

## **EAST WINDSOR TOWNSHIP COUNCIL**

Tuesday, June 1, 2010

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 8:00 p.m. on June 1, 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.

Al Grupper led the flag salute.

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

### **PRESENTATIONS & PROCLAMATIONS:**

Wheaton Pointe at East Windsor - -10<sup>th</sup> Anniversary – 2010 (May 24, 2010)

Walter C. Black School -- 60<sup>th</sup> Anniversary - 2010 (May 28, 2010)

Eagle Scout: David Gerhardt of Boy Scout Troop 5700 (June 6, 2010)

Flag Day -- June 14, 2010

Mayor Mironov noted that the listed presentations would be done outside of the Council meeting.

**PUBLIC FORUM:** None

**INTERVIEWS FOR BOARDS AND COMMISSIONS:** None

### **MINUTES:**

May 4, 2010

It was MOVED by LIPPMAN and seconded by SHAPIRO that the minutes of May 4, 2010 minutes with revisions dated May 12, 2010 be approved.

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

There being six (6) ayes and no nays, the May 4, 2010 minutes with revisions dated May 12, 2010 were approved.

Mayor Mironov indicated that the following minutes would be rescheduled: January 12, 2010, January 26, 2010, February 2, 2010, February 16, 2010, March 2, 2010, March 16, 2010, March 25, 2010, April 20, 2010, May 11, 2010 (School Budget), May 18, 2010, May 19, 2010 (School Budget).

**ORDINANCES – PUBLIC HEARING:**

**Ordinance 2010-03** An Ordinance of the Township of East Windsor, in the County of Mercer, New Jersey, Reappropriating \$5,000.00 Proceeds of Obligations Not Needed for their Original Purposes in Order to Provide for Repairs to Fire Bay Doors on Volunteer Fire Company District 2 Firehouse on Twin Rivers Drive

The Township Clerk read by title Ordinance No. 2010-03.

Mayor Mironov indicated that the ordinance was introduced on May 4, 2010.

Mayor Mironov opened the meeting for public comment.

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

It was MOVED by ROSENBERG and seconded by WEINSTEIN that Ordinance 2010-03 be adopted with authorization to publish as required by law.

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

There being six (6) ayes and no nays, Ordinance 2010-03, was adopted with authorization to publish as required by law.

**RESOLUTIONS:**

**Resolution R2010-102** Approval to Amend Resolution R2010-70 to Purchase Additional Asphalt for the Public Works Department with Stavola Inc.

The Township Clerk read by title Resolution R2010-102.

Mayor Mironov indicated that there was a recommendation received from the Public Works Director and the Township Manager.

Mayor Mironov requested that paragraph 2 be added: “Whereas, two (2) quotes were previously solicited from vendors with the closest pickup locations; and”. She also requested that “and

additional approximately 100 tons” be added in third whereas and in paragraph 1 add “and additional approximately 100 tons, for a total purchase not to exceed \$11,200.”

It was MOVED by ROSENBERG and seconded by LIPPMAN that Resolution R2010-102 be adopted with the changes.

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

There being six (6) ayes and no nays, Resolution R2010-102 was adopted with the changes.

**Resolution R2010-103**      Action on Request for Release of Performance Guarantees for  
Riviera at East Windsor – Phase 2

The Township Clerk read by title Resolution R2010-103.

Mayor Mironov indicated that the Riviera at East Windsor request for releases listed this evening is where the recommendation is to deny any further reduction at this point. She noted that engineering recommendations for phases 5, 6 and 8, which are not listed this evening, were sent to the Riviera Homeowner’s Association to provide them with an opportunity to review and comment. They have responded by letter dated May 23 indicating that they will review the request and get back to the Township.

The Township has received the engineer’s report dated May 11, 2010 that is attached hereto and incorporated in the resolution recommending denial.

It was MOVED by WEINSTEIN and seconded by LIPPMAN that Resolution R2010-103 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-103 was adopted.

**Resolution R2010-104**      Action on Request for Release of Performance Guarantees for  
Riviera at East Windsor – Phase 3 (Clubhouse)

The Township Clerk read by title Resolution R2010-104.

Mayor Mironov indicated that the Township has received the engineer’s report dated May 11, 2010 that is attached hereto and incorporated in the resolution recommending denial.

It was MOVED by ROSENBERG and seconded by LIPPMAN that Resolution R2010-104 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-104 was adopted.

**Resolution R2010-105**      Action on Request for Release of Performance Guarantees for  
Riviera at East Windsor – Phase 4

The Township Clerk read by title Resolution R2010-105.

Mayor Mironov indicated that the Township has received the engineer's report dated May 13, 2010 that is attached hereto and incorporated in the resolution recommending denial.

It was MOVED by SHAPIRO and seconded by DUKE that Resolution R2010-105 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-105 was adopted.

**Resolution R2010-106**      Action on Request for Release of Performance Guarantees for  
Riviera at East Windsor – Phase 7

The Township Clerk read by title Resolution R2010-106.

Mayor Mironov indicated that the Township has received the engineer's report dated May 11, 2010 that is attached hereto and incorporated in the resolution recommending denial.

It was MOVED by LIPPMAN and seconded by DUKE that Resolution R2010-106 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-106 was adopted.

**Resolution R2010-107**      Approval of Agreement with the New Jersey State Policemen's  
Benevolent Association Local No. 191

The Township Clerk read by title Resolution R2010-107.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2010-107 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-107 was adopted.

**Resolution R2010-108** Approval of Agreement with the Superior Officers' Association of the New Jersey State Policemen's Benevolent Association Local No. 191

The Township Clerk read by title Resolution R2010-108.

It was MOVED by ROSENBERG and seconded by WEINSTEIN that Resolution R2010-108 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-108 was adopted.

**Resolution R2010-109** Authorizing Additional 2010 Temporary Budget Appropriations

The Township Clerk read by title Resolution R2010-109.

Mayor Mironov indicated that there is a recommendation from the Finance Director and the Township Manager.

It was MOVED by SHAPIRO and seconded by ROSENBERG that Resolution R2010-109 be adopted.

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

There being five (5) ayes, no nays and one (1) abstention, Resolution R2010-109 was adopted.

**APPLICATIONS:** None

**REPORTS BY COUNCIL AND STAFF:**

Mayor Mironov indicated that the Clean Communities met on May 27. They discussed recycling day and the joint watershed cleanup. There are 14 participants for the Adopt-A-Spot program thus far. They are looking to schedule a clean-up day in the fall, either September 25 or October

2. They are also looking to conduct a suggestion box contest for middle school students, which has been done in the past.

Ms. Weinstein indicated that the Environment Commission gave away tree 100 seedlings at the PAL field, which went very well.

**CORRESPONDENCE:** None

**APPOINTMENTS:** None

**APPROVAL OF BILLS:**

Listed for approval were a vouchers dated June 1, 2010, current 2010 bill list, dated May 27, 2010, current 2009 bill list dated May 27, 2010, and a capital bill list dated May 27, 2010, as well as other miscellaneous and trust account bill lists.

Mayor Mironov questioned the bills listed on the current 2010, in the middle of page 2, if these were full payments or partial payments for June. She requested the Manager to review this and get back to her.

It was MOVED by DUKE and seconded by ROSENBERG be approved.

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

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

**MATTERS BY COUNCIL:**

Mayor Mironov indicated that the East Windsor Economic Development Committee is having a Business Card Exchange on June 10. The Township received a letter dated May 19, 2010 from RISE regarding their future organizational matters.

Mayor Mironov is looking for follow-up regarding the 2010 Sustainable Jersey grants and request that staff follow-up as the deadline is July 1. If the Township is going to consider participation, the matter needs to be discussed at the next meeting.

Mayor Mironov indicated that the Energy Efficiencies and Conservation Block grants are being provided through the American Recovery and Reinvestment Act. She requested that staff follow-up and evaluate whether there might be opportunities that the Township can take advantage of.

Mayor Mironov announced that the linkage road is fully opened again.

**MATTERS BY PUBLIC:** None

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

1. Traffic Calming Study for Dutch Neck Road

Mayor Mironov announced that this matter was carried from a prior meeting. This was funded by a grant through the New Jersey Division of Highway Safety. There was a final report that was issue. The committee reviewed traffic calming devices that may be considered for along Dutch Neck Road. The exhibits provided show some of the devices that could be considered.

Mayor Mironov asked if the Council would like to right to any of the State agencies or planning agencies to see if there is funding available.

Mr. Shapiro, Mr. Lippman and Mr. Rosenberg indicated that he supported reaching out to the different agencies to see if funding could be found.

2. Acquisition of 290 Etra Road (part of Block 30, Lot 12) for Open Space

Mayor Mironov indicated that this is one of the properties that have been on the Township's open space target list. The Turnpike is taking a small part of the property. None of our discussions includes that portion. There is approximately 40 acres of the property that remains. The Township has been negotiating a price to purchase the property and has done so successfully. There is a signed contract from the owners. This property is in the area where the Township has been assembling a number of open space properties and preserved farms. The notion would be to fund the property. There is no tax money that goes into the open space purchases. The Township has two rounds of Green Acres grants, from both East Windsor Green Space and the Township. We are also anticipating receiving money from the New Jersey Turnpike as a result of the diversion of open space. The New Jersey Turnpike Authority is required through the DEP to provide a mitigation plan and to provide funding to the Township in order to acquire replacement property. The Township has also applied to the County of Mercer for all these purchases through the municipal assistance program.

The entire purchase of for the 290 Etra Road would be \$1.1 million. All of those funds are available through the Green Acres funds as well as the County of Mercer Municipal Assistance Program and the New Jersey Turnpike Authority.

The second property on tonight's agenda is the Airport Road property. It is currently Block 47.12, Lot 1. This was formerly known as Block 56, Lot 47. This is one of two lots that is being donated to the Township on Airport Road by the developer of that subdivision, originally Robertson Douglas and recently purchased by Pulte Homes. We have approved an assignment of the Developer's Agreement, which means all of the same obligations are required. This donation has a very high value. The value is over \$1.1 million. We can use this property as a match for the Green Acres. This is how we do not use any taxpayer monies.

**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 indicated that the ordinance does indicate the amount to come from Green Acres funds. There needs to be a decision on how that will be divided between East Windsor Green Space, Inc. and the Township Green Acres fund.

It was MOVED by SHAPIRO and seconded by WEINSTEIN to approve on introduction, authorize publication to set public hearing for July 6, 2010.

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

There being six (6) ayes and no nays to approve Ordinance No. 2010-6 on introduction, authorization to set public hearing for July 6, 2010.

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

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

Mayor Mironov indicated that the Township has two properties being donated by this developer. We are accepting only the one property this evening. Once the property is accepted, there is a time limit as to how long the Township can use the property as a match.

It was MOVED by ROSENBERG and seconded by WEINSTEIN to approve on introduction, authorize publication to set public hearing for July 6, 2010.

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

There being six (6) ayes and no nays to approve Ordinance No. 2010-7 on introduction, authorization to set public hearing for July 6, 2010.

Mayor Mironov indicated that it needs to be identified which of the grant funding the Township is going to use for the purchase.



### 3. Application for Green Acres Program Funds

Mayor Mironov indicated that there is a new funding round and applications are due by July 31. Because the Township does have an approved open space and recreation plan, we are allowed to make application by virtue of a simple letter describing the project as long as it is in our approved open space plan.

A memo has been prepared with recommendations on properties the Council may wish to consider.

Mayor Mironov made a suggestion to consider 120 Disbrow Hill Road, Block 32, Lot 6. She indicated that she has spoken personally with the owners and they are interested and willing to consider an arrangement with the Township. This is a 30 acre property and is adjacent to the properties the Township has been assembling.

Mayor Mironov indicated that the second property she would consider would be Old York Road; however, the 120 Disbrow Hill Road would be her first choice.

Mr. Lippman expressed an interest in the Conover Road and Old York Road properties as well.

Mr. Shapiro and Mr. Rosenberg indicated that he is in favor of the 120 Disbrow Hill Road property.

The Council concurred in filing for the 120 Disbrow Hill Road property and looking into the Old York Road and Conover Road properties.

Mayor Mironov indicated a letter needs to be drafted for the 120 Disbrow Hill Road property.

### 4. Interlocal Services Agreement for Animal Control Services with Robbinsville Township

Mayor Mironov indicated that the Township was approached by Robbinsville regarding their interest in having East Windsor provide animal control services. Mayor Mironov requested that Chief Spain follow-up with their administrator and see what the interest was. Chief Spain has submitted a memo indicating that he has looked at the request and feels that this is something the Township could consider and would provide the Township with additional funding, but would not over-tax the staff to accommodate the interlocal services agreement.

Mr. Duke indicated that he would make the offer to Robbinsville.

It was the unanimous consensus of the Council to forward a proposed interlocal services agreement to Robbinsville Township for their consideration and action. Thereafter, the agreement would have to come back before Council for final action.

Mayor Mironov requested that the letter and draft agreement be faxed and mailed in the morning.

#### 5. Project Porchlight

Mayor Mironov indicated that she received a letter regarding Project Porchlight. She asked staff to contact the organization to see what the program is about and if it is something the Township may wish to consider. The information regarding the program has been distributed. The program is grant funded and they are handing out energy efficient light bulbs. The first grant round runs out at the end of July.

It was suggested that something be done during the Independence Day Celebration.

Mr. Duke indicated that he feels that this is a good idea and the Independence Day Celebration would be a great time to participate.

Mr. Rosenberg also agreed.

Mayor Mironov indicated that this would have been a great program for Recycling Day.

It was the consensus of Council to participate in Project Porchlight during the Independence Day Celebration.

Mayor Mironov suggested on having a place where they could pick up the bulbs as well. Mayor Mironov suggested having the kickoff event at the Independence Day Celebration and do the program through July.

It was the consensus of the Council to have the kickoff event at the Independence Day Celebration and do the program through July.

There being no further business Mayor Mironov adjourned the meeting at 8:55 p.m.

---

Cindy A. Dye  
Municipal Clerk

---

Janice S. Mironov  
Mayor