

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, February 21, 2012

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 8:00 p.m. on February 21, 2012.

Municipal Clerk Cindy Dye certified that the meeting was noticed in a Special Meeting Notice. Notice was sent to the Trenton Times, filed with the Municipal Clerk and posted in the East Windsor Township Municipal Building on February 13, 2012. All requirements of the "Open Public Meetings Act" were satisfied.

Lieutenant Harry Marshall led the flag salute.

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

PRESENTATIONS & PROCLAMATIONS:

East Windsor Township 2011 Employees of the Year:

Jennifer Santiago, Administration

Peter Genthe, Public Works

Ryan Ballard, Law and Public Safety

Mayor Mironov presented proclamations to Jennifer Santiago, Peter Genthe, and Ryan Bollard.

Mayor Mironov presented the following proclamations at outside events: Scouting Anniversary Week, February 5-11, 2012, Black History Month, February 2012 and Read Across America Day, March 2, 2012.

INTERVIEWS FOR BOARDS AND COMMISSIONS: None

PUBLIC FORUM: None

MINUTES:

December 27, 2011

Mayor Mironov stated there were corrections dated February 6, 2012.

It was MOVED by LIPPMAN and seconded by ROSENBERG that the minutes of December 27, 2011 as corrected be approved.

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

Nays – None

Abstain - Zoller

There being five (5) ayes, no nays and one (1) abstention, the December 27, 2011 minutes were approved.

Mayor Mironov requested that the following minutes be rescheduled: January 1, 2012, January 10, 2012, January 24, 2012, January 24, 2012 (Closed Session), February 7, 2012, and February 7, 2012 (Closed Session).

RESOLUTIONS:

Resolution R2012-38 Approval of Agreement with Windsor Regency Condominium Association for Reimbursement for Private Community Services for 2011

The Township Clerk read by title Resolution R2012-38.

Mayor Mironov stated that there was a memorandum from the Township Manager. She stated that the amounts in the original memorandum and in the materials received January 24 did not match, and that the memorandum explained these differences. She asked Mr. Orron to address a need for recusal on any of the Kelly Bill reimbursements.

Mr. Orron stated that all the reimbursements are done by a formula that is applied uniformly to all communities. Therefore, there is no need for any member of one of the communities to recuse him or herself from voting.

It was MOVED by LIPPMAN and seconded by YEAGER that Resolution R2012-38 be adopted.

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

There being six (6) ayes and no nays, Resolution R2012-38 was adopted.

Resolution R2012-39 Approval of Agreement with Northgate Tenant Association for Reimbursement for Private Community Services for 2011

The Township Clerk read by title Resolution R2012-39.

It was MOVED by SHAPIRO and seconded by ZOLLER that Resolution R2012-39 be adopted.

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

There being six (6) ayes and no nays, Resolution R2012-39 was adopted.

Resolution R2012-40 Approval of Agreement with Riviera Home Owners Association
for Reimbursement for Private Community Services for 2011

The Township Clerk read by title Resolution R2012-40.

It was MOVED by ROSENBERG and seconded by SHAPIRO that Resolution R2012-40 be adopted.

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

There being six (6) ayes and no nays, Resolution R2012-40 was adopted.

Resolution R2012-41 Approval of Purchase of Replacement Automated External
Defibrillators for the East Windsor Rescue Squad, District II, Inc.
with Allied 100

The Township read by title Resolution R2012-41.

Mayor Mironov stated that this was included in the capital ordinance the previous year. She stated there were recommendation from the Township Manager and some information from the rescue squad. She stated these were all replacements. She noted all the quotes were from out-of-state companies and asked if there were any companies in New Jersey that provide these items.

It was MOVED by LIPPMAN and seconded by YEAGER that Resolution R2012-41 be adopted.

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

There being six (6) ayes and no nays, Resolution R2012-41 was adopted.

Resolution R2012-42 Approval of Agreement with Mercer County for Grant Funding for
East Windsor Municipal Alliance to Prevent Substance Abuse for
2012

The Township Clerk read by title Resolution R2012-42.

Mayor Mironov stated that this was a Mercer County grant which supported the East Windsor Municipal Alliance to Prevent Substance Abuse. She stated it was based on a multi-year program.

It was MOVED by YEAGER and seconded by ROSENBERG that Resolution R2012-42 be adopted.

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

There being six (6) ayes and no nays, Resolution R2012-42 was adopted.

Resolution R2012-43 Authorizing Approval of Professional Services Agreement for
Property Tax Appraisal Services

The Township Clerk read by title Resolution R2012-43.

Mayor Mironov stated that there was a recommendation from the Township Manager. She stated that proposals were solicited in conformance with the fair and open process. She stated it was part of the yearly professional services agreements.

It was MOVED by LIPPMAN and seconded by ROSENBERG that Resolution R2012-43 be adopted.

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

There being six (6) ayes and no nays, Resolution R2012-43 was adopted.

Resolution R2012-44 Authorizing Approval of Professional Services for Special Tax
Counsel

The Township Clerk read by title Resolution R2012-44.

Mayor Mironov stated proposals were solicited in conformance with the fair and open process.

It was MOVED by SHAPIRO and seconded by ZOLLER that Resolution R2012-44 be adopted.

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

There being six (6) ayes and no nays, Resolution R2012-44 was adopted.

Resolution R2012-45 Action on Request for Release of Performance Guarantees for
Wyncrest at East Windsor

The Township Clerk read by title Resolution R2012-45.

Mr. Zoller stated that the progress at the project was encouraging, and that construction was moving quickly and with minimal disruptions to the area.

Mayor Mironov stated there was a recommendation from the Township Engineer dated January 16, 2012.

It was MOVED by ROSENBERG and seconded by LIPPMAN that Resolution R2012-45 be adopted.

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

There being six (6) ayes and no nays, Resolution R2012-45 was adopted.

Resolution R2012-46 Authorizing Additional 2012 Temporary Budget Appropriations

The Township Clerk read by title Resolution R2012-16.

Mayor Mironov stated this was a minor change. She stated that Council had adopted a temporary budget, pending adoption of a full budget; the resolution only moved some money to the capital fund so that Council could act on the capital ordinance. She noted it did not change anything in the temporary budget.

It was MOVED by LIPPMAN and seconded by YEAGER that Resolution R2012-46 be adopted.

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

There being six (6) ayes and no nays, Resolution 2012-46 was adopted.

APPLICATIONS:

Raffle License RL:361 East Windsor Police Athletic League – March 17, 2012 at the VFW Post 5700, East Windsor, NJ, On-Premise 50/50 Raffle

Raffle License RL:362 East Windsor Police Athletic League – May 19, 2012 at 30 Airport Road, East Windsor, NJ, On-Premise 50/50 Raffle

Mayor Mironov asked Mr. Orron and Ms. Dye if the applications were in order.

Mr. Orron and Ms. Dye stated they were.

It was MOVED by ROSENBERG and seconded by SHAPIRO that the raffle license be approved.

ROLL CALL: Ayes – Lippman, Rosenberg, Shapiro, Yeager, Zoller, Mironov

There being six (6) ayes and no nays, Raffle License RL:361 and Raffle License RL:362 were approved.

REPORTS BY COUNCIL AND STAFF:

Mr. Zoller stated that the Environmental Commission had met on February 15, where they discussed the community forestry management plan, Sustainable New Jersey, the Stony Brook Millstone Watershed Association clean-up, and 2012 ANJEC 2012 planning grants.

CORRESPONDENCE: None

APPOINTMENTS: None

APPROVAL OF BILLS:

Listed for approval were the current 2012 bill list dated February 16, the current 2011 bill list dated February 16, and the capital bill list February 16, as well as other miscellaneous and trust account bill lists.

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

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

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

MATTERS BY COUNCIL:

Mayor Mironov advised that the next council meeting would be Wednesday, March 7 at 8 p.m.

Mayor Mironov stated that there was a supplement to the Recreation Director's summer events proposal. She asked that all comments be submitted by the end of the week. She stated that there was a report from the Tax Collector for the period ending January 31.

Mayor Mironov stated there was a letter from the Mercer County Executive regarding the Reverse 911 system. She noted that some material had already been distributed through the e-news. She stated that some residents had requested this service during Hurricane Irene. She reached out to the Executive to pursue this and was recently alerted it was now available. She advised that residents have to use East Windsor as their municipality, regardless of their zip code, if they want to receive the Township's alerts.

Mayor Mironov stated that they had responded to a letter received regarding the solar farm project. She stated that they hoped to work further with neighboring towns and other professionals to rectify the situation, where a free-for-all for solar farms and the associated subsidies was creating a threat to farmland and open space. She noted there were many other places where solar panels could be installed, such as shopping centers, research parks, brownfields, and other commercial sites.

Mayor Mironov stated that Council had a letter from Governor Christie providing the Township with an American flag that was flown over the World Trade Center on September 11, 2011 to commemorate the 10th anniversary of September 11th.

Mayor Mironov stated that the Governor gave his budget address earlier that day. She stated that he had suggested additional school funding but did not address how it would be allocated. She stated he had also discussed a shifting of money distributed to municipalities, with a reduction in transitional aid. She noted the Township had never received transitional aid. Some of the money being cut would go to other consolidated programs. She stated it was unclear what the results would be for the Township.

MATTERS BY PUBLIC: None

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. Assembly Bill A-1338/Senate Bill S-743 "Extension of Permit Extension Act of 2008"
Resolution R2012-47 Opposing Assembly Bill A-1338/Senate S-743
"Extension of Permit Extension Act of 2008"

Mayor Mironov stated this topic had been discussed at a prior meeting, and noted the Council had an updated resolution in their folders. She stated the resolution strongly opposed the Permit Extension Act. She stated this was another case of the State interjecting itself into local planning business in a way that was not beneficial to residents and that disregarded good planning and health and environmental regulations. She noted that the Municipal Land Use Law provides a not-insignificant period for development applications once they are approved. In 2008, the State extended those approvals. The State now proposed further extending those approvals for another 2 years. She stated this prevented local officials from reviewing the approvals, despite the fact that there may have been changes in zoning, roadway or circulation conditions and construction in the area. It also deprived local citizens their right to participate in the planning process as established by the Municipal Land Use Law.

Mr. Shapiro stated that if it were beneficial to extend the approvals, then municipalities would do so. However, changes often take place that would make an extension illogical.

Mr. Lippman stated that this was another example of the State thinking they know better than the municipalities. He stated that the State knows nothing about how the Township is run and yet they feel they can run things. He stated the Council needed to keep putting pressure on the State.

Mayor Mironov stated the pressure must have done some good because the bill had not come up for vote as of yet.

Mr. Yeager stated that when the State interfered, things often went badly.

Mr. Rosenberg commended the revisions to the resolution, stating he felt the first draft was too nice. He stated that the resolution needed to explicitly explain the potential harm as the State did not seem to understand them. He noted that the “whereas” clauses all had greater impact in the revision.

Mayor Mironov stated that this was part of a trend where the economic conditions are used as an excuse to pass bad planning policy at the state level. In many cases, these decisions create damage that municipalities must deal with. She stated that these decisions, such as the age-restricted conversion law, were not very thoughtful and were not good planning. She stated they were bad law, bad planning, and bad precedents.

It was MOVED by SHAPIRO and seconded by LIPPMAN that Resolution R2012-47 be adopted.

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

There being six (6) ayes and no nays, Resolution R2012-47 was adopted.

2. Middlesex Regional Educational Services Commission Electric and Natural Gas Aggregation
Resolution R2012-48 Designating Middlesex Regional Educational Services Commission as an Agent for East Windsor Township for the Purpose of Executing Purchase Agreements for Electricity and Approval of Participating Agreement for Cooperative Purchasing of Electricity

Mayor Mironov stated that this had been carried from the previous meeting so that they could get more information. She stated that she spoke to the administrator of the program. She stated Council had some information from the Township Manager. She stated this was a purchasing cooperative, which gives the Township an opportunity to save money. It would give the Township an opportunity to aggregate the Township’s electric and natural gas purchases with some other public entities in order to obtain discounted pricing. She stated she agreed that they should segregate the police and court buildings as they were considering a solar project for these facilities. She asked, if they were to participate, how they would limit their participation as to not include those buildings.

Mr. Fisher stated that they would just not supply the account number for those facilities.

Mr. Yeager asked if the contract was for any given period of time. He asked if they would be restricted in the future if another opportunity was presented.

Mr. Fisher stated that the term would be anywhere from 1 to 5 years; this would depend on the bids received.

Mayor Mironov stated that, if they agreed to participate, then the Township would be committed to whatever that term was. She stated that the term would reflect what was most advantageous to all involved. She stated that the Township had been approached by several entities but that the benefit of this proposal is that it aggregated the usage, rather than the Township acting alone.

Mr. Zoller asked how long the Township had participated in this program. Mayor Mironov stated that they joined approximately a year ago. Mr. Zoller asked if they had found the program to be beneficial. Mayor Mironov stated that it was beneficial for some items they had been looking at. Mr. Fisher stated the Township had not yet participated in the aggregation. Mr. Zoller asked if the Township was obligated to participate if they found the contract was not to their liking.

Mr. Fisher stated that once the Township agrees to participate, they have to then make a quick decision on the price. He noted there was a lot of risk to waiting. Therefore, there was no possibility of the company getting a price and then allowing all the members to review it.

Mayor Mironov noted that Mr. Fisher had reviewed the aggregated pricing for previous years, versus the normal amounts for such services. Mr. Fisher stated yes.

Mr. Lippman stated that he could not see how this would not be an advantage, given the power the cooperatives had, compared to individual municipalities. He noted that all other cooperative purchasing done in the past had always been beneficial.

Mr. Yeager stated that while the Township had not previously participated in the program, this was a long-running and stable program. Mayor Mironov stated this was a well-established cooperative with an extensive membership.

Mr. Zoller noted that the risk was very small.

Mayor Mironov stated that they did not have a lot of time to act. She stated that the resolution indicated that the Council was authorizing the Manager to execute any documents. She asked if he knew what kinds of documents these would be. Mr. Fisher stated these were the attached documents. The only thing that was not attached was the authorization from the utilities.

Mayor Mironov stated if there was anything beyond the standard, then it would need to be shared with the governing body. She stated that there was an understood condition in the resolution that in approving this and authorizing the Manager that they were not authorizing the inclusion of the police and court buildings. Mr. Fisher agreed.

It was MOVED by LIPPMAN and seconded by YEAGER that Resolution R2012-48 be adopted.

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

There being six (6) ayes and no nays, Resolution R2012-48 was adopted.

3. Municipal Capital Program
 - a. **Ordinance No. 2012-3** 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 \$1,416,860 Therefor and Authorizing the Issuance of \$1,346,017 in Bonds or Notes of the Township to Finance Part of the Cost Thereof

Mayor Mironov stated that this was discussed at the previous meeting, where they reviewed possible projects. She stated they would review capital items later in the year as well. She stated that Council had additional information in response to their questions, as well as a proposed capital ordinance.

Mr. Lippman thanked the Manager for looking into their suggestions and making the appropriate recommendations.

Mr. Shapiro asked why the playground was listed as it did not seem as urgent.

Mayor Mironov stated that some of it was necessary to finish covering the cost of the purchase made in December, at which time they had received a big discount on equipment.

It was MOVED by ROSENBERG and seconded by LIPPMAN that Ordinance No. 2012-3 be approved on introduction and authorized for publication to set the public hearing for March 7, 2012.

ROLL CALL: Ayes – Lippman, Rosenberg, Shapiro, Yeager, Zoller, Mironov

There being six (6) ayes and no nays, Ordinance No. 2012-3 was approved on introduction and authorized for publication to set the public hearing for March 7, 2012.

- b. Municipal Roadway Projects

Mayor Mironov stated they were appropriating some additional funds into the capital roadway account. She noted that they were hopeful they would receive a State grant; these are normally

awarded in the fall but had been coming later and later. She stated information had been previously circulated discussing the capital items and potential roadway projects. She stated that they try to get grants and funding whenever possible but that they still had a fundamental commitment to work on the local roads. She stated that they had done work in the area of Warren Park, such as Oxford Drive, Meadow Lane, and Elm Drive; four (4) roads remained in that area of town (Chestnut Drive and Cedar Lane, Glen Oak Drive and Primrose Lane). She stated it seemed logical to finish that area.

Mr. Lippman stated that these remaining roads stand out as everything around them has been repaired.

Mr. Rosenberg agreed, stating that it made sense to complete the area.

Council agreed to move forward with work in this area of town.

4. Gun Lock Safety Program

Mayor Mironov stated that Council had a memorandum from her office. She stated that they have done this before and could do it again for no cost through Project Child Safety. During March, the Township would sponsor a gun safety program whereby they distribute gun locks for free to any Township resident. She stated that it made sense to take every opportunity to make sure all guns are stored in a safe manner.

Mr. Rosenberg stated that this was an excellent program. He stated he liked that there were now specific times for people to come in; he noted he felt this was a positive. Mr. Lippman stated it would bring awareness to those who had guns that were not locked. Mr. Zoller stated it was a true service to Township residents.

It was MOVED by ROSENBERG and seconded by ZOLLER that the program be approved.

ROLL CALL: Ayes – Lippman, Rosenberg, Shapiro, Yeager, Zoller, Mironov

There being six (6) ayes and no nays, the program was approved.

There being no further business Mayor Mironov adjourned the meeting at 9:10 p.m.

ALAN M. FISHER
Acting Municipal Clerk

JANICE S. MIRONOV
Mayor