

**EAST WINDSOR TOWNSHIP COUNCIL**

Tuesday, October 19, 2010

8:00 p.m.

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 8:00 p.m. on October 19, 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.

Marcin Cymek and Michael Trivisonno, Jr. 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:**

Fire Prevention Week - - October 3 to 9, 2010

Recognizing East Windsor Volunteer Fire Company No. 2

Firefighters of the Year Marcin Cymek and Michael Trivisonno, Jr.

Mayor Mironov read and presented a proclamation in recognition of Fire Prevention Week – October 3 to 9, 2010, recognizing East Windsor Volunteer Fire Company No. 2 Firefighters of the Year Marcin Cymek and Michael Trivisonno, Jr.

National Hispanic Heritage Month - - October 2010

Mayor Mironov presented the proclamation of National Hispanic Heritage Month to Latina Women's Council of Mercer County Members Nilda Garcia and Ondina Jeffers.

Domestic Violence Awareness Month - - October 2010

Womanspace Communities of Light Day - - December 13, 2010

Meadow Lakes -- 45<sup>th</sup> Anniversary (October 19, 2010)

Mayor Mironov announced that the other presentations will be done at an outside event.

**PUBLIC FORUM:** None

**INTERVIEWS FOR BOARDS AND COMMISSIONS:**

Mayor Mironov and Council Members interviewed Gavin Edgerton for a student member position on a Township Board or Commission. Gavin expressed an interested in the Clean Communities Committee or the Environmental Commission.

Mayor Mironov and Council Members interviewed Yisroayl Peer for a student member position on a Township Board or Commission. Yisroayl expressed an interested in the Economic Development Commission.

**MINUTES:**

February 16, 2010

It was MOVED by DANIELS and seconded by LIPPMAN that the minutes of February 16, 2010 with revisions dated October 6, 2010 be approved.

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

There being seven (7) ayes and no nays, the February 16, 2010 minutes with revisions dated October 6, 2010 were approved.

Mayor Mironov requested that the following minutes be held: August 3, 2010, September 7, 2010 and October 5, 2010. Mayor Mironov requested that the minutes of September 21, 2010 be rescheduled.

**ORDINANCE – PUBLIC HEARING:**

**Ordinance No. 2010- 11** 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 Amending Subsection 20-18.3 Entitled "Conditional Uses" for the "R-O" Zoning District and Amending Section 20-24 to Provide for Conditional Use Provisions For "Assisted Living Facilities"

The Township Clerk read by title Ordinance No. 2010-11.

Mayor Mironov announced that this was introduced on September 21, 2010. At this time she opened the meeting to the public. There being no public comment, Mayor Mironov closed the public portion of the hearing.

Mayor Mironov indicated that this ordinance establishes an overlay zone for an assisted living facility on a portion of a property located on Princeton-Hightstown Road.

Henry Kent-Smith, attorney for the property owner, stated that on behalf of his client, they are very appreciative of the Council's consideration of this ordinance. They believe that the assisted living proposal would greatly benefit East Windsor Township.

Mayor Mironov announced that this matter was referred to the Planning Board. The Planning Board forwarded a letter to Mayor and Council dated October 7, 2010 indicating that “the Board found that the changes to the zoning ordinance regulations were appropriate given the unique functions the assisted living facilities provide that were proposed for certain properties within the zoning district. The Board has reviewed the prior proposals and finds that the proposed changes to the ordinance meet with the needs of the facility and recommends the adoption of the ordinance.”

It was MOVED by WEINSTEIN and seconded by DUKE that Ordinance 2010-11 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 2010-11, was adopted with authorization to publish as required by law.

**Ordinance No. 2010- 12**      An Ordinance to Amend Chapter XIV, Fire Prevention, Section 5, Administration, of the Revised General Ordinances of the Township of East Windsor

The Township Clerk read by title Ordinance No. 2010-12.

Mayor Mironov announced that this introduced on September 21, 2010. At this time she opened the meeting to the public. There being no public comment, Mayor Mironov closed the public portion of the hearing.

Mayor Mironov stated that this Ordinance places the fire code department under the supervision of the Construction Official.

It was MOVED by ROSENBERG and seconded by DANIELS that Ordinance 2010-12 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 2010-12, was adopted with authorization to publish as required by law.

**RESOLUTIONS:**

**Resolution R2010-199**      Action on Bid for Purchase and Installation of Mobile Data Computers for the East Windsor Police Department

The Township Clerk read by title Resolution R2010-199.

Mayor Mironov stated that a recommendation was received from the Chief of Police and Manager. This is a capital account expenditure.

Mayor Mironov indicated that the resolution needs to specify what exactly is being purchased. The resolution should state "...for the purchase of seventeen (17) mobile data computers in marked patrol vehicles, each in the amount of \$6,747.50, for a total amount of \$114,707.50 and four (4) portable mobile data computers, each in the amount of \$4,970.00, for a total amount of \$19,880, for a total purchase amount not to exceed \$134,587.50." She also stated that paragraph 4 needs to state specifically why the L3 Communications bid did not comply. She also questioned if the Township has done whatever was needed to be done regarding L3 Communications non-compliance and whether it was appropriate for Mayor and Council to proceed.

Mr. Orron indicated that it is appropriate for Mayor and Council to proceed.

Mr. Fisher indicated that he believes that the Police Department advised L3 Communications that they did not comply with the bid; however, he will confirm this with the Police Department.

It was MOVED by DANIELS and seconded by ROSENBERG that Resolution R2010-199 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 R2010-199 be adopted as corrected.

**Resolution R2010-200**      Approval of Purchase and Installation of Police Software Related to the Integration of Mobile Data Computers with Spillman Technologies for the East Windsor Township Police Department

The Township Clerk read by title Resolution R2010-200.

It was MOVED by SHAPIRO and seconded by DANIELS that Resolution R2010-200 be adopted.

Mayor Mironov asked if the purchase was appropriate and if the Resolution was in proper form.

Mr. Orron indicated that there is a specific exemption under the Local Public Contracts Law which is cited in the third paragraph for acquisition, maintenance and support of proprietary software. This specific purchase is a purchase of a module, which will be integrated into the police department's existing Spillman software system. This is essentially a maintenance type of purchase, which is specifically permitted under the Contracts Law. Proper procedures were followed. He further noted that this pricing was significantly better than the off the shelf pricing.

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

There being seven (7) ayes and no nays, Resolution R2010-200 be adopted.

**Resolution R2010-201** Chapter 159 – Amending the 2010 Municipal Budget Providing an Item of Revenue and Appropriation for the Allstate Foundation – Hands in the Community

The Township Clerk read by title Resolution R2010-201.

It was MOVED by SHAPIRO and seconded by ROSENBERG that Resolution R2010-201 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-201 be adopted.

**Resolution R2010-202** Chapter 159 – Amending the 2010 Municipal Budget Providing an Item of Revenue and Appropriation for the Bureau of Justice Assistance Body Armor Grant

The Township Clerk read by title Resolution R2010-202.

Mayor Mironov indicated that there are two other related grants. One was received from the State a few months ago. The other grant is from the U.S. Department of Justice also for body armor, which has not yet been inserted as a Chapter 159.

It was MOVED by LIPPMAN and seconded by DANIELS that Resolution R2010-202 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-202 be adopted.

**Resolution R2010-203** Authorizing Bidding for Lease of Farmland along Disbrow Hill Road (Block 32, Lot 3)

The Township Clerk read by title Resolution R2010-203.

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

It was MOVED by ROSENBERG and seconded by DANIELS that Resolution R2010-203 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-203 be adopted.

**Resolution R2010-204** Authorizing Bidding for Lease of Farmland along Etra Road  
(Block 31, Lot 10)

The Township Clerk read by title Resolution R2010-204.

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

It was MOVED by WEINSTEIN and seconded by ROSENBERG that Resolution R2010-204 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2010-204 be adopted.

**Resolution R2010-205** Approving and Authorizing Execution of Stipulation of Settlement to  
Township of Robbinsville, Township of Hamilton and Township of  
East Windsor vs. State of New Jersey, New Jersey Turnpike Authority  
and New Jersey Department of Environmental Protection

The Township Clerk read by title Resolution R2010-205.

Mayor Mironov requested that the following be added to the third whereas “the Township of East Windsor, Township of Robbinsville and Township of Hamilton, unable to obtain a redress of this situation through other avenues, had filed a Complaint in the Superior Court of New Jersey...”

It was MOVED by DANIELS and seconded by SHAPIRO that Resolution R2010-205 be adopted as corrected.

Mr. Daniels thanked Mayor Mironov for all her efforts in working with the other Townships and bringing this to fruition.

Mr. Rosenberg also commended Mayor Mironov.

Mayor Mironov indicated that without the three Mayors working together, it would have been unlikely that there would have been this successful result.

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

There being seven (7) ayes and no nays, Resolution R2010-205 be adopted as corrected.

**APPLICATIONS:** None

**REPORTS BY COUNCIL AND STAFF:**

Mr. Shapiro indicated that the Planning Board met last evening. The topic on the agenda was regarding the Enchantment at East Windsor. The developer wanted to change the use to an active senior community to a working family development. After hearing all the testimony, the Board unanimously denied the application.

Mayor Mironov stated that the Economic Development Committee met on October 7. They recounted the Golf Outing. There is a joint event on October 26 with the Princeton Regional Chamber of Commerce hosting Assemblyman Lou Greenwald, who is the chairperson of the Assembly Appropriations Committee.

**CORRESPONDENCE:** None

**APPOINTMENTS:**

Municipal Prosecutor

Mayor Mironov stated that we currently have an opening. Our Municipal Prosecutor recently took a position that would prohibit them to continue to work as our Municipal Prosecutor. Council has a resume from Jeffrey Rubin to fill the position.

It was MOVED by SHAPIRO and seconded by DANIELS to appoint Jeffrey Rubin as Municipal Prosecutor.

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

There being seven (7) ayes and no nays, to appoint Jeffrey Rubin as municipal prosecutor.

**APPROVAL OF BILLS:**

Listed for approval were a one page vouchers for payment dated October 19, 2010, a current 2010 bill list, dated October 14, 2010, current 2009 bill list dated October 14, 2010, and a capital bill list dated October 14, 2010, as well as other miscellaneous and trust account bill lists.

It was MOVED by DANIELS and seconded by ROSENBERG that the bills be approved for payment.

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

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

**MATTERS BY COUNCIL:**

Mayor Mironov stated that everyone received the Tax Collector's report for the period ending September 30. There was a letter that was received from RISE. Free rabies clinics will be held on November 6 and

November 13. The Suggestion Box Contest is currently on-going for middle school students. A letter was received from the New Jersey Department of Transportation regarding potential resources for traffic calming devices. Mayor Mironov requested staff to review and report back to see if there are any opportunities. A copy of the New Jersey State League of Municipalities "Dear Mayor" letter has been distributed regarding the invalidation of the Appellate Division of the Council on Affordable Housing regulations. Mayor Mironov indicated that Council is currently awaiting information regarding leaf disposal services that was previously asked by Mr. Shapiro. A summary of the on-line auction is to be provided to Mayor and Council.

**MATTERS BY PUBLIC:** None

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

1. Federal Recreational Trails Program Grant Award for "Disbrow Hill Trail"

Mayor Mironov expressed that she was very excited to find out that the Township received a grant in the amount of \$24,500 in accordance with our application for this project. This would be for the 59 acre open space parcel on Disbrow Hill Road. A portion of that property is currently being developed for the grant funded recreation facility. The trail will connect up to Etra Lake Park and the two existing trails at Etra Lake Park.

Mayor Mironov directed the staff to provide an action plan as to the Township can move forward on the project, i.e, what steps need to be taken and the timeline, and anything else that needs to be done.

2. Application for FY2011 Recreational Trails Program

Mayor Mironov indicated that materials have been distributed from herself and the Director of Public Works regarding possible options for a grant application. Mayor Mironov noted that during the prior cycle of applications, the Township submitted two applications as there were no disadvantages. The deadline for this application is December 15.

After a discussion between Mayor and Council, it was unanimously agreed to draft applications to extend "Turnpike Park" pathway to Woods Road as the first option and, as the second option, prepare an application for Rocky Brook pathway extension.

Mayor Mironov commented that she has received terrific feedback from the residents regarding all the pathways.

Mayor Mironov requested that Mr. Fisher double check to ensure that filing two applications would not hurt the Township's chances in any way. The applications are to be scheduled for the November 15 Council meeting.

3. 2011 Municipal Budget Preparation – Status (including 2010 Municipal Budget Information)



Mayor Mironov indicated that she had requested that the Township Manager provide a status and written timeline in writing.

Mr. Fisher indicated that he is working on preparing the status and timeline. He indicated that he fully expects to have a framework for the budget by December 1.

Mayor Mironov stressed the information cannot be provided no later than December 1. She indicated that if there are any items that need to be identified or discussed, to please notify her.

There being no further business Mayor Mironov adjourned open session at 9:25 p.m.

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CINDY A. DYE  
Municipal Clerk

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JANICE S. MIRONOV  
Mayor