these specific improvements, and in the course of evaluating the rate increase request from the utilities. BPU has issued an order and has taken some steps, but we need to see more proactive steps from Trenton and BPU with respect to the utilities. In the course of evaluation, all of the items needed to be addressed to ensure that the utility companies are properly taking on their responsibilities, overseeing their systems, and there is an accountability and motivation system in place. Mayor Mironov feels that this is an appropriate time to weigh in and to reiterate all of those comments as well as any others that we may want to consider. Mayor also stated that The Freeholder Board did share with us the resolution they adopted which supported the New Jersey Rate Counsel to intervene in the December 3, 2012 petition by Jersey Central Power & Light seeking a \$31 million rate increase along with additional costs for clean up. Mayor Mironov feels it is important on behalf of the residents to weigh in on the opportunity for State rule makers and regulators to ensure that list of items are properly addressed and appropriate action be taken.

Mayor Mironov stated if we need to send out communications to BPU, our legislators, as well other appropriate parties expressing our views on those matters before there is a consideration of their review for any rate increases.

Mr. Lippman believes JCP&L needs to show some creditability and responsibility before anything like that could go through. He is 100% in favor of sending out a letter

It was MOVED by LIPPMAN and seconded by ROSENBERG to send out a letter.

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

There being seven (7) ayes and no (0) nays, the motion is approved to send out a letter.

There being no further business Mayor Mironov adjourned the meeting at 8:39 p.m.

Kathie Senior
Acting Municipal Clerk

Janice S. Mironov
Mayor