

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, April 3, 2012

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 8:00 p.m. on April 3, 2012.

Municipal Clerk Cindy 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 4, 2012. All requirements of the "Open Public Meetings Act" were satisfied.

Steve Worringer led the flag salute.

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

PRESENTATIONS & PROCLAMATIONS:

Alcohol Awareness Month (April 2012): Recognizing East Windsor Regional School District Hightstown High School After Prom Committee

Mayor Mironov presented the proclamation to members of the After Prom Committee.

National Library Week (April 8-14, 2012)

Mayor Mironov presented the proclamation to Jennifer Worringer of the Hickory Corner Branch, Rebecca Sloan of the Twin Rivers Branch, and Debbie Scherholz of the Friends of the Library.

Autism Awareness Week (April 2012)

Mayor Mironov presented the proclamation at an outside event.

INTERVIEWS FOR BOARDS AND COMMISSIONS: None

PUBLIC FORUM: None

MINUTES:

January 24, 2012

It was MOVED by LIPPMAN and seconded by YEAGER that the January 24, 2012 minutes, with corrections dated March 28, 2012, be approved.

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

There being six (6) ayes, no nays, and one (1) abstention, the minutes of January 24, 2012, with corrections dated March 28, 2012, were approved.

Mayor Mironov stated that the following minutes would be rescheduled: February 7, 2012, February 18, 2012 (Budget Session), February 21, 2012 (Budget Session), February 21, 2012, March 7, 2012, and March 20, 2012.

ORDINANCES – INTRODUCTION:

Ordinance No. 2012-5 An Ordinance of the Township of East Windsor, in the County of Mercer, New Jersey, Appropriating \$220,000 Expected to be Received from the State of New Jersey Transportation Fund for Improvements to Dutch Neck Road and \$1,832,620 Expected to be Received from the State of New Jersey Department of Environmental Protection Under the No Net Loss Grant Program for FY 2012

Mayor Mironov stated that the ordinance served to appropriate two grants that the Township was awarded so they could be used.

Mayor Mironov opened the public hearing. There was no public comment; Mayor Mironov closed the public hearing.

It was MOVED by ROSENBERG and seconded by LIPPMAN to approve on introduction and authorize for publication to set the public hearing for April 17, 2012.

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

There being seven (7) ayes and no nays, Ordinance No. 2012-5 was approved on introduction and authorized for publication to set the public hearing for April 17, 2012.

RESOLUTIONS:

Resolution R2012-70 Authorizing Phase II under the Professional Services Agreement for Engineering Services for Route 130/Conover Road/Hankins Road with Maser Consulting

Mayor Mironov stated Council had a revised resolution in their folders. She noted two typographical errors. She stated that the project had been discussed at the previous meeting, and that the resolution formalized the decision of Council to move forward. She stated that the project was underwritten with private developer funds.

It was MOVED by YEAGER and seconded by SHAPIRO that Resolution R2012-70 be approved.

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

There being seven (7) ayes and no nays, Resolution R2012-70 was approved.

Resolution R2012-71 Approval of Purchase and Installation of Safety Surface for Veterans Park from Whirl Construction

Mayor Mironov stated Council had a revised resolution in their folders. She noted that this had been discussed at a December 2011 meeting, at which time Council had authorized the purchase of new playground equipment for Veterans Park. This was to take advantage of a grant opportunity that needed to be authorized before the end of 2011. At that time, the equipment was purchased, with the purchase of the safety material deferred until the present time. She noted that this was an opportunity to save a lot of money and replace the equipment, which needed to be done.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2012-71 be approved.

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

There being seven (7) ayes and no nays, Resolution R2012-71 was approved.

Resolution R2012-72 Approval of Agreement for the Replacement of the Water Treatment System at Etra Lake Park with Culligan

Mayor Mironov stated that there were recommendations from the Public Works Director and the Manager. She asked if the bathrooms would be fully operational when this process was completed.

Mr. Fisher stated yes. Mayor Mironov asked Mr. Fisher to keep Council advised of any time lines.

It was MOVED by LIPPMAN and seconded by YEAGER that Resolution R2012-72 be approved.

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

There being seven (7) ayes and no nays, Resolution R2012-72 was approved.

Resolution R2012-73 Approval of Purchase of Infield Groomer for Disbrow Hill Playing fields with Turf Equipment

Mayor Mironov stated that there were recommendations from the Public Works Director and the Manager. She stated this was included in the most recent adoption of the capital program.

It was MOVED by SHAPIRO and seconded by ZOLLER that Resolution R2012-73 be approved.

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

There being seven (7) ayes and no nays, Resolution R2012-73 was approved.

**Resolution R2012-74 Approval of Purchase of Ammunition for the East Windsor
Police Department**

Mayor Mironov stated that there was a recommendation from the Chief of Police. She asked Mr. Fisher why only one response was received on the solicitation of quotes.

Mr. Fisher stated that it was his belief that there were other responses but that they could not fulfill the requirements.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2012-74 be approved.

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

There being seven (7) ayes and no nays, Resolution R2012-74 was approved.

**Resolution R2012-75 Authorizing Purchase of Furniture for the East Windsor
Municipal Court with BF Molz Business Interiors**

Mayor Mironov stated that Council had information from the court clerk and that the resolution allowed for the replacement of older furniture.

It was MOVED by ROSENBERG and seconded by ZOLLER that Resolution R2102-75 be approved.

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

There being seven (7) ayes and no nays, Resolution R2012-75 was approved.

**Resolution R2012-76 Approval of Filing of 2011 Recycling Tonnage Grant
Application with New Jersey Department of Environmental
Protection**

Mayor Mironov stated that this was an annual necessity in order to access the tonnage grant funds. She stated there was a report from the Public Works Director indicating that the amount of recycled materials in 2011 increased by almost 2,000 tons from 2010. She noted this was a positive in that it was a green practice and it saved the Township money.

Mr. Zoller commended the residents for recycling. Mr. Yeager noted that there was another Township Recycling Day coming up soon.

Mayor Mironov agreed, stating it would be Saturday, April 21 from 10 a.m. to 2 p.m. at the Senior Center.

It was MOVED by YEAGER and seconded by DUKE that Resolution R2012-76 be approved.

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

There being seven (7) ayes and no nays, Resolution R2012-76 was approved.

Resolution R2012-77 Certifying Submission of Expenditures for Recycling Program

It was MOVED by SHAPIRO and seconded by ROSENBERG that Resolution R2012-77 be approved.

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

There being seven (7) ayes and no nays, Resolution R2012-77 was approved.

Resolution R2012-78 Action on Request for Release of Performance Guarantees for Toll Brothers, Inc. – Riviera at East Windsor Phase 2

Resolution R2012-79 Action on Request for Release of Performance Guarantees for Toll Brothers, Inc. – Riviera at East Windsor Phase 4

Resolution R2012-80 Action on Request for Release of Performance Guarantees for Toll Brothers, Inc. – Riviera at East Windsor Phase 5

Resolution R2012-81 Action on Request for Release of Performance Guarantees for Toll Brothers, Inc. – Riviera at East Windsor Phase 6

Resolution R2012-82 Action on Request for Release of Performance Guarantees for Toll Brothers, Inc. – Riviera at East Windsor Phase 7

Resolution R2012-83 Action on Request for Release of Performance Guarantees for Toll Brothers, Inc. – Riviera at East Windsor Phase 8

Mayor Mironov stated that action needed to be taken but asked if it made more sense to carry the items given the two outstanding items. Mr. Fisher stated that he had no objection to the items being carried.

Mayor Mironov asked if he was in discussions regarding the escrows, and if there had been further discussions regarding the land issue. Mr. Fisher stated he was in discussions regarding the escrows but that he had not had any discussions regarding the land issue. Mayor Mironov noted he should reach out regarding this issue. She asked Mr. Orron for his opinion. Mr. Orron stated he felt they should act.

Mayor Mironov stated that under the affordable housing fee, the Finance Director's certification read "no". She stated she assumed this was a mistake and should read yes. Mr. Fisher agreed.

Mayor Mironov stated that the certification also asks how much was required and what was paid. She asked for confirmation that these numbers were the same. She stated that there was a recommendation from the Engineer and a memorandum from the Manager.

Mr. Zoller asked about no. 3 on the certification checklist. Mayor Mironov stated that it should read that Council takes no. 2 and 3 into consideration. She stated that Mr. Fisher briefly addressed them. She stated that no. 3 was an ongoing matter that needed resolution. She noted that all of the resolutions had the same bottom line to deny the performance bonds and suggested that Resolutions R2012-78 through R2012-83 be voted on together.

It was MOVED by YEAGER and seconded by SHAPIRO that Resolutions R2012-78 through R2012-83 be approved.

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

There being six (6) ayes, no nays, and one (1) abstention, Resolutions R2012-78 through R2012-83 were approved.

APPLICATIONS: None

REPORTS BY COUNCIL AND STAFF:

Mr. Rosenberg stated that the Council on Aging had met on March 22, at which time they welcomed a new member.

Mayor Mironov stated that the Clean Communities Committee had met on March 22, at which time they discussed the Recycling Day and the Adopt-a-Spot program for 2012. She stated that the elementary school Recycling Day poster contest submittals had been judged and the winners would be announced at the April 17 meeting. They also recognized Northgate Tenants Association for their beautification improvements. The Committee would also host an educational program at the Walter C. Black School on April 24.

CORRESPONDENCE: None

APPOINTMENTS: None

APPROVAL OF BILLS:

Listed for approval were vouchers dated April 3, 2012, a current 2012 bill list dated March 29, 2012, a current 2011 bill list dated March 29, 2012, and a capital bill list, as well as various other miscellaneous and trust account lists.

Mr. Zoller stated that on page 2 of the current 2011 list, there were two items without description: first, for Advanced Engineering for \$1,102 and second, for Fire and Safety Repairs for \$3,995.00. Mayor Mironov stated that the first one was under police training and tuition, and was for college credit reimbursement to an officer for course work. She stated she was not sure of the second one and that Council should have more detail.

Mr. Zoller asked that the second item be pulled. Mayor Mironov agreed and asked that more information be provided. She stated that on the current 2011 list, page 1, she had a question regarding the item listed custom police car door. Mr. Fisher stated that he would provide additional information.

It was MOVED by ZOLLER and seconded by DUKE that the bills be approved with one (1) bill removed.

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

There being seven (7) ayes and no nays, the bills were approved with one (1) bill removed.

MATTERS BY COUNCIL:

Mayor Mironov stated that a letter was received dated March 26 advising the Township of the award of a \$220,000 grant for Dutch Neck Road. She stated there was a letter from Governor Christie regarding pension reform. Council also had a letter from Senator Shirley Turner indicating her agreement with the Township's stance on energy tax receipts and stating she had become a co-sponsor for one of the senate bills advocating the return of the monies. She stated that Council had a copy of the League resolution urging the state to end the diversion of the energy tax receipts from municipalities.

Mayor Mironov reminded everyone that Recycling Day would be April 21. On Saturday, April 21, from 9 a.m. to noon, the Township would hold the annual stream clean-up at Etra Lake Park, along with the Stony Brook Millstone Watershed Association. Also on Saturday, April 28 from 10 a.m. to 2 p.m., the Township would hold Operation Medicine Cabinet, and reminded everyone of the drop-off spot at the police building on One Mile Road. The Better Beginnings Gala would also be held on April 28; Mayor Mironov noted she would co-host the event with Mayor Steven Kirson.

MATTERS BY PUBLIC: None

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1A. East Windsor Township Trust Fund and Housing Programs

**Resolution R2012-84 Approval of an Updated Spending Plan for
Development Fees for Affordable Housing**

Mayor Mironov stated that there was a memorandum from the Manager describing some of the background of this program. Also in Council folders was a letter from the League on the subject. She stated that the resolution would provide an approval of the spending plan. She stated it should be called an updated spending plan as the Township had submitted a previous plan; the

resolution should be amended appropriately. She stated that the idea was to update the spending plan so the Township could identify means by which to immediately begin to commit funds in the necessary time so that the funds remained in the community. She stated that if the resolution was to be passed, it would immediately be forwarded to the Department of Community Affairs (DCA).

Mr. Zoller stated he had a correction on the attachments. On the page 2, no. 1 of the attachments, three construction projects were listed. The third project read "Viera"; he noted he assumed this was supposed to be "Riviera". Mayor Mironov stated no, that Viera was correct. She noted this project was sometimes referred to as the Gentry.

Mr. Shapiro stated he felt the important thing was that the money was committed quickly and asked if the resolution would do this. Mayor Mironov stated that the resolution would provide a set of programs and a context in which to commit the funds. Assuming the resolution was approved, the Manager would move swiftly to put in place further actions to confirm those commitments. She stated that they intended to ensure that the Township had a spending plan and had taken the good faith actions to commit the funds.

Mr. Yeager stated that there was a typographical error in the resolution.

It was MOVED by SHAPIRO and seconded by ROSENBERG that Resolution R2012-84 be approved as corrected.

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

There being seven (7) ayes and no nays, Resolution R2012-84 was approved as corrected.

1B. Assembly Bill A-2717, "Extends Time Period for Municipalities to Commit to Expend Collected Development Fees and Payments-in-Lieu of Constructing Affordable Units"
Resolution R2012-85 Support of Assembly Bill A-2717, "Extending Time Period for Municipalities to Commit to Expend Collected Development Fees and Payments-in-Lieu of Constructing Affordable Units"

Mayor Mironov stated that the Governor and the DCA commissioner seemed to be moving forward to take from local towns housing trust funds for State budget use. The bill being supported in the resolution was sponsored by Assemblyman Anthony Bucco, who is a

Republican who felt this was the logical step. She noted that the bill was a simple extension of time, allowing two additional years for towns to commit to spending affordable housing trust funds, in light of the fact that there have been no rules or regulations in place as to housing requirements. She noted that the common concern was that it became necessary to spend the funds. She noted that the absurdity was that State housing regulations were in limbo, including the affordable housing requirements and means for compliance. If the towns were forced to spend the funds, or the funds were taken by the state, and it was then decided that towns have various obligations, then who would fund these obligations.

Mr. Shapiro stated he could not believe such a resolution had become necessary.

It was MOVED by SHAPIRO and seconded by ROSENBERG that Resolution R2012-84 be approved.

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

There being seven (7) ayes and no nays, Resolution R2012-84 was approved.

2. Request for Leave

Mayor Mironov stated that there was a memorandum from the Manager. She asked if there was any documentation, and noted that usually they received such documentation. Mr. Fisher stated no, as it was usually the employee; in this case, it was the employee's dependent child. Mayor Mironov stated she believed such documentation was standard. Mr. Fisher stated that they could certainly ask for documentation.

Mr. Lippman stated he did not feel it was unreasonable to ask for documentation as there did not seem to be a time table evident. Mr. Shapiro stated that Council had always received documentation indicating the severity of the problem and the duration of the leave.

Mayor Mironov stated that this could be a condition of approval. She stated that a discussion was also necessary about the need for probationary period evaluations by the appointing authority and the department head. She noted this would be a second condition. She stated that this approval would not be for the entire requested time; instead, it would be for two weeks accumulated vacation time with the leave covering April 3 until April 10. She asked if the leave was through April 10 or if the employee would return on April 10. Mr. Fisher stated April 10 would be the employee's return date.

Mayor Mironov stated the vote would approve the leave request from April 3, 2012, until April 12, 2012, conditioned on the medical documentation and a discussion on evaluations, as well as that the employee will use two weeks of vacation time.

It was MOVED by ROSENBERG and seconded by DUKE that the request for leave be approved.

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

There being seven (7) ayes and no nays, the request for leave was approved.

There being no further business Mayor Mironov adjourned the meeting at 9:00 p.m.

Alan M. Fisher
Acting Municipal Clerk

Janice S. Mironov
Mayor