

## **EAST WINDSOR TOWNSHIP COUNCIL**

Tuesday, August 16, 2011

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 8:00 p.m. on August 16, 2011.

Municipal Clerk Cindy A. Dye certified that the meeting was noticed in the Special 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 7, 2011. All requirements of the "Open Public Meetings Act" were satisfied.

Council Member Marsha Weinstein led the flag salute.

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

**PRESENTATIONS & PROCLAMATIONS: None**

**PUBLIC FORUM: None**

**INTERVIEWS FOR BOARDS AND COMMISSIONS: None**

### **MINUTES:**

July 13, 2011 (Special Joint Meeting)

It was MOVED by YEAGER and seconded by ROSENBERG that the minutes of July 13, 2011 (Special Meeting) be approved.

ROLL CALL: Ayes – Duke, Rosenberg, Yeager, Mironov

Nays – None

Abstain – Lippman, Weinstein

There being four (4) ayes, no nays and two (2) abstentions, the July 13, 2011 (Special Joint Meeting) were approved.

Mayor Mironov requested that the following minutes be rescheduled: June 28, 2011, July 12, 2011, July 26, 2011 and August 2, 2011.

### **ORDINANCES – ADOPTION:**

**Ordinance No. 2011-18** An Ordinance to Authorize and Direct the Sale of Township Real Property or Interest Therein to the New Jersey Turnpike Authority

The Township Clerk read by title Ordinance No. 2011-18.

Mayor Mironov indicated that this ordinance was introduced on July 26, 2011.

Mayor Mironov opened the public hearing for Ordinance No. 2011-18.

There being no public comment, Mayor Mironov closed the public hearing for Ordinance No. 2011-18.

It was MOVED by WEINSTEIN and seconded by LIPPMAN to adopt Ordinance No. 2011-18, authorize publication as required by law.

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

There being six (6) ayes and no nays, to adopt Ordinance No. 2011-18, authorize publication as required by law.

**RESOLUTIONS:**

**Resolution R2011-171**      Action on Bid for Resurfacing and Associated Improvements to Elm Drive and Meadow Lane

The Township Clerk read by title Resolution R2011-171.

Mayor Mironov stated that there is a recommendation from Public Works.

Mayor Mironov stated that it is her understanding that if the Council decided to move forward, the project will commence on or about the end of August. Public information will be released.

It was MOVED by ROSENBERG and seconded by LIPPMAN that Resolution R2011-171 be adopted.

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

There being six (6) ayes and no nays, Resolution R2011-171 was adopted.

**Resolution R2011-172**      Approval of Purchase of Asphalt for the Public Works Department with Stavola Inc.

The Township Clerk read by title Resolution R2011-172.

Mayor Mironov stated that there is information and a recommendation from the Public Works.

It was MOVED by LIPPMAN and seconded by DUKE that Resolution R2011-172 be adopted.

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

There being six (6) ayes and no nays, Resolution R2011-172 was adopted.

**Resolution R2011-173**      Action on Satisfaction and Release of Developer's Agreement for LMC Properties, Inc.

The Township Clerk read by title Resolution R2011-173.

Mayor Mironov stated that information was received from the Township Attorney.

It was MOVED by DUKE and seconded by YEAGER that Resolution R2011-173 be adopted.

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

There being six (6) ayes and no nays, Resolution R2011-173 was adopted.

**Resolution R2011-174**      Action on Satisfaction and Release of Developer's Agreement for Windsor Limited Partnership of NJ

The Township Clerk read by title Resolution R2011-174.

Mayor Mironov stated that information was received from the Township Attorney.

It was MOVED by LIPPMAN and seconded by ROSENBERG that Resolution R2011-174 be adopted.

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

There being six (6) ayes and no nays, Resolution R2011-174 was adopted.

**Resolution R2011-175**      Closed Session (Collective Bargaining: Teamsters Local Union 676)

The Township Clerk read by title Resolution R2011-175.

It was MOVED by ROSENBERG and seconded by DUKE that Resolution R2011-175 be adopted.

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

There being six (6) ayes and no nays, Resolution R2011-175 was adopted.

**APPLICATIONS:**

New Jersey Fireman's Association Membership Application for Vincent F. Lombardo

New Jersey Fireman's Association Membership Application for Victor B. Hom

It was MOVED by WEINSTEIN and seconded by YEAGER that the New Jersey Fireman's Association Membership Applications for Vincent F. Lombardo and Victor B. Hom be approved.

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

There being six (6) ayes and no nays, that the New Jersey Fireman's Association Membership Applications for Vincent F. Lombardo and Victor B. Hom were approved

**Raffle License RL:357**      Lions Club Hightstown-East Windsor, October 14, 2011 and  
December 2, 2011, 895 Route 130 North, Casino Night

It was MOVED by YEAGER and seconded by DUKE that the Raffle Application for Lions Club Hightstown-East Windsor, October 14, 2011 and December 2, 2011, 895 Route 130 North, Casino Night be approved.

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

There being six (6) ayes and no nays, that the Raffle Application for Lions Club Hightstown-East Windsor, October 14, 2011 and December 2, 2011, 895 Route 130 North, Casino Night was approved.

**REPORTS BY COUNCIL AND STAFF:**

Mayor Mironov stated that at there was a planning board meeting on August 15. The bulk of the meeting was regarding the Americana Hospitality Group application. This is a redevelopment of the Route 130 north area from the diner to the next couple properties south. It would provide for three buildings; one would be a three story office building with a restaurant and retail on the first floor; second would be a daycare and the third is the existing retail building that is being renovated at this time. Two buildings will be removed and replaced. She attended the RISE talent show presented by the campers. She and Council Member Duke attended Justin Bianchini Eagle Scout Court of Honor.

**CORRESPONDENCE: None**

**APPOINTMENTS: None**

**APPROVAL OF BILLS:**

Listed for approval were Vouchers for Payment dated August 16, 2011, Current 2011 bill list dated August 11, 2011, Current 2010 bill list dated August 11, 2011 and a Capital bill list dated August 11, 2011, as well as other miscellaneous and trust account bill lists.

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

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

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

**MATTERS BY COUNCIL:**

Mayor Mironov stated that Council is in receipt of the Tax Collector's report for the period ending July 31, 2011. Council is in receipt of a quarterly report was received from Finance regarding expenditures and revenues. Council received an amended meeting notice for September. Council received a copy of a letter sent to Detective Gorski commending him in doing an excellent job in coordinating the National Night Out and also a letter to Ret. Lt. Funda, the EWPAL Director, thanking him for his assistance and allowing us to host the National Night Out at the EWPAL fields. A letter was sent to Jennifer Hill commending her on her Girl Scout Silver project. There is an extensive program for the September 11 event being held on Sunday, September 11 at 2 p.m. at the municipal building grounds. Nominations are being solicited for the 2011 Business Awards. The East Windsor map is being updated and has obtained some potential covers. She asked if Council had any comments to please let her know.

**MATTERS BY PUBLIC: None**

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

1. New Jersey Department of Transportation Municipal Aid Programs

Mayor Mironov stated that she received a letter dated July 26, 2011 from the NJDOT regarding the three programs that potentially offer municipal aid, bikeway and safe streets to transit. She has requested that staff provide some proposals and ideas for consideration.

Mayor Mironov stated that the safe streets to transit category was not really designed for East Windsor. The primary project that staff was able to come up with that responds to the program is to construct sidewalks along Route 571, which is, on occasion, a bus route. It would also connect into downtown Hightstown.

Mr. Lippman stated that the only option for this program would be the Route 571 sidewalks and that Council should move forward with that application.

It was the consensus of the Council to prepare the application to submit the Route 571 project under the safe streets to transit program.

Mayor Mironov stated that the deadline for submission is September 23. She directed that this matter be scheduled for the September 6 Council meeting.

Mayor Mironov stated that there was a series of possible roadways for consideration under the municipal aid project. Mayor Mironov recommended that the roadways that are under construction or contemplated on having construction should not be considered for this application period.

Mr. Rosenberg questioned if two projects could be applied for.

Mayor Mironov stated that this is an on-going question and asked Mr. Fisher if he could confirm that there is any downside to applying for multiple projects. We have applied for more than one in the past.

After a discussion, it was the consensus that applications be prepared for Dutch Neck Road and Hickory Corner Road under municipal aid. The priority of the projects will be decided at the next meeting. Mayor Mironov directed that both applications be prepared for the next meeting and that they be listed on the September 6 Council meeting.

Mayor Mironov stated that the last category is bikeways.

Mr. Yeager questioned if it would be feasible to do an on-street bikeway project along Dutch Neck Road.

Mayor Mironov stated that this could certainly be looked into. She did indicate that one problem with this type of project would be the possible elimination of parking normally required by New Jersey Department of Transportation.

Deputy Mayor Lippman said that he was in favor of option one which extends the Disbrow Hill Road bikeway/walking path interconnecting with Etra Lake park.

All of Council agreed to move forward with the extension of the current bikeway/walking path on Disbrow Hill Road.

Mayor Mironov asked that an application be prepared for the extension of the current bikeway/walking path on Disbrow Hill Road and take a further look into the on-street pathways and provide some additional information regarding funding and the perimeters on establishing an on-street bikeway.

2. Traffic Control Monitoring System

**Ordinance No. 2011-19**

An Ordinance Amending and Supplementing Chapter X – Traffic by Adding Subsection 10-13 “Establishing a Traffic Control Signal Monitoring System”

Mayor Mironov said that there were discussions on this subject at prior meetings. Proposals were solicited and pursuant to the competitive contracting law, an evaluation committee was appointed which consisted of Council Member Hector Duke, Police Chief William Spain, Lt. Harry Marshall and Mayor Mironov. Meetings took place with those who submitted proposals, proposals were reviewed. There was a memo distributed with the unanimous recommendation of the committee. Materials include parts of the proposals that were submitted, the approval from the New Jersey Department of Transportation, as well as materials describing the program and the safety polls and results that resulted in utilizing the monitoring systems both within New Jersey as well as nationally. There are two actions necessary in order to move forward.

Mayor Mironov said that the recommendation was to move forward with ATS American Traffic Solutions Company. The company goes out and does further evaluations of the site and makes specific recommendations with respect to the approaches to monitor and providing a estimated level of activity that they would anticipate from that monitoring. There are a number of other steps. It is a two or three month process.

Mayor Mironov said that references were reviewed and the Township has been in contact with other municipalities that used both companies to get their comments and their experience and what options they chose. Existing agreements were solicited and received in the Clerk's office.

Mayor Mironov stated that she asked if the activity volume falls below what was forecast in their evaluation by 33% can the Township negotiate and change the pricing option. ATS was willing to accept this type of arrangement. She suggested that the Township retain the option and revisit that if it is in the Township's best interest.

Mayor Mironov said that the amount was wrong, the fee is actually \$4,250.00 not \$4,500.00. She asked that this be changed in the Resolution as well as the Agreement and Finance Certification.

Council Member Weinstein said that if this works out favorably does the Township have any options of additional sites.

Mayor Mironov said that the Township does have the option of additional sites and one of the many positives that ATS brought to the table was that they are willing to as part of the agreement and at no fee to evaluate other areas that the Township suggests. If ATS determines that it is appropriate, and the Township approves on moving forward, ATS will then submit the paperwork and proceed as appropriate.

It was MOVED by LIPPMAN and seconded by ROSENBERG to approve on introduction, authorizing publication to set public hearing for September 6, 2011.

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

There being six (6) ayes and no nays, to approve on introduction, authorizing publication to set public hearing for September 6, 2011.

**Resolution R2011-176** Approval of Contract for a Traffic Control Monitoring System

The Township Clerk read by title Resolution R2011-176.

Mayor Mironov said that the pricing as previously indicated needed to be corrected and asked that the Township Attorney, Township Manager and Chief of Police add into the agreement indicating that if the original forecast of activity falls under the 33%, the Township has the option to request a change in pricing methodology. In the agreement the exhibit was incorrect just on the pricing.

It was MOVED by LIPPMAN and seconded by DUKE that Resolution R2011-176, with the changes, be adopted.

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

There being six (6) ayes and no nays, Resolution R2011-176 was adopted with the changes.

3. Senate Bill S-2950 and Assembly Bill A-4128

**Resolution R2011-177** Opposing Senate Bill S-2950 and Assembly Bill A-4128 Allowing for Modification to Land Use Approvals Because of Changed Economics

The Township Clerk read by title Resolution R2011-177.

Mayor Mironov said that never in her wildest moments could she have conceived that the New Jersey legislature would decide that approvals that had been voted upon by development boards and in which citizens have participated could be changed to something different just because they said so. That was unprecedented, outrageous and this bill may even be worse. This bill indicated that you can do anything you want just because you can make more money. This is a resolution that the New Jersey League of Municipalities has put together that would oppose the Bill.

Mayor Mironov suggested the normal standard Township language, under the Now, Therefore, No. 1  
“The Township Council vehemently opposes the outrageous legislation S-2950 and A-4128 and Number 3  
3 “A copy of this resolution be transmitted to the Governor Chris Christie, New Jersey Senate President



Stephen Sweeney, New Jersey Senate Minority Leader Thomas Kean, Jr., New Jersey Assembly Speaker Sheila Oliver, New Jersey Assembly Minority Leader Alex DeCroce, New Jersey State Legislators of the 12<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Districts and the New Jersey State League of Municipalities”.

It was MOVED by DUKE and seconded by YEAGER that Resolution R2011-177 be adopted with the changes.

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

There being six (6) ayes and no nays, Resolution R2011-177 was adopted with the changes.

4. Alternative Energy and Telecommunications Suppliers – Update

Mayor Mironov said that this subject had been discussed at a prior meeting. The Manager was to provide a written overview and suggestions on how the Township can move to take advantage of enhancing the pricing with respect to energy and the Township’s telecommunication systems.

There was a memo from the Township Manager.

Deputy Mayor Lippman said that he would like to see the Township move forward.

Council Member Duke indicated that he agreed that the Township move forward.

Mayor Mironov indicated that the Township Manager to proceed with request for proposals. She asked the Township Manager if this would be done as a single “RFP”.

Township Manager Fisher indicated that there would be two separate requests for proposals.

5. Best Practices Checklist - Review

Mayor Mironov said that the Best Practices Checklist started last year. The State has issued a “Best Practices Checklist” for municipalities and last year they used it as vehicle to withhold a small portion of funds from some municipalities. This year there is a new checklist with the same potential purpose which is depending on the scoring it has the possibility of being used to withhold monies from municipalities that don’t score enough on the questionnaire. Everyone has received the actual worksheet from staff which indicates the various questions and indicates the status of the Township with respect to those practices. The Township is well within the high end as was last year. Under the new set of regulations the Township is required to publicly review the worksheet.

Mayor Mironov said that the Lt. Governor indicated at a meeting, they are considering that those towns whose score considerably high would possibly get funds distributed to those towns that are not given to the penalized municipalities.

Mayor Mironov said that the checklist could be certified as needed and filed by September 1 and advise the Township Council of same.

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

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Cindy A. Dye  
Municipal Clerk

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Janice S. Mironov  
Mayor