

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, March 20, 2012

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 8:00 p.m. on March 20, 2012.

Municipal Clerk Cindy 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 4, 2012. All requirements of the "Open Public Meetings Act" were satisfied.

Council Member Hector Duke led the flag salute.

Present were: Mayor Janice S. Mironov, and Council Members Hector Duke, Alan Rosenberg, Peter Yeager and John Zoller. Also present were Township Manager Alan M. Fisher, Township Attorney David E. Orron and Municipal Clerk Cindy A. Dye. Council Members Marc Lippman and Perry Shapiro were absent.

PRESENTATIONS & PROCLAMATIONS: None

INTERVIEWS FOR BOARDS AND COMMISSIONS: None

PUBLIC FORUM: None

MINUTES:

January 1, 2012

It was MOVED by ROSENBERG and seconded by DUKE that the minutes of January 1, 2012 be approved.

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

There being five (5) ayes and no nays, the minutes of January 1, 2012 were approved.

January 10, 2012

It was MOVED by ROSENBERG and seconded by ZOLLER that the minutes of January 10, 2012, with revisions dated March 9, 2012, be approved.

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

There being four (4) ayes, no nays, and one (1) abstention, the minutes of January 10, 2012 were approved with changes.

January 24, 2012 (Closed Session)

It was MOVED by DUKE and seconded by YEAGER that the minutes of January 24, 2012 (Closed Session) be approved.

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

There being five (5) ayes and no nays, the minutes of January 24, 2012 (Closed Session) were approved.

February 7, 2012 (Closed Session)

It was MOVED by YEAGER and seconded by ZOLLER that the minutes of February 7, 2012 (Closed Session) be approved.

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

There being five (5) ayes and no nays, the minutes of February 7, 2012 (Closed Session) were approved.

Mayor Mironov requested that the following minutes be rescheduled: January 24, 2012, February 7, 2012, February 18, 2012 (Budget Session), February 21, 2012 (Budget Session), February 21, 2012, and March 7, 2012.

ORDINANCE – INTRODUCTION:

Ordinance No. 2012-4 An Ordinance to Authorize Exceeding the Municipal Budget Appropriation Limits to Establish a Cap Bank for the Future

The Township Clerk read by title Ordinance No. 2012-4.

Mayor Mironov stated that previously, the state automatically banked the funds, to the legal state limit, that a municipality did not spend. Approximately 3 years ago, the state changed the law, so that there was no longer any automatic banking. The ordinance therefore banks the amount the municipality has left over to expend. The municipality can then draw on these funds for the next three years. She noted this was a routine matter. She stated that the budget for 2012 is over \$3.5 million dollars under the state-allowed expenditure limit. She noted that it did not mean the Township will spend these funds. She also noted that the budget for 2012 is actually lower than the 2011 budget. She stated that this ordinance did not authorize any expenditure.

It was MOVED by ROSENBERG and seconded by DUKE that Ordinance No. 2012-4 be approved on introduction and authorized for publication to set the public hearing for April 17, 2012.

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

Nays – None

There being five (5) ayes and no nays, Ordinance No. 2014-4 was approved on introduction and authorized for publication to set the public hearing for April 17, 2012.

RESOLUTIONS:

Resolution R2012-56 Approval of Purchase of Uniforms for the East Windsor Public Works Department with Professional Service Wear

The Township Clerk read by title Resolution R2012-56.

Mayor Mironov stated that Resolution R2012-56 would be carried to the next meeting.

Resolution R2012-59 Introduction of the 2012 Municipal Budget

The Township Clerk read by title Resolution R2012-59.

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 R2012-59 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 17, as per the terms of the resolution.

Mayor Mironov noted there were some changes to the final budget. The proposed expenditures for 2012 remain at \$20,283,707. Without the expenditures and the revenues from the red light running camera program (which are even and do not affect the bottom line of the budget), the actual appropriations are \$20,193,307. The 2012 budget represents a reduction in expenditures of over \$39,000 from the 2011 budget, and is about \$1,000,000 less than the 2009 budget. The 2012 budget would set a municipal tax rate of approximately .415, which is an increase of approximately 1.7 cents from the 2011 municipal tax rate of .398. At that average rate, the average residential property tax would be \$1,098, which is an increase of approximately \$48, or less than \$4 a month, over the 2011 rate. Under the state property levy laws, the budget is \$619,131 under the allowable property cap. She stated that if Council wished, they could increase the municipal tax rate by more than twice, or an addition 2.2 cents, for a final rate of 4 cents. She stated that the 2012 tax base has dropped by almost \$29,000,000. She stated that she wished to clarify a statement she had heard, and stated that drop was a valuation issue. It did not have to do with people leaving the Township. The economy has been on a downward decline; therefore, there is a decline in property valuations. She noted this was a trend throughout the region, state, and much of the nation. She stated that this did affect the Township's property tax levy, as there is that much less value to contribute to the levy. Based only on the change in the tax value, there will be an almost half-cent increase.

Mayor Mironov continued, stating that the fund balance has also been on the decline over the past several years. There were a number of reasons for this. Revenues in general are down,

whether for permits and fees, interest, or other sources. Another significant factor for the fund balance is the state's diversion of money that belongs to the municipalities, which has only grown more aggressive in recent years. In 2008, the money due to the Township was reduced by \$300,000; in 2009, by \$113,000; and in 2010, by \$900,005. None of this money has even been returned. She noted that this was in addition to the money diverted from the Township for many years prior. Therefore, the fund balance has been greatly affected, as well as local taxes. The available fund balance over the last 5 years is down almost \$4,000,000. For 2012, the Township used approximately \$1,800,000 from the fund balance and reserves; in 2011, the Township was able to use \$2,630,000. A major area of increase is the group medical insurance, which is up over \$150,000; she noted the Township is in the state health benefits program, which is a great savings. Other areas of increase include gasoline, which is up over \$86,000 from 2011, and the reserve fund for uncollected taxes, which is up over \$83,000. She noted this was the reserve for uncollected taxes and was not a financial reserve for the Township; rather, it was the money the Township must put aside to ensure the school and county taxes are paid. She noted that the reserve must increase when people are slower to pay their taxes. She stated that the budget represents no new positions and no new programs, but does maintain the basic level of services currently provided to the residents. She stated that a great deal of time was spent reviewing every line in the budget and that Council believes that the budget represents a responsible and fiscally conservative maintenance budget that will well serve the residents in these difficult times.

Mayor Mironov noted that Council had asked for and received some additional revenue accounting about housing inspections and revenue, police uniform services, and some other accounts. She noted this did not represent any change in the numbers.

It was MOVED by DUKE and seconded by YEAGER that Resolution R2012-59 be adopted.

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

There being five (5) ayes and no nays, Resolution R2012-59 was adopted.

Resolution R2012-60 Introduction of the Garbage District No. 1 Budget for 2012

The Township Clerk read by title Resolution R2012-60.

It was MOVED by YEAGER and seconded by ROSENBERG that R2012-60 be adopted.

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

There being five (5) ayes and no nays, Resolution R2012-60 was adopted.

Resolution R2012-61 Resolution Supporting Legislative Action of Assembly Bill A-2738 and Senate Bill S-348, "Distribution of Energy Tax Receipts"

Property Tax Relief in State Fiscal Year 2012”, as Recognition of
the Legitimacy of Municipal Obligation and First Step to Restore
All Energy Tax Receipts to East Windsor Township and other New
Jersey Municipalities

The Township Clerk read by title R2012-61.

Mayor Mironov stated that Council had a revised resolution in their folders. She stated that the resolution detailed the issues involved in the state diversion of the energy tax receipts. It supported legislative action to correct this diversion, including two bills, both of which were introduced by the Township’s legislators, Senator Linda Greenstein, Assemblyman Dan Benson, and Assembly Wayne DeAngelo. The amount which has been diverted from the Township in energy receipts just over the previous 10 years is over \$12,800,000 dollars. If related to the budget, in 2012 alone, the Township has been shorted by the state over \$2,800,000, or 10 cents on the 2012 municipal tax rate, which is about 24% of the municipal tax. Therefore, almost a quarter of the municipal tax levy was being imposed by state officials who are withholding money from the Township and the taxpayers. She stated that it was time for the state to stop using municipal money to plug holes in the state budget, and for the state to return this money to the municipalities and the taxpayers.

Mr. Yeager stated he agreed with Mayor Mironov and stated that to say there was a little hypocrisy on behalf of the state would be an understatement. He stated that as the state dictated to the municipalities what they could and could not do, the state might want to listen to their own directives and take more responsibility for their own situation.

Mr. Rosenberg stated that it was hard to find anything good in the situation but that it was good to see that so many diverse groups were rallying against the situation, showing that people understood what a travesty it was, when the state seemed to be immune to the criticism. He noted that the municipalities needed the money as well.

Mayor Mironov stated that the energy tax receipts are municipal monies. They were previously collected by the municipalities. However, over the years, the state became the collector of those monies, with the express understanding that the state was to distribute the monies to the municipalities for their use and for property tax relief. She noted that the Township is the collector of the local property taxes. She asked what would happen if the Township were to say to the school district that they were going to withhold the school district’s tax money. She stated that she was just making an analogy but that what the state was doing was no different from the Township taking the school district’s money. She stated it was hard to contemplate that the state was getting away with keeping the money and using it for their purposes.

It was MOVED by ROSENBERG and seconded by YEAGER that Resolution R2012-61 be adopted.

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

Nays – None

There being five (5) ayes and no nays, Resolution R2012-61 was adopted.

Resolution R2012-62 2012 Temporary Budget Appropriations

The Township Clerk read by title Resolution R2012-62.

Mayor Mironov stated that until there was an adopted budget, the Township needed to make sure they could continue to cover payroll and other needed expenditures. She stated that Resolution R2012-62 fit with the introduced budget and allowed the Township to operate until said budget was approved by the state and adopted by Council.

It was MOVED by YEAGER and seconded by DUKE that Resolution R2012-62 be adopted.

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

There being five (5) ayes and no nays, Resolution R2012-62 was adopted.

Resolution R2012-63 Approval of Agreement with Twin Rivers Homeowners
Association for Reimbursement for Private Community Services
for 2011

The Township Clerk read by title Resolution R2012-63.

Mayor Mironov stated that the numbers had been reviewed. She asked Mr. Orron to speak to any conflicts of interest for Council members living in any such community.

Mr. Orron stated that as the reimbursements are determined by a standard formula applied uniformly to all communities, there was no need for any member to abstain from the vote regardless of address.

It was MOVED by ROSENBERG and seconded by ZOLLER that Resolution R2012-63 be adopted.

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

There being five (5) ayes and no nays, Resolution R2012-63 was adopted.

Resolution R2012-64 Approval of Agreement with Westfield Road Homeowners
Association for Reimbursement for Private Community Services
for 2011

The Township Clerk read by title Resolution R2012-64.

It was MOVED by DUKE and seconded by ZOLLER that Resolution R2012-64 be adopted.

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

There being five (5) ayes and no nays, Resolution R2012-64 was adopted.

Resolution R2012-65 Authorizing the Disposal of Surplus Property

The Township Clerk read by title Resolution R2012-64.

Mayor Mironov stated that Council had a note from the Township Manager indicating the items being suggested as surplus property. She asked Mr. Fisher if the items would then be sold on the on-line auction service previously used by the Township.

Mr. Fisher stated this was correct.

It was MOVED by ROSENBERG and seconded by DUKE that Resolution R2012-64 be adopted.

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

There being five (5) ayes and no nays, Resolution R2012-65 was adopted.

Resolution R2012-66 Approval of Contract with Vital Services Group for Computer
Services for the Tax Assessor's Office

The Township Clerk read by title Resolution R2012-66.

Mayor Mironov stated that there was information from the Township Manager. She noted this was an annual expenditure which was in the budget.

It was MOVED by ZOLLER and seconded by YEAGER that Resolution R2012-66 be adopted.

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

There being five (5) ayes and no nays, Resolution R2012-66 was adopted.

Resolution R2012-67 Action on Request for Release of Performance Guarantees for SP West, LLC (Alliance Homes)

The Township Clerk read by title Resolution R2012-67.

Mayor Mironov stated that the resolution referenced a February 8, 2012 recommendation from the Township Engineer, as well as a certification from the Finance Director that all fees and charges had been paid.

It was MOVED by ROSENBERG and seconded by DUKE that Resolution R2012-67 be adopted.

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

There being five (5) ayes and no nays, Resolution R2012-67 was adopted.

Resolution R2012-68 Approval of Application for Person-to-Person and Place-to-Place Transfer of Alcoholic Beverage License No. 1101-33-021-004 from Charlie Brown's of East Windsor, LLC to CB East Windsor, LLC

The Township Clerk read by title Resolution R2012-68.

Mayor Mironov stated that the third paragraph should read, “whereas, the municipal clerk has represented that notice of the application has been published”. She asked Ms. Dye to confirm this.

Ms. Dye confirmed notice was published.

Mayor Mironov stated that the next paragraph read, “no objections have been made to the transfer of the license.” She asked if this referred to something prior to that night, and if the clerk was representing this fact.

Ms. Dye answered yes to both questions.

Mayor Mironov stated it should read that to date, no objections have been made. She asked if all of the paperwork had been properly filed and all the fees paid.

Ms. Dye stated yes.

Mayor Mironov stated this should be stated in the resolution.

Mr. Rosenberg stated that there was a lot of local excitement about the restaurant reopening.

It was MOVED by ROSENBERG and seconded by YEAGER that Resolution R2012-68 be adopted.

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

There being five (5) ayes and no nays, Resolution R2012-67 was adopted.

APPLICATIONS:

Raffle License RL:364 VFW Post 5700 Hightstown – April 22, 2012 at the VFW Post
5700, 140 Dutch Neck Road, East Windsor, NJ, On-Premise
Instant Raffle

Mayor Mironov asked if all the paperwork was in order.

Ms. Dye stated yes.

It was MOVED by ZOLLER and seconded by DUKE that Raffle License RL:364 be approved.

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

There being four (4) ayes, no nays, and one (1) abstention, Raffle License RL:364 was approved.

REPORTS BY COUNCIL AND STAFF: None

CORRESPONDENCE: None

APPOINTMENTS: None

APPROVAL OF BILLS:

Listed for approval were vouchers dated March 20, 2012, the current 2012 bill list dated March 15, 2012, and the current 2011 bill list dated March 15, 2012, as well as other miscellaneous and trust account bill lists.

Mayor Mironov noted that she had discussed some questions with the Manager, and had asked that these bills be held for further discussion.

It was MOVED by DUKE and seconded by ROSENBERG that the bills be approved.

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

There being five (5) ayes and no nays, the bills were approved.

MATTERS BY COUNCIL:

Mayor Mironov stated that Council had a report from the Tax Collector for the period ending February 29, 2012, as well as note from the Public Works Director regarding the bill that was questioned at the previous meeting. She stated that Council had received notice from Sustainable Jersey that the Township had achieved a bronze certification with 160 points (with 150 points being the minimum for bronze certification). She noted this was a certification program that was created to support community efforts to improve the environment and to reward communities as they form sustainability programs. She stated there would be a presentation to the municipality later in the year. She noted that she wanted to publicly recognize Rohit Palayekar, a high school junior and local resident who has been volunteering with the Township and who helped put together the Sustainable Jersey application. She stated that he volunteered with the Township the previous summer, and is also a member of the Township Clean Communities Committee. She stated that he is an excellent young man and that the Township is fortunate to have his help.

Mayor Mironov stated that the gun lock safety program would continue until the end of March. The Township was also continuing to accept nominations for the Sylvia Weiss Senior Citizen Award for Outstanding Service as a Volunteer until April 12. She reminded everyone that Wednesday, April 4 was Passport Service Day at the municipal building. She noted that these are especially helpful for families with young children as both parents must be present to obtain the child's passport.

Mr. Yeager stated that he had the opportunity to use those services with his children. He stated that the staff and county did a great job and that the hours and location were very convenient. He stated he was glad the Township was doing it again.

Mayor Mironov stated that they hoped the new maps would be mailed that week.

MATTERS BY PUBLIC: None

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. ANJEC 2012 Sustainable Land Use Planning Grants for Municipalities Program
Resolution R2012-69 Approval of Filing of Application with the Association of New Jersey Environmental Commissions (ANJEC) for 2012 Sustainable Land Use Planning Grants

Mayor Mironov stated that Council had previously received information from the Township Manager describing the program and the requirements for it, but that action was held until that night. Mr. Zoller and the Environmental Commission put together a proposed application, a copy of which was attached to the resolution.

Mr. Zoller commended Environmental Commission Chairperson Ronald Balint for his work, as well as the Environmental Commission for their time.

Mayor Mironov stated that the project being proposed would be to develop a “master plan” for bicycle and pedestrian pathways for the Township. This plan would integrate the existing pathways and provide ideas for new pathways.

It was MOVED by DUKE and seconded by YEAGER that Resolution R2012-69 be adopted.

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

There being five (5) ayes and no nays, Resolution R2012-69 was adopted.

2. Route 130/Hankins Road/Conover Road Proposed Improvements

Mayor Mironov stated that Council had a concept plan that has been proposed by the engineering firm. She noted that this concept had apparently received approval from the New Jersey Department of Transportation (NJDOT). She also noted this was an ongoing project, and that the state had initially agreed to move forward with the project, as they were essentially the primary agency. They then changed their mind and their funding. However, they did agree to work with the Township should the Township decide to be the lead agency. The Township decided to move forward and obtained an engineering company after an open and competitive process. All funding came from a developer-funded transportation improvement program account; no public monies were expended on the project. She stated Council had a letter indicating that the engineer had obtained a letter of interpretation (LOI), which was an important step, as there are wetlands in the area. The LOI would help determine what alignments would be feasible.

Mayor Mironov stated that Council was now reviewing the preliminary plans and concept. She stated that the basic goal was to realign Route 130, Hankins Road, and Conover Road at a single point so that all 3 roads would be controlled by a traffic signal. All left turn movements would be controlled by the signal. This would facilitate the flow of traffic in the area and most importantly would provide safer conditions and turning movements, especially from Conover Road onto Route 130 south and from Route 130 south to Conover Road east. She stated that there were a growing number of residences in that area of town, especially off Conover Road, Old York Road and Airport Road. She stated that Council had authorized Phase I with Maser Consulting, and had specified that Phases II and III would not go forward except with express consent by the governing body. The purpose of the discussion that night was to review the concept and to determine whether Council would like to move forward to the next step. If they

were to move forward, they would do so formally at the next meeting through a resolution. She stated that most of the change in alignment was on Conover Road, with very little impact to Hankins Road.

Mr. Duke stated he felt they should move forward.

Mayor Mironov stated that the Township would have done this some time ago but that there was a process to go through, and that at that time the state would not allow them to proceed.

Mr. Yeager stated that he also recommended moving forward. He stated that he used the intersections often and that he felt this was a high priority. He noted that the fact that they could do the project without using taxpayer funds was another reason to move ahead.

Mayor Mironov clarified that the work to date had been paid through the transportation improvement fund. She stated that at some point, the Township would likely ask for other funding sources from outside the municipality. However, they still anticipated that the project would be fully funded without local taxpayer money. She noted that Council had the original contract awarded for the project in their folders.

Mr. Rosenberg also supported moving ahead. He stated that it would solve a major problem and that this was an issue that they had looked to address for some time. He stated it would improve safety greatly.

Council agreed unanimously to move forward.

Mayor Mironov stated that the next step would be to agenda for approval the next scope of work in the contract, which would be the preparation of the final engineering plans and the necessary permitting to allow the project to be constructed. She stated she would also reach out to Robbinsville Township, with whom the Township has had an ongoing dialogue regarding the project. She stated that Robbinsville supported the project, and that it would be appropriate to share the concept with them. She noted that Hankins Road was actually divided down the center line between East Windsor and Robbinsville. She also suggested reaching out to the NJDOT directly to ascertain how the NJDOT could assist in moving the project along in an expeditious way, and to find out what resources would be available in support of the project.

Council agreed.

Mayor Mironov stated this was a significant project that had a great deal of community support, and would be a great safety enhancement for the area. She stated that it would be on the next agenda.

3. Operation Medicine Cabinet

Mr. Rosenberg stated that he felt this was a very important program as many people did not know what to do with their old drugs, some of which are toxic and potentially dangerous.

Mayor Mironov stated that the program was proposed for Saturday, April 28 for 10 a.m. to 2 p.m. at the lobby of the police building. She stated it was an opportunity for residents to drop off expired or unneeded prescription drugs.

Mr. Zoller stated this was a great way to keep potentially dangerous drugs out of the water supply.

Mayor Mironov agreed it was a good environmental initiative. She noted it was also a good way to keep it out of the hands of those who would misuse the drugs.

4. East Windsor Township Trust Fund and Housing Programs

Mayor Mironov stated that she had asked the Township Manager and staff to move ahead with this matter. She stated that Mr. Fisher stated that he has been making good progress and should have something to review soon. She noted that Council had an article discussing another grab for money from the state, and that the Township wanted to insulate themselves as much as possible. The story was titled, "Reversal of Christie Plan Pulls \$2,000,000 in Savings". She stated this would be discussed further.

There being no further business Mayor Mironov adjourned the meeting at 9:00 p.m.

Alan M. Fisher
Acting Municipal Clerk

Janice S. Mironov
Mayor