

EAST WINDSOR TOWNSHIP COUNCIL

Wednesday, June 26, 2012

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 7:30 p.m. on June 26, 2012.

Acting Secretary to the Manager Julia Martella 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.

Chief of Police William Spain led the flag salute.

Present were: Mayor Janice S. Mironov, Deputy Mayor Perry Shapiro and Council Members Hector Duke, Alan Rosenberg, Perry Shapiro, Peter Yeager, and John Zoller. Also present were Township Manager Alan M. Fisher, Township Attorney David E. Orron and Acting Secretary to the Manager Julia Martella. Council Member Mark Lippman was absent.

PRESENTATIONS & PROCLAMATIONS:

Retirement of East Windsor Chief of Police William Spain

Mayor Mironov honored Chief Spain on his retirement, thanking him for his endless dedication and his many years of service. Pat Hart, Director of Womenspace, representatives of the volunteer fire and rescue companies, Rita Teubner, Secretary to the Chief of Police, and Police Lieutenants James Monahan, Todd Hoagland, Harry Marshall, and Richard Bernstein also spoke. Chief Spain thanked the Mayor, the Council, and everyone present for their continual support.

Drug and Alcohol Awareness Month – "We Check for 21" Campaign

INTERVIEWS FOR BOARDS AND COMMISSIONS: None

PUBLIC FORUM:

Carol Murray of 22 Wilmor Drive expressed concern about the McGraw-Hill solar fields and the water pumping behind her home, as well as the growth of weeds.

Jane Cormack of 25 Wilmor Drive expressed the same concerns, adding that the grass on Windsor Center Drive also needed to be mowed.

Jaclyn Zegarowicz of 2 Scott Road expressed the same concerns, noting that trees had been planted along Route 571 but not along the residential areas.

Mayor Mironov thanked them for their comments and stated the Township Manager would follow up and provide an updated report.

MINUTES:

February 18, 2012 (Budget Session)

It was MOVED by ROSENBERG and seconded by YEAGER that the February 18, 2012 (Budget Session) minutes, with revisions dated June 14, 2012, be approved.

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

There being five (5) ayes, no nays, and one (1) abstention, the February 18, 2012 (Budget Session) minutes, with revisions dated July 14, 2012, were approved.

February 21, 2012 (Budget Session)

It was MOVED by YEAGER and seconded by ROSENBERG that the February 21, 2012 (Budget Session) minutes, with revisions dated June 13, 2012, be approved.

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

There being five (5) ayes, no nays, and one (1) abstention, the February 21, 2012 (Budget Session) minutes, with revisions dated June 13, 2012, were approved.

March 7, 2012

It was MOVED by ROSENBERG and seconded by SHAPIRO that the March 7, 2012 minutes, with revisions dated June 5, 2012, be approved.

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

There being five (5) ayes, no nays, and one (1) abstention, the March 7, 2012 minutes, with revisions dated June 5, 2012, were approved.

Mayor Mironov stated that the March 20, 2012 minutes would be held. She stated that the following minutes would be rescheduled: April 3, 2012, April 17, 2012, May 1, 2012, May 15, 2012, and June 6, 2012.

ORDINANCES – INTRODUCTION:

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 that this was an update of the ordinance. She suggested changing “deputy clerk” to “deputy clerk(s)”. She asked Mr. Orron if this acceptable. Mr. Orron stated he felt that what mattered was the appointment, regardless of the pluralization. He noted it gave a certain latitude. He stated it was important who was in the position. Mayor Mironov stated it should be changed from “a deputy clerk” to “a deputy clerk(s)”.

It was MOVED by ROSENBERG and seconded by DUKE that Ordinance No. 2012-8 be approved on introduction and authorized for publication to set public hearing for July 10, 2012, with the changes.

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

There being six (6) ayes and no nays, Ordinance No. 2012-8 was approved on introduction and authorized for publication to set public hearing for July 10, 2012, with the changes.

RESOLUTIONS:

Resolution R2012-124 Action on Bid for the Purchase of One New 2012 Type III Ambulance

Mayor Mironov stated the Council had materials from staff. She noted the original bid is being rejected and the project is being put back out to bid.

It was MOVED by YEAGER and seconded by SHAPIRO that Resolution R2012-124 be approved.

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

There being six (6) ayes and no nays, Resolution R2012-124 was approved.

Resolution R2012-125 Authorizing Execution of Agreement Between New Jersey Transit Corporation and East Windsor Township to Provide Funding for the Shuttle Bus Service and Community Bus Service for FY2013

Mayor Mironov stated this was a grant agreement for the shuttle bus program. She noted it was a standard agreement.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2012-125 be approved.

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

There being six (6) ayes and no nays, Resolution R2012-125 was approved.

Resolution R2012-126 Authorizing Interlocal Agreement Between Township of East Windsor and County of Mercer for Contribution to Public Transportation Services and Coordination of Transportation Services for the Use of FTA 5307 Vehicle

Mayor Mironov stated this was a shared service agreement. She noted the Township had approved this same agreement before.

It was MOVED by YEAGER and seconded by ROSENBERG that Resolution R2012-126 be approved.

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

There being six (6) ayes and no nays, Resolution R2012-126 was approved.

Resolution R2012-127 Approving Interlocal Agreement Between Township of East Windsor and Borough of Hightstown for Contribution of Matching Local Share for Bus Services

Mayor Mironov stated that the service was shared with Hightstown Borough. Mr. Rosenberg stated this was another way the Township had gotten the message out about shared services, and another way to save money.

It was MOVED by ROSENBERG and seconded by ZOLLER that Resolution R2012-127 be approved.

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

There being six (6) ayes and no nays, Resolution R2012-127 was approved.

Resolution R2012-128 Chapter 159 – Amending the 2012 Municipal Budget Providing an Item of Revenue and Appropriation for the New Jersey Transit Section 5307 Bus Grant

Mayor Mironov stated the resolution, as well as R2012-129 and R2012-130, would allow the Township to insert the previously-referenced revenues into the budget.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R21012-128 be approved.

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

There being six (6) ayes and no nays, Resolution R2012-128 was approved.

Resolution R2012-129 Chapter 159 – Amending the 2012 Municipal Budget Providing an Item of Revenue and Appropriation for the Hightstown Interlocal Shared Bus Services

It was MOVED by ZOLLER and seconded by SHAPIRO that Resolution R2012-129 be approved.

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

There being six (6) ayes and no nays, Resolution R2012-129 was approved.

Resolution R2012-130 Chapter 159 – Amending the 2012 Municipal Budget Providing an Item of Revenue and Appropriation for the Mercer County Transportation Bus Grant

It was MOVED by ROSENBERG and seconded by SHAPIRO that Resolution R2012-130 be approved.

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

There being six (6) ayes and no nays, Resolution R2012-130 was approved.

Resolution R2012-131 Action on Bid for Public Transportation Services

Mayor Mironov stated that now that the monies were in place, the Township could award a bid. She stated four bids were received; the bids were lower than anticipated but would mean a change in bus provider. She stated the contract would take effect July 1 and that flyers would go out to riders alerting them to the change in provider.

It was MOVED by DUKE and seconded by YEAGER that Resolution R2012-131 be approved.

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

There being six (6) ayes and no nays, Resolution R2012-131 was approved.

Resolution R2012-132 Appointment of Acting Clerk

It was MOVED by SHAPIRO and seconded by ROSENBERG that Resolution R2012-132 be approved.

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

There being six (6) ayes and no nays, Resolution R2012-132 was approved.

Resolution R2012-133 Authorizing the Purchase of Uniforms for the East Windsor Police Department with Red the Uniform Tailor

Mayor Mironov stated the second whereas should read “quotes were solicited from five (5) vendors and two (2) quotes were received”.

It was MOVED by ZOLLER and seconded by YEAGER that Resolution R2012-133 be approved as changed.

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

There being six (6) ayes and no nays, Resolution R2012-133 was approved as changed.

Resolution R2012-134 Approval of Contract for Software Maintenance for the Police Department with Spillman Data Systems, Inc.

Mayor Mironov stated the Council had a corrected resolution. She noted there seemed to be a jump in the price from the previous year. She asked Mr. Orron and Mr. Fisher to confirm that the process detailed in the resolution was appropriate, noting it was not a bid project.

Mr. Orron stated it was an exception under the local public contract law, for computer maintenance. Mr. Fisher stated it was proprietary software. He stated that the increase was due to the wireless technology involved, as well as the mobile technology in the police cars.

It was MOVED by DUKE and seconded by YEAGER that Resolution R2012-134 be approved.

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

There being six (6) ayes and no nays, Resolution R2012-134 was approved.

Resolution R2012-135 Requiring Township Alcoholic Beverage Control Licensees Pledge “We Check for 21” as a Condition of Issuance of Alcoholic Beverage Control License

Mayor Mironov stated this was a long-held practice by the Township. She stated that it was a condition of any alcoholic beverage control license that the licensee signs the pledge. She stated addition informational materials were also available. Mr. Rosenberg stated that any project that brought attention to this subject was a worthy one.

It was MOVED by ROSENBERG and seconded by ZOLLER that Resolution R2012-135 be approved.

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

There being six (6) ayes and no nays, Resolution R2012-135 was approved.

Mayor Mironov suggested voting on Resolutions R2012-136 through R2012-152 as one vote, as they were all alcoholic beverage control license renewals.

Mr. Yeager stated that he would have to abstain from R2012-148.

Mayor Mironov stated that the Council would vote on Resolutions R2012-136 through R2012-147 and Resolutions R2012-149 through R2012-152 as one vote, and would vote on R2012-148 separately.

Resolution R2012-136	Renewal of Alcoholic Beverage Control License for Mali, Inc., t/a Holiday Inn of East Windsor
Resolution R2012-137	Renewal of Alcoholic Beverage Control License for Woodside Avenue, Inc., t/a Legends Bar and Grille/Days Inn of East Windsor
Resolution R2012-138	Renewal of Alcoholic Beverage Control License for Briad Restaurant Group, LLC, t/a TGI Friday's
Resolution R2012-139	Renewal of Alcoholic Beverage Control License for Americana RD, Inc., t/a Americana Diner
Resolution R2012-140	Renewal of Alcoholic Beverage Control License for CB East Windsor, LLC, t/a Charlie Brown's Steakhouse
Resolution R2012-141	Renewal of Alcoholic Beverage Control License for Avdico Foods Corporation, t/a Clairmont Diner
Resolution R2012-142	Renewal of Alcoholic Beverage Control License for East Windsor Recreation Center, LLC
Resolution R2012-143	Renewal of Alcoholic Beverage Control License for Windsor Wines & Liquors, Inc. t/a Windsor Wines and Spirits
Resolution R2012-144	Renewal of Alcoholic Beverage Control License for Windsor Wines & Liquors, Inc. t/a Windsor Wines and Spirits
Resolution R2012-145	Renewal of Alcoholic Beverage Control License for Veterans of Foreign Wars Post 5700, t/a VFW Post 5700
Resolution R2012-146	Renewal of Alcoholic Beverage Control License for Peddie School Golf Club, t/a the Peddie School Golf Club
Resolution R2012-147	Renewal of Alcoholic Beverage Control License for Hightstown American Legion Post 148

- Resolution R2012-149** Renewal of Alcoholic Beverage Control License for CS Estates, LLC, t/a City Streets Café
- Resolution R2012-150** Renewal of Alcoholic Beverage Control License for EdFran, LLC, t/a David's Pub and Package
- Resolution R2012-151** Renewal of Alcoholic Beverage Control License for Club 8 A Corp.
- Resolution R2012-152** Renewal of Alcoholic Beverage Control License for East Windsor BK, LLC, t/a Bottle King Discount Wine

It was MOVED by SHAPIRO and seconded by DUKE that Resolutions R2012-136 through R2012-147 and R2012-149 through R2012-152 be approved.

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

There being six (6) ayes and no nays, Resolutions R2012-136 through R2012-147 and R2012-149 through R2012-152 were approved.

- Resolution R2012-148** Renewal of Alcoholic Beverage Control License for Hightstown Elks BPOE No. 1955

It was MOVED by DUKE and seconded by SHAPIRO that Resolution R2012-148 be approved.

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

There being five (5) ayes, no nays, and one (1) abstention, Resolution R2012-148 was approved.

REPORTS BY COUNCIL AND STAFF:

Mr. Duke stated that the Health Advisory Board had met, at which time they discussed the community garden.

Mr. Yeager stated that the Recreation Committee had met on June 13, at which time they discussed Independence Day, the various summer concerts and nights in the park, and summer camp.

CORRESPONDENCE: None

APPOINTMENTS:

Mayor Mironov stated that she had accepted the resignation of Roman Petruniak as the Class II Planning Board official. Mayor Mironov appointed Recreation Director Jim Brady (previously a Class IV board member) as the Class II official, for a term expiring December 31, 2012. She

suggested the appointment of Denise Daniels as the new Class IV board member, for a term expiring December 31, 2013.

It was MOVED by DUKE and seconded by ROSENBERG to appoint Denise Daniels as the new Class IV member for a term expiring December 31, 2013.

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

There being six (6) ayes and no nays, Denise Daniels was appointed as the new Class IV board member, for a term expiring December 31, 2013.

APPROVAL OF BILLS:

Listed for approval were vouchers dated June 26, 2012, a current 2012 bill list dated June 21, 2012, a current 2011 bill list dated June 21, 2012, and a capital bill list dated June 21, 2012, as well as various other miscellaneous and trust account lists.

Mr. Zoller noted that on page 8 of the 2012 current bill list, there were two bills for the Red Light Running project. He asked if these needed to be discussed. Mayor Mironov stated everything was in order.

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

ROLL CALL: Ayes – Duke, 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 the Council had a report from the tax collector through the period of May 31, 2012, and a memorandum from the engineering aide dated June 19 regarding a partial road closure on Wayne Way. The Council also had a letter from the Riviera at East Windsor Homeowners Association regarding the tree plantings. She asked staff for an update on the Middlesex County aggregate energy program. She stated that information had been send to the Environmental Commission and the Department of Public Works regarding the recycling awards program.

Mayor Mironov stated that she and Hightstown Mayor Steve Kirson would host the Better Beginnings Gala on June 7. She stated that on Flag Day, the Jewish War Veterans presented the Twin Rivers Library with an American flag. She stated she would be attending Courts of Honor for two Eagle Scouts. She reminded everyone that the new Police Chief would be sworn in on July 1, 2012, that the Independence Day celebration would be held on July 3, 2012, and that National Night Out would be held on August 7, 2012.

MATTERS BY PUBLIC:

Al Grupper of 19 Heathwood Drive asked about the police/court solar project, and if Mayor Mironov could read the letter referenced under Discussion Item No. 3. Mayor Mironov stated she would do so when those items were discussed.

Carol Murray of 22 Wilmor Drive stated she was concerned about any new solar fields. Mayor Mironov stated that the Garden Solar application was currently before the Zoning Board, and that the Council did not have any jurisdiction over the Zoning Board.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. Senate Bill S-1900/Assembly Bill A-2921 – Restoration of Municipal Tax Energy Receipts

Mayor Mironov stated the issue of municipal tax energy receipts restoration had been previously discussed multiple times by the Council. She stated that legislation had been filed by Senators Paul Sarlo and Linda Greenstein and Assemblyman Troy Singleton. The bills were released from their respective budget committees on June 21, 2012. Assembly bill A-2921 was heard and passed on June 25, 2012; Senate Bill S-1900 would be heard the following Thursday. She thanked the members of both budget committees for pushing the release of these bills and for standing up for local officials and taxpayers. She stated that over the last 10 years, over \$12,800,000 had been withheld from East Windsor taxpayers, with \$2,800,000 being withheld in 2012 alone. She noted that this 2012 amount represented 25% of the municipal component of the tax rate. She stated that if approved, the bill would begin a 5-year phase-in process during which the funds would be returned to the rightful municipalities.

Mr. Yeager stated that it was ironic that it had to come to this point, in that the legislature had to act to get the money back from the state and to the municipalities. Mr. Zoller commended Mayor Mironov and the other mayors who campaigned on this subject and who spoke at the April mayors' round table. Mayor Mironov noted she had also testified before the state budget committees. Mr. Rosenberg stated that the bills represented four years of fighting.

2. Police/Court Solar Project

Mayor Mironov stated that this item was listed to give the Council an update on the matter. She stated that the proposal was on hold, and that the Township had received an extension until December 31, 2012. She asked staff to again agenda the item for the first meeting in August. She noted that there was some discussion going on in Trenton on this issue, and that staff should follow up and report back to the Council at the August meeting.

3. Letter from Garden Solar, LLC, Regarding Clean Generation Solar Energy Farm W2-073 (Block 35, Lots 4 and 4.01)

Mayor Mironov read the letter from Walter Wilson, Esq., attorney for Garden Solar, LLC. She noted that the Garden Solar application is currently pending before the Zoning Board, which is independent of the Township Council and empowered by state law to review the zoning law. Legally, the Council cannot participate in the Zoning Board process, and this matter is not regarding the pending application decision. She stated that there was currently no legislation that would provide for virtual net metering. She asked staff to monitor any new legislation or

discussions at the state level. At such time new legislation was introduced, the Council could then discuss the offer by Mr. Wilson. She stated that the project site had previously been discussed during a presentation on open space. She stated that she wanted to make sure the letter was part of the public record and that the Council would return to the matter if and when appropriate.

4. 2012 Sustainable Jersey Small Grants Program

Mayor Mironov stated that some grant opportunities were available through Sustainable Jersey, including \$20,000, \$10,000, and \$2,000 grants. She stated that she had previously asked staff, the Environmental Commission, and the Green Team to come up with ideas for grant proposals, which were provided to the Council. She noted that when considering such proposals, she tended to look for more tangible studies, projects, or equipment. She asked that the Director of Public Works also look into the matter and provide some suggestions, and that staff reach out to Sustainable Jersey to find out what has been successful in the past.

Mr. Yeager stated that he would like to see materials identifying the long-term savings associated with the projects. Mr. Rosenberg agreed that a more tangible project would be favorable, especially one that could be shown would save money while being environmentally friendly. Mayor Mironov noted they were on a tight timeline so the Council would need the information quickly. She stated that staff would need to clarify what the application requires and what the process would be. Mr. Zoller asked if the Environmental Committee would have an opportunity to review and revise their suggestions. Mayor Mironov agreed.

There being no further business Mayor Mironov adjourned the meeting at 10:05 p.m.

Alan M. Fisher
Acting Municipal Clerk

Janice S. Mironov
Mayor