

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, December 7, 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 7, 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.

Deputy Mayor Lippman led the flag salute.

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

PRESENTATIONS & PROCLAMATIONS:

Womanspace Communities of Light Day - - December 13, 2010

Mayor Mironov read and presented a proclamation in recognition of Domestic Violence Awareness Month to Christine Clayton of Womenspace, and Police Chief William Spain.

Mayor Mironov stated Communities of Light would take place on December 13, 2010 at 5 p.m. She noted candles were for sale at several local businesses and invited everyone to attend.

Indian American Civic Forum -- (December 11, 2010)

Mayor Mironov announced that this would take place at an outside event.

PUBLIC FORUM: None

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Mayor Mironov and Council Members interviewed Melissa Van Liew for a position on a Township Board or Commission. Ms. Van Liew expressed an interest in the Environmental Commission or the Historic Presentation Commission.

Mayor Mironov and Council Members interviewed Stacy Bertrand for a position on a Township Board or Commission. Ms. Bertrand expressed an interest in the Planning Board, Environmental Commission or the Economic Development Committee.

MINUTES:

Mayor Mironov announced that the October 19, 2010 minutes would be held. She indicated that the November 3, 2010 minutes and the November 15, 2010 minutes would be rescheduled.

ORDINANCE – PUBLIC HEARING:

Ordinance No. 2010-13 An Ordinance Amending Chapter XII, Trees and Shrubs of the Revised General Ordinances of the Township of East Windsor

The Township Clerk read by title Ordinance No. 2010-13.

Mayor Mironov announced that the ordinance was introduced November 15. Mayor Mironov opened the public portion of the hearing. There being no public comment, Mayor Mironov closed the public hearing.

It was MOVED by WEINSTEIN and seconded by DANIELS that Ordinance 2010-13 be adopted, authorize publication as required by law.

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

There being six (6) ayes and no nays, Ordinance 2010-13, was adopted, authorize publication as required by law.

Ordinance No. 2010-14 An Ordinance Authorizing the Acquisition of a Drainage Easement Through a Portion of Block 47.13, Lots 2, 3, 5 and 6 from Pulte Homes of NJ, Limited Partnership

The Township Clerk read by title Ordinance No. 2010-14.

Mayor Mironov noted this was a technical ordinance and stated the ordinance was introduced November 15. She opened the public portion of the hearing. There being no public comment, Mayor Mironov closed the public hearing.

It was MOVED by DANIELS and seconded by WEINSTEIN that Ordinance 2010-14 be adopted, authorize publication as required by law.

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

There being six (6) ayes and no nays, Ordinance 2010-14, was adopted, authorize publication as required by law.

RESOLUTIONS:

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

The Township Clerk read by title Resolution R2010-226.

Mayor Mironov stated there had been no Council elections and therefore it was not necessary to hold the meeting January 1. She suggested Tuesday, January 4.

Mr. Lippman noted he would be out of the country until January 10.

Mayor Mironov stated she believed it was required the meeting be held within the first 10 days of January. She suggested 5:30 as a time.

Council agreed to set the meeting date for Tuesday, January 4 at 5:30 p.m. at the Senior Center.

It was MOVED by SHAPIRO and seconded by DANIELS that Resolution R2010-226 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-226 was adopted.

Resolution R2010-227 Approval of Project Agreement with Mercer County for a Municipal Assistance Grant for 290 Etra Road (Block 30, Lot 12)

The Township Clerk read by title Resolution R2010-227.

Mayor Mironov stated this was a project agreement with Mercer County regarding funds owed to the Township. She stated the funding would be used for open space acquisitions. She noted 15% would go to the Township and 15% to East Windsor Green Space.

It was MOVED by SHAPIRO and seconded by WEINSTEIN that Resolution R2010-227 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-227 was adopted.

Resolution R2010-228 Approval of Project Agreement with Mercer County for a Municipal Assistance Grant for Airport Road (Block 47.12, Lot 1)

The Township Clerk read by title Resolution R2010-228.

Mayor Mironov stated this was also 15% of the certified value of the property. She noted the property is a donation valued at \$1.2 million; she also noted this would allow the Township to fund these purchases without use of taxpayer money.

It was MOVED by LIPPMAN and seconded by DUKES that Resolution R2010-228 be adopted.

ROLL CALL: Ayes - Daniels, Duke, Lippman, Shapiro, Weinstein, Mironov

Nays – None

There being six (6) ayes and no nays, Resolution R2010-228 was adopted.

Resolution R2010-229 Approval of Agreement of Sale with the New Jersey Turnpike Authority for a portion of Block 30, Lot 12 (290 Etra Road)

The Township Clerk read by title Resolution R2010-229.

Mayor Mironov stated Council had materials in their folders, specifically a map showing the property to be transferred under the agreement. She noted that the metes and bounds description still needed to added. She suggested that the wording stating the Mayor and Clerk are authorized to execute the agreement be changed to reference the attached form. She also suggested this be standard language on all such resolutions. She noted that this and R2010-30 – R2010-33 are referenced in the global agreement with respect to transfer of land.

It was MOVED by WEINSTEIN and seconded by SHAPIRO that Resolution R2010-229 be adopted with the changes.

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

There being six (6) ayes and no nays, Resolution R2010-229 was adopted with the changes.

Resolution R2010-230 Approval of Agreement of Sale with the New Jersey Turnpike Authority for a portion of Block 22, Lot 58.02 (9 Katherine Court)

The Township Clerk read by title Resolution R2010-230.

Mayor Mironov stated the same change should be made as that in R2010-229.

It was MOVED by LIPPMAN and seconded by SHAPIRO that Resolution R2010-230 be adopted with the changes.

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

There being six (6) ayes and no nays, Resolution R2010-230 was adopted with the changes.

Resolution R2010-231 Approval of Agreement of Sale with the New Jersey Turnpike Authority for a Portion of Block 25, Lots 1 and 2 (309-319 Ward Street)

The Township Clerk read by title Resolution R2010-231.

Mayor Mironov stated the same change should be made as that in R2010-229.

It was MOVED by LIPPMAN and seconded by SHAPIRO that Resolution R2010-231 be adopted with the changes.

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

There being six (6) ayes and no nays, Resolution R2010-231 was adopted with the changes.

Resolution R2010-232 Approval of Agreement of Sale between the County of Mercer, the New Jersey Turnpike Authority and East Windsor Township for Green Acres Lands

The Township Clerk read by title Resolution R2010-232.

Mayor Mironov stated the same change should be made as that in R2010-229.

It was MOVED by LIPPMAN and seconded by SHAPIRO that Resolution R2010-232 be adopted with the changes.

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

There being six (6) ayes and no nays, Resolution R2010-232 was adopted with the changes.

Resolution R2010-233 Approval of Lease Agreement with the New Jersey Turnpike Authority for a portion of Block 29, Lot 6 (781 Old York Road)

The Township Clerk read by title Resolution R2010-233.

Mayor Mironov stated the same change should be made as that in R2010-229.

It was MOVED by SHAPIRO and seconded by LIPPMAN that Resolution R2010-233 be adopted with the changes.

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

There being six (6) ayes and no nays, Resolution R2010-233 was adopted with the changes.

Resolution R2010-234 Approval of Filing of Application with The National Arbor Day Foundation for Tree City USA Recertification for 2010

The Township Clerk read by title Resolution R2010-234.

It was MOVED by DANIELS and seconded by SHAPIRO that Resolution R2010-234 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-234 was adopted.

Resolution R2010-235 Authorizing Purchase of Wireless Communication Platform for the Mobile Data Computers for the East Windsor Police Department with AT&T Mobility

The Township Clerk read by title Resolution R2010-235.

Mayor Mironov stated there was a recommendation from the Chief of Police, and noted it would be paid for from the forfeiture funds account.

It was MOVED by LIPPMAN and seconded by WEINSTEIN that Resolution R2010-235 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-235 was adopted.

Resolution R2010-236 Authorizing the Purchase of Uniforms for the East Windsor Police Department with Red the Uniform Tailor

The Township Clerk read by title Resolution R2010-236.

Mayor Mironov stated there was a recommendation from the Chief of Police. She noted the quote was comparable to the previous year's quote.

It was MOVED by WEINSTEIN and seconded by LIPPMAN that Resolution R2010-236 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-236 was adopted.

Resolution R2010-237 Refund of Tax Overpayments

The Township Clerk read by title Resolution R2010-237.

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

It was MOVED by DANIELS and seconded by WEINSTEIN that Resolution R2010-237 be adopted.

ROLL CALL: Ayes - Daniels, Duke, Lippman, Shapiro, Weinstein, Mironov

Nays – None

There being six (6) ayes and no nays, Resolution R2010-237 was adopted.

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

Mayor Mironov requested that this resolution be held until the December 21, 2010 Council meeting.

Resolution R2010-239 Approval of Amendment of Developers Agreement for D&E Realty
Company d/b/a Tridfoodarama

The Township Clerk read by title Resolution R2010-239.

Mayor Mironov stated this was for the approval of a new phasing plan.

It was MOVED by SHAPIRO and seconded by DANIELS that Resolution R2010-239 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-239 was adopted.

Resolution R2010-240 Closed Session: (Contract Negotiations – Land Acquisition) (Matters
Subject to Attorney-Client Privilege: Municipal Liens and In Rem
Foreclosures)

The Township Clerk read by title Resolution R2010-240.

It was MOVED by DANIELS and seconded by WEINSTEIN that Resolution R2010-240 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-240 was adopted.

Resolution R2010-241 Authorizing Purchase of Contract for Rock Salt with International
Salt Company, LLC under Mercer County Bid 2009-28

Mayor Mironov requested to hold the resolution. She noted the amount and the funding needed to be investigated. She noted it referenced a proposed \$35,000 from 2010. She stated that it had been previously decided that funding be frozen in the event more salt that what was purchased was needed. She asked for a summary of what exactly was discussed and the numbers involved, and to see a budget.

APPLICATIONS:

Raffle License RL:350 American Legion Post 148, January 1, 2011-January 1, 2012,
895 Route 130, Instant Raffles

Mayor Mironov asked what an instant raffle was.

Ms. Dye stated it was similar to a lottery ticket.

Mayor Mironov asked if the application was in order.

Ms. Dye stated it was.

It was MOVED by SHAPIRO and seconded by DANIELS to approve Raffle License RL:350.

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

There being six (6) ayes and no nays, to approve Raffle License RL:350.

REPORTS BY COUNCIL AND STAFF:

Mr. Shapiro stated the Planning Board had met the previous night. He stated that the applicant for Regency Woods development had come to the Board asking to change their main entrance from Probasco Road to Wyckoff Mills Road. The Board voted to approve a project from the Peddie School to build a solar array next to the new athletic center.

Mr. Daniels stated that the Drug Alliance had met the previous week.

Mayor Mironov stated the Economic Development Committee met December 2. They discussed a welcome package for new businesses, a card exchange, and a solar energy seminar for the community. They also discussed the printing of a new East Windsor map.

CORRESPONDENCE: None

APPOINTMENTS: None

APPROVAL OF BILLS:

Listed for approval were a current 2010 bill list, a current 2009 bill list, and a capital bill list, all dated December 1, 2010, as well as other miscellaneous and trust account bill lists.

Mayor Mironov stated she had asked about the items relating to Disbrow Hill Road/Etra Road on page 2 of the bill list.

Mr. Fisher stated there were for advertising for bids.

Mayor Mironov asked if there was a legal requirement that the Township advertise for bids in the newspaper. She asked about the vision reimbursements items on page 4. She requested that those bills be held.

It was MOVED by DUKE and seconded by SHAPIRO be approved with the changes.

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

There being six (6) ayes and no nays, bills were approved with the changes.

MATTERS BY COUNCIL:

Mayor Mironov stated there was a Tax Collector's report for the period ending November 17. A report dated November 30 was received by the Public Works engineering aide regarding a partial road closure of Etra Road and Ward Street; she noted this was in conjunction with the new Public Works facility.

Mayor Mironov stated she distributed a letter from Womanspace asking the Township to participate in a tree-lighting facility in April. She stated communication was received on the Department of Community Affairs best practices checklist and noted the Township would be receiving all its money. She asked Mr. Fisher if the Independence Day celebration had been confirmed for the date decided by Council.

Mr. Fisher stated he was not aware of any issues.

Mayor Mironov asked Mr. Fisher to advise when the Recreation Department intended to present summer program ideas. She stated that a release was issued indicating effective January 1, 2011 a new state law would go into affect requiring the recycling of computer equipment and television. She noted the Womanspace's Community of Light would take place December 13.

MATTERS BY PUBLIC: None

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. Stream Clean-Up with Stony Brook Millstone Watershed Association

Mayor Mironov stated a letter was received from the Watershed Association dated November 16 asking if the Township wished to participate in the spring clean-up event. She noted they had requested a response by January 7. She asked when the next Environmental Committee meeting was.

Ms. Weinstein stated the next meeting was December 15.

Mayor Mironov stated the coordinator of the event had offered to meet with the Committee. She asked Ms. Weinstein to come back with a report. She noted the only concern when setting a date was to avoid it landing on the same date as the Recycling Day.

Council agreed it was favorable to participate in the program.

2. Township Insurance for 2011/Status

Mayor Mironov asked Mr. Fisher what the status of the project was and when he intended to have materials to present to the governing body.

Mr. Fisher stated that the insurance agent solicited quotes from 5 companies, as well as the current carrier. He stated a recommendation would be forthcoming to the governing body.

Mr. Lippman asked if it would include materials from all of the quotes.

Mr. Fisher stated yes.

Mayor Mironov asked for information on how much and in what way the insurance broker is paid, and clarification on their relationship with the fund to which the Township belongs.

3. Health Benefits: Administration of Supplement Insurance/Status

Mayor Mironov stated she needed a status update on how other communities handle the administration of the supplemental insurance and on how the Township was handling or intended to handle the issue.

Mr. Fisher stated he had contact with some municipalities, and intended to follow up in the future as to present a report in February.

Mayor Mironov asked when the current contract ended.

Mr. Fisher stated June 1, 2011.

4. 2011 Municipal Budget Draft

Mayor Mironov stated it was listed as it was necessary the governing body had numbers as soon as possible to plan for the coming year. She asked Mr. Fisher when she could expect materials.

Mr. Fisher stated he expected to have the material to the Mayor that Friday.

Mayor Mironov stated in the previous year, a subcommittee was appointed for the budget, and that she would likely do this again.

5. Cell Tower Facility at Police Building

Mayor Mironov noted this had been previously discussed, and they had been in discussions to add to the facility. She noted Council had an update from her office regarding this. She stated if it was the desire of the Council to move forward, and noted this would be her recommendation.

Council agreed to move forward with the project.

Mayor Mironov asked Mr. Orron if a resolution was needed to start the process.

Mr. Orron stated a resolution was needed to authorize bidding and set the bid specifications.

Mayor Mironov asked if the bidding process was necessary if it was solely a land issue.

Mr. Orron stated that did not apply to this case.

Mayor Mironov stated this would be listed on the December 21 agenda.

There being no further business Mayor Mironov adjourned the meeting at 9:15 p.m.

Cindy A. Dye
Municipal Clerk

Janice S. Mironov
Mayor