

EAST WINDSOR TOWNSHIP COUNCIL

April 1, 2014

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 7:30 p.m. on April 1, 2014

Deputy Municipal Clerk, Erin A. Martin 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 3, 2014. All requirements of the "Open Public Meetings Act" were satisfied.

Eric Schubiger 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 and Deputy Municipal Clerk Erin Martin.

PRESENTATIONS & PROCLAMATIONS:

National Library Week - April 13-19, 2014

Mayor Mironov presented the Proclamation to Phyllis Anker: East Windsor's County Library Commission Member; Rebecca Sloan, Twin Rivers Library Branch; Sharon Galbraith Ryer, Hickory Corner Library Branch.

Alcohol Awareness Month - April 2014

Mayor Mironov presented the Proclamation to Nancy Solarski and Caroline Friedman, Co-chairs of the After Prom Committee.

Yom Hashoah Day of Remembrance of the Holocaust – April 28, 2014

Mayor Mironov forwarded the Proclamation to area synagogues for their use.

Autism Awareness Month, April 2014

Mayor Mironov spoke about the importance of Autism Awareness and the astonishing numbers of incidences especially within New Jersey.

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Allen Rim - He gave his educational, work and environmental background and is very interested in serving on Environmental Commission or the Health Advisory Committee.

PUBLIC COMMENT:

Sean O'Connor – 152 Hickory Corner Road, Apt. 313 – He spoke about the company that provided the gift certificates. He commented on Ordinance 2014-01 dealing with open space and on Resolutions 2014-63, 2014-64, 2014-65.

MINUTES:

Mayor Mironov rescheduled December 17, 2013, January 7, 2014, January 28, 2014, February 4, 2014 and February 18, 2014 and March 11, 2014 and March 18, 2014 minutes and asked the manager to please set a new schedule with office staff to complete minutes.

ORDINANCE ADOPTION:

Ordinance No. 2014-01 An Ordinance to Authorize the Acquisition for Open Space, of an Approximately 24 Acre Site, located at 181 Airport Road and Designated on the East Windsor Township Tax Map as part of Block 47, Lot 14.

Mayor Mironov stated that the Ordinance was introduced on March 18, 2014 and the public hearing was set at that time for tonight's meeting. She asked that on page 2 the following change be made: the Introduction Date and Adoption Date needs to be corrected. Mayor Mironov declared the public hearing open on Ordinance 2014-01 and if any members of the public would like to comment they may do so now.

Sean O'Connor – 152 Hickory Corner Road, Apt. 313 – He is opposed to acquiring this land.

Mayor Mironov closed the public hearing on Ordinance 2014-01.

It was **MOVED** by ROSENBERG and seconded by SHAPIRO that Ordinance No. 2014-01 be adopted and authorized for publication as required by law.

Mayor Mironov stated that this property has been long targeted on the list for open space by the Township. Its location would never result in the development or construction of a business. It is a significant source of natural resources, including wetlands and woodlands. It is adjacent to a number of residential lots and will assist in a healthier environment for them as well as a buffer. It has always been a goal to preserve open space and farmlands and does not in any way preclude any other important goals for the Township.

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

There being seven (7) ayes, no (0) nays, Ordinance 2014-01 was adopted and authorized publication as required by law.

ORDINANCE INTRODUCTION:

Ordinance No. 2014-02 An Ordinance to Authorize Exceeding the Municipal Budget Appropriation Limits to Establish a Cap Bank

The Deputy Clerk read by title Ordinance No. 2014-02.

Mayor Mironov stated that this is a pro forma document and has to do with the budget documents.

It was MOVED by LIPPMAN and seconded by ROSENBERG that Ordinance No. 2014-01 be approved on introduction, authorized for publication and public hearing set for April 22, 2014.

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

There being seven (7) ayes, no (0) nays, Ordinance 2014-001 was approved on introduction, authorized for publication, and public hearing set for April 22, 2014.

Ordinance No. 2014-03 An Ordinance Amending and Supplementing Chapter XIV, Fire Prevention, Section 14-4.3, To Set a Flat Fee for Fire Certification Inspection, of the Revised General Ordinances of the Township of East Windsor

The Deputy Clerk read by title Ordinance No. 2014-03.

Mayor Mironov stated that this was a recommendation suggested during the budget workshop meetings with the Department Heads. It was the recommendation of the Construction Official.

It was MOVED by YEAGER and seconded by DUKE that Ordinance No. 2014-03 be approved on introduction, authorized for publication and public hearing set for April 22, 2014.

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

There being seven (7) ayes, no (0) nays, Ordinance 2014-003 was approved on introduction, authorized for publication and public hearing set for April 22, 2014.

RESOLUTIONS:

Resolution R2014-63 Introduction of the 2014 Municipal Budget

The Deputy Municipal Clerk read by title Resolution R2014-63.

Mayor Mironov stated that a number of workshops had been held with department heads and had subsequent discussions with Council and reviewed additional information and made some adjustments to the budget. This represents the final product.

It was MOVED by DUKE and seconded by SHAPIRO that Resolution R2014-63 be approved.

Mayor Mironov stated that this would approve on introduction the 2014 Municipal Budget and set a public hearing date for May 6, 2014 at 7:30 PM at the Municipal Building. Mayor Mironov stated that the 2014 Municipal Budget has no tax increase. It retains all existing services and service levels, and contains no employee reductions or additions. It maintains a very low debt level. The East Windsor municipal tax components remains one of the lowest in the region and well below the statewide average. The 2014 local property bill tax rate remains the same as the 2013 local property tax rate of 43.01 cents per \$100 of assessed value which means no tax increase for the 2014 municipal budget. This means that in 2014 the average resident assessment of \$259,538 would result in a total municipal tax of \$1,119.

The proposed 2014 budget has total appropriations of \$20,995,020 which reflects under a 1% increase over the 2013 municipal budget of \$20,811,435. The municipal expenditures are \$1,377,200 under the state appropriations cap. With respect to the municipal available cap levy amount, the municipal tax rate could be increased by several cents for 2014.

The 2014 Municipal budget was drafted under the same challenges as other New Jersey municipalities who face challenges due to the increased number of tax appeals and refunds and in a resulting adverse ratable base impact. Unfairly, under New Jersey law the municipality is responsible to pay for the defense of the tax appeals and in the case of successful appeals is required to refund most of the taxes even those that were not paid to the municipality for municipal purpose uses. The State of New Jersey also continues to unjustly divert millions of municipal tax dollars of Property Tax Relief. In 2013 alone, East Windsor Township was shorted over 2.9 million dollars in Energy Tax Receipts which amounts to 11 cents on the tax rate and over 25 % of the total municipal component of the tax rate.

Council Member Rosenberg commended the Mayor, Council Members and employees for all the effort and hard work into producing a flat budget.

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

Nays – None

There being seven (7) ayes, no (0) nays, Resolution R2014-63 was approved

Resolution R2014-64 Introduction of the 2014 Garbage District No. 1 Budget

The Deputy Municipal Clerk read by title Resolution R2014-64

It was MOVED by ZOLLER and seconded by LIPPMAN that Resolution R2014-64 be approved.

Mayor Mironov stated that this would approve on introduction the 2014 Garbage District No. 1 Budget and set a public hearing date for May 6, 2014 at 7:30 PM at the Municipal Building.

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

There being seven (7) ayes, no (0) nays, Resolution R2014-58 was approved

Resolution R2014-65 Supporting Senate Bill S-268/Assembly Bill A-1021
“Energy Receipts Property Tax Relief Initiative”

The Deputy Municipal Clerk read by title Resolution R2014-65

Mayor Mironov stated that there are bills pending that would begin the restoration of the Energy Tax Relief for municipal governments. These are two of the bills that have been refiled in this session. This Resolution would stress the support for these bills and to end the State from diverting Energy Tax Receipts that belong to towns throughout the state.

It was MOVED by DUKE and seconded by YEAGER that Resolution R2014-65 be approved.

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

There being seven (7) ayes, no (0) nays, Resolution R2014-65 was approved

Resolution R2014-66 Authorizing Additional 2014 Temporary Budget
Appropriations

The Deputy Municipal Clerk read by title Resolution R2014-66

Mayor Mironov stated that there this is in accordance with the budget that was introduced but until the budget is adopted, the temporary budget appropriations still needs to be extended.

It was MOVED by LIPPMAN and seconded by SHAPIRO that Resolution R2014-66 be approved.

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

There being seven (7) ayes, no (0) nays, Resolution R2014-66 was approved

Resolution R2014-67 Authorizing Sale of Untreated Rock Salt to the East Windsor Regional School District

The Deputy Municipal Clerk read by title Resolution R2014-67

Mayor Mironov stated that there is a letter from the East Windsor Regional School District seeking the Township's assistance and cooperation in supplying them with rock salt during the winter storms and would formalize the agreement so that it will become an item in the budget so that there is a revenue and an expenditure.

It was MOVED by ZOLLER and seconded by SHAPIRO that Resolution R2014-67 be approved.

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

There being seven (7) ayes, no (0) nays, Resolution R2014-67 was approved

Resolution R2014-68 Approval of Agreement with Westfield Road Condominium Association for Reimbursement for Private Community Services for 2013

The Deputy Municipal Clerk read by title Resolution R2014-68

Mayor Mironov stated that this is another private community agreement and all were reviewed in January. The contracts were sent out for signatures and returned.

It was MOVED by ROSENBERG and seconded by SHAPIRO that Resolution R2014-68 be approved.

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

There being seven (7) ayes, no (0) nays, Resolution R2014-68 was approved

Resolution R2014-69 Approval of Agreement with Windsor Meadows Homeowners Association for Reimbursement for Private Community Services for 2013

The Deputy Municipal Clerk read by title Resolution R2014-69

Mayor Mironov stated that this is the same process as Resolution R2014-68.

It was MOVED by ZOLLER and seconded by ROSENBERG that Resolution R2014-69 be approved.

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

There being seven (7) ayes, no (0) nays, Resolution R2014-69 was approved

Resolution R2014-70 Refund of Tax Overpayments

The Deputy Municipal Clerk read by title Resolution R2014-70

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

It was MOVED by LIPPMAN and seconded by YEAGER that Resolution R2014-70 be approved.

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

There being seven (7) ayes, no (0) nays, Resolution R2014-70 was approved

Resolution R2014-71 Action on Request for Release of Performance Guarantee for SciPark Industrial Park – Phase 1

The Deputy Municipal Clerk read by title Resolution R2014-71

Mayor Mironov stated that there is a memo from the Township Engineer, dated March 5, 2014. Mayor Mironov asked that the correct language needs to be inserted into the Resolution with respect to all payments, certifying satisfaction, of all fees and charges. That would go under the 5th paragraph.

It was MOVED by ZOLLER and seconded by DUKE that Resolution R2014-71 be approved with the changes.

Mayor Mironov stated that there is a checklist and report from the Finance Director and Manager indicating that all fees and all items have been satisfied.

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

There being seven (7) ayes, no (0) nays, Resolution R2014-71 was approved with the changes.

Resolution R2014-72 Approval of Assignment of Developer Agreement from Verde Group, LLC to K. Hovnanian at East Windsor, LLC

The Deputy Municipal Clerk read by title Resolution R2014-72

Mayor Mironov stated that there is a memo from the attorney. The property has been sold so it is necessary to assign the Developer's Agreement that had been previously approved and executed.

It was MOVED by ROSENBERG and seconded by YEAGER that Resolution R2014-72 be approved.

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

There being seven (7) ayes, no (0) nays, Resolution R2014-72 was approved

APPLICATIONS:

REPORTS BY COUNCIL AND STAFF:

Council Member Rosenberg reported that the Clean Communities Committee met last week. The Elementary School Poster Contest awards will be made on April 22, 2014 during the next Council meeting. Recycling Day is scheduled for April 26, 2014 at the Senior Center from 10 AM to 2 PM. The Clean Communities Student Liaison will be setting up a table concerning composting, explaining how it works and why it is important to compost. The Commission on Aging met last week and the senior directory is in its final phase, being reviewed and will have a copy shortly.

Council Member Shapiro reported that the Planning Board met on March 24 and the Planning Board professionals were appointed. The Resolution was memorialized for The Rainbow Academy.

Mayor Mironov said she attended the Meals-on-Wheels Red Cross Event on March 27 delivering meals. There will be more information forthcoming. It is a great program where seniors are able to get visits and meals delivered to them from volunteers.

CORRESPONDENCE:

APPOINTMENTS: None

APPROVAL OF BILLS:

Mayor Mironov stated that there is a current 2014 and 2013 bill list, 1 page capital bill list and some other miscellaneous and trust fund account bill lists all dated March 27, 2014.

Mayor Mironov questioned the bills for the Tax Attorney on the current 2013 bill list, pages 1 and 2, asking to make sure that they weren't on the last bill list for payment. She would like these bills to be held for further explanation. In respect to the 2014 bill list, page 5, there are payments listed for Robert White, he is a professional that the Town is required to provide by the State of New Jersey, she would like them held for further clarification and would like to know the period of time of the services.

Council Member Yeager would like the bills for Data Processing on page 4 of the current 2014 bill list be held until a better item description is given.

It was MOVED by DUKE and seconded by SHAPIRO that the bills be approved subject to the items being questioned.

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

There being seven (7) ayes, no (0) nays the bills were approved subject to the items being questioned.

MATTERS BY COUNCIL:

Mayor Mironov stated the following events are happening within the Township:

On Thursday, April 3 at 6 PM on the grounds of the Police Building, they will be joining with Woman Space for Sexual Assault Awareness Month. There will a ceremony and recognition at that time.

The annual Spring Clean-up is Saturday, April 5 from 9 to 11 AM at Etra Lake Park.

Passport Service Day is Tuesday, April 8 from 3 to 7 PM at the Municipal Building.

East Windsor Recycling Day is Saturday, April 26 from 10 AM to 2 PM at the Senior Center.

Saturday, April 26 from 10 AM to 2 PM at the Police/Court Building on One Mile Road is Operation Medicine Cabinet where unwanted, unused or expired medicine can be disposed of in a secured and environmentally safe way.

Mayor Mironov also noted that there are two notices from the Department of Transportation. One for Transportation and Alternatives Programs and one for Safe Routes for Schools, the deadline for the programs is May 15 and would like to have these put on the next meeting for discussion.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE: None

MATTERS BY PUBLIC:

Sean O'Connor – 152 Hickory Corner Road, Apt. 313 – He thanked the Council for keeping the tax rate stable. He asked that the Council meetings be broadcast. He spoke about businesses within the Township.

There being no further business Mayor Mironov adjourned the meeting at 8:53 p.m.

Erin Martin
Deputy Municipal Clerk

Janice S. Mironov
Mayor