

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, May 18, 2010

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 8:15 p.m. on May 18, 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.

Retired East Windsor Police Officer Bill Froelich 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:

Emergency Medical Services Week -- May 16 to 22, 2010

Recognizing East Windsor Rescue Squad, District I EMT of the Year – Elizabeth Creed

Recognizing East Windsor Rescue Squad, District II EMT of the Year – Dan Burak

Mayor Mironov stated that this was an opportunity to recognize the two emergency medical rescue squads in the Township and the great work that the volunteers do. She also recognized the EMTs of the Year, Elizabeth Creed and Dan Burak.

PUBLIC FORUM:

Mayor Mironov opened the meeting to the public.

The following members of the public spoke regarding the recent reduction in the police department and 9-1-1 dispatch services: Mark Sokol, 17 Allerton Way; William Toomer, East Windsor Township 9-1-1 dispatcher and David Bock, 619 Greenwich Court.

Mayor Mironov clarified some misstatements that were made regarding shared services.

At this time Mayor Mironov requested a motion to accept the revised agenda. The matters were already listed and the subject matter is not being changed. However, specific actions that need to be considered were added. Mayor Mironov indicated that under discussion item 5, Resolution R2010-98 "Introduction of the Garbage District No. 1 Budget for 2010" was added. Under discussion item 6, Ordinance No. 2010-5 "An Ordinance to Authorize Exceeding the Municipal Budget Appropriation Limits to Establish a Cap Bank for the Future", R2010-99 "Introduction of the 2010 Municipal Budget and Resolution R2010-100 Application to the Local Finance Board for Approval of a Proposed Levy Cap Waiver" were added. Mayor Mironov indicated that all of the above are subject to public hearings; therefore, there is no final action this evening.

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

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

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

INTERVIEWS FOR BOARDS AND COMMISSIONS: None

MINUTES:

April 6, 2010

It was MOVED by ROSENBERG and seconded by DUKE that the minutes of April 6, 2010 minutes with revisions dated May 14, 2010 be approved.

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

There being five (5) ayes and no nays, the April 6, 2010 minutes with revisions dated May 14, 2010 were approved.

May 4, 2010 (Closed Session)

It was MOVED by WEINSTEIN and seconded by ROSENBERG that the minutes of May 4, 2010 (Closed Session) minutes be approved.

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

There being six (6) ayes and no nays, the May 4, 2010 (Closed Session) minutes 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 4, 2010 and May 11, 2010 (School Budget).

RESOLUTIONS:

Resolution R2010-52 Approval of Professional Services Agreement for Pediatric Nurse Practitioner

The Township Clerk read by title Resolution R2010-52.

Mayor Mironov indicated that this resolution had been carried from prior meetings. One reason was because some of the budget numbers have not been finalized yet. Mayor Mironov indicated that she would like to adjust the maximum amount to \$5,500. Some adjustments to the schedule would have to be made.

It was MOVED by LIPPMAN and seconded by ROSENBERG that Resolution R2010-52 be adopted with changes.

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

There being six (6) ayes and no nays, Resolution R2010-52 was adopted with changes.

Resolution R2010-89 Authorizing Additional 2010 Temporary Budget Appropriations

The Township Clerk read by title Resolution R2010-89.

It was MOVED by DUKE and seconded by WEINSTEIN that Resolution R2010-89 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-89 was adopted.

Resolution R2010-95 Approval of Developers Agreement with Shiseido America, Inc.

The Township Clerk read by title Resolution R2010-95.

Mayor Mironov indicated that this is for the solar panel installation that was approved by the Planning Board.

It was MOVED by WEINSTEIN and seconded by LIPPMAN that Resolution R2010-95 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-95 was adopted.

Resolution R2010-96 Approval of Contract for Third Party Administrator

The Township Clerk read by title Resolution R2010-96.

It was MOVED by WEINSTEIN and seconded by ROSENBERG that Resolution R2010-96 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-96 was adopted.

APPLICATIONS: None

REPORTS BY COUNCIL AND STAFF:

Mr. Shapiro indicated that the Planning Board met last night and approved a zoning change in the master plan.

Mayor Mironov indicated that the Economic Development Committee met on May 6. They discussed an upcoming business card exchange, new Facebook page for businesses and a potential golf outing in the fall.

CORRESPONDENCE: None

APPOINTMENTS: None

APPROVAL OF BILLS:

Listed for approval were a current 2010 bill list, dated May 17, 2010, current 2009 bill list dated May 13, 2010, and a capital bill list dated May 13, 2010, as well as other miscellaneous and trust account bill lists.

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 there is a business card exchange being sponsored by the Economic Development Committee on Thursday, June 10 at the Silver Decoy Winery. A letter was received dated April 12 (received May 12) indicating that East Windsor was named Tree City USA again. A copy of the resolution was received from Hightstown regarding restoration of the energy tax receipts. The resolution was circulated to all the mayors and governing body throughout the county looking for their support. An updated has been received regarding the working being performed on the Lanning Boulevard linkage road. A letter has been received by the League indicated that that Governor had unadvisedly signed the time of decision bill. It does not go into effect for one year. Meanwhile, serious review will have to be made to the Township ordinances.

MATTERS BY PUBLIC:

Mayor Mironov opened the meeting to the public.

Veronica Nash of 516 Madison Drive spoke about police presence within the Township.

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

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. "Master Plan and Development Regulations Periodic Reexamination Report"

Ordinance No. 2010-4 An Ordinance Amending and Supplementing Chapter XX, "Zoning", of the Revised General Ordinances of the Township of East Windsor County of Mercer, State of New Jersey and Specifically Subsection 2-2.0002 Regarding the "Zoning Map"

The Township Clerk read by title Ordinance No.2010-4.

Mayor Mironov indicated that everyone received an Amendment to the Land Use Plan Element of the Master Plan that had been prepared by the Township Planner Richard Coppola. The Planning Board, at their meeting last night, discussed the Master Plan proposal and held a public hearing. A memo has been sent by the Planning Board indicating that at the May 17, 2010 Planning Board meeting, the Board reviewed the Master Plan Supplement Report and unanimously voted to approve the Report dated March 22, 2010 with amended language dated May 17, 2010. It specifically recommended changing the subject property from the Age Restricted Housing (ARH) Zoning District to the Industrial Office Zoning District (IO). The Planning Board will be forwarding a resolution after their next meeting.

Mayor Mironov indicated that zoning changes can only be made by the governing body. The proposed ordinance would make the recommended zoning change.

The subject property was rezoned in a direct response from a developer request. The property is in the middle of a commercial zone and was previously zoned Industrial Office (IO). The developer made presentations before the Township regarding an age restricted housing development. It was the feeling of the planning board, in light of what was happening in Trenton, that if the property was not going to be age restricted, it is and was always was the intent of the board for that property to be in a commercial zone.

Council Member Shapiro explained how the planning board considers and votes on these subjects. He urged the Council to move forward with this change.

It was MOVED by WEINSTEIN and seconded by DUKE to approve on introduction, authorize publication to set public hearing for June 15, 2010.

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

There being six (6) ayes and no nays to approve Ordinance No. 2010-4 on introduction, authorization to set public hearing for June 15, 2010.

Mayor Mironov requested a letter be drafted to the planning board asking them to comment on the proposed zoning changes.

2. Traffic Calming Study for Dutch Neck Road

Mayor Mironov indicated that this subject is carried to the next meeting.

3. Lanning Boulevard Extension South

Mayor Mironov indicated a memo was distributed on this subject. This is an improvement that had been discussed and considered when the traffic wide circulation study was performed with the grant that was obtained from the Delaware Valley Regional Planning Commission. One of the proposed improvements contained in that report was to extend Lanning Boulevard.

The proposal is to extend Lanning Boulevard from where it ends on Princeton-Hightstown Road and extend it south across so that it ended somewhere in the area of the bank and connect into the shopping center. This would provide further linkage among our centers. This would also provide a way for vehicles that are in the Windsor Hights Shopping Center to be able to exit and make safe turns out of the center, which is a concern to many residents. This would provide the linkage and enhanced safety.

Mayor Mironov indicated that the Township has a transportation fund, a developer deposited dedicated fund for transportation improvements, which would underwrite any costs that would have to be incurred. Since this was in the study, this is one of the funded improvements that we can consider.

Mayor Mironov indicated that the steps to be considered are to contact Mercer County, since Princeton-Hightstown Road is a County road. Second, contact the Windsor Hights Shopping Center owner, since this would require his participation and support. The bank and Lavipharm property owners would need to be contacted as well. It would also have to be determined whether or not wetlands exist on the properties.

Mr. Lippman indicated that this is a natural flow for an extension and would result in a natural traffic flow. He indicated that he would support moving forward.

All Council members indicated that they supported moving forward.

It was MOVED by DUKE and seconded by ROSENBERG to approve to move forward with the steps for Lanning Boulevard extension south.

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

There being six (6) ayes and no nays to approve to move forward with the steps for Lanning Boulevard extension south.

4. Municipal On-Line Auction

Resolution R2010-97

Authorizing Contract with GovDeals Online Government
Surplus Auctions

Mayor Mironov indicated that Council has received comments from staff regarding the on-line auction. This process is being used more often and is regulated by the State. There is one company that has a State contract.

Mr. Lippman and Mr. Rosenberg indicated that he would support using an on-line auction.

Mayor Mironov asked if there was any rush in moving forward with the contact, since a list of surplus property has not yet been provided.

Mr. Fisher indicated there was no rush in acting on the contact. It most certainly could wait until a surplus list has been gathered.

Mayor Mironov indicated that the terms that are in the memo are not listed in the attachment. She requested that the contract be reviewed to ensure all terms in the memo are included.

5. 2010 Garbage District Budget
Resolution R2010-98 Introduction of the Garbage District No. 1 Budget for 2010

The Township Clerk read by title Resolution R2010-98.

It was MOVED by SHAPIRO and seconded by DUKE that Resolution R2010-98 be approved.

Mayor Mironov noted that the resolution provides for a public hearing to be set for June 15, 2010 at the municipal building.

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

There being six (6) ayes and no nays, Resolution R2010-98 was approved.

6. 2010 Municipal Budget
Ordinance No. 2010-5 An Ordinance to Authorize Exceeding the Municipal
Budget Appropriation Limits to Establish a Cap Bank for the Future

The Township Clerk read by title Ordinance No. 2010-5.

Mayor Mironov indicated that this used to get established automatically. Approximately three years ago the State required that municipalities prepare an ordinance in order to set up a bank.

It was MOVED by LIPPMAN and seconded by ROSENBERG to approve on introduction, authorize publication to set public hearing for June 15, 2010.

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

There being six (6) ayes and no nays to approve Ordinance No. 2010-5 on introduction, authorization to set public hearing for June 15, 2010.

Resolution R2010-99 Introduction of the 2010 Municipal Budget

The Township Clerk read by title Resolution R2010-99.

Mayor Mironov indicated that the budget reflects Council's earlier discussions, minus \$904,217.

It was MOVED by SHAPIRO and seconded by ROSENBERG that Resolution R2010-99 be approved.

Mayor Mironov noted that the resolution provides for a public hearing to be set for June 15, 2010 at the municipal building.

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

There being six (6) ayes and no nays, Resolution R2010-99 was approved.

Resolution R2010-100 Application to the Local Finance Board for Approval of a Proposed
Levy Cap Waiver

The Township Clerk read by title Resolution R2010-100.

It was MOVED by SHAPIRO and seconded by WEINSTEIN that Resolution R2010-100 be adopted.

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

There being six (6) ayes and no nays, Resolution R2010-100 was adopted.

There being no further business Mayor Mironov adjourned the meeting at 9:20 p.m.

Cindy A. Dye
Municipal Clerk

Janice S. Mironov
Mayor