

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, November 1, 2011

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 8:00 p.m. on November 1, 2011.

Deputy Municipal Clerk Gretchen McCarthy 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 7, 2011. All requirements of the "Open Public Meetings Act" were satisfied.

Ed Kelly led the flag salute.

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

PRESENTATIONS & PROCLAMATIONS:

EAST WINDSOR CLEAN COMMUNITIES SUGGESTION BOX CONTEST WINNERS

"How Would You Explain the Importance of 'Recycle, Reuse, Rebuy and Reduce' to Family and Friends?"

Mayor Mironov presented the awards for the East Windsor Clean Communities Suggestion Box Contest, with the theme being, *"How Would You Explain the Importance of 'Recycle, Reuse, Rebuy and Reduce' to Family and Friends?"* 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 becoming involved in the important issues faced by the community and to reward them for good ideas. Shiseido America graciously donated the gift cards to be awarded to the winning essays. The awards were presented to the Honorable mention winners Ananya Ramachandran and Natasha Darko, the third place winner Mia Salas, the second place winner Jessica Ketterer, and first place winner Rachel Dzieminski.

2011 EAST WINDSOR TOWNSHIP BUSINESS AWARDS:

Mayor Mironov presented the 2011 East Windsor Township Business Awards. For the "beatification" category, Mayor Mironov presented the award to Constantine Katsifis of the Americana Hospitality Group. The "community contributions and services" category award was presented to Mike McDonald of ShopRite of East Windsor. For the "special community enhancement" category, the award was presented to Ron Longo of Diversified Rack and Shelving, Inc.

Domestic Violence Awareness Month - - October 2011

Womanspace Communities of Light Day - - December 12, 2011

Mayor Mironov indicated that these proclamations will be rescheduled

Hightstown High School Athletic Hall of Fame Inductee (October 21, 2011)

Frank Hampton
Chris Barlow
Linda Gunnell
Randal Pinkett
Dennis Unger
Ryan (Smith) O'Malley
1944-45 Boys' Basketball Team

Mayor Mironov announced that these proclamation presentations would take place at an outside event.

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Mayor Mironov and Council Members interviewed Vincent Stevens for a student position on a Township Board or Commission. Vincent expressed an interest in the Environmental Commission or the Historic Preservation Commission.

Mayor Mironov and Council Members interviewed DeShawna Grimsley for a student position on a Township Board or Commission. DeShawna expressed an interest in the Health Advisory Board.

PUBLIC FORUM:

Joseph Van Handel of 31 Cedarville Road had questions about Resolution R2011-145 and the topic of property acquisition listed for discussion on the agenda.

Charles Fairchild of 168 Hickory Corner Road spoke regarding documents pertaining to inspections performed on the home in which he resides.

MINUTES:

August 2, 2011

It was MOVED by ROSENBERG and seconded by SHAPIRO that the minutes of August 2, 2011 be approved.

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

There being seven (7) ayes and no nays, the August 2, 2011 minutes were approved

August 16, 2011

It was MOVED by WEINSTEIN and seconded by LIPPMAN that the minutes of August 6, 2011 with revisions be approved.

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

There being seven (7) ayes and no nays, the August 16, 2011 minutes were approved

September 6, 2011

It was MOVED by LIPPMAN and seconded by ROSENBERG that the minutes of September 6, 2011 with revisions be approved.

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

There being six (6) ayes, no nays and one (1) abstention, the August 16, 2011 minutes were approved

Mayor Mironov indicated that the following minutes would be rescheduled: July 26, 2011, September 20, 2011, and October 4, 2011.

RESOLUTIONS:

Resolution R2011-166 Action on Request for Release of Performance Guarantees
for Windsor Cove at East Windsor

The Deputy Township Clerk read by title Resolution R2011-166.

Mayor Mironov stated that the Township Engineer has filed a written report with the Township Council dated July 5, 2011, which is attached hereto and made a part of this Resolution.

It was MOVED by ROSENBERG and seconded by DUKE that Resolution R2011-166 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2011-166 was adopted.

Resolution R2011-203 Action on Request for Release of Performance Guarantees
for Wyncrest at East Windsor

The Deputy Township Clerk read by title Resolution R2011-203.

Mayor Mironov stated that the Township Engineer has filed a written report with the Township Council dated September 7, 2011, which is attached hereto and made a part of this Resolution.

It was MOVED by SHAPIRO and seconded by YEAGER that Resolution R2011-203 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2011-203 was adopted.

Resolution R2011-204 Approval of Application for Person to Person Transfer of
Alcoholic Beverage License No. 1101-33-021-004
from Charlie Brown's of East Windsor, LLC to KRS
License Holdings, LLC

The Deputy Township Clerk read by title Resolution R2011-204.

Mayor Mironov announced that recommendations have been received from the Municipal Clerk and the Police Chief reporting that all is in order with this license transfer

Mayor Mironov also inquired whether there was any objection to said transfer from anyone present in the public. There were no objections.

It was MOVED by LIPPMAN and seconded by DUKE that Resolution R2011-204 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2011-204 was adopted.

REVISED 02.02.12

Resolution R2011-205 Approval of Project Agreement with Mercer County for a Municipal Assistance Grant for 409 Wyckoffs Mill Road, Block 13.01, Lot 104

The Deputy Township Clerk read by title Resolution R2011-205.

Mayor Mironov stated that the specified property is anticipated to be accepted as a donation of open space to the Township in the near future and would serve as a basis for a municipal assistance grant from Mercer County. This property would be used as a match for acquisition of another property on Disbrow Hill Road.

It was MOVED by LIPPMAN and seconded by YEAGER that Resolution R2011-205 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2011-205 was adopted.

Resolution R2011-206 Approval of Filing of Application with The National Arbor Day Foundation for Tree City USA Recertification for 2011

The Deputy Township Clerk read by title Resolution R2011-206.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2011-206 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2011-206 was adopted.

Resolution R2011-207 Chapter 159 – Amending the 2011 Municipal Budget Providing an Item of Revenue and Appropriation for the New Jersey Division of Highway Traffic Safety Bicycle Safety Program Grant

The Deputy Township Clerk read by title Resolution R2011-207.

It was MOVED by WEINSTEIN and seconded by YEAGER that Resolution R2011-207 be adopted.

ROLL CALL: Ayes – Duke, Lippman, Rosenberg, Shapiro, Weinstein, Yeager, Mironov

Nays – None

There being seven (7) ayes and no nays, Resolution R2011-207 was adopted.

Resolution R2011-208 Approval of Maintenance Service Agreement for Phone and Voicemail Systems with NACR for the East Windsor Police Department

The Deputy Township Clerk read by title Resolution R2011-208.

Council Member Shapiro inquired whether it was known upon purchase that this company would be the only one able to maintain this system. Mr. Fisher stated that it was known as the software is proprietary

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2011-208 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2011-208 was adopted.

Resolution R2011-209 Rejection of Bids for Leaf Disposal for the Public Works Department

The Deputy Township Clerk read by title Resolution R2011-209.

It was MOVED by LIPPMAN and seconded by DUKE that Resolution R2011-209 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2011-209 was adopted.

Resolution R2011-210 Action on Bid for Leaf Disposal for the Public Works Department

The Deputy Township Clerk read by title Resolution R2011-210.

Council Member Shapiro inquired why there is no indication this year of local farms accepting small portions of the leaves as in previous years. Mr. Fisher replied that the design of the specifications guarantees a certain amount of cubic yards to the vendor.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2011-210 be adopted.

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

There being six (6) ayes, no nays, and one abstention, Resolution R2011-210 was adopted.

Resolution R2011-211 Approval of Developers Agreement with City Auto Center

The Deputy Township Clerk read by title Resolution R2011-211.

It was MOVED by SHAPIRO and seconded by ROSENBERG that Resolution R2011-211 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2011-211 was adopted.

APPLICATIONS:

New Jersey Fireman's Association Membership Application for David G. Ortiz

New Jersey Fireman's Association Membership Application for Samuel Tenesaca

It was MOVED by ROSENBERG and seconded by DUKE that the New Jersey Fireman's Association Membership Applications for David G. Ortiz and Samuel Tenesaca be approved.

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

There being seven (7) ayes and no nays, the New Jersey Fireman's Association Membership Applications for David G. Ortiz and Samuel Tenesaca were approved

REPORTS BY COUNCIL AND STAFF:

Mr. Yeager reported that he attended the October 27 meeting of the East Windsor Township Commission on Aging. The Senior Center is doing well- classes are well attended, trips are filling up and the flu clinic was reported a success.

Mayor Mironov reported that she attended the New Jersey Senior Center Arts Show and the award ceremony held at Meadow Lakes, as well as the Hightstown High School Athletic Hall of Fame held on October 21. The Township held a bicycle helmet giveaway program in mid October with further program activities to take place in May.

CORRESPONDENCE:

Mayor Mironov stated that a letter dated October 20, 2011, was received from the Department of Environmental Protection regarding the 2011 Recreational Trails program application. A letter was also received, dated October 25, 2011, from the Department of Health and Human Services regarding the Deputy Clerk being appointed as the Deputy Registrar of Vital Statistics. A report was submitted from the Tax Collector for the period ending September 30, 2011. Also received was a memo from the principal engineering aid dated October 25, regarding a partial road closure on Princeton-Hightstown Road for utilities and another partial road closure on Monmouth Street, Rt. 633. Robbinsville has sent correspondence regarding the Hankins Road agreement and another expressing their interest in continuing with the provision of Animal Control Services for the coming year. West Windsor, on October 14, 2011, has also written expressing their interest in continuing the Animal Control Services Agreement for the ensuing year. Mercer County Surrogate sent notification of proposed dates for a satellite office at the East Windsor Senior Center for 2012. A letter dated October 11, 2011, was received from Assemblyman Wayne DeAngelo regarding Assembly Bill A-4128. A disturbing letter has been received from the New Jersey Courts regarding their appointment/hiring of Court Administrators and Deputy Court Administrators, that the New Jersey State League of Municipalities is very concerned with, as are numerous officials throughout the State. Department of Transportation letter dated October 12, 2011, regarding a contract they are awarding for the 2012 construction season when they will be doing work on Route 130 in the East Windsor and Cranbury area. Council was copied on a letter that Mayor Mironov sent to the New Jersey Turnpike Authority regarding the notices received from the Mercer County Soil Conservation District. A federal grant has been awarded to the Township for Police Body Armor. A communication has been received from the New Jersey Department of Environmental Protection regarding the National Recreational Trails Program that Mr. Fisher was asked to review and reply to Council. With respect to the Housing Trust Fund, Mr. Fisher was requested to provide information and proposals for the next meeting.

APPOINTMENTS: None

APPROVAL OF BILLS:

Listed for approval were youchers for payment dated November 1, 2011, current 2011 bill list dated October 27, 2011, current 2010 bill list dated October 27, 2011 and a capital bill list dated October 27, 2011, as well as other miscellaneous and trust account bill lists.

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

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

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

MATTERS BY COUNCIL:

Mayor Mironov stated that she sent a memo to the governing body regarding meeting dates and asked that Council get back to her with any comments or questions. The free rabies clinics are to be held on November 5 and 12.

MATTERS BY PUBLIC:

Joseph Van Handel of 31 Cedarville Road had questions regarding the topic of property acquisition listed for discussion on the agenda.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. Mercer and Middlesex County Area Transportation Systems

Mayor Mironov stated that she has distributed a memo to Council abbreviating a series of meetings held over time where discussions were held about enhancing public transit in East Windsor, utilizing the Middlesex County system in place. The Monroe shuttle goes through East Windsor, stopping at the Town Center Plaza and then heads toward Princeton and the Princeton train station. Mayor Mironov stated that she, along with Mayor Hsueh of West Windsor, had a meeting with Middlesex County Freeholder James Polos in July. Thereafter, she reached out to the Mercer County Transportation Director with respect to transportation opportunities from East Windsor to the Hospital once it moves. The second part of that conversation dealt with tying in with Monroe shuttles that go through East Windsor. The Mercer County coordinator was requested specifically to see if there might be an ability to coordinate with Middlesex to add a stop or two here in East Windsor along Princeton-Hightstown Road, even if there was a cost involved so that another option was available for East Windsor residents. Mayor Mironov stated that she has not heard back yet and perhaps it was appropriate to make the request more formally to elected officials of Mercer County. Mayor Mironov also said that she has spoken with Mayor Hsueh and he is aware that no word has been heard back yet. Mayor Mironov asked Council for further ideas and authorization to further reach out to Mercer County.

Deputy Mayor Lippman stated that he is in favor of Mayor Mironov reaching out to Mercer County and moving this process forward.

Council Member Duke stated that he is in agreement with Mr. Lippman's comments.

Council Member Shapiro agreed that it makes sense for the buses to work together and that it would be beneficial. He also agreed that East Windsor should seek cooperation of Mercer County.

Council Member Yeager stated that it does not seem like such a big stretch to make the connection between the two bus lines

Council Member Rosenberg stated that he is in agreement and that it would be nice to have an alternative to get back and forth.

Council Member Weinstein remarked that the stops in Monroe are mostly in the Adult Communities or Senior Complexes and that maybe the stops could be increased to further access senior citizens in East Windsor, but either way it is a good idea to move forward with the matter

2. Safe Routes to School Grant Program

Mayor Mironov stated that materials have been distributed by Mr. Fisher regarding a notice received from the Department of Transportation dated September 28 regarding the Safe Routes to School Program. Mayor Mironov requested Council comments or ideas on moving forward with this program.

Council Member Shapiro remarked should move forward with the program as it is a terrific program that makes kids safer, especially with roads getting more crowded.

Deputy Mayor Lippman stated that he would look to try again for funding for the areas previously requested.

Mayor Mironov stated that the average grant given is approximately \$150,000 and further spoke regarding previous grant funding received through this program as being under what was requested. The question is with what specific areas East Windsor wishes to move forward.

Mr. Fisher suggested in light of previous experience with the Safe Routes to Schools program, staying close to the average award.

Council Member Shapiro commented that it seems that monies would be best spent on sidewalks.

Mayor Mironov concurred with Mr. Shapiro's comments, and requested that Mr. Fisher obtain some cost estimates for sidewalks within the average grant range. Mayor Mironov also questioned Mr. Fisher what further is needed to make application.

Mr. Fisher stated that a School Board resolution is required as well as letters of support.

3. Acquisition for Open Space/Farmland Preservation of : 50 Cedarville Road, Block 30, Lot 14; 77 Cedarville Road, Block 31, Lot 25.02; 79 Cedarville Road, Block 31, Lot 25.01; 47 Cedarville Road, Block 31, Lot 25

Mayor Mironov gave a brief background describing the proactive open space acquisition /farmland preservation program in East Windsor Township as a result of which the Township has acquired a number of properties that have been preserved for open space, some of which have been used for recreation and some have been leased back for farming. The Township has also been very active in the preservation of farmland through County and State grant programs, as well as developer donations. Throughout the year, the Township Council has discussions to consider taking steps to see if it were possible for the Township to acquire and/or preserve properties. Four are listed on the agenda and others will be discussed in the coming weeks. The four properties listed are qualified farms, have agricultural use, and contain soils appropriate for farming. The properties are also included in the Township Recreation and Open Space Plan that was adopted several years ago and updated from time-to-time. They are also identified or are in the process of being designated by Mercer County as targeted farms for purposes of their farmland preservation plan and planning incentive grant program for the coming years. Mayor Mironov opened the discussion to the members of the public wishing to make comment.

Joseph Van Handel of 31 Cedarville Road stated that he was surprised that his property was listed on the agenda as he feels that it has been made clear that his family has no interest in farmland preservation.

James Van Handel of 31 Cedarville Road, stated that he is the owner of property listed on the agenda, and questioned how Council can tell him how to sell his property.

Mayor Mironov explained the property acquisition process.

Deputy Mayor Lippman stated that he would like to see some discussions and an appraisal process.

Council Member Shapiro stated that these properties are attractive for open space for the public good but a need exists to make sure that the Van Handel family is taken care of.

Council Member Rosenberg stated that some kind of value should be established so as to know what kind of costs might be incurred.

Council Member Yeager wanted to be clear that this matter was listed for discussion and that no action would be undertaken on purchase of property at this meeting.

Mayor Mironov stated that these items were merely listed for discussion to identify properties that the town may have an interest in and be that the case what additional steps should be taken to be in a position to further review and discuss the matter.

Council Member Weinstein stated that she understands what the owners of the property are saying and at this point would be concerned anything that might harm them or their property. It is time to look at an appraisal and evaluation and then go back and hold discussions with the property owner as to what is proper.

Deputy Mayor Lippman feels a dialogue back and forth should be started and an appraisal should be a part of that process.

Joseph Van Handel of 31 Cedarville Road spoke about two previous meetings held regarding the possible acquisition of his property.

Debbie Rosetti of 23 Cedarville Road commented that the Township should not waste money on appraisals if the property owners are not interested.

T.J. Berdzik of 31 Sussex Lane spoke regarding his experience with appraisals and how Council's actions may affect the value.

George Asprocolas of Millstone stated that he is a member of the Agricultural Advisory Council and on the Open Space and Farmland Preservation Commission in Millstone. He spoke regarding how those Boards handle such matters and would notice property owners.

There being no other comments, Mayor Mironov closed the public participation.

Mayor Mironov stated that these items were placed on the agenda in order to address the matter while everyone would be here. The governing body is interested in the comments made and understands the feelings expressed. Mayor Mironov continued that Council has undertaken procedures and discussions in a number of different parts of town regarding a number of properties and wants to continue to have discussions and make sure that property owners are privy to whatever steps or discussions that may be had on these properties, as would be done for any others. The Mayor stated that the comments made are appreciated and the Township will be attentive and sensitive to them.

Deputy Mayor Lippman suggested continuing the dialogue and discussions and start an appraisal process.

It was MOVED by LIPPMAN and seconded by DUKE that dialogue and discussion be continued and appraisals be started.

ROLL CALL: Ayes –Lippman, Rosenberg, Shapiro, Yeager, Mironov
Nays – Weinstein

Note: Council Member Duke passed on roll call and Deputy Clerk failed to re-poll him.

There being five (5) ayes and one (1) nay, the motion carried that dialogue and discussion be continued with property owners and an appraisal be done.

There being no further business Mayor Mironov adjourned the meeting at 10:21 p.m.

Cindy A. Dye
Municipal Clerk

Janice S. Mironov
Mayor