

## **EAST WINDSOR TOWNSHIP COUNCIL**

Monday, November 15, 2010

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 8:00 p.m. on November 3, 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.

Boy Scout Jimmy Gillespie led the flag salute.

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

#### **EAST WINDSOR CLEAN COMMUNITIES SUGGESTION BOX CONTEST**

*"Select a Hazardous Material which Should Not Be Placed in the Regular Trash Disposal, Explain Why and How to Properly Dispose Of the Item"* - - Presentation of Student Awards

Mayor Mironov presented the awards for the East Windsor Clean Communities Suggestion Box Contest, with the theme being to *"Select a Hazardous Material which Should Not Be Placed in the Regular Trash Disposal, Explain Why and How to Properly Dispose Of the Item"*. She noted that the Clean Communities Committee chooses the winners for this contest. Mayor Mironov also stated that these contests are held to promote school age children to become involved in the important issues faced by the community and to reward them for good ideas. Shiseido graciously donated the gift cards to be awarded to the winning essays. The awards were presented to the third place winner Joseph Bonacorda, second place winner Rahul Kamat and first place winner Michael Sokol.

### **PUBLIC FORUM:**

Mark Rafkin of 39 Maple Stream Road questioned the budget for leaf collection and questioned maintenance procedures for the vacant house that is located next to him.

Mayor Mironov stated that the leaf collection is part of our budget and the way it is done is very efficient. She indicated that if he left his name and number, staff would get back to him in greater detail regarding both items.

**INTERVIEWS FOR BOARDS AND COMMISSIONS:** None

**MINUTES:**

Mayor Mironov requested that the minutes of October 19, 2010 be held. The minutes of November 3, 2010 will be rescheduled.

Mayor Mironov requested that the agenda be amended under discussion adding 290 Etra Road – Project Agreements with Mercer County.

It was MOVED by DANIELS and seconded by ROSENBERG that the agenda be amended under discussion adding 290 Etra Road – Project Agreements with Mercer County.

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

There being seven (7) ayes and no nays, that the agenda be amended under discussion adding 290 Etra Road – Project Agreements with Mercer County.

#### **ORDINANCE – INTRODUCTION**

**Ordinance No. 2010-13** An Ordinance Amending Chapter XII, Trees and Shrubs of the Revised General Ordinances of the Township of East Windsor

The Township Clerk read by title Ordinance No. 2010-13.

Mayor Mironov indicated that we received proposed changes from the Environmental Commission. The Township Landscape Architect reviewed the proposed changes and recommended that the third paragraph not be included in the revision of the ordinance. This ordinance would provide an accomplishment to the Environmental Commission's forestry plan.

It was MOVED by WEINSTEIN and seconded by DUKE that Ordinance 2010-13 be approved on introduction, authorize publication to set public hearing for December 7, 2010.

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

There being seven (7) ayes and no nays, Ordinance 2010-13, was approved on introduction, authorize publication to set public hearing for December 7, 2010.

**Ordinance No. 2010-14** An Ordinance Authorizing the Acquisition of a Drainage Easement Through a Portion of Block 47.13, Lots 2, 3, 5 and 6 from Pulte Homes of NJ, Limited Partnership

The Township Clerk read by title Ordinance No. 2010-14.

It was MOVED by DANIELS and seconded by ROSENBERG that Ordinance 2010-14 be approved on introduction, authorize publication to set public hearing for December 7, 2010.

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

There being seven (7) ayes and no nays, Ordinance 2010-14, was approved on introduction, authorize publication to set public hearing for December 7, 2010.

**RESOLUTIONS:**

**Resolution R2010-213** Approval of Agreement with New Jersey Turnpike Authority for the Provision of Funds for Replanting of Trees

The Township Clerk read by title Resolution R2010-213.

Mayor Mironov indicated that we are contracting with the Turnpike for the first year and they are sending the money directly to the Township.

It was MOVED by DUKE and seconded by DANIELS that Resolution R2010-213 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-213 was adopted.

**Resolution R2010-214** Approval of Application to New Jersey Department of Environmental Protection for the National Recreational Trails Grant Program for Turnpike Park Pathway Extension

The Township Clerk read by title Resolution R2010-214.

Mayor Mironov questioned Mr. Fisher if there is any downside to submitting two applications.

Mr. Fisher confirmed there is no downside in submitting two applications.

It was MOVED by ROSENBERG and seconded by DANIELS that Resolution R2010-214 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-214 was adopted.

**Resolution R2010-215** Approval of Application to New Jersey Department of Environmental Protection for the National Recreational Trails Grant Program for Rocky Brook Pathway Extension

The Township Clerk read by title Resolution R2010-215.

It was MOVED by DANIELS and seconded by LIPPMAN that Resolution R2010-215 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-215 was adopted.

**Resolution R2010-216**      Approval of Professional Services Agreement for Supplemental Soil Testing for 290 Etra Road (part of Block 30, Lot 12) with Van Note-Harvey and Associates, Inc

The Township Clerk read by title Resolution R2010-216.

It was MOVED by LIPPMAN and seconded by ROSENBERG that Resolution R2010-216 be adopted.

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

There being six (6) ayes, one (1) abstention and no nays, Resolution R2010-216 was adopted.

**Resolution R2010-217**      Action on Bid for One Four Wheel Drive Backhoe

The Township Clerk read by title Resolution R2010-217.

It was MOVED by DANIELS and seconded by ROSENBERG that Resolution R2010-217 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-217 was adopted.

**Resolution R2010-218**      Approval of Purchase of Two Copiers with Allister Business Solutions for the East Windsor Municipal Building

The Township Clerk read by title Resolution R2010-218.

Mayor Mironov stated that the quote needs to be attached to the resolution.

It was MOVED by ROSENBERG and seconded by LIPPMAN that Resolution R2010-218 be adopted with the quote attached.

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

There being seven (7) ayes and no nays, Resolution R2010-218 was adopted with the quote attached.

**Resolution R2010-219** Authorizing Cancellation of Outstanding Checks for Current Fund

The Township Clerk read by title Resolution R2010-219.

It was MOVED by LIPPMAN and seconded by ROSENBERG that Resolution R2010-219 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-219 was adopted.

**Resolution R2010-220** Authorizing Cancellation of Other Trust – Escrow Balances

The Township Clerk read by title Resolution R2010-220.

Mayor Mironov requested that the accounts be better identified and that the total amount be listed in the “Now, Therefore” paragraph.

It was MOVED by SHAPIRO and seconded by DUKE that Resolution R2010-220 be adopted as corrected.

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

There being seven (7) ayes and no nays, Resolution R2010-220 was adopted as corrected.

**Resolution R2010-221** Authorizing Cancellation of Grant Receivable Balances

The Township Clerk read by title Resolution R2010-221.

It was MOVED by SHAPIRO and seconded by DANIELS that Resolution R2010-221 be adopted.

ROLL CALL: Ayes - Daniels, Duke, Lippman, Rosenberg, Shapiro, Weinstein, Mironov

Nays – None

There being seven (7) ayes and no nays, Resolution R2010-221 was adopted.

**Resolution R2010-222** Authorizing Cancellation of Reserve Balances

The Township Clerk read by title Resolution R2010-222.

It was MOVED by DANIELS and seconded by LIPPMAN that Resolution R2010-222 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-222 was adopted.

**Resolution R2010-223** Authorizing Cancellation of Unidentified Tax Sales Premiums

The Township Clerk read by title Resolution R2010-223.

It was MOVED by SHAPIRO and seconded by ROSENBERG that Resolution R2010-223 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-223 was adopted.

**Resolution R2010-224** Approval of Developers Agreement with Wyncrest Commons, LP

The Township Clerk read by title Resolution R2010-224.

It was MOVED by LIPPMAN and seconded by DANIELS that Resolution R2010-224 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-224 was adopted.

**APPLICATIONS:** None

**REPORTS BY COUNCIL AND STAFF:**

Mayor Mironov indicated that the Economic Development Committee met on November 4. They discussed the golf outing and the October 26 breakfast. They are also talking about a card exchange in the spring and a facebook page.

**CORRESPONDENCE:** None

**APPOINTMENTS:** None

**APPROVAL OF BILLS:**

Mayor Mironov indicated that there is a new page 1 in Council's folders.

Listed for approval were vouchers approved for payment dated November 1, 2010, a current 2010 bill list dated November 11, 2010 a current 2009 bill list dated November 11, 2010, and a capital bill list, as well as other miscellaneous and trust account bill lists.

Current 2010 bill list, page 2 for the Planner – Mayor Mironov questioned what these bills are for. She indicated that the reason for the questions is because depending on what the bills are for determines what account should be charged.

It was MOVED by ROSENBERG and seconded by LIPPMAN 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 stated that we received a proposed schedule for the satellite office for the Surrogate's office. The Senior Director has confirmed that these dates will be acceptable. Mayor Mironov requested a letter be drafted for her signature approving the dates.

Mayor Mironov stated that letters have been received from the legislatures regarding the Township's tree money to the Chair of the Assembly and Senate. A report was received from the Clerk regarding the on-line auction. A response was received regarding the leaf collection questions. A note was received regarding the newsletter. A note was received from the Public Works Director regarding the memorial trees. There is a note regarding the new law regarding recycling of certain electronic equipment. Mayor Mironov questioned when the materials will be received regarding the summer programs. Mayor Mironov asked when the Joint Insurance Fund subject will be ready for discussion. She also questioned when the administration of the health benefits will be ready for discussion. A letter was received from the Arbor Day Foundation regarding tree city, which will be listed on the December 7 agenda. We received a letter from Verizon regarding them filing a petition for hitting the 60 percent threshold. Mayor Mironov indicated that she took the liberty in writing a letter in support of their petitions. The budget is

being worked on. She wrote a note to the Environmental Commission regarding sustainable community.

Mr. Lippman questioned how the on-line auction compares to previous years.

Ms. Dye indicated that the amount of money received was comparable to the past years and the expenses were a lot cheaper.

**MATTERS BY PUBLIC:** None

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

1. Presentation of Proposed Eagle Scout Project by Jimmy Gillespie, Boy Scout Troop 5700

Mayor Mironov indicated that Council has a copy of his presentation.

Jimmy Gillespie explained that his Eagle Scout Project would consist of reconditioning of the three East Windsor Township entrance way signs as well as the beautification of the surrounding area. He continued explaining in detail each step of the project to Mayor and Council.

Mr. Shapiro commended Scout Gillespie on his presentation and project.

Mayor Mironov requested that he re-look at the Route 571 sign. Everyone really enjoys the plantings.

Deputy Mayor Lippman recommended using railroad ties for plantings.

Mr. Rosenberg recommended that he contact the police department when they are out working on the road.

Mayor Mironov complimented Scout Gillespie on his well put together and a clear presentation.

It was MOVED by ROSENBERG and seconded by DANIELS to endorse Scout Jimmy Gillespie's Eagle Scout Project.

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

There being seven (7) ayes and no nays, to endorse Scout Jimmy Gillespie's Eagle Scout Project.

Mayor Mironov indicated that she would send a letter endorsing the project.

2. New Jersey Division of Highway Traffic Safety FY2011 Grant Proposals

Mayor Mironov indicated that this was held from the last meeting. Three proposals were received from Chief Spain. These are due in the beginning of January.

Mr. Shapiro indicated that he like the solar panel school zone flashes and the bicycle safety program. He indicated that he preferred to do all three recommendations.

Mr. Daniels concurred with Mr. Shapiro's recommendations.

Mayor and Council concurred on Mr. Shapiro's recommendations.

3. Sale of New Plenary Retail Distribution Alcoholic Beverage Control License  
**Resolution R2010-225** Authorizing the Sale of One Township Plenary Retail  
Distribution (Class D) Alcohol Beverage Control License

The Township Clerk read by title Resolution R2010-225.

Mayor Mironov indicated that there is reason to believe that there is some interest in the license. She requested that the Clerk prepare a resolution with an aggressive schedule with the minimum bid as listed as before.

Mayor Mironov questioned when we might be able to get another license for both distribution and consumption.

It was MOVED by WEINSTEIN and seconded by DUKE that Resolution R2010-225 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-225 was adopted.

4. Assembly Bill A-3447/Amended Senate Bill S-1/"Changes Procedures Concerning Provision of Affordable Housing and Abolishes COAH"

Mayor Mironov indicated that she initially put this on the agenda, they were looking to have another vote on it a week from today. There is every indication that they are not doing that. Mayor Mironov indicated it may be a good idea to send a letter indicating the criteria as it is now is unacceptable.

Mayor Mironov explained the Assembly Bill as it now reads.

It was MOVED by ROSENBERG and seconded by DANIELS to give Mayor Mironov authorization to send a letter objecting to the Assembly Bill.

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

There being seven (7) ayes and no nays, to give Mayor Mironov authorization to send a letter objecting to the Assembly Bill.

5. 290 Etra Road – Project Agreements with Mercer County

Mayor Mironov indicated that the Township is trying to close on several properties. In order to get the agreements on the Freeholder's agenda, signed agreements needs to get to them by December 5. If this date gets extended, nothing will be done. All the resolutions, agreements and information will be presented for the December 7 Council meeting. If there is anything that the Council does not like, the applications can be rescinded. The County is being very generous. They are giving the Township fifteen percent of the certified value of 290 Etra Road and the Airport Road property. This was previously discussed at prior meetings.

It was MOVED by ROSENBERG and seconded by DANIELS to give Mayor Mironov authorization to sign the agreements in order to get on the Freeholder's agenda with the ability to rescind if necessary.

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

There being seven (7) ayes and no nays, to give Mayor Mironov authorization to sign the agreements in order to get on the Freeholder's agenda with the ability to rescind if necessary.

There being no further business Mayor Mironov adjourned the meeting at 9:15 p.m.

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Cindy A. Dye  
Municipal Clerk

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Janice S. Mironov  
Mayor