

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, September 7, 2010

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 8:00 p.m. on September 7, 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.

Council Member Alan Rosenberg led the flag salute.

Present were: Mayor Janice S. Mironov, Deputy Mayor Marc Lippman, and Council Members Walter T. Daniels, Jr., Alan Rosenberg and Perry Shapiro. Also present were Alan M. Fisher, Township Manager, Township Attorney David E. Orron and Municipal Clerk Cindy A. Dye. Council Members Hector Duke and Marsha Weinstein were absent.

PRESENTATIONS & PROCLAMATIONS: None

PUBLIC FORUM:

Phyllis Arcadia, 152 Hickory Corner Road, Apt. 214 and Lois Little of 152 Hickory Corner Road, Apt. 208 expressed concerns regarding playgrounds that were installed at Brookwood Garden Apartments and Wynbrook Apartments.

INTERVIEWS FOR BOARDS AND COMMISSIONS: None

MINUTES:

Mayor Mironov indicated that the following minutes would be held: February 16, 2010 and June 15, 2010.

Mayor Mironov indicated that the following minutes would be rescheduled: March 2, 2010, March 16, 2010, March 25, 2010, July 6, 2010, July 20, 2010 and August 3, 2010.

August 3, 2010 (Closed Session)

It was MOVED by LIPPMAN and seconded by ROSENBERG that the minutes of August 3, 2010 (Closed Session) be approved.

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

There being five (5) ayes and no nays, the August 3, 2010 (Closed Session) minutes were approved.

ORDINANCE – PUBLIC HEARING:

Ordinance No. 2010-8

Bond Ordinance Providing for Various Capital Improvements of the Township of East Windsor, in the County of Mercer, New Jersey, Appropriating the Aggregate Amount of \$520,000 Therefor and Authorizing the Issuance of \$494,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof

The Township Clerk read by title Ordinance No. 2010-8.

Mayor Mironov said that the Ordinance was going to be utilized towards roadway improvements. The Ordinance was introduced on August 3, 2010.

Mayor Mironov declared the public hearing on Ordinance 2010-8 open. There being no comments, Mayor Mironov closed the public hearing.

It was MOVED by DANIELS and seconded by ROSENBERG that Ordinance 2010-8 be adopted with authorization to publish as required by law.

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

There being five (5) ayes and no nays, Ordinance 2010-8, was adopted with authorization to publish as required by law.

Ordinance No. 2010-9

An Ordinance of the Township of East Windsor, in the County of Mercer, New Jersey, Appropriating \$1,630,000 Expected to Be Received from the State of New Jersey Department of Environmental Protection, the New Jersey Turnpike Authority, Mercer County and East Windsor Green Space, Inc. to Be Used for the Acquisition of Property for Use as Open Space

The Township Clerk read by title Ordinance No. 2010-9.

Mayor Mironov said that the Ordinance was introduced on August 3, 2010.

Mayor Mironov declared the public hearing on Ordinance 2010-9 open. There being no comments, Mayor Mironov closed the public hearing.

Mayor Mironov said that this Ordinance was fully funded, appropriating State and county grants and Turnpike funds that were made available for the purpose of acquisition of open space.

It was MOVED by LIPPMAN and seconded by ROSENBERG that Ordinance 2010-9 be adopted with authorization to publish as required by law.

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

There being five (5) ayes and no nays, Ordinance 2010-9, was adopted with authorization to publish as required by law.

RESOLUTIONS:

Resolution R2010-170 Action on Bids for Reconstruction of Cedarville Road

The Township Clerk read by title Resolution R2010-170.

Mayor Mironov recommended that the third paragraph in the resolution be changed to read: "Whereas, the Township Council has reviewed the recommendations made by the Director of Public Works and Project Engineer on said bids; and". The preconstruction meeting for the construction of Cedarville Road had been tentatively set for September 14, 2010 and the proceeding week, weather permitting, the project is expected to commence.

It was MOVED by SHAPIRO and seconded by DANIELS that Resolution R2010-170 be adopted with the changes.

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

There being five (5) ayes and no nays, Resolution R2010-170 was adopted with the changes.

Resolution R2010-171 Approval of Purchase of Tree Trimming Services with Timerberwolf
Tree Service Inc.

The Township Clerk read by title Resolution R2010-171.

Mayor Mironov suggested the following change in the Resolution: "Whereas, a 2009 Business Stimulus Grant funds were awarded to the East Windsor Township in the amount of \$7,000; and Whereas, the Township will be using the grant for tree trimming services on Twin Rivers Drive North in East Windsor Township; and".

It was MOVED by LIPPMAN and seconded by ROSENBERG that Resolution R2010-171 be adopted with the changes.

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

There being five (5) ayes and no nays, Resolution R2010-171 was adopted with the changes.

Resolution R2010-172 Approval of Purchase of Portable Tools for the East Windsor Public Works Department with Central Jersey Power Equipment

Mayor Mironov requested that this be held and that a better description be provided in the resolution with the corrected amounts and totals.

Resolution R2010-173 Approval to Amend Resolution R2009-118 and Resolution R2010-156 for the Purchase of Stone Dust and Clean Stone with Trap Rock Industries for "Turnpike Park" Pathway

The Township Clerk read by title Resolution R2010-173.

Mayor Mironov said that there was a memo and recommendation from the Public Works Director.

It was MOVED by SHAPIRO and seconded by DANIELS that Resolution R2010-173 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-173 was adopted.

Resolution R2010-174 Approval of Purchase of Asphalt for One Mile Road County Cooperative Roadway Program with Stavola Asphalt Company, Inc.

The Township Clerk read by title Resolution R2010-174.

Mayor Mironov said that there was a memo from the Public Works Director. Mayor Mironov reached out to the County Executive a few months ago in light of the challenging financial times to see if there might be any project that the Township could participate in cooperatively with the County and this project was worked out with Public Works and the County. The program allows the Township to do a municipal road improvement project at a tremendously significant savings to taxpayers. The County pays for the labor and equipment and the Township pays for the supplies, saving the Township about sixty percent of the actual cost to do the improvements.

It was MOVED by LIPPMAN and seconded by ROSENBERG that Resolution R2010-174 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-174 was adopted.

Resolution R2010-175 Approval of Professional Services Agreement for Appraisal Services for 805 Old York Road with Ronald A. Curini Appraisal Company, Inc.

The Township Clerk read by title Resolution R2010-175.

Mayor Mironov said that there was a memo distributed from Sharon Shinkle Gardner. This would be the third potential open space property that the Township has looked at this year.

It was MOVED by DANIELS and seconded by ROSENBERG that Resolution R2010-175 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-175 was adopted.

Resolution R2010-176 Approval of Professional Services Agreement for Appraisal Services for
805 Old York Road with Martin Appraisal Associates Inc.

The Township Clerk read by title Resolution R2010-176.

Mayor Mironov said that the Township is required to get two appraisals when a property is valued at a certain amount and this would be the second appraisal.

It was MOVED by LIPPMAN and seconded by ROSENBERG that Resolution R2010-176 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-176 was adopted.

Resolution R2010-177 Chapter 159 – Amending the 2010 Municipal Budget Providing an Item
of Revenue and Appropriation for the Drunk Driving Enforcement Fund

The Township Clerk read by title Resolution R2010-177.

It was MOVED by ROSENBERG and seconded by LIPPMAN that Resolution R2010-177 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-177 was adopted.

Resolution R2010-178 Refund of Tax Overpayments

The Township Clerk read by title Resolution R2010-178.

It was MOVED by ROSENBERG and seconded by SHAPIRO that Resolution R2010-178 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-178 was adopted.

Resolution R2010-179 Approval of Application with Mercer County for Grant Funding
for East Windsor Municipal Alliance for the Prevention of
Substance Abuse for 2011

The Township Clerk read by title Resolution R2010-179.

It was MOVED by DANIELS and seconded by ROSENBERG that Resolution R2010-179 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-179 was adopted.

Resolution R2010-180 Approving Application for Fireworks Permit for K&S Farms

The Township Clerk read by title Resolution R2010-180.

It was MOVED by SHAPIRO and seconded by ROSENBERG that Resolution R2010-180 be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-180 be adopted.

Resolution R2010-181 Resolution Endorsing the Final Application Submission to the New
Jersey Department of Environmental Protection Green Acres Program
for the Diversion of Certain Parkland in Connection with the New Jersey
Turnpike Authority's Exit 6 to Exit 9 Widening Program

Mayor Mironov said that this resolution pertains to some of the property that New Jersey Turnpike Authority needs to take ownership of in order to move forward with the widening project. She suggested that the Resolution be carried until the September 21, 2010 Council meeting. This Resolution would endorse the application that the New Jersey Turnpike Authority has submitted to the New Jersey Department of Environmental Protection and to the State House Commission. In order to use these lands for the Turnpike Widening Project, the New Jersey Turnpike Authority must receive approval from the State House Commission for the diversion of the property.

Mayor Mironov stated that Robbinsville Township and Bordentown Township had a State House Commission meeting and voted. There is now a question about re-opening the hearing, in light of the recent events. East Windsor has not had their meeting to date. An agreeable resolution regarding the reforestation funds that were committed to the Township needs to be part of the discussions, so that the community is made whole in terms of the mass destruction of trees as a result of the New Jersey Turnpike Authority bulldozing. Mayor Mironov requested that the agreement regarding the reforestation funds be made a condition of the Resolution.

Mayor Mironov stated that there was another agreement pending with the New Jersey Turnpike Authority; however, she is awaiting an executed copy prior to requesting Council action. There has been a breach of trust and until that was rectified and all pieces are in place for the citizens of the community she was not in favor of voting on an endorsement resolution tonight. She asked that the Resolution be carried until the September 21 meeting and that it be re-drafted to make the reforestation funds a condition of the vote and of the submission to the State House Commission. At that point the Mayor and Council can evaluate and determine if the reforestation issue will be resolved.

Mayor Mironov updated everyone on the newspaper articles, regarding the reforestation issue. She said that there were some papers that said that the Judge denied the injunctive relief, which was not correct. Mayor Mironov said that the Judge did not grant relief. There is a distinction between “denying” and not granting. The State entities had come to the Township and indicated that they would have agreed not to move the money, which they would represent that to the Judge and subsequently sent a letter indicating that they would not move the money pending resolution. The Judge then found that there was no immediate issue because the money was not moving. The town’s received what they asked for but in a different manner. She said that the only reasons why the Towns asked the court for the injunctive relief was because they wanted to ensure that the monies did not move.

Mayor Mironov asked that the language within the resolution be change. Information regarding both issues, agreement with the Turnpike and the Reforestation funding should be received by the next meeting.

APPLICATIONS:

New Jersey Fireman’s Association Membership Application for Gregory Schwartz

Mayor Mironov questioned if the application was in order.

Ms. Dye confirmed that it was.

It was MOVED by DANIELS and seconded by ROSENBERG to approve the New Jersey Fireman’s Association Membership Application for Gregory Schwartz.

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

There being five (5) ayes and no nays, the New Jersey Fireman's Association Membership Application for Gregory Schwartz was approved.

REPORTS BY COUNCIL AND STAFF:

Council Member Daniels said that Alliance had been working on the Alliance grant agreement.

Mayor Mironov said that the Economic Development Committee met and was working on the Golf Outing, looking into the Trius anniversary, the Trius weather satellite. East Windsor was the actual location for the manufacturer of the satellites at the plant on Old Trenton Road. The Economic Development Committee is also looking at an event in October with the Princeton Chamber of Commerce.

CORRESPONDENCE: None

APPOINTMENTS:

Mayor Mironov asked the Township Clerk to check to ensure that there were no outstanding persons who have made application that have not yet been appointed.

APPROVAL OF BILLS:

Listed for approval were a one page vouchers for payment dated September 7, 2010, a current 2010 bill list, dated September 2, 2010, current 2009 bill list dated September 2, 2010, and a capital bill list dated September 2, 2010, as well as other miscellaneous and trust account bill lists.

It was MOVED by SHAPIRO and seconded by LIPPMAN that the bills be approved.

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

There being five (5) ayes and no nays, bills were approved.

MATTERS BY COUNCIL:

Council Member Daniels asked if a closer look could be taken at the Hotel Occupancy Taxes.

Mayor Mironov said that the Economic Development Committee was looking into October 4 for their golf event. A letter was received dated August 31, 2010 from the Commissioner. A report from the Tax Collector was received for the month of July. Mayor Mironov said that once everything was completed on the auction she would like a report. Everyone was reminded that the Business Award Nominees deadline was approaching.

MATTERS BY PUBLIC: None

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. Acquisition of 120 Disbrow Hill Road (Block 32, Lot 6) for Open Space

Ordinance No. 2010-10

An Ordinance to Authorize the Acquisition of Open Space, of Approximately 29.9 Acre Site, Located on Disbrow Hill Road, and Designated on the East Windsor Township Tax Map as Block 32, Lot 6

Mayor Mironov said that there was a revised proposed Ordinance in everyone's folder. Background information and map was distributed with respect to Block 32, Lot 6. The acquisition had been discussed before and it was included in the funding ordinance in the event of a successful purchase. The property is approximately 30 acres on Disbrow Hill Road adjacent to the Rocky Brook and right across from Etra Lake park. The property is also adjacent to properties that the Township had recently acquired. A price had been negotiated for this parcel, \$460,000 for the 30 acres, a signed agreement was received from the seller and the Ordinance if introduced and adopted would give the governing body authorization to move forward with the acquisition. Funds are available to fully underwrite the purchase from State Green Acres grants and Mercer County grants.

The Township Clerk read by title Ordinance No.2010-10

It was MOVED by DANIELS and seconded by ROSENBERG to approve on introduction, authorize publication to set public hearing for October 5, 2010.

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

There being five (5) ayes and no nays to approve Ordinance No. 2010-10 on introduction, authorization to set public hearing for October 5, 2010.

2. New Jersey Department of Community Affairs Small Cities Grant Programs
 - a. Housing Rehabilitation
 - b. Public Facilities

Mayor Mironov said that information and grant awards had been received. The Township Manager was asked to review them and see if there were any potential opportunities for the Township. The deadline for filing is October 29, 2010. There was a memo distributed from the Township Manager.

Council Member Daniels recommended improvement to the outside facilities for the seniors at the Senior Center.

Council Member Shapiro was also in favor of the improvement to the outside facilities for the seniors at the Senior Center.

Council Member Daniels said that there were people on the Commission on Aging that would glad to serve if that was needed.

Deputy Mayor Lippman asked Mayor Mironov if the public facilities grant was more competitive than the rehabilitation grant.

Mayor Mironov said that they were two different pools of money. The public facilities grant was a more competitive grant. The Township received money for the construction of the Senior Center in the amount of \$400,000 under the public facilities grant. The Township had applied for the rehabilitation grants, both separately and jointly with Hightstown Borough. The Borough has a much higher distress number than the Township increasing eligibility for the rehabilitation money. Mayor Mironov asked the Township Manager if a joint application was possible on the Rehabilitation grant.

Township Manager Fisher said that this grant does allow for work with other communities.

Mayor Mironov said that the Township has done that before and had been successful in those times. She asked the staff to look into the criteria. She said that it was a consensus to proceed at looking at both areas. She asked the staff to put something together and see what can be done to enhance the Township's chances and see what the process was.

3. New Jersey Direct Install Program

Resolution R2010-183

Approval of Agreement with Tri State Light and Energy Inc. under the Clean Energy Program Direct Install Program

Mayor Mironov said that there was a memo from the Public Works Director. She asked the Township Manger and the Public Works Director to look into whether or not the Township's HVAC system could be included under the program. She recommended moving forward with the Resolution and applying for the Energy Efficiency Community Block grant funds to pay the Township's remaining share. If successful it would come down to the Township paying close to nothing and experiencing the annual savings. It was suggested that the fourth paragraph of the resolution be changed as follows: "Whereas, the Township is applying for an amount of \$20,000.00 from the Energy Efficiency Community Block Grants to offset the Township's share in the cost of the improvements at the Police Station and Municipal Building; and".

Mayor Mironov asked for a time table on this project and a status on the PSE&G energy audit.

It was MOVED by LIPPMAN and seconded by DANIELS that Resolution R2010-183, with the changes be adopted.

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

There being five (5) ayes and no nays, Resolution R2010-183, with the changes, was adopted.

4. Township Program of Appointing High School Students to Boards and Committees

Mayor Mironov said that this was a program that the Township had established a few years ago. An updated list of student representatives was distributed. Council Members were asked to take a look at the list and to advise the Township Clerk of any changes that may have occurred.

All of Council concurred to move forward with the Township program of appointing high school students to boards and committees.

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

CINDY A. DYE
Municipal Clerk

JANICE S. MIRONOV
Mayor