

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, February 7, 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 7, 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.

Council Member Peter Yeager 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: None

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Mr. Peter Lane of 5 Maple Drive stated that he was interested in joining the Commission and Aging and the transportation committee.

PUBLIC FORUM: None

MINUTES:

November 1, 2011

Mayor Mironov stated that the minutes were revised but did not have a revision date.

It was MOVED by LIPPMAN and seconded by ROSENBERG that the November 1, 2011 minutes as revised 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 November 1, 2011 minutes were approved.

Mayor Mironov stated the minutes of December 27, 2011 would be held. She stated the following minutes would be rescheduled: January 1, 2012, January 10, 2012, January 24, 2012, and January 24, 2012 (Closed Session).

ORDINANCES – PUBLIC HEARING:

Ordinance No. 2012-1 An Ordinance Accepting the Donation of Three Parcels of Land from David Saltman Designated as Block 56, Lots 3, 7, and 8

Mayor Mironov stated that the Ordinance had been introduced on January 24, 2012, and that the ordinance had been discussed the previous year.

Mayor Mironov opened the hearing up to the public. There being no public comment, she closed the public portion of the hearing.

It was MOVED by ROSENBERG and seconded by YEAGER that Ordinance No. 2012-1 was adopted and authorized for publication as required by law.

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

There being six (6) ayes and no nays, Ordinance No. 2012-1 was adopted and authorized for publication as required by law.

Ordinance No. 2012-2 An Ordinance Amending and Supplementing Chapter V – General Police Regulations, Section 5-16 Towing and Storage of Vehicles, of the Revised General Ordinances of the Township of East Windsor

Mayor Mironov stated that the Ordinance had been introduced on January 24, 2012. She stated that the Police Chief had supplied information to the Council.

Mayor Mironov opened the hearing up to the public. There being no public comment, she closed the public portion of the hearing.

It was MOVED by LIPPMAN and seconded by ROSENBERG that Ordinance No. 2012-2 was adopted and authorized for publication as required by law.

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

There being six (6) ayes and no nays, Ordinance No. 2012-2 was adopted and authorized for publication as required by law.

RESOLUTIONS:

Resolution R2012-22 Approval of Lease Agreement with Westfield Road Condominium Association, Inc. for Winchester Drive Parking License Agreement

The Township Clerk read by title Resolution R2012-22.

Mayor Mironov stated this had been carried from a previous meeting as there were some outstanding questions at that time.

It was MOVED by SHAPIRO and seconded by ROSENBERG that Resolution R2012-22 be adopted.

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

There being six (6) ayes and no nays, Resolution R2012-22 was adopted.

Resolution R2012-29 Authorizing Approval of Interlocal Service Agreement with West Windsor Township for Animal Control Services

The Township Clerk read by title Resolution R2012-29.

Mayor Mironov stated that she had two changes. On the fourth “whereas”, she added, “in view of the Chief of Police’s recommendations”. Under no. 2 for the attached agreement, she added “for January 1 through December 31, 2012”. She noted this had been discussed the previous year, along with the interlocal agreement with Robbinsville. She stated that the Township had forwarded the agreement to West Windsor, who reviewed and approved the agreement.

Mr. Lippman stated he was glad West Windsor had decided to participate, as it was a win-win situation for both towns.

Mayor Mironov stated that West Windsor would experience a significant savings, while East Windsor brought in some revenue. She stated the similar arrangement with Robbinsville had also been successful.

It was MOVED by YEAGER and seconded by ROSENBERG that Resolution R2012-29 be adopted.

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

There being six (6) ayes and no nays, Resolution R2012-29 with changes was adopted.

Resolution R2012-30 Authorizing Contract with GovDeals Online Government Surplus Auctions

The Township Clerk read by title Resolution R2012-30.

Mayor Mironov stated that the Council had some background information from the Township Manager. She stated that the Township participated in this in 2011, and that this was the same company and essentially the same agreement. She stated it worked well the previous year.

Mr. Rosenberg stated this was one of the ways the Mayor had found to save the Township money.

Mayor Mironov asked if there was a list of surplus items being put together.

Mr. Fisher stated yes.

Mayor Mironov stated that the contract read that the term expired December 31, 2012. She asked why it did not expire on February 7, 2013, so that the Township benefited from a full year.

Mr. Fisher stated the contract could extend until January 28, 2012, as specified under the state contract.

Mayor Mironov stated that they should then continue the contract until January 28, 2012.

Mr. Yeager noted that the actual agreement needed to be changed as well.

Mayor Mironov agreed, stating paragraph 3 would need to be amended.

It was MOVED by SHAPIRO and seconded by ROSENBERG that Resolution R2012-30 with changes be adopted.

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

There being six (6) ayes and no nays, Resolution R2012-30 was adopted.

Resolution R2012-31 Adoption of an East Windsor Township Sign Management Plan

The Township Clerk read by title Resolution R2012-31.

Mayor Mironov stated that there was a letter from the League of Municipalities. She stated the resolution was to make sure the Township followed the proper format and stayed in compliance.

It was MOVED by ROSENBERG and seconded by SHAPIRO that Resolution R2012-31 be adopted.

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

There being six (6) ayes and no nays, Resolution R2012-31 was adopted.

Resolution R2012-32 Authorizing Approval of Professional Services Agreement for Township Engineer

The Township Clerk read by title Resolution R2012-32.

Mayor Mironov stated that she had an issue with several of these resolutions. She noted she had asked in the past that Council not get excessive amounts of paper, but that 2 offices had copied the same materials, so that Council got duplicates of large packages.

Mayor Mironov stated that Council had a recommendation from the Township Manager. She stated that proposals were solicited in conformance with the fair and open process. She noted that as could be seen from the resolution, most of the necessary funds came from escrow accounts.

It was MOVED by SHAPIRO and seconded by ZOLLER that Resolution R2012-32 be adopted.

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

There being six (6) ayes and no nays, Resolution R2012-36 was adopted.

Resolution R2012-33 Authorizing Approval of Professional Services Agreement for
Township Bond Council

The Township Clerk read by title Resolution R2012-33.

Mayor Mironov stated that Council had a recommendation from the Township Manager. She stated that proposals were solicited in conformance with the fair and open process. She noted the fee schedule was the same as the previous year.

It was MOVED by LIPPMAN and seconded by YEAGER that Resolution R2012-33 be adopted.

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

There being six (6) ayes and no nays, Resolution R2012-36 was adopted.

Resolution R2012-34 Authorizing Approval of Professional Services Agreement for
Financial Auditing Services

The Township Clerk read by title Resolution R2012-34.

Mayor Mironov stated that Council had a recommendation from the Township Manager. She stated that proposals were solicited in conformance with the fair and open process. She asked that a breakdown of the fees be provided.

It was MOVED by SHAPIRO and seconded by ROSENBERG that Resolution R2012-34 be adopted.

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

There being six (6) ayes and no nays, Resolution R2012-36 was adopted.

Resolution R2012-35 Authorizing Approval of Professional Services Agreement for Pediatric Nurse Practitioner

The Township Clerk read by title Resolution R2012-35.

Mayor Mironov stated that Council had a recommendation from the Township Manager. She stated it was advertised as a licensed professional service. She noted it was the same individual as last year, and asked if the services provided in 2011 were satisfactory.

Mr. Fisher stated they were.

It was MOVED by SHAPIRO and seconded by ZOLLER that Resolution R2012-35 be adopted.

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

There being six (6) ayes and no nays, Resolution R2012-36 was adopted.

Resolution R2012-36 Closed Session (Acquisition of Real Property; Matter Under Attorney-Client Privilege; Contract Negotiations; Interlocal Services Agreement with Hightstown Borough for Senior Services)

The Township Clerk read by title Resolution R2012-36.

It was MOVED by ROSENBERG and seconded by SHAPIRO that Resolution R2012-36 be adopted.

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

There being six (6) ayes and no nays, Resolution R2012-36 was adopted.

APPLICATIONS: None

REPORTS BY COUNCIL AND STAFF:

Mr. Rosenberg stated that the Commission on Aging met on February 6. He stated that they discussed starting a “Grandpals” program with the schools.

Mr. Shapiro stated that the Planning Board met on January 30, at which time they heard an application from Toll Brothers for their Wyckoff Mills Road/Probasco Road property for conversion from age-restricted housing to non-age-restricted housing.

Mayor Mironov noted that this application would be continued, and that the application was submitted pursuant to the state statute authorizing conversions.

Mr. Yeager stated that the Municipal Drug & Alcohol Alliance met earlier that day, at which time they discussed upcoming events.

Mayor Mironov stated that the Economic Development Committee met on February 2. She stated that they are putting together a business event for March and discussed the new Township map. They also discussed a new promotional brochure. She stated that the State of the Township address, sponsored by the Mercer Chamber of Commerce, will likely be scheduled on April 25. She stated that East Windsor Volunteer Fire Co. #2 held their officer installation on January 29, and East Windsor Volunteer Fire Co. #1, on February 3.

CORRESPONDENCE: None

APPOINTMENTS: None

APPROVAL OF BILLS:

Listed for approval were vouchers approved for payment dated February 2, the current 2012 bill list dated February 2, the current 2011 bill list dated February 2, and the capital bill list dated February 2, as well as other miscellaneous and trust account bill lists.

Mayor Mironov stated that Council had a correct first page of the 2012 bill list.

It was MOVED by SHAPIRO and seconded by ROSENBERG 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 stated that Council had 3 memos from the principal engineering aide: a January 26 memo for a partial road closure on One Mile Road, a January 25 memo for a partial road closure at 398 Morrison Avenue, and a February 2 memo for a partial road closure on Oakmont Terrace.

Mayor Mironov stated that the League of Municipalities had scholarship opportunities for high school students. Information had been distributed to the high school.

Mayor Mironov stated that she had circulated a column regarding renewable energies and farmland titled, "Wind Farm Veto Rescues New Jersey's Preserved Farm Land", written by the director of the New Jersey Conservation Foundation. She noted that it was good to see a growing consensus within planning boards and environmental groups regarding legislation on the issue.

Mayor Mironov stated that there was an article in the New York Times Business Section titled, "Life Sciences Projects Revive in Central New Jersey" which focused on East Windsor and SciPark.

MATTERS BY PUBLIC: None

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. Recertification of Mercer County HOME Investment Partnerships Program Consortium
Resolution R2012-37 Approval of Agreement for East Windsor Township's Continued Participation in the Mercer County HOME Investment Partnerships Program

Mayor Mironov stated that Council had a copy of the letter sent to her office by Mercer County. She stated that the Township Manager provided some background information as well. She stated it was a program that provided potential opportunities for housing assistance for low-income households, as well as the possibility of assistance to townships for affordable housing initiatives. She noted the Township had participated in this in the past. She stated that the resolution approved the agreement for continued participation.

Mr. Lippman stated that it was essential to move forward with such a program, especially given the economy. He stated he felt many people who needed the help would take advantage of it.

Mr. Yeager added that the program did not cost the Township anything.

It was MOVED by LIPPMAN and seconded by YEAGER that Resolution R2012-37 be adopted.

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

There being six (6) ayes and no nays, Resolution R2012-37 was adopted.

2. Stream Clean-Up with Stony Brook Millstone Watershed Association

Mayor Mironov stated that the Township had participated in this program in the past. She stated that Council had a copy of the letter sent to her office stating that the clean-ups would be held the weekend of April 21-22 and April 28-19 in the morning or the afternoon, and noted she tentatively reserved the second Saturday morning. She stated that Council needed to decide if they would participate, and if so, they needed to choose a date and a place. She noted that the Environmental Commission was also reviewing the materials but that the dates were rapidly approaching.

Mr. Yeager stated that he attended the clean-up in 2011 and found that there was a very good response. He stated he would like to participate again.

Mr. Zoller stated he also participated in 2011. He noted that it was held at Etra Lake Park, and recommended it be held in the same place for 2012.

Mayor Mironov stated that she also participated and agreed with Mr. Zoller's suggestion. She noted that the Park was a safe place with plenty of areas to focus on. She stated that there were a lot of volunteers.

Mr. Lippman noted that they would not have to worry about roadways or traffic if it was held at Etra Lake Park, so people were freer to move about.

Mr. Yeager noted that people could then bring their children without worries about safety.

Council agreed to hold the clean-up at Etra Lake Park.

Mayor Mironov stated that in 2011, they held the clean-up on a Saturday morning.

Mr. Rosenberg stated that a Saturday morning seemed a good choice for families.

Mayor Mironov stated that it would have to then be April 28.

Council agreed to hold the clean-up Saturday, April 29, from 9 a.m. to 12 noon.

3. Assembly Bill A-1338/Senate Bill S-743, Further Extending Provisions of Permit Extension Act

Mayor Mironov stated Council had a letter from the League of Municipalities regarding this matter. She stated that the bill, which would expand the application of the original permit extension act into areas previously untouched, was up for a potential vote before the Assembly on February 16. She noted it was another legislative proposal where the development community was on one side and the planning community, environmental groups, and local officials were on the other. She stated that the primary concern was that this was not the first permit extension; it was reaching the point where these approvals were being extended 10 years. She stated that the entire reason for expiration on the approval date was that conditions change,

many times significantly, whether they be zoning changes, traffic conditions, construction in the area, etc. She noted that there were also local provisions for extensions. She stated that while it may be well-motivated, this bill was fraught with concerns and was not particularly well-considered.

Mr. Shapiro stated that the individuals who had approved the projects could be gone, with the current board not understanding the concerns and issues. He stated the state was interfering in local affairs. He noted that the Planning Board is very thoughtful and thorough in what it approves, but the state treats them as if the Board does not put any thought into the process.

Mayor Mironov stated it was another example of shortsideness and interference by Trenton which undermined good planning and local citizen participation. She noted that there was not a resolution but that they could send a letter.

Mr. Lippman asked if the state would consider a resolution as more serious.

Mayor Mironov stated that there was a potential vote on February 16 so a resolution would not be ready in time. She noted that they could issue a letter now and schedule a resolution for the next meeting.

Mr. Lippman stated he supported sending a letter.

Mayor Mironov asked if Council wished to see a resolution as well, should time allow it.

Council agreed.

It was MOVED by ROSENBERG and seconded by SHAPIRO to authorize the Mayor to issue a letter expressing Counsel's opposition to the bill.

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

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

4. Municipal Capital Budget Items

Mayor Mironov stated that there were some materials from the Township Manager regarding recommendations for capital items. She noted that this was a discussion of these items; whatever items Counsel agreed to move on would be incorporated into an ordinance for an upcoming Counsel meeting. She stated that one particular subject Counsel had previously discussed in 2011 was the Township-wide communication system. She stated that they wanted to make sure all Township departments and volunteer agencies coordinated to meet the new federal requirements regarding broadband. She stated that they wanted to coordinate so it was done as a singular project and so they could take advantage of any cost efficiencies, as well as to make sure

anyone in the Township who needed these devices were covered. She noted there was also a report from Chief Spain and materials regarding the narrow banding of Township-wide radio equipment. She stated this would include the needs of all the volunteer and Township departments.

Mr. Shapiro stated that he wanted to see more specifics regarding the tool replacements for the rescue squad.

Mr. Lippman stated that he needed more information on the replacement of the emergency light bar for the fire company for \$15,000. He stated he would like to know how old the current one was and if it was functional (and if not, was it repairable). He stated that he did not have any issue with the breathing apparatus and other items, but that it would be best if they tried to stretch the use of mechanical items such as the light.

Mr. Fisher stated he would provide further details.

Mr. Zoller stated the project requests listed \$60,000 for Fire Company #1 and \$25,000 for Fire Company #2 for radios.

Mayor Mironov stated she had noticed the same thing and stated that those numbers should not have been there; rather, an asterisk should have been put in their place. She stated that \$200,000 was the total project cost, and that the individual numbers should be disregarded.

Mr. Yeager stated that regarding the radio replacement, there seemed to be some public safety reasons to move forward.

Mayor Mironov stated it was a required replacement and a matter of compliance. She noted that the idea was to make sure everyone coordinated.

Regarding the radio tower replacement, Mr. Rosenberg asked if the current unit was functional. He asked for details regarding its age and efficiency.

Regarding the leaf equipment, Mr. Zoller stated there was a mention of overhauling the equipment in the summer of 2011, but materials then read the projected purchases "will be used to overhaul".

Mr. Fisher stated that this money was for a summer 2012 overhaul for use in fall 2012.

Mayor Mironov stated that it was an old description that was not updated. She noted that some of the equipment being replaced was well past its useful life expectancy. She asked Mr. Fisher if the new Green Acres grants that Township was awarded were incorporated into an ordinance yet.

Mr. Fisher stated that he believed they applied an ordinance to purchase certain properties and included funds from Green Acres and the Turnpike.

Mayor Mironov stated she was referring to the additional \$250,000 that was awarded from Green Acres, and asked if this money was appropriated in an ordinance. She noted that the ordinances being referenced by Mr. Fisher would have predated this grant. She asked him to look into this. She asked if there were any issues or questions about the items that were not raised.

Counsel agreed these items were agreeable.

Mayor Mironov asked Mr. Fisher to follow up with the requested information, and stated they would list this on the next Counsel agenda.

5. Middlesex Regional Educational Services Cooperation Electric and Natural Gas Aggregation

Mayor Mironov stated that Counsel had information in their folders. She stated that one of the cooperatives to which the Township belonged was going out to bid on electric and natural gas aggregation agreements, and that they needed to hear from the Township soon. She noted she had spoken with the cooperative director, who indicated that they could give the Township some more time to review the materials. She noted that they were considering other means of power for the police and court building but that they might want to consider this for other municipal buildings. She stated that she had requested additional information from the Township Manager regarding possible benefits and cost savings.

Mr. Lippman asked how much time the Township had.

Mayor Mironov stated only a few weeks; her thought was that they would list it for the next meeting but get more information before then.

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