

## **EAST WINDSOR TOWNSHIP COUNCIL**

May 21, 2013

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 7:30 p.m. on May 21, 2013.

Deputy Municipal Clerk, Kathie Senior 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, on January 14, 2013. All requirements of the "Open Public Meetings Act" were satisfied.

Sam Tottleman led the flag salute.

Present were: Mayor Janice S. Mironov and Council Members Hector Duke, Alan Rosenberg, Perry Shapiro and John Zoller. Also present were Township Manager James P. Brady, Township Attorney David E. Orron and Deputy Municipal Clerk Kathie Senior.

Absent were: Marc Lippman, Peter Yeager

### **PRESENTATIONS & PROCLAMATIONS:**

#### **Eagle Scout: Tom Vetter of Boy Scout Troop 59 (June 2, 2013)**

#### **Bicycle Safety Month -- May 2013**

Mayor Mironov stated that these proclamations would be presented at outside events.

#### **Eagle Project Presentation by Sam Tootleman of Boy Scout Troop 59\***

Sam Tootleman of Boy Scout Troop 59 presented his Eagle Scout project to Mayor and Council. The project consists of construction a new gazebo and repairs to two existing gazebos at Woods Park.

Mayor Mironov inquired about the specifications of the gazebos, how he will fund the project, where will he purchase the materials, and the construction details. Mayor Mironov also inquired about the assistance needed for this undertaking, and the expected start and length of time for completion of the project.

Sam Tootleman stated that plans on doing a lot of fundraising that should take about 3 months. He has gone to Home Depot and Northeastern Lumber. There will be other scouts from his troop to help with the construction.

Mr. Rosenberg inquired about how long each day will they be working.

Sam Tootleman stated that depending on the scouts he hopes to work from 9:00 a.m. – 2 p.m. each day.

Mayor Mironov inquired about which project will he work on first.

Sam Tootleman stated that he plans on constructing the new one first then work on the existing ones.

Mr. Shapiro asked if the old ones were missing pieces, would the pieces still be available to replace.

Sam Tootleman stated that he found some of the existing pieces but if he couldn't find them then he will replace that piece on all the gazebos so they look the same. Mr. Rosenberg stated that if they need to replace any pieces that he should check with the Mayor and Mr. Askenstedt to see if they are acceptable.

Mr. Zoller commented that it was a great project and thanked him for initiating the project.

Mayor Mironov stated that it is a very ambitious project. She expressed appreciation for the scouts picking up projects to help fill in the amenities in one of our most popular parks.

It was MOVED by ROSENBERG and seconded by DUKE to endorse Sam Tootleman's Eagle Scout project.

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

There being five (5) ayes and no (0) nays and no (0) abstentions, endorse Sam Tootleman's Eagle Scout project.

**INTERVIEWS FOR BOARDS AND COMMISSIONS: NONE**

**PUBLIC FORUM:**

Sean O'Connor, Hickory Corner Road, East Windsor, thanked Mayor for reaching out to him to meet with him. He apologized to Council, stating that at times his tone has been condescending, belligerent and unpoised, he stated he should have shown Town Council more respect. He continued to speak about his philosophy.

Mayor Janice Mironov asked if there was any additional comment from the public, no additional public comment was made, so public forum was closed.

**MINUTES:**

February 26, 2013 Special Meeting – Budget Session

Mayor Mironov stated that the February 26, 2013 Special Meeting – Budget Session minutes will be rescheduled.

March 5, 2013

Mayor Mironov stated that the March 5, 2013 minutes will be rescheduled.

March 5, 2013 Special Meeting – Budget Session

Mayor Mironov stated that the March 5, 2013 Special Meeting – Budget Session minutes will be rescheduled.

March 19, 2013

Mayor Mironov stated that the March 19, 2013 minutes will be rescheduled.

April 2, 2013

Mayor Mironov stated that the April 2, 2013 minutes will be rescheduled.

April 16, 2013

Mayor Mironov stated that the April 16, 2013 minutes will be rescheduled.

May 7, 2013

Mayor Mironov stated that the May 7, 2013 minutes will be rescheduled.

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**RESOLUTIONS:**

**Resolution R2013-74** Authorizing Approval of Professional Services Agreement for Engineering Services for Reconstruction & Resurfacing of Yorkshire Drive with T&M Associates

The Deputy Municipal Clerk read by title Resolution R2013-74

Mayor Mironov stated the Township received a grant from New Jersey Department of Transportation for \$249,500 for resurfacing and reconstruction of Yorkshire Drive. In order to develop the necessary specifications the township solicited in conformance with the fair and open process. This is a road services our Middle School as well as a significant area in town and it is in a deteriorated condition and is in substantial need of repair.

Mayor Mironov stated that she had two comments on the resolution, one is the NOW THEREFORE, even though there is an attached agreement it should expressly include the amount, so where it says at the end it should state comma it should say for an amount not to exceed \$14,350.00. Second, the intention is to do this work over the summer so that the roadwork can be completed before September.

Mayor Mironov asked for any comments or questions.

It was MOVED by ROSENBERG and seconded by SHAPIRO that Resolution R2013-74 be approved.

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

There being five (5) ayes, no (0) nays and no (0) abstentions, Resolution R2013-74 was approved.

**Resolution R2013-75**                      Approval of Purchase of Asphalt for the Public Works  
Department with Stavola Asphalt Company, Inc.

The Deputy Municipal Clerk read by title Resolution R2013-75

Mayor Mironov stated that Council has a recommendation from the Public Works Director. This is to primarily to plug pot holes.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2013-75 be approved.

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

There being five (5) ayes, no (0) nays and no (0) abstentions, Resolution R2013-75 was approved.

**Resolution R2013-76**                      Approval of Agreement with Windsor Meadows  
Homeowners Association for Reimbursement for Private  
Community Services for 2012

The Deputy Municipal Clerk read by title Resolution R2013-76

Mayor Mironov indicated that this is all part of the Kelly Bill and we did review all these numbers back in January as well as during our budget process. There is a signed agreement back which needs our approval.

It was MOVED by SHAPIRO and seconded by ZOLLER that Resolution R2013-76 be approved.

ROLL CALL: Ayes – Duke, Rosenberg, Shapiro, Zoller, Mironov

Nays – None

There being five (5) ayes, no (0) nays and no (0) abstentions, Resolution R2013-76 was approved.

**Resolution R2013-77** Chapter 159 – Amending the 2013 Municipal Budget  
Providing an Item of Revenue and Appropriation for the  
2012 Body Armor Grant

The Deputy Municipal Clerk read by title Resolution R2013-77.

Mayor Mironov stated that this is a grant to underwrite the Body Armor Police vests. This is not a purchase rather this resolution allows the Township to appropriate the monies so it could be spent.

It was MOVED by ROSENBERG and seconded by DUKE that Resolution R2013-77 be approved.

ROLL CALL: Ayes – Duke, Rosenberg, Shapiro, Zoller, Mironov

Nays – None

There being five (5) ayes, no (0) nays and no (0) abstentions, Resolution R2013-77 was approved.

**Resolution R2013-78** Chapter 159 – Amending the 2013 Municipal Budget  
Providing an Item of Revenue and Appropriation for the  
2012 Drunk Driving Enforcement Fund (DDEF)

The Deputy Municipal Clerk read by title Resolution R2013-78.

Mayor Mironov stated that this is a grant that was received by the State. It is for the purpose for enforcing drunk driving. These are grant funds that are provided to underwrite additional hours of time by police officers.

It was MOVED by ZOLLER and seconded by SHAPIRO that Resolution R2013-78 be approved.

ROLL CALL: Ayes – Duke, Rosenberg, Yeager, Zoller, Mironov

Nays – None

There being five (5) ayes, no (0) nays and no (0) abstentions, Resolution R2013-78 was approved.

**Resolution R2013-79** Chapter 159 – Amending the 2013 Municipal Budget  
Providing an Item of Revenue and Appropriation for the  
2012 Grant from H&H Appliance Center for Police Safety  
& Education

The Deputy Municipal Clerk read by title Resolution R2013-79.

Mayor Mironov stated that this is to appropriate the monies so that it can be spent. This is a donation. We are very fortunate in East Windsor that we get many donations from our business community to help various activities in our community to the benefit of our residents.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2013-79 be approved.

Mr. Shapiro asked if the Resolution should state somewhere the donator's name. Mayor Mironov asked for Clerk to add after the sum of \$1,500.00 in the NOW THEREFORE received as a donation from H&H Appliance.

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

There being five (5) ayes, no (0) nays and no (0) abstentions, Resolution R2013-79 was approved.

**Resolution R2013-80** Authorizing Approval of Professional Services Agreement  
for Financial Auditing Services

The Deputy Municipal Clerk read by title Resolution R2013-80.

Mayor Mironov stated that Council had a recommendation from the Finance Director and Township Manager. She stated that proposals were solicited in conformance with the fair and open process.

It was MOVED by ROSENBERG and seconded by SHAPIRO that Resolution R2013-80 be approved.

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

There being five (5) ayes, no (0) nays and no (0) abstentions, Resolution R2013-80 was approved.

**APPLICATIONS: None**

**REPORTS BY COUNCIL AND STAFF:**

Mr. Zoller reported that on May 16 the Health Advisory Board met and, attended. They are excited about the new community garden project, would like to expedite the project along. They are requesting to meet with Council as soon as Council is available. Mr. Zoller further indicated that he will have a full report at the next Council meeting once he has had the opportunity to review their minutes.

Mayor Mironov stated that on Sunday, May 19, she attended an Eagle Award Ceremony, court of honor for two new Eagles from Boy Scout Troop 5700 Mitchell Nicklaus and Christopher Bruno. They did an excellent job at the ceremony.

**CORRESPONDENCE: None**

**APPOINTMENTS: None**

**APPROVAL OF BILLS:**

Mr. Zoller stated on the current 2013 page 9 there is still bottled water on the list. Mayor Mironov asked for Mr. Brady to look into that. Mayor Mironov stated that we did leave a portion of that in the budget.

Mr. Duke had a question on page 7, wanted to know if the item for \$11,667.00 for Windsor Mill Condominium Association was correct. Mayor Mironov stated that these are all per the Kelly Bills and were previously reviewed twice and again when a contract was approved at the prior Council meeting.

Mayor Mironov had a comment on page 2 at the bottom, that bill is assumed an item that we can collect or try to collect. Mayor asked Mr. Brady if he can look into whether we can.

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

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

There being five (5) ayes, no (0) nays and no (0) abstentions, the bills were approved.

**MATTERS BY COUNCIL:**

Mayor Mironov stated that the clerk had reached out to all members for June meetings 1<sup>st</sup> as the first, meeting was scheduled on Election Day. Both of the June meetings will be changed, June 4 to June 11 and June 18 to June 25

Mayor Mironov stated that Council has a tax collectors report of April 30, 2013.

Mayor Mironov stated that Council has a letter from the Watershed Association, with respect to the clean-up day. There were sixty-two (62) volunteers and they removed five hundred twenty-two (522) pounds of litter from Etra Lake Park.

**MATTERS BY PUBLIC:**

Sean O'Connor, 152 Hickory Corner Road, thanked the mayor for clarifying some of the resolutions and ordinances.

Sean O'Connor inquired about the grant money for the police for drunk driving enforcement, and about the interest rates on the Bonds.

Mayor Mironov asked if there was any additional comment from the public, no additional public comment was made, public forum was closed.

**DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:**

1. Eagle Project Presentation by Sam Tootleman of Boy Scout Troop 59 \*
2. Capital Program for Municipal Operations

**Ordinance No. 2013-04**

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 \$1,262,000 Therefore And Authorizing The Issuance Of \$535,325 Bonds Or Notes Of The Township To Finance Part Of The Cost Thereof

Mayor Mironov stated that Council has material both from the Township Manager and Finance Director, with respect to two sets of actions.

Mayor Mironov addressed some of the public forum comments explaining Ordinance No. 2013-04 is not issuing bonds, basically what it is is an authorization. The Ordinance itself includes primarily grant money, so as to authorize spending the grants. There are ~~is~~ \$325,000 received ~~by~~ from Green Acres for Open Space projects, secondly a \$249,500 grant received from the DOT for Yorkshire Drive and thirdly a grant received from the New Jersey Department of Transportation for their Sidewalk Transit program which is



for Route 571. The total is the bulk portion of the Ordinance, that appropriates them so they can be spent on projects. Second with respect to this Ordinance, there is no interest rate because there is nothing being done at this point. This is merely an authorization for the Township to consider spending. Mayor Mironov indicated any spending or actual use of the funds requires a separate action, to incur or spend any of the monies.

She stated that Ordinance is basically is geared toward municipal infrastructure operations, specifically roadway improvements, park and playground improvements, general equipment upgrades, as well as for computers and related components.

Mayor Mironov stated the first item is the Ordinance and the second item will be addressed in a moment, but in conjunction with the potential introduction of the Ordinance Council has a resolution which is R2013-81 in which the Finance Director has gone through prior authorizations with respect to Capital Programs. Council will actually be canceling a total of \$684,674.78, which is even more then we are authorizing in this Ordinance tonight. With these two actions debt is actually reduced.

Mr. Zoller stated that these recommendations for the capital improvements are an excellent way to show that public safety is in our priority. The sidewalks are being built on Route 571 to protect the citizens, roads adjacent to public schools are being resurfaced. Much of this program is funded by State grant funds.

It was MOVED by ZOLLER and seconded by SHAPIRO that Ordinance R2013-04 be approved on introduction, authorized for publication, and to set public hearing for June 11, 2013.

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

There being five (5) ayes, no (0) nays and one (0) abstentions, Ordinance R2013-04 was approved on introduction, authorized for publication, and to set public hearing for June 11, 2013.

**Resolution R2013-81** Cancellation of Ordinance Balances

Mayor Mironov stated this resolution is cancellation of ordinance balances. The Resolution R2013-81 reflects a review of prior authorizations and is proposing to cancel \$684,674.00, which is a net reduction in overall debt.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2013-81 be approved.

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

There being five (5) ayes, no (0) nays and no (0) abstentions, Resolution R2013-81 was approved.

3. New Jersey Council on Affordable Housing (COAH) Actions/Letter Regarding Municipal Housing Trust Fund.

Mayor Mironov stated this was listed on the agenda when we received a letter from the State Council on Affordable Housing indicating we are required to respond by May 22. The letters were generated as a result of a Council on Affordable Housing meeting, which took place on May 1. This was the first time that Council on Affordable Housing met in well over 2 years. The basic purpose of that meeting was for the State Administration to take action to begin the process of seizing municipal trust funds from municipalities throughout the state, so they could use the monies to plug holes in the state budget. They actually appropriated this revenue as a one shot part in their state spending plan. We do not have to respond at this point, but wanted it to be left on the agenda. Since the action was taken, groups went to Court and obtained an injunction against the action. The state is not permitted to proceed with the efforts to take these monies from municipalities throughout the State. There is a hearing scheduled for June 5. The Fair Share Housing network initiated the litigation against the state action. The State League of Municipalities is joining in the motion and will be participating in the hearing on June 5 as well. The outrage of towns throughout the state and the media has been very loud. Whatever one believes about whether the state should have a mandated Affordable Housing Program or not, the fact is that they have one and these are monies that were required, pursuant to state regulations and guidelines, to be deposited with municipalities in order to pay for the cost of towns meeting the state imposed housing obligation. If the state were to be successful on seizing monies when that obligation becomes clarified, it would be taxpayers on the hook to pay for those state mandated obligations. The state is not approving any spending plans. There are not no guidelines as to the obligations of towns, or the compliance mechanisms for towns, and there have been no regulations promulgated as to how towns can legally commit to spend their monies pursuant to the law. It is quite outrageous, it is hard to imagine any reasonable person or judge, could find this process agreeable. In these difficult financial times we are all looking for ways to economize and ways to creatively generate revenue. Towns have pulled together along with other interested groups to oppose the action by the state.

Mayor Mironov stated that everything is on hold because of the injunction issued by the appellate division.

Mr. Shapiro stated that this is such a sense of outrage, we know that eventually they will come to us for COAH spending after they take that money from us. The only way we would then have funds is through local property taxes. If the State takes the money we will have to raise property taxes and give the State another chance to attack us.

Mr. Rosenberg had a question, he read in Mayor's advisory letter from the League that the COAH board was supposed to have twelve members by statute, there are only six and one absent when they took the vote. They didn't even have a quorum. Is that a legal or ethical or is that another energy receipts thing where they just do what they want and wait for the response. Mayor Mironov stated that it is certainly a good point and one that is being looked into further because they don't even have the statutory or the majority of the statutory required members of the board. Mr. Rosenberg further indicated that the member that was absent was a municipal representative who might have had an interesting point.

Mayor Mironov stated that we will continue to monitor, and there may be a time when we may have to respond. Meanwhile Mayor Mironov will continue to keep Council posted as best as she can.

Mayor Mironov stated that there was one issue raised that Council did not respond to, with respect to the drunk driving fund, how are the patrols determined or what is the strategy. Mayor Mironov asked Mr. Brady to get the information so that Council could share ~~that~~ since it is pertinent to our agenda tonight.

4. Master Plan Amendment - Route 33 Corridor Development/Revitalization Plan  
**Ordinance No. 2013-05** An Ordinance Amending and Supplementing Chapter XX, Zoning, of the Revised General Ordinances of the Township of East Windsor Specifically Section 20.2002, "Zoning", Which will Rezone Approximately 138.2 Acres of Developable Land Along the Route 33 Corridor into a New "CR" Corridor Revitalization Commercial Zoning District, Section 20-4.0100, "Districts Created", and a New Section 20-25 Entitled "CR" Corridor Revitalization

The Deputy Municipal Clerk read by title Ordinance No. 2013-05.

Mayor Mironov stated the Ordinance prepared by the Township Planner is a first step in implementing the zoning and regulator recommendations set forth in the Route 33 Corridor Plan. Just to recap, this is a plan that was developed using a \$100,000 grant that the Town obtained from the Delaware Valley Regional Planning Commission. We undertook this as a collaborative effort with the Borough of Hightstown. We had a joint subcommittee that met with a consultant, that was retained after an open solicitation process. We meet over a significant period of time. We made a public presentation with respect to the plans and also provided them online. The Planning Board at the recent meeting discussed the Route 33 Corridor Revitalization Plan, and they adopted it as part

of the Township Master Plan. The Planning Board submitted a letter to Council requesting consideration of Ordinance, which reflects the recommendations in that plan, so this ~~and~~ comes with the review and recommendation of our Planning Board. Mayor noted that Council last summer also reviewed the plan, endorsed and referred it to the Planning Board for their review and further comments and recommendations, which we ~~do~~ have at this point. Mayor Mironov stated that it was very constructive, very positive initiative and one that the stakeholders along corridor were invited to and participated in. Presentations were also opened to the public, both through meetings as well as providing the materials online. This is now the next step that is being suggested by our Planner.

Mr. Shapiro stated this is a result of serious consideration. This is fairly a unique opportunity for two municipalities to be able to sit down and plan together the best use for a Route opening. We would like this to go forward. This is not something that could happen overnight but with proper planning in place it is something that we could work toward and see some accomplishments. It is unusual for two towns to have such a stretch of property that they can work together for the common good.

It was MOVED by SHAPIRO and seconded by ZOLLER that Ordinance R2013-05 be approved on introduction and authorized for publication to set public hearing for June 11, 2013.

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

There being five (5) ayes, no (0) nays and no (0) abstentions, Ordinance R2013-05 was approved introduction and authorized for publication to set public hearing for June 11, 2013.

##### 5. Bicycle Safety Program

Mayor Mironov stated that Council has a memo from Mayor, that May is bicycle safety month. We have tried to undertake some sort initiative or public education in conjunction with this. Mayor had made a couple suggestions that Council might consider by using material we already have. Mayor showed Council, the summonses, stating a helmet safety contest, that says congratulations you are obeying the law. This is something that we have used before. We have handed them out to young people who are required to wear the helmets under state law. Would like to continue to use these for the same contest, as we have done in the past. It is very simple and straight forward, staff can give them out when they are out and about. Mayor Mironov stated, it is a way to focus on the importance of everybody, especially young people wearing helmets. The statistics are just indisputable. The use of a helmet does prevent serious injury and fatalities and it is the law but more importantly it is common sense and the safe thing to do.

Mayor Mironov stated that she is looking for a consensus to undertake this pretty low level activity on this subject but very important and enable use to spread the word in the community regarding this important

Mr. Rosenberg stated that this is a wonderful program and thinks it culminates on National Night Out and a lot of the kids really get involved in and certainly something he enthusiastically support.

Mayor Mironov stated that it is really good to do over the summer June, July when folks are really out and about and taking advantage of the good weather.

Mr. Zoller stated that this is a great idea to use resources that we already have. The best place to put these helmets is where we are going to put them on the heads of children.

There is a general agreement made by Council.

There being no further business Mayor Mironov adjourned the meeting at 9:07 p.m.

Next Meeting: Tuesday, June 4, 2013 at 7:30pm

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Kathie Senior  
Deputy Municipal Clerk

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Janice S. Mironov  
Mayor