

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, July 20, 2010

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 8:00 p.m. on July 20, 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 Alan Rosenberg led the flag salute.

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

PRESENTATIONS & PROCLAMATIONS: None

PUBLIC FORUM: None

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Harish Padmasola indicated that he would like to serve on any board or commission that the Mayor and Council may deem appropriate.

Ming Yang indicated that she would like to serve on the Environmental Commission.

MINUTES:

April 20, 2010

It was **MOVED** by DANIELS and seconded by ROSENBERG that the minutes of April 20, 2010 with revisions dated May 12, 2010 be approved.

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

There being six (6) ayes, no nays and one (1) abstention, the April 20, 2010 minutes with revisions dated May 12, 2010 were approved.

June 1, 2010

It was **MOVED** by ROSENBERG and seconded by LIPPMAN that the minutes of June 1, 2010 with revisions dated July 9, 2010 be approved.

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

There being six (6) ayes, no nays and one (1) abstention, the June 1, 2010 minutes with revisions dated July 9, 2010 were approved.

Mayor Mironov indicated that the May 11, 2010 (School Budget) be held and redistributed to the Council.

Mayor Mironov announced that the following minutes would be rescheduled: February 16, 2010, March 2, 2010, March 16, 2010, March 25, 2010, June 15, 2010 and July 6, 2010.

ORDINANCE – PUBLIC HEARING:

Ordinance No. 2010-6 An Ordinance to Authorize the Acquisition for Open Space, of an Approximately 40 Acre Site, located at 290 Etra Road and Designated on the East Windsor Township Tax Map as part of Block 30, Lot 12

The Township Clerk read by title Ordinance No. 2010-6.

Mayor Mironov announced that this ordinance was introduced on June 15, 2010 and the public hearing was held on July 6, 2010. She continued stating that she requested that this ordinance be carried to have questions regarding the ordinance addressed and to have the Township Attorney review to see if there were any issues.

Mr. Orron confirmed that there were no issues with proceeding with this ordinance.

It was MOVED by WEINSTEIN and seconded by DANIELS that Ordinance No. 2010-6 be adopted with authorization to publish as required by law.

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

There being seven (7) ayes and no nays, Ordinance 2010-6, was adopted with authorization to publish as required by law.

RESOLUTIONS:

Resolution R2010-139 Authorizing Execution of Agreement between New Jersey Transit Corporation and East Windsor Township to Provide Funding for the Shuttle Bus Service and Community Bus Service for FY2011

The Township Clerk read by title Resolution R2010-139.

Mayor Mironov directed that the Township Manager oversee the follow-up on the grant.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2010-139 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-139 was adopted.

Resolution R2010-152 Chapter 159 – Amending the 2010 Municipal Budget Providing an Item of Revenue and Appropriation for the 2009 Business Stimulus Fund Grant

The Township Clerk read by title Resolution R2010-152.

It was MOVED by DANIELS and seconded by DUKE that Resolution R2010-152 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-152 was adopted.

Resolution R2010-153 Approval of Purchase of Ammunition for the East Windsor Police Department

The Township Clerk read by title Resolution R2010-153.

Mayor Mironov requested that this resolution be carried to the August 3 meeting. She requested that actual quotes be provided and attached to the resolution.

Resolution R2010-154 Authorizing the Disposition of Surplus Property

The Township Clerk read by title Resolution R2010-154.

Mayor Mironov indicated that she would like to change the second whereas to read “Whereas, there are items of Township public property, as set forth on the attached ‘Schedule A’ which according to a July 15, 2010 writing of the Township Manager are certified as no longer needed for a public purpose; and”.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2010-154 be adopted with changes.

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

There being seven (7) ayes and no nays, Resolution R2010-154 was adopted with changes.

Resolution R2010-155 Authorizing Contract with GovDeals Online Government Surplus Auctions

The Township Clerk read by title Resolution R2010-155.

Mayor Mironov indicated that this was previously scheduled. The previous questions regarding the contract have been answered and the terms have been included.

It was MOVED by DANIELS and seconded by WEINSTEIN that Resolution R2010-155 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-155 was adopted.

Mr. Lippman requested that the Council be notified when the items are listed for auction.

Resolution R2010-156 Approval to Amend Resolution R2009-118 for the Purchase of Stone Dust with Trap Rock Industries for “Turnpike Park” Pathway

The Township Clerk read by title Resolution R2010-156.

Mayor Mironov indicated that information was received from the Township Manager and Director of Public Works. The total purchase price the Council is authorizing is not increasing. This is a grant funded project.

It was MOVED by DUKE and seconded by LIPPMAN that Resolution R2010-156 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-156 was adopted.

Mayor Mironov requested to be kept up on the time line of the project.

Resolution R2010-157 Action on Request for Release of Performance Guarantees for The Peddie School Athletic Center Expansion

The Township Clerk read by title Resolution R2010-157.

Mayor Mironov indicated that there is a recommendation from the Engineer, attached hereto and incorporated in the resolution dated June 6, 2010.

It was MOVED by LIPPMAN and seconded by ROSENBERG that Resolution R2010-157 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-157 was adopted.

APPLICATIONS:

New Jersey Fireman's Association Membership Application for Nicholas Swiecki

It was MOVED by DUKE and seconded by WEINSTEIN to approve the New Jersey Fireman's Association Membership Application for Nicholas Swiecki.

Mayor Mironov questioned if the application was in order.

Ms. Dye confirmed that it was.

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

There being seven (7) ayes and no nays, to approve the New Jersey Fireman's Association Membership Application for Nicholas Swiecki.

REPORTS BY COUNCIL AND STAFF: None

CORRESPONDENCE: None

APPOINTMENTS: None

APPROVAL OF BILLS:

Listed for approval were a one page vouchers for payment dated July 20, 2010, a current 2010 bill list, dated July 15, 2010, current 2009 bill list dated July 15, 2010, and a capital bill list dated July 15, 2010, as well as other miscellaneous and trust account bill lists.

Mayor Mironov questioned why there were zero amounts for JCP&L.

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

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

There being seven (7) ayes and no nays, bills were approved.

MATTERS BY COUNCIL:

Mayor Mironov indicated that there is report from the Tax Collector ending June 30, 2010. A memo has been received from the principal engineering aid dated July 9, 2010 regarding a partial road closure on Milford Road. A memo has been received from the principal engineering aid dated July 9, 2010 regarding a partial road closure on Wycoffs Mill Road. A letter from the New Jersey State League of Municipalities has been received regarding a program "Beautiful New Jersey". She requested that the Clean Communities Committee to review it at its next meeting. A June 7, 2010 awarding the Over the Limit Under Arrest grant has been received awarding \$4,400. Two grants have also been received from the federal grant; the first is for the East Windsor Rescue Squad, District 1 for \$22,990 for ambulance stretchers and computers; the second is for the East Windsor Fire Company, No. 1 for \$50,160 for turnout

gear. A letter dated July 9, 2010 was received from our legislatures regarding the New Jersey Energy Saving Program, which we have already filed for.

An alert was received from Community Grants and Planning regarding \$2 million in State funds to assist municipalities in addressing local rehab needs. She requested that staff review this to see if there would be any interest in applying. There is also a grant for public facilities project in the amount of \$4 million. This grant is to assist municipalities to improve public facilities. She also requested staff to review to see if the Township would have any interest in applying.

Project Porchlight is ongoing through the month of July. We are distributing the energy efficient light bulbs at no cost through State funding.

There will be a family night in the park scheduled for July 31, 2010.

The pie chart has been distributed to Council, which was distributed with the tax bills.

Mayor Mironov stated that it appears that the New Jersey Turnpike Authority and the New Jersey Department of Environmental Protection may be renegeing on their commitments to East Windsor regarding the reforestation in connection with the New Jersey Turnpike widening program. If this is in fact true, our citizens should be outraged. This is an outright breach of a commitment with East Windsor Township. Thousands of trees are being bulldozed. It would be environmentally irresponsible for the State to walk away from its commitment to replace those trees. It has been suggested that the Governor divert these funds for his own purposes, rather than honor the commitments made to the Turnpike towns. There are areas within East Windsor that you can see totally through, which used to be forested. This is unacceptable. Robbinsville did reach out and we have agreed to jointly launch a campaign to ensure that the towns get that money which was rightfully committed to them for reforestation. We are going to fight hard to get our rightful money so we can restore some of the properties that have been destroyed due to the widening project. We will be looking at all the option to ensure our residents are not dismissed. Mayor Mironov indicated that we have been in contact with the Turnpike Authority regularly and no one has advised that anything has changed or that there would be a breach of the agreement. This is another example of the State coming in and taking our money.

Mayor Mironov indicated that we will jointly work together with the other municipalities to ensure that the obligations are met and that the monies are restored to the towns. We will also keep working on getting the Energy Tax Receipts restored.

MATTERS BY PUBLIC: None

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. 2009 East Windsor Township Audit

Mayor Mironov indicated that the audit has been distributed to all Council members.

Francis "Bud" Jones, the Township Auditor, reviewed the audit with the Mayor and Council.

Resolution R2010-158

Acknowledging the Receipt of Audit and Signing of Group Affidavit

The Township Clerk read by title Resolution R2010-158.

It was MOVED by DUKE and seconded by WEINSTEIN that Resolution R2010-158 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-158 was adopted.

Resolution R2010-159 Approving the Corrective Action Plan

The Township Clerk read by title Resolution R2010-159.

It was MOVED by DANIELS and seconded by ROSENBERG that Resolution R2010-159 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-159 was adopted.

Mayor Mironov indicated that she wants to hear first thing in the morning regarding dates and times to have a meeting with the Township Manager, Finance Director, Auditor and herself.

2. New Jersey Department of Transportation Municipal Aid Programs

Mayor Mironov indicated that she received a letter dated June 18, 2010 indicating the various programs. The deadline is August 13, 2010. Staff has provided information for tonight's meeting for discussion.

Mayor Mironov suggested resubmitting the Safe Streets to Transit program that was not funded last year. All of Council agreed to resubmit the application. Mayor Mironov requested that the staff check to see if a recommendation from Hightstown would help the application.

Regarding the bikeway application, it was the consensus of the Council to apply for the Disbrow Hill bikeway project.

Mayor Mironov recommended finishing Twin Rivers Drive for the roadway project. She also requested that the remaining part of Twin Rivers Drive North could also be included in this application as part of the project. It was the consensus of Council to apply for Twin Rivers Drive and Twin Rivers Drive North.

3. Cedarville Road

Mayor Mironov indicated that this has been discussed earlier in the year. The roadway is in very serious condition. We have retained an engineer. A cost estimate has been obtained from the engineer for resurfacing. We also have received communications from Mercer County indicating that if we do wish to resurface the road, they wish to replace the culverts. A capital ordinance would have to be adopted if we wish to complete the project this year.

It was the consensus of Council to move forward and try to complete the road this year, weather permitting.

4. 2010 Municipal Capital Budget

Mayor Mironov indicated that the materials that were circulated do not allow for a discussion this evening. The Township Manager would have to redistribute the materials. She requested that the Manager review the process.

Mayor Mironov asked the Manager to look into whether the Council will be reviewing a capital ordinance, and asked if the DVRPC \$100,000 grant and any other grants or monies should be included.

5. State Cap Legislation Review and Property Tax Relief/Reform

Resolution R2010-160

Resolution Calling on the State Legislature and the Governor to Enact Property Tax Reform with Passage of the "Municipal Toolkit" and Other Mandates Relief, Restore Energy Tax Receipts and Fix Cap Flaws

The Township Clerk read by title Resolution R2010-160.

Mayor Mironov requested that the resolution be adopted in theory, but would like to change the wording in the resolution. Mayor Mironov explained some of the changes that she would like to make with the resolution.

It was MOVED by SHAPIRO and seconded by DUKE that Resolution R2010-160 be adopted per the Mayor's suggested changes.

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

There being seven (7) ayes and no nays, Resolution R2010-160 was adopted per the Mayor's suggested changes.

There being no further business Mayor Mironov adjourned the meeting at 9:10 p.m.

Cindy A. Dye
Municipal Clerk

Janice S. Mironov
Mayor