

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, July 10, 2012

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 8:00 p.m. on July 10, 2012.

Assistant to the Municipal Clerk Joseph Kostecki 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.

Deputy Mayor Perry Shapiro led the flag salute.

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

PRESENTATIONS & PROCLAMATIONS: None

INTERVIEWS FOR BOARDS AND COMMISSIONS: None

PUBLIC FORUM:

Sean O'Connor of 14 Wellington Court stated he realizes that taxes are not going away but that the objective should be to cut debt at all levels. Mayor Mironov thanked him for his comments.

MINUTES:

March 20, 2012

It was MOVED by LIPPMAN and seconded by DUKE that the March 20, 2012 minutes, with revisions dated June 27, 2012, be approved.

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

There being six (6) ayes, no nays, and one (1) abstention, the minutes of March 20, 2012, with revisions dated June 27, 2012, were approved.

Mayor Mironov stated that the April 3, 2012 minutes would be held. She stated that the following minutes would be rescheduled: April 17, 2012, May 1, 2012, May 15, 2012, June 6, 2012, and June 26, 2012.

ORDINANCES – PUBLIC HEARING:

Council Meeting

July 10, 2012

Page 2

Ordinance No. 2012-8

An Ordinance Amending Chapter II, Administrative Code, Subsection 3.13, Deputy Clerk, of the Revised General Ordinances of the Township of East Windsor

Mayor Mironov stated the ordinance was introduced at the meeting of June 26, 2012. She declared open the public hearing for Ordinance No. 2012-8. There being no comment, she closed the public hearing.

It was MOVED by LIPPMAN and seconded by ROSENBERG to adopt Ordinance No. 2012-8 and authorize publication by law.

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

There being six (7) ayes and no nays, Ordinance No. 2012-8 was adopted and authorized for publication by law.

RESOLUTIONS:

Resolution R2012-121

Action on Bids for the Purchase of One New Regenerative Air Street Sweeper for the East Windsor Public Works Department

Mayor Mironov stated this resolution had been carried from the meeting of June 6, 2012 due to some outstanding questions. She stated additional information and a new resolution had been provided. She stated the first “whereas” should read “to replace a 2001 street sweeper”. She stated the statement “as recommended by the Township Attorney” should be removed from the third “whereas”, as the bidder is the apparent low bidder. She stated that on page 2, a second item should be included specifying the award. The item should read who the bid was awarded to with the proper address, the bid amount and any other regular language. She asked Mr. Orron and Mr. Fisher if these changes were proper. They agreed they were. Mayor Mironov asked if Mr. Orron was satisfied with the process and with the Council moving ahead with the resolution. Mr. Orron stated he was. Mayor Mironov asked if the vendor was properly notified. Mr. Orron stated they were. Mayor Mironov asked if there was anyone present from D. Hart and Sons. There was no one. Mr. Zoller noted a typographic error in the last paragraph. Mayor Mironov stated there was a 30-day extension of time from the bidder, with time ending July 30, 2012.

It was MOVED by ZOLLER and seconded by DUKE that Resolution R2012 121 be approved as amended.

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

There being six (7) ayes and no nays, Resolution R2012-121 was approved as amended.

Council Meeting

July 10, 2012

Page 3

Resolution R2012-122

Approval of Purchase of Repairs to Utility Vehicle for the East Windsor Volunteer Fire Company No. 2 with Dom's Getty

Mayor Mironov stated this resolution had been carried from the meeting of June 6, 2012 due to outstanding questions. She stated that additional information was provided.

It was MOVED by LIPPMAN and seconded by YEAGER that Resolution R2012-122 be approved.

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

There being seven (7) ayes and no nays, Resolution R2012-122 was approved.

Resolution R2012-153

Authorizing Change Order No 3 with Precise Construction Inc., for the Construction of Athletic Fields on Disbrow Hill Road

Mayor Mironov stated that the Council had updated information on this item. She stated the last page of these materials (the quote to be approved) should be attached to the resolution. She stated that the items currently attached to the resolution are not part of the resolution and should be removed. She stated that the Township had previously received grants in the amount of \$1,200,000 which were used to completely fund the project. She stated they hoped to finish the project in the near future. She recognized a resident who wished to speak.

Sean O'Connor of 14 Wellington Court expressed his opposition to this resolution, stating it was inappropriate to use this money to fund a park. Mayor Mironov thanked Mr. O'Connor for his comments, and stated these funds are State and County grants to construct multipurpose fields. Mayor Mironov stated these fields would help the East Windsor Police Athletic League and noted the great use of the fields such as those at Etra Lake Park during public events. She stated the resolution addressed a minor refinement of a facility that has largely already been constructed. Mr. Lippman stated that the project has been very well received. Mr. Rosenberg noted he spent a lot of time at Etra Lake Park and saw how much people took advantage of the parks in the Township. Mayor Mironov noted the extremely large crowd at the Etra Lake Park Independence Day celebration.

It was MOVED by LIPPMAN and seconded by SHAPIRO that Resolution R2012-153 be approved.

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

There being seven (7) ayes and no nays, Resolution R2012-153 was approved.

Council Meeting

July 10, 2012

Page 4

Resolution R2012-154

**Chapter 159 – Amending the 2012 Municipal Budget
Providing an Item of Revenue and Appropriation for
the 2012 Drive Sober or Be Pulled Over Grant**

Mayor Mironov stated this was a \$5,000 grant awarded to the East Windsor Police Department and inserted as revenue and an appropriation so it could be expended.

It was MOVED by ROSENBERG and seconded by DUKE that Resolution R2012-154 be approved.

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

There being seven (7) ayes and no nays, Resolution R2012-154 was approved.

Resolution R2012-155

**Approval of Developers Agreement with Naimesh and
Falguni Patel**

Mayor Mironov stated this was a developer's agreement stemming from a Planning Board approval. She asked Mr. Orron if all issues had been resolved. Mr. Orron stated yes.

It was MOVED by SHAPIRO and seconded by ZOLLER that Resolution R2012-155 be approved.

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

There being seven (7) ayes and no nays, Resolution R2012-155 was approved.

Resolution R2012-156

**Approval of Amendment to Personnel Policy to
Establish a Substance Abuse Policy for Safety Sensitive
Employees**

Mayor Mironov stated the Council had information from the Township Manager. She stated this was a requirement of the transportation program grant that funds the commuter bus and the senior bus.

It was MOVED by ROSENBERG and seconded by ZOLLER that Resolution R2012-156 be approved.

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

There being seven (7) ayes and no nays, Resolution R2012-156 was approved.

Council Meeting

July 10, 2012

Page 5

Resolution R2012-157 Closed Session (Attorney-Client Privilege)

It was MOVED by LIPPMAN and seconded by YEAGER that Resolution R2012-157 be approved.

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

There being seven (7) ayes and no nays, Resolution R2012-157 was approved.

APPLICATIONS: NONE

REPORTS BY COUNCIL AND STAFF:

Mr. Zoller stated that the Environmental Committee held its meeting on June 20 and discussed ideas regarding the community forestry plan, Sustainable Jersey Municipal Grant application, the ANJEC 2012 Planning Grants for Municipalities and the 2012 New Jersey Department of Environmental Protection Recycling Awards.

Mr. Shapiro stated the Planning Board on July 2 to discuss Conair and their status. Mr. Shapiro stated that Conair had previously received approval to construct a building across the street from the existing facility. They are now getting ready to build but had a few minor changes they wished to make, so they returned before the Board. Mayor Mironov noted the expansion would bring the entire facility to almost 1,200,000 square feet.

Mr. Rosenberg stated that the Clean Communities Committee met on June 28 and noted the Committee would hold a clean-up day of September 29. He stated that they are currently looking for nominations regarding the business awards. He further stated that the Commission on Aging meeting was held on June 28, and stated the senior directory was almost finished. He stated that as of March 13, 2012, Social Security checks will no longer be mailed out, and that seniors should be made aware of this.

Mayor Mironov noted that the Township is finalizing the Clean Communities Committee middle school suggestion box flyer and will provide it shortly. She stated the next Recycling Day will be October 6.

Mr. Yeager stated that the Municipal Drug Alliance and Recreation Committee will meet on July 11, and updates will be provided at the next Council meeting.

CORRESPONDENCE: None

APPOINTMENTS: None

APPROVAL OF BILLS:

Listed for approval was a current 2012 bill list dated July 5, 2012, a current 2011 bill list dated July 5, 2012, and a capital bill list, as well as various other miscellaneous and trust account lists.

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

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

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

MATTERS BY COUNCIL:

Mayor Mironov stated that a July 9 engineering memo informed of a partial road closure on Dover Lane for PSE&G. She informed the room of the upcoming July 27 Beattlemania concert and noted that many businesses have donated to make these events possible. She stated that a June 29 letter from the New Jersey Department of Transportation indicated they will start a resurfacing project on Route 130 on July 16, and noted the project would extend from approximately Maple Stream Road in East Windsor to Dey Road in Cranbury.

Mayor Mironov provided an update on the Housing Trust Fund bill that was recently vetoed by the Governor. The Housing Network and New Jersey League of Municipalities are in litigation regarding the Housing Trust Funds and the court issued a stay on the fund. The Mayor stressed this is money deposited by developers for the specific use of towns to meet any state-imposed affordable housing requirements. She stated the previous regulations were struck down by the State and had not been replaced, so there have not been any requirements in place for several years. Therefore, municipalities had no way to act. She noted that eventually, regulations would be imposed; she stated, if the State takes the money and still imposes housing requirements, then this will place a hardship on not only the town but on property taxpayers as well.

Mayor Mironov stated that there will be a new shuttle bus provider, and that notices were provided to riders.

Mayor Mironov requested to have an update at the next Township Council meeting from the Township Manager, regarding the Township's participation with the electricity aggregation supply program and what facilities are included.

MATTERS BY PUBLIC:

Sean O'Connor of 14 Wellington Court stated he would like to see specific spending cuts. Mayor Mironov thanked him for his comment.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. 2012 Sustainable Jersey Small Grants Program
Resolution R2012-158 Approval of Filing of Application with the
2012 Sustainable Jersey Small Grants Program

Council Meeting

July 10, 2012

Page 7

Mayor Mironov noted the Council had a revised resolution. She stated that this grant application has a deadline of July 15th. She stated the Council had requested and received specific ideas for this grant from the Environmental Commission, Business Ombudsman and other staff. The Council now needed to decide whether they would proceed with the application. She stated that the Council had a proposal for a GIS for sustainable community development, and noted this was a good planning tool for identifying and mapping information.

Mr. Rosenberg stated the proposal had a lot of good information and provided a worthwhile starting point. Mr. Zoller stated his favorable opinion of this grant proposal and stated it would provide information now and in the future so the Township can make good land use decisions. Mr. Yeager stated that the proposal would allow the Township to pursue more Sustainable Jersey goals which would then allow the Township to pursue more grant money. Mr. Shapiro stated this proposal is a great modern tool to help the Township make planning decisions, and one that will pay dividends for years to come. Mr. Zoller noted a mistake in the Green Team listing. Mayor Mironov stated that the two new members needed to be included, as well as student volunteer Rohit Palayekar.

Mayor Mironov stated that the resolution would authorize the filing of the application. She suggested the following language be added to paragraph 3: “and East Windsor has received bronze level Sustainable Jersey certification”.

It was MOVED by YEAGER and seconded by DUKE that Resolution R2012-158 be approved as amended.

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

There being seven (7) ayes and no nays, Resolution R2012-158 was approved as amended.

2. New Jersey Department of Community Affairs for the Housing Rehabilitation Grant under Small Cities Program

Resolution R2012-159

Authorizing Approval of Professional Services Agreement with Community Grants, Planning and Housing LLC to Apply for a Housing Rehabilitation Grant under Small Cities Program

Mayor Mironov stated that the Council had a revised resolution and that the Council had previously discussed and acted on this proposal. She stated that as the Council had already awarded the contract, the second and third paragraphs were not necessary. She noted that the resolution authorized a segment of the work. She suggested additional language outlining the scope of this segment. She noted that she had spoken to Community Grants and Planning, who stated that they would revisit the proposal and fee structure, as this went together with other rehabilitation services. Also, it was not the

Council Meeting

July 10, 2012

Page 8

structure used in the past for consultants, including this consultant. However, because time was limited, the Council would need to act quickly.

Mr. Shapiro stated the Township had worked with this consultant before and had been satisfied with the results. Mayor Mironov stated that the program would help satisfy the Township's state-requirement rehabilitation needs, once affordable housing guidelines are in place. She stated it also helps those in the community who need assistance and who need work down on their homes.

It was MOVED by SHAPIRO and seconded by LIPPMAN that Resolution R2012-159 be approved as amended.

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

There being seven (7) ayes and no nays, Resolution R2012-159 was approved as amended.

3. New Jersey Department of Transportation, Transportation Enhancement Program
Resolution R2012-160 Approval of Filing of Grant Application with
New Jersey Department of Transportation,
Transportation Enhancement Program

Mayor Mironov noted the grant application deadline was July 17. With direction by Mayor, Mr. Fisher previously spoke with the NJDOT in an effort to enhance the Township's competitiveness and stated that the Historic Rail Trail proposal is eligible, although it could potentially have environmental issues. Also eligible was the proposal for pedestrian improvements along Route 571, especially with its link to bus transportation. Mayor Mironov asked if they indicated how the Township might increase their competitiveness. Mr. Fisher stated they did not. Mayor and Council agreed to move forward with the Route 571 proposal as this is a worthwhile project that would provide pedestrian safety and allow people to better use the area, would also be a link between communities, and was the best opportunity to be a favorable direction for the NJDOT. Mayor Mironov stated the resolution would authorize the filing of the Route 571 Sidewalks to Transit proposal to improve pedestrian safety along Princeton-Hightstown Road from at least the East Windsor-Hightstown border to One Mile Road.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2012-160 be approved.

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

There being seven (7) ayes and no nays, Resolution R2012-160 was approved.

4. Restoration of Municipal Energy Tax Receipts

Mayor Mironov stated the restoration of the Municipal Energy Tax Receipts will continue to be on the agenda until the funds are provided back to the municipalities. The Mayor stated that the primary bill, which is A-2921 sponsored by Senator Sarlo and Assemblyman Singleton, planned to phase-in the money over five years. This legislation passed the State Assembly and State Senate by overwhelming partisan margins; however, the bill was vetoed by the Governor. She stated it was regretful that the Governor dismissed such a bipartisan vote. The Mayor expressed her appreciation for supportive legislators such as Senator Sweeney, Speaker Oliver, Senator Greenstein, and Assemblyman Benson. She further stated that she, along with other interested parties such as the League of Municipalities, will seek override votes for tax relief. She stated that the money does not belong to the State, but belongs to municipalities and local property taxpayers. She stated this would have been an immediate way to relieve a heavy tax burden on local taxpayers.

5. Letter from Garden Solar, L.L.C. Regarding Clean Generation Solar Energy Farm W2-073 (Block 35, Lot 4 and 4.01)

Mayor Mironov stated this letter was introduced and read during public comments during the June 26th Township Council meeting. She stated the Garden Solar project is pending in Zoning Board and that the Council was not discussing this application, as this would be inappropriate. She noted that the letter offered to meet with the Council in conjunction with the application and indicated there were at least two bills before the

State legislature that would allow for “virtual net metering” to local government entities. The letter offered a first opportunity to the Township to participate in such a virtual net metering agreement. At the previous meeting, she asked that this legislation be tracked. She stated that renewable energy legislation did pass the State Senate and Assembly, and that it was widely expected the Governor would sign it. She stated that the legislation did appear to have some positive provisions regarding the regulation of solar arrays on productive farmland. She noted the Council had information from the Manager. She stated that the virtual net metering language in the original version of the bill does not appear to be in the bill that passed. Instead, it has been altered to “municipal energy aggregation”. This has two requirements: that the land be owned or controlled by the municipality, and that the land cannot have been farmland assessed at any time in the previous ten years. Therefore, it would appear that Mr. Wilson’s offer does not fall under any part of the bill. She suggested that Mr. Wilson be advised of this and told that if he has any information to the contrary, he should contact the Council. Council agreed.

There being no further business Mayor Mironov adjourned the meeting at 9:30 p.m.

Kathie Senior
Acting Municipal Clerk

Janice S. Mironov
Mayor