

## **EAST WINDSOR TOWNSHIP COUNCIL**

Tuesday, July 6, 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 6, 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.

Hightstown Borough Council Member Walter Sikorski 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:** None

### **MINUTES:**

#### January 12, 2010

It was MOVED by DANIELS and seconded by ROSENBERG that the minutes of January 12, 2010 with revisions dated June 17, 2010 be approved.

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

There being seven (7) ayes and no nays, the January 12, 2010 minutes with revisions dated June 17, 2010 were approved.

#### January 26, 2010

It was MOVED by LIPPMAN and seconded by ROSENBERG that the minutes of January 26, 2010 with revisions dated June 17, 2010 be approved.

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

There being seven (7) ayes and no nays, the January 26, 2010 minutes with revisions dated June 17, 2010 were approved.

February 2, 2010

It was MOVED by ROSENBERG and seconded by WEINSTEIN that the minutes of February 2, 2010 with revisions dated June 23, 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 February 2, 2010 minutes with revisions dated June 23, 2010 were approved.

May 18, 2010

It was MOVED by LIPPMAN and seconded by DANIELS that the minutes of May 18, 2010 with revisions dated June 23, 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 May 18, 2010 minutes with revisions dated June 23, 2010 were approved.

June 15, 2010 (Closed Session)

It was MOVED by WEINSTEIN and seconded by ROSENBERG that the minutes of June 15, 2010 (Closed Session) 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 15, 2010 (Closed Session) minutes were approved.

Mayor Mironov announced that the following minutes be rescheduled: February 16, 2010, March 2, 2010, March 16, 2010, March 25, 2010, April 20, 2010 and June 15, 2010.

Mayor Mironov announced that the following minutes will be held: May 11, 2010 (School Budget) and June 1, 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.

Mayor Mironov opened the hearing on Ordinance No. 2010-6 to the public.

There being no public comment, Mayor Mironov closed the public hearing.

Mayor Mironov asked Mr. Orron if the funding in the ordinance needs to be revised since the acreage that can be purchased by each funding source may change.

Mr. Orron indicated that the acreage is for information only.

Mayor Mironov recommended that everywhere in the ordinance where it states 31 acres be changed to “a portion of the entire...”

Mayor Mironov asked if the changes required republication or another public hearing.

Mr. Orron stated no.

It was MOVED by LIPPMAN and seconded by WEINSTEIN to amend the ordinance

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

There being seven (7) yes and no nays that Ordinance No. 2010-6 be amended.

Mayor Mironov indicated that there are a couple questions that needed to be sorted out on this ordinance.

Mayor Mironov requested that the ordinance be carried to the July 20 meeting.

It was MOVED by WEINSTEIN and seconded by ROSENBERG to carry Ordinance No. 2010-6 to the July 20, 2010 Council meeting.

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

There being seven (7) yes and no nays that Ordinance No. 2010-6 be carried to the July 20, 2010 Council meeting.

**Ordinance No. 2010-7**      An Ordinance to Authorize Acceptance of a Deed for Donation of Lot 1,  
Block 47.12 (Airport Road)

The Township Clerk read by title Ordinance No. 2010-7.

Mayor Mironov announced that this ordinance was introduced on June 15, 2010.

Mayor Mironov opened the hearing on Ordinance No. 2010-7 to the public.

There being no public comment, Mayor Mironov closed the public hearing.

It was MOVED by DANIELS and seconded by ROSENBERG that Ordinance No. 2010-7 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 2010-7 was adopted with authorization to publish as required by law.

**RESOLUTIONS:**

**Resolution R2010-135** Authorizing Approval of Interlocal Service Agreement with Robbinsville Township for Animal Control Services

The Township Clerk read by title Resolution R2010-135.

Mayor Mironov indicated that this was discussed at the June 1 meeting and, thereafter, sent to Robbinsville. Robbinsville has since sent back a resolution and signed agreement.

It was MOVED by ROSENBERG and seconded by SHAPIRO that Resolution R2010-135 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-135 was adopted.

Mayor Mironov asked Mr. Fisher to ensure the proper billing is in place and confirm directly to her.

**Resolution R2010-136** Approval of Purchase and Installation of Automatic Door Stop Systems for the East Windsor Volunteer Fire Company No. 2 with Jammer Doors

The Township Clerk read by title Resolution R2010-136.

Mayor Mironov indicated that this was discussed at prior meetings and the capital ordinance is in place for this purchase.

It was MOVED by ROSENBERG and seconded by DANIELS that Resolution R2010-136 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-136 was adopted.

**Resolution R2010-137**      Approval of Filing of Application with the Sustainable Jersey Grants Program

The Township Clerk read by title Resolution R2010-137.

Mayor Mironov indicated that this was previously discussed. The application had to be filed by July 1, which it was.

It was MOVED by LIPPMAN and seconded by ROSENBERG that Resolution R2010-137 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-137 was adopted.

Mayor Mironov indicated that the resolution must be filed. Mr. Fisher indicated that he would file the resolution electronically.

**Resolution R2010-138**      Resolution Authorizing Shared Service Collaboration with County of Mercer and Township of East Windsor for an Electronic Imaging and Records Management System

The Township Clerk read by title Resolution R2010-138.

Mayor Mironov indicated that this was previously discussed. She questioned what the maintenance fee would be for.

Ms. Dye indicated that it would pay for the upkeep of the server held at Mercer County and for our documents to be contained on that server. It would allow the Township to maintain access to the server as well as any upgrades that are needed to the software.

Mr. Lippman questioned if the server is password protected on a frequent basis.

Ms. Dye indicated that the server is password protected. Each individual department would have specific access to their documents. The Clerk would have administrative access to all documents.

It was MOVED by ROSENBERG and seconded by LIPPMAN that Resolution R2010-138 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-138 was adopted.

**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

Mayor Mironov announced that this resolution will be held to the July 20, 2010 meeting since the agreement has not yet been received from New Jersey Transit.

- Resolution R2010-140** Chapter 159 – Amending the 2010 Municipal Budget Providing an Item of Revenue and Appropriation for the Bureau of Justice Assistance Body Armor Grant
- Resolution R2010-141** Chapter 159 – Amending the 2010 Municipal Budget Providing an Item of Revenue and Appropriation for the State of New Jersey 2010 Alcohol Education and Rehabilitation
- Resolution R2010-142** Chapter 159 – Amending the 2010 Municipal Budget Providing an Item of Revenue and Appropriation for the New Jersey 2010 Clean Communities
- Resolution R2010-143** Chapter 159 – Amending the 2010 Municipal Budget Providing an Item of Revenue and Appropriation for a Police Donation – D.A.R.E.

Mayor Mironov requested that a copy of the check be left for her.

- Resolution R2010-144** Chapter 159 – Amending the 2010 Municipal Budget Providing an Item of Revenue and Appropriation for the New Jersey Transit Section 5307 Bus Grant
- Resolution R2010-145** Chapter 159 – Amending the 2010 Municipal Budget Providing an Item of Revenue and Appropriation for the Hightstown Interlocal Shared Bus Services
- Resolution R2010-146** Chapter 159 – Amending the 2010 Municipal Budget Providing an Item of Revenue and Appropriation for the Mercer County Transportation Bus Grant

The Township Clerk read by title Resolutions R2010-140 through R2010-146.

It was MOVED by DUKE and seconded by SHAPIRO that Resolutions R2010-140 through R2010-146 be adopted.

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

There being seven (7) ayes and no nays, Resolutions R2010-140 through R2010-146 was adopted.

- Resolution R2010-147** Approval of a One Year Extension of Lease of Farmland with Stanley Skeba of Skeba Farms, Inc. (Block 32, Lots 1 and 3)

The Township Clerk read by title Resolution R2010-147.

Mayor Mironov stated that this property is where the playing fields are located.

Mayor Mironov indicated that since we are still under construction, this will help maintain the property.

It was MOVED by SHAPIRO and seconded by WEINSTEIN that Resolution R2010-147 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-147 was adopted.

**Resolution R2010-148**      Action on Bid for Purchase and Installation of Mobile Data Computers  
for the East Windsor Police Department

The Township Clerk read by title Resolution R2010-148.

Mayor Mironov indicated that these went out in April. There was a recommendation from Chief Spain regarding the single bid and analysis. He recommends rejecting the bid and re-bid.

It was MOVED by ROSENBERG and seconded by DUKE that Resolution R2010-148 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-148 was adopted.

**Resolution R2010-149**      Approval of Developers Agreement with T-Mobile Northeast LLC

The Township Clerk read by title Resolution R2010-149.

Mayor Mironov indicated that there is a memo has been received from the attorney and it is in standard form.

It was MOVED by DANIELS and seconded by SHAPIRO that Resolution R2010-149 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-149 was adopted.

**Resolution R2010-150**      Action on Request for Release of Performance Guarantees for Hampton Inn  
– On Site Improvements

The Township Clerk read by title Resolution R2010-150.

Mayor Mironov indicated that there is a recommendation from the Engineer, attached hereto and incorporated in the resolution dated June 7, 2010 recommending release along with a certification from the Finance Director indicating all charges and fees have been satisfied.

It was MOVED by WEINSTEIN and seconded by ROSENBERG that Resolution R2010-150 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-150 was adopted.

**APPLICATIONS:** None

**REPORTS BY COUNCIL AND STAFF:**

Mr. Daniels indicated that the RFP for the Mercer County Alliance is due September 15.

Mayor Mironov directed that a press release be prepared and a draft be left for her review. The timeline must be double checked.

Mayor Mironov indicated that the Economic Development Committee met on Thursday, July 1. A full breakfast event is in the process of being done in October. The Economic Development Committee has created a facebook page. They have also looking to do a display at the former GE/Lockheed building on Princeton-Hightstown Road.

Mayor Mironov indicated that the Independence Day Celebration was a great event and we had record turnout.

Mr. Rosenberg complimented the fireworks.

Mayor Mironov indicated that these were not funded out of municipal budget funds.

Mayor Mironov asked what was involved with setting up the vendors and inflatable rides. She is considering doing an abbreviated National Night Out. She would like to make the decision this week.

Mayor Mironov requested that an e-mail list be created of all the local businesses.

**CORRESPONDENCE:** None

**APPOINTMENTS:** None

**APPROVAL OF BILLS:**

Listed for approval were vouchers for payment dated July 6, 2010, a current 2010 bill list, dated July 1, 2010, current 2009 bill list dated July 1, 2010, and a capital bill list dated July 1, 2010, as well as other miscellaneous and trust account bill lists.

It was MOVED by DUKE and seconded by ROSENBERG 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 we have a letter from Susan Davies resigning from the Recreation Commission. Mayor Mironov requested an updated copy of the membership list.

Mayor Mironov indicated that there was a May 27 letter from the NJDOT regarding the work on Route 130. She is requested an update within the week regarding that project.

Mayor Mironov indicated that there was a June 18 letter from NJDOT regarding the municipal aid programs. She had asked staff to provide materials for the July 20 meeting for all programs.

Mayor Mironov indicated that a communication has been received from the New Jersey State League of Municipalities indicating that the 2 ½ percent commercial fees have been reinstated on affordable housing.

Mayor Mironov indicated that there was a June 17 announcement regarding the bid threshold increases.

Mayor Mironov reminded everyone that on Sunday, July 18 there will be a concert in the park, Neil and the Diamonds. These are again paid out of non-budgetary funds.

**MATTERS BY PUBLIC:** None

**DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:**

1. Energy Efficiency and Conservation Block Grant

**Resolution R2010-151** Approval of Energy Assessment Services with Tri State Light and Energy Inc. under the Clean Energy Program Direct Install Program

The Township Clerk read by title Resolution R2010-151.

Mayor Mironov indicated that information was received on this program that was distributed to staff in mid-May to see if there were any programs applicable.

The recommendation from the staff was that we make an application under the Energy Efficiency Conservation Block Grant Rebate Program. We would have an energy assessment of our heating and cooling systems in our buildings, to determine what efficiencies we might be able to affect. This would be at no cost to the Township. The Block Grant would pay the Township for any portion of the improvements the Township would have to pay.

Two applications would have to be done: one for the Direct Install Program, to participate in the energy assessment and for the 80% and then to the Energy Efficiency Conservation Block Grant Rebate Program, which would reimbursement of the 20% payment up to \$20,000.

Mayor Mironov indicated that a resolution is not needed for the Direct Install.

It was MOVED by DUKE and seconded by DANIELS that Resolution R2010-151 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-151 was adopted.

## 2. Hightstown-East Windsor Police and Municipal Court Study

Mayor Mironov stated that East Windsor Township and Hightstown Borough jointly obtained a grant of \$45,000 plus for a police study initially, and then that was expanded to include the courts for an additional \$10,000 to undertake a joint review of the police and municipal courts, through the help of Patriot Consulting. There were two subcommittee that met for a substantial amount of time to discuss the possibility of intermixing the two services. The bottom line question was the feasibility and benefits, if any, of East Windsor Township providing police services and court services to Hightstown Borough under some type of contracted arrangements. A final report was issued as a result of that review. The report was presented publicly separately by Patriot Consulting to the governing bodies of East Windsor and Hightstown Borough in March. It was agreed to the following things: 1. Since the report was just being presented to the public that evening, it was agreed that there should be an opportunity for the report to be fully reviewed and to provide the public an opportunity to review the report and provide any comments and questions. The report was put on the East Windsor and Hightstown Borough websites. We also included in the subsequent e-news that the report was finalized, presented and available. The report was also available at the municipal building. 2. We also wanted to provide the Borough of Hightstown the opportunity to begin the first discussions regarding the report and to determine how they wish to proceed.

The two subcommittees met on June 14 for the express purpose for the Hightstown subcommittee to directly and personally update the East Windsor subcommittee regarding their discussions, any decisions and to provide any comments that they may have regarding their approach with East Windsor. After all that had been completed, it was decided to schedule to see how the Township wishes to proceed.

It was the consensus of the entire Council to move forward, and for the subcommittee to determine what that next step would be.

Mayor Mironov stated, as indicated from the outset, that there would have to be significant services or financial benefits to East Windsor residents in order for the Township to proceed.

Mayor Mironov indicated that in the time that was allowed for public comment, she has not received any comments or concerns that would preclude the Township from proceeding.

Mayor Mironov indicated that the two subcommittees should meet to see how best to proceed. She indicated that she would request that the Township also have the attorney review this process to see if there are any red flags to be brought to the subcommittee's attention.

It was MOVED by ROSENBERG and seconded by DUKE to have the two subcommittees meet and determine how best to proceed and to have the attorney review the process as well.

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

There being seven (7) ayes and no nays, to have the two subcommittees meet and determine how best to proceed and to have the attorney review the process as well.

### 3. Property Tax Cap Proposals

Mayor Mironov indicated that she put this on generally. There is a column printed in the Trenton Times provided to the Council this evening.

Mayor Mironov stated everyone was under the impression that the property tax cap proposals would be discussed throughout the summer. The discussions did not occur and is a fraud to the public. Mayor Mironov read a portion of the article distributed. The toolkit was supposed to be the first piece, prior to any other property tax proposals taking place.

Mayor Mironov expressed her opinion regarding the State imposed cap and the lack of property tax relief and by the State legislators and that no action has occurred by our State legislators regarding any property tax relief.

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

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Cindy A. Dye  
Municipal Clerk

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Janice S. Mironov  
Mayor