

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, February 16, 2010

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 8:05 p.m. on February 16, 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 13, 2009. All requirements of the "Open Public Meetings Act" were satisfied.

Council Member Walter Daniels led the flag salute.

Present were: Mayor Janice S. Mironov, Deputy Mayor Hector Duke, and Council Members Walter T. Daniels, Jr., Alan Rosenberg, 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 Marc Lippman was absent.

PRESENTATIONS & PROCLAMATIONS:

Mayor Mironov presented a proclamation to the following East Windsor Township 2009 Employees of the Year: Cindy A. Dye – Administration; William E. Broome – Public Works and Frank A. Maisano – Law and Public Safety.

Mayor Mironov presented Ms. Dye, Mr. Broome, and Mr. Maisano with their proclamations and thanked them for their service.

African-American History Month – February 2010

Mayor Mironov announced this proclamation would be given at the next meeting.

100th Anniversary of the Boy Scouts of America
Scouting Anniversary Week – February 7-13, 2010

Mayor Mironov stated she had presented this proclamation on February 13 at the Blue and Gold Celebration of Cub Scout Pack 53.

PUBLIC FORUM:

Mayor Mironov opened the meeting to the public.

Ms. Arsenia Reilly stated she is the representative of CWA 1032. Ms. Reilly commented regarding the current union negotiation between the Township and CWA 1032.

Mayor Mironov commented they would not negotiate at this meeting. She stated she did not agree with some of the history as recounted and noted the comments regarding expenditures and other items were mischaracterized. No one from this Council has taken any pleasure in any extreme measures that had to take place. She expressed that the Council has a responsibility to

deal with the situations given and extreme measures had to occur to maintain the Township's economic integrity.

There being no further comment, Mayor Mironov closed the public portion of the meeting.

INTERVIEWS FOR BOARDS AND COMMISSIONS: None

MINUTES:

November 16, 2009

It was MOVED by DANIELS and seconded by ROSENBERG that the minutes of November 16, 2009 be approved with revisions dated January 26, 2010.

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

There being six (6) ayes and no nays, the November 16, 2009 minutes were approved with revisions dated January 26, 2010.

December 1, 2009

It was MOVED by DANIELS and seconded by ROSENBERG that the minutes of December 1, 2009 be approved with revisions dated January 26, 2010.

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

There being five (5) ayes and no nays, the December 1, 2009 minutes were approved with revisions dated January 26, 2010.

January 26, 2010 (Closed Session)

It was MOVED by ROSENBERG and seconded by WEINSTEIN that the minutes of January 26, 2010 (Closed Session) be approved.

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

There being six (6) ayes and no nays, the January 26, 2010 (Closed Session) minutes were approved.

Mayor Mironov stated that the December 15, 2009, January 1, 2010, January 12, 2010, and January 26, 2010 minutes would be held. She stated that the February 2, 2010 and February 2, 2010 (Closed Session) would be rescheduled.

RESOLUTIONS:

Resolution R2010-33 Approval of Agreement with Northgate Tenants Association for Reimbursement of Private Community Services for 2009

The Township Clerk read by title Resolution R2010-33.

Mayor Mironov stated that the Township had a signed agreement.

It was MOVED by ROSENBERG and seconded by DANIELS that Resolution R2010-33 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-33 was adopted.

Resolution R2010-34 Approval of Agreement with Westfield Road Condominium Association for Reimbursement for Private Community Services for 2009

The Township Clerk read by title Resolution R2010-34.

Mayor Mironov stated that page 1 of the agreement was missing from the attachment. It was noted page 1 was attached to the memo.

It was MOVED by DUKE and seconded by SHAPIRO that Resolution R2010-34 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-34 was adopted.

Resolution R2010-35 Approval of Agreement with Windsor Regency Condominium Association for Reimbursement for Private Community Services for 2009

The Township Clerk read by title Resolution R2010-35.

It was MOVED by DUKE and seconded by WEINSTEIN that Resolution R2010-35 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-35 was adopted.

Resolution R2010-36 Approval of Purchase of Utility Truck with Cammps Hardware
and Lawn Products for the East Windsor Public Works Department

The Township Clerk read by title Resolution R2010-36.

Mayor Mironov stated that all pages except page 1 of the attachment should be removed. She noted there were recommendations from the Township Manager and the Public Works Director.

It was MOVED by ROSENBERG and seconded by SHAPIRO that Resolution R2010-36 be adopted with changes.

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

There being six (6) ayes and no nays, Resolution R2010-36 was adopted with changes.

Resolution R2010-37 Approval of Amendment and Assignment of Developers
Agreement for Hamptons at East Windsor to Pulte Homes

The Township Clerk read by title Resolution R2010-37.

Mayor Mironov stated that the project has been bought, and that the new owners were interested in moving forward quickly.

It was MOVED by WEINSTEIN and seconded by DANIELS that Resolution R2010-37 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-37 was adopted.

Resolution R2010-38 Approval of Developers Agreement with SP West, LLC (Alliance
Homes)

The Township Clerk read by title Resolution R2010-38.

Mayor Mironov stated that there was a memo from the attorney, and that this was for an expansion on a prior approval.

It was MOVED by ROSENBERG and seconded by DANIELS that Resolution R2010-38 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-38 was adopted.

Resolution R2010-39 Authorizing Additional 2010 Temporary Budget Appropriations

The Township Clerk read by title Resolution R2010-39.

Mayor Mironov stated she felt the amount was fairly high but that she trusted all expenditures were being closely monitored.

Mr. Fisher agreed and stated that the expenditures were being closely monitored.

It was MOVED by DANIELS and seconded by ROSENBERG that Resolution R2010-39 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-39 was adopted.

Resolution R2010-40 Closed Session (Collective Bargaining: Teamsters Local Union 676, Communication Workers of America Local 1032, Superior Officers Local 191, Policemen's Benevolent Association Local 191, Teamsters Local Union 469)

The Township Clerk read by title Resolution R2010-40.

It was MOVED by DUKE and seconded by SHAPIRO that Resolution R2010-40 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-40 was adopted.

Resolution R2010-41 Authorizing Purchase of Rock Salt with International Salt Company, LLC under Mercer County Bid 2009-28

The Township Clerk read by title Resolution R2010-41.

Mayor Mironov stated that the resolution was lacking in several points. The first paragraph was written when the materials from Mercer County were not available, and that it did not belong in the resolution. She noted there should be information about the award of the contract.

Mr. Daniels asked if the amount of snow had met their projections.

Mayor Mironov stated that the Public Works Director was preparing a report regarding supplies, overtime cost, and other issues. She noted that supplies had been depleted due to recent storms. She stated that the memo indicated that Council had approved the purchase of 1,456 tons of salt on December 15, and noted that it should be included that this purchase was in addition to the 800 tons remaining in storage, for a total of 2,256 tons, which is generally about what is used in a year.

It was MOVED by DANIELS and seconded by SHAPIRO that Resolution R2010-41 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-41 was adopted.

Resolution R2010-42 Authorizing Approval of Interlocal Services Agreement with Hamilton Township for Health Services for Sexually Transmitted Disease (STD) Clinic Services

The Township Clerk read by title Resolution R2010-42.

Mayor Mironov stated this would be held until the March 2 meeting. She noted that she supported the agreement but that an amendment might be possible.

APPLICATIONS:

New Jersey Firemen's Association Membership Application for Casey C. Gordon

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

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

There being six (6) ayes and no nays, the application was approved.

REPORTS BY COUNCIL AND STAFF:

Mayor Mironov stated that the Economic Development Committee met on February 4 and reviewed the Economic Development Committee website as well as other ways of communicating with the community. The Committee also discussed a possible golf outing or a modified buy local program.

CORRESPONDENCE: None

APPOINTMENTS:

2010 Local Emergency Management Planning Committee

Mayor Mironov said that the Council had a memo from her dated February 10 listing seventeen people she was appointing to the Local Emergency Management Planning Committee, effective through January 31, 2011.

Mayor Mironov stated that she would like the Council to consider the appointment of Michael Baskin to the Recreation Commission for a term expiring December 31, 2014; the appointment of Greg Simion to the Economic Development Committee for a term expiring December 31, 2010; and an extension of the term of current Economic Development Committee member Walter Schmidlin to December 31, 2011.

It was MOVED by SHAPIRO and seconded by DUKE that the appointments of Mr. Baskin, Mr. Simion, and Mr. Schmidlin be approved.

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

There being six (6) ayes and no nays, the appointments were approved.

Mayor Mironov stated she would also like to appoint Lenox Ng to the Economic Development Committee and Jose Munoz to the Environmental Commission as auxiliary members for terms expiring December 31, 2010.

Mayor Mironov stated that a note was circulated from Harry Frankel regarding an open volunteer position, and that she would like to address this at the next meeting.

APPROVAL OF BILLS:

Listed for approval were a current 2009 bill list dated February 11, 2010, a current 2010 bill list dated February 11, 2010, and a capital bill list dated February 11, 2010, as well as other miscellaneous and trust account bill lists.

Mayor Mironov stated that on page 8 of the 2010 bill list, she needed information about the last item for a door repair at Ward Street of \$1,500.00. She stated that page 15 referenced added and omitted assessment taxes for the county; she stated a clarification was needed as she thought these did not go to the county.

Mr. Shapiro stated that on Page 8 of the current 2010 bill list referenced electric at the parks. He asked any money could be saved by turning off the lights after the parks are closed at night.

Mr. Fisher stated he would look into it.

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

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

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

MATTERS BY COUNCIL:

Mr. Daniels stated they received information regarding interest arbitration reform, including a website with a draft resolution to send to state officials. He asked if Council had considered sending this to the Township's state officials.

Mayor Mironov stated they would investigate it.

Mr. Daniels stated there was information about the health and animal control bill shifting some responsibilities to the county to save costs, and suggested looking into it to see if the Township could benefit from it.

Mr. Shapiro stated he had heard complaints about a pothole at the corner of Dutch Neck Road and Route 130. Mayor Mironov suggested Council Members contact Mr. Fisher with such matters. Mayor Mironov stated two meetings were being scheduled for Thursday, February 25 at 7 p.m. and Saturday, February 27 at 9 a.m. for budget review.

MATTERS BY PUBLIC: None

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. Township Summer Concerts/Movies in the Park Program

Mayor Mironov stated that there was a February 5 memo from the Recreation Director. She noted that the memo was helpful but should have been done three months ago. Mayor Mironov supported the program proposed and noted that none of the costs associated with this program came from the municipal budget.

Council agreed there was a unanimous consensus supporting the program as proposed.

2. 2009 Business Stimulus Fund Grant (BSF)

Resolution R2010-43

Approval of Filing of Application with the New Jersey Department of Environmental Protection for the 2009 Business Stimulus Fund Grant (BSF)

Mayor Mironov stated that this was \$7,000.00 for tree trimming. The Public Works Director made suggestions about where to use the money, specifically, on Twin Rivers Drive North. She noted this roadway would be improved in the spring with a State grant.

Council agreed with the Public Works Director's suggestion.

It was MOVED by ROSENBERG and seconded by DUKE that Resolution R2010-43 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-43 was adopted.

3. Township Department of Health: Current Service Levels

Mayor Mironov stated that she circulated some materials for review. She stated that the Township has been looking to effect efficiencies in all departments and with the decline in business activities in the Township, there has been a decline in activity by Code Enforcement and the health department, specifically the housing department. The Code Enforcement Department had already made some changes to improve efficiency by restructuring staff and consolidating positions. She noted similar changes were possible in the health department. She stated she felt the best option was to be looking for new Interlocal agreements or to expand existing Interlocal agreements while continuing to look at staffing within the department. She stated there were several options. The first would be the elimination of the certificate of inspection requirement for the sale of 1- and 2-family homes; this is a discretionary function, and many towns do not require it. She noted that State standards would still require smoke detector certificates.

Mr. Shapiro stated that all home sales require a home inspection, and noted he would agree a township inspection was not required.

Mr. Rosenberg and Mr. Duke agreed.

Mayor Mironov stated that the second option pertains to apartments, and noted that she would like to retain the inspections for apartments, as they present a separate set of issues. She suggested possibly revising the definition of "multi-family dwelling", which is currently 2 or more units, to the State definition of 4 or more units. She noted that the definition is likely in the rent control ordinance.

Mr. Shapiro agreed, and stated that homes with less than 4 units would likely involve familial relationships.

Mayor Mironov stated that the ordinance requires annual inspection of all hotel and motel rooms, and noted that the state requires inspections every 5 years. She suggested eliminating or reducing the annual inspections.

Mr. Daniels agreed that eliminating or at least reducing inspections was logical and noted that the hotels/motels in the Township were mostly competitive national chains.

Mr. Rosenberg noted that national chains are often scrutinized by outside agencies, such as AAA.

Mr. Duke stated that he supported eliminating inspections.

Ms. Weinstein noted that several of the motels in the Township were not part of national chains and suggested only reducing the inspections, not eliminating them.

Mayor Mironov noted that there is only one motel that is not part of a national chain.

Mr. Daniels stated the motel in question (the Colonnade Motel) was subject to state inspections due to long-term tenants.

Mayor Mironov stated that the consensus seemed to be to almost completely eliminate the inspections while retaining the Township's right to act if there is an issue.

Mayor Mironov stated that a fourth option was to change the department work week or hours. Contrary to all other departments, the health department is on a 4-day workweek, with the staff working hours different from the rest of the Township staff, leading to excessive overtime in the department, and noted they expended \$20,000.00 in overtime for 2008. It would probably work better if everyone was on a 5-day workweek.

Mr. Daniels asked if there would be any problems with their contract.

Mayor Mironov stated there would not be; the contract references a 4-day workweek but does not guarantee a 4-day work week.

Township Attorney Orron agreed.

Mr. Shapiro stated it was his impression that the 4-day work week was likely proposed as a way to curb overtime, but it clearly has not done so.

Ms. Weinstein stated that staff and organization is the Manager's prerogative.

Mayor Mironov stated it did not create parity among all staff.

Mr. Duke asked how soon a revised work schedule could be instituted.

Mayor Mironov stated that some notice was needed but no more than 60 days.

Council agreed it would take effect April 12.

Mayor Mironov asked Mr. Fisher to prepare a memo to implement and requested a review.

Mr. Fisher indicated that the court administrator and deputy, as well as possibly others, also work on a 4-day work week. Mayor Mironov indicated that she was not aware of this and directed staff to review and report back to Council.

Mayor Mironov directed that Ordinances to implement the changes be drafted for the March 2 meeting. She stated that the smoke/carbon monoxide detector inspection requirement would remain, and that the state requirements and fee schedule would need to be created.

Mr. Duke asked if the smoke/carbon monoxide detector inspections were usually done by Code Enforcement and Construction.

Mayor Mironov indicated that this was done by the Code Enforcement Department. She stated Mr. Fisher should investigate any changes due to the elimination of the inspections and that any steps that would need to be taken should be on the March 2 agenda.

Mayor Mironov noted that the Township currently has a health education services agreement for \$6,500.00. She questioned if other options could be investigated to possibility obtain a significant savings by working with another town.

Mayor Mironov stated that statistics show that there are about 600 inspections a year for apartments, meaning an average of 12-13 inspections a week. Currently, three inspectors are employed. The information provided indicates that seven inspections can be scheduled a day; therefore, two inspectors could devote a day a week to perform home inspections. Inspections are also needed for food establishments, vending, swimming pools, plan reviews, wells, and septic. Revenues show that there are very few well or septic reviews in a year; swimming pools are seasonal; plan reviews are also fairly infrequent. Therefore, there is a question as to whether three full-time inspectors are needed. She suggested investigating eliminating one full-time inspector position and investigating job positions to make sure all responsibilities will be covered. Mayor Mironov suggested establishing a part-time position ordinance so that the flexibility was there if necessary. She requested performance statistics for the non-home-related inspections, reiterating that there should be no overtime except in case of emergency.

Mayor Mironov continued by noting that in speaking other officials, with the exception of cities, a full-time nurse is not the norm; rather, services are done through interlocal agreements or contracts with medical facilities. She stated that there was no current information justifying a full-time position, and that a part-time nurse position would be investigated.

Mayor Mironov requested that Mr. Fisher to find out what licensing each employee is required to obtain and licenses or certification they currently have. She stated that they should move ahead regarding the inspector's position. She stated she would speak with the Health Officer to identify the specific functions he can assume within the department.

4. Sale of Alcoholic Beverage Control License

Resolution R2010-44

Authorizing the Sale of One Township Plenary Retail
Distribution (Class D) Alcohol Beverage Control License

Mayor Mironov stated that an inquiry was received regarding a license. She stated she had asked for an accelerated schedule. She noted the deadline for applications for pre-qualification of the bidders would be April 9; for names of qualified bidders, June 1; for formal sealed bids, June 15. She noted the only other issue would be the minimum bid; she noted the last time, the minimum was \$500,000.00.

Mr. Rosenberg asked if \$300,000.00 was too low.

Mr. Orron noted that there was only one to sell, and that Council would have to determine whether an immediate sale at a low price would be more desirable versus the inability to sell another one for some years.

Mr. Shapiro asked if Council could reauthorize for a lower price if there are no bids.

Mayor Mironov stated they could but would have to start the process over again. She suggested changing it to \$475,000.

Council agreed to a minimum bid of \$475,000.00.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2010-44 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-44 was adopted.

5. Senate Bill S-82/Assembly Bill A-437 Eliminating “Time of Decision” Rule

Resolution R2010-45

Opposing Senate Bill S-82 Eliminating “Time of Decision”
Rule

Mayor Mironov stated there was a revised resolution in Council’s folders.

It was MOVED by DUKE and seconded by DANIELS that Resolution R2010-45 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-45 was adopted.

6. Stony Brook-Millstone Watershed Association Stream Clean-Up Weekend

Mayor Mironov stated there was a letter from the Association with suggestions for a date and a place, assuming the Township would like to take part. She endorsed a Sunday afternoon date (April 25 or May 2), which would be in keeping with prior times. They were also trying to set a date for a Clean Communities Recycling Day, and that it was likely to be May 1 or 2.

Mr. Daniels stated that if the Recycling Day was May 1 and the Clean-Up Day was May 2, they could make an entire weekend of it.

Mayor Mironov agreed May 2 would be the first choice and April 25 would be the second choice. She noted it was previously held at Etra Park and Anker Park.

Mayor Mironov asked Ms. Weinstein for feedback from the Environmental Commission when they met the next day.

There being no further business Mayor Mironov adjourned the meeting at 10:02 p.m.

Cindy A. Dye
Municipal Clerk

Janice S. Mironov
Mayor