

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, December 21, 2010

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 8:00 p.m. on December 21, 2010.

Municipal Clerk Cindy A. Dye certified that the meeting was noticed in the Annual Meeting Notice. Notice was sent to the Trenton Times, filed with the Municipal Clerk and posted in the East Windsor Township Municipal Building, all on January 5, 2010. All requirements of the "Open Public Meetings Act" were satisfied.

Council Member Perry Shapiro led the flag salute.

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

PRESENTATIONS & PROCLAMATIONS: None

PUBLIC FORUM: None

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Jenine Porter-Celestin stated that she would like to be appointed to the Recreation Board or the Municipal Drug Alliance.

MINUTES:

October 19, 2010

It was MOVED by DUKE and seconded by DANIELS that the minutes of October 19, 2010, revised December 9, 2010 be approved.

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

There being five (5) ayes and no nays, the October 19, 2010 minutes were approved.

Mayor Mironov stated that the November 3, 2010, November 15, 2010, December 7, 2010, and December 7, 2010 (closed session) minutes would be rescheduled.

RESOLUTIONS:

Resolution R2010-238 Approval of Professional Services Agreement for Special Legal Counsel Services

The Township Clerk read by title Resolution R2010-238.

Mayor Mironov stated this was carried from the previous meeting; she noted there would not be another regular Council meeting until January 2011, and it was therefore her suggestion that conditional action be taken now. She suggested a fourth paragraph be added stating the

resolution and the contract are to be held, conditioned upon the need for the services contained within, and that if no action occurred requiring the services, then the resolution and contract would become null and void by a certain date.

Mayor Mironov stated Council was encumbering funds, so a termination date was necessary. She stated they would know within 60 days if action was necessary.

Mr. Orron suggested a termination date of March 1, 2011.

Mayor Mironov asked Mr. Fisher if this was workable.

Mr. Fisher stated he felt it was. He stated the resolution would not be distributed or published until services were needed.

Mayor Mironov stated if services were not needed by March 1, 2011, the resolution and contract would become null and void.

It was MOVED by DANIELS and seconded by WEINSTEIN that Resolution R2010-238 be adopted with changes.

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

There being five (5) ayes and no nays, Resolution R2010-238 was adopted.

Resolution R2010-242 Authorizing Transfers Among the 2010 Budget Appropriations

The Township Clerk read by title Resolution R2010-242.

Mayor Mironov stated that there were recommendations from the Township Manager and other parties.

It was MOVED by SHAPIRO and seconded by DUKE that Resolution R2010-242 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-242 was adopted.

Resolution R2010-241 Authorizing Purchase of Contract for Rock Salt with International Salt Company, LLC under Mercer County Bid 2010-28

The Township Clerk read by title Resolution R2010-241.

Mayor Mironov stated there were recommendations from the Township Manager and the Public Works Director. These monies had been previously encumbered and identified for this use. She stated that at some point in the next years, the Township Manager would provide a further recommendation.

It was MOVED by WEINSTEIN and seconded by DANIELS that Resolution R2010-241 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-238 was adopted.

Resolution R2010-243 Amending Resolution R2010-226 Establishing Date, Time, and Place for East Windsor Township 2011 Reorganization Meeting

The Township Clerk read by title Resolution R2010-243.

Mayor Mironov stated that the County reorganization meeting was scheduled for January 4, the original date proposed for the Township.

It was MOVED by DUKE and seconded by DANIELS that Resolution R2010-243 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-243 was adopted.

Resolution R2010-244 Authorizing Change Order No. 1 with Schifano Construction Corp. for Cedarville Road Roadway Improvements

The Township Clerk read by title Resolution R2010-244.

Mayor Mironov stated she had sent information to Mr. Fisher that morning regarding the balance and asked if he had a chance to review that material.

Mr. Fisher stated he had, and corrected the change order.

Mayor Mironov stated there was a recommendation from the Public Works Director.

It was MOVED by SHAPIRO and seconded by DUKE that Resolution R2010-244 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-244 was adopted.

Resolution R2010-245 Authorizing Bidding for Cellular Communications Tower
Easement Purchase Agreement

The Township Clerk read by title Resolution R2010-245.

Mr. Orron stated that the second 'whereas' proposed a term of 56 years, representing the remaining 26 years of the current agreement and 30 additional years. He stated that that the proposed easement area was enlarged by 5 feet after it was determined this was the minimum size needed to accommodate the equipment. Also added in the second 'whereas' was language regarding the 30 additional years. He stated these changes were carried through to the body of the resolution.

Mayor Mironov asked where the minimum bid was listed.

Mr. Orron stated it was in paragraph three.

Mayor Mironov asked what someone wanted to bid on the project would do.

Mr. Orron stated they would fill in the purchase price on page one of the purchase agreement and sign on page four.

Mayor Mironov stated this would need to be clear.

It was MOVED by SHAPIRO and seconded by DANIELS that Resolution R2010-245 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-245 was adopted.

Resolution R2010-246 Approval to Execute Agreement with Middlesex County
Municipal Joint Insurance Fund for Workers Compensation and
Employees Liability, General Liability Coverage, Motor Vehicle
and Equipment Liability Coverage, Property Damage Coverage,
and Environmental Liability

The Township Clerk read by title Resolution R2010-246.

Mayor Mironov stated there was a recommendation from the Township Manager. She stated she had requested further information.

Mr. Fisher stated he had provided information the day before.

Mayor Mironov asked if there was a quote from the Joint Insurance Fund that only included insurance and excluded the other parts, and if the Township would keep all their options regarding the retention of an insurance broker.

Mr. Fisher answered yes to both questions.

It was MOVED by SHAPIRO and seconded by DANIELS that Resolution R2010-246 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-246 was adopted.

Resolution R2010-247 Cancellation of Uncollectable Taxes

The Township Clerk read by title Resolution R2010-247.

Mayor Mironov stated there was a request from the Tax Collector.

It was MOVED by SHAPIRO and seconded by WEINSTEIN that Resolution R2010-247 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-247 was adopted.

Resolution R2010-248 Cancellation of Ordinance Balances

The Township Clerk read by title Resolution R2010-248.

Mayor Mironov stated there was a request from the Finance Director. She asked Mr. Fisher to confirm that none of the funds were needed for any upcoming projects.

Mr. Fisher confirmed this.

It was MOVED by WEINSTEIN and seconded by DANIELS that Resolution R2010-248 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-248 was adopted.

Resolution R2010-249 Cancellation of Grant Receivable – Capital Fund

The Township Clerk read by title Resolution R2010-249.

Mayor Mironov stated there was a request from the Finance Director.

It was MOVED by SHAPIRO and seconded by DUKE that Resolution R2010-249 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-249 was adopted.

Resolution R2010-250 Cancellation of Current Fund – Reserve Balances

The Township Clerk read by title Resolution R2010-250.

Mayor Mironov stated there was a request from the Finance Director.

It was MOVED by SHAPIRO and seconded by DUKE that Resolution R2010-250 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-250 was adopted.

Resolution R2010-251 Cancellation of Current Fund Appropriations

The Township Clerk read by title Resolution R2010-251.

Mayor Mironov stated there was a request from the Finance Director.

It was MOVED by SHAPIRO and seconded by WEINSTEIN that Resolution R2010-251 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-251 was adopted.

Resolution R2010-252 Cancellation of Capital – Reserve for Payment of Debt Service

The Township Clerk read by title Resolution R2010-252.

Mayor Mironov stated there was a request from the Finance Director.

It was MOVED by SHAPIRO and seconded by WEINSTEIN that Resolution R2010-252 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-252 was adopted.

Resolution R2010-253 Action on Request for Release of Performance Guarantees for
PNC Bank (440 State Highway Route 130)

The Township Clerk read by title Resolution R2010-253.

Mayor Mironov stated there was a recommendation from the Township Engineer and a certified report from the Finance Director indicated all fees and charges have been paid.

It was MOVED by DANIELS and seconded by DUKE that Resolution R2010-253 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-253 was adopted.

Resolution R2010-254 Action on Request for Release of Performance Guarantees for
Veterinary Centers of America, Inc.

The Township Clerk read by title Resolution R2010-254.

Mayor Mironov stated there was a recommendation from the Township Engineer and a certified report from the Finance Director indicated all fees and charges have been paid.

It was MOVED by WEINSTEIN and seconded by SHAPIRO that Resolution R2010-254 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-254 was adopted.

Resolution R2010-255 Action on Request for Release of Performance Guarantees for
D&E Realty d/b/a Trifoodarama

The Township Clerk read by title Resolution R2010-255.

Mayor Mironov stated there was a corrected resolution in Council folders, removing the portion referencing the posting of a performance bond for phases B and C. She stated there was a recommendation from the Township Engineer recommending release and a certified report from the Finance Director indicated all fees and charges have been paid. She noted the certification from the Finance Director was not referenced in the resolution.

It was MOVED by SHAPIRO and seconded by DANIELS that Resolution R2010-255 be adopted with changes.

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

There being five (5) ayes and no nays, Resolution R2010-255 was adopted.

Resolution R2010-256 Closed Session (Contract Negotiations – Land Acquisition)

Mayor Mironov stated the resolution and the closed session would be removed.

APPLICATIONS: None

REPORTS BY COUNCIL AND STAFF:

Ms. Weinstein stated that the Environmental Commission had met, and that a member of the Watershed Association attended the meeting and discussed the spring clean-up. The Commission made a recommendation regarding the place, date, and time in a memo to Mayor Mironov. They also discussed the Sustainable New Jersey grant; Ms. Weinstein noted the Commission would provide recommendations in the future to get the Township to the bronze level.

Mayor Mironov stated that information regarding the spring clean-up was distributed.

Mayor Mironov stated that the Clean Communities Committee met on December 16 and indentified two possible dates (April 30 and October 13) for the Township recycling day. She stated that the original wrap-up meeting date of January 27 had been changed to January 20. They will also be sponsoring an educational program on January 13 at the Perry L. Drew School, funded through the Clean Communities grant.

CORRESPONDENCE: None

APPOINTMENTS: None

APPROVAL OF BILLS:

Listed for approval were a current bill list and a one-page capital bill list, both dated December 15, 2010, as well as other miscellaneous and trust account bill lists.

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

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

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

MATTERS BY COUNCIL:

Mr. Shapiro stated there were metal covers for utility sites on Probasco Road and Abbington Drive that had become deep indentations on the ground. He stated it appeared they were never leveled with the road.

Mayor Mironov stated Mr. Shapiro should identify the specific sites with Mr. Fisher after the meeting.

Mayor Mironov stated the Township had participated in the Little Soldiers Toy Drive and thanked the Clerk for her work. She reminded everyone that the Township would be sponsoring a food drive starting in January 2011, and that food could be dropped off at Town Hall, the police station, or Rescue Squad II. She stated a November 16 letter was received from Womanspace regarding the identification of an evergreen tree for an April lighting event, and asked staff to follow up with information.

Mayor Mironov stated there was a report from the Tax Collector for November and a memo from the Public Works Engineering Aide regarding a partial road closure for PSE&G on Kingston Lane.

MATTERS BY PUBLIC: None

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. Interlocal Services Agreement with Robbinsville Township for Animal Control Services

Mayor Mironov stated that there was some material from the Chief of Police and a copy of a letter addressed to Mayor Mironov from Mayor Fried of Robbinsville requesting the agreement. She stated if agreeable to Council and to Robbinsville Township, it would be scheduled for formal action in the upcoming year.

Council agreed it was a favorable agreement.

Mayor Mironov stated Council also had a letter addressed to her from Mayor Hsueh indicating West Windsor was also interested in pursuing an interlocal agreement for animal controls services.

Council agreed to pursue this opportunity.

2. Request for Temporary Leave of Absence Without Pay for Michael J. Trivisonno, Jr.

Mayor Mironov stated Mr. Trivisonno had just had a child and was asking for a temporary leave of absence of six weeks from January 31, 2011 to March 14, 2011.

It was MOVED by DANIELS and seconded by WEINSTEIN to grant the leave of absence.

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

There being five (5) ayes and no nays, the leave of absence was approved.

3. Assembly Bill A-3447, Amending New Jersey Affordable Housing Laws

Mayor Mironov stated this bill was of great concern to the municipalities. She noted it was scheduled for vote December 20 but it was held, and that the State agreed to work with the League on the bill.

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

Cindy A. Dye
Municipal Clerk

Janice S. Mironov
Mayor