

EAST WINDSOR TOWNSHIP COUNCIL

June 24, 2014

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 7:30 p.m. on June 24, 2014

Deputy Municipal Clerk, Erin A. Martin certified that the meeting was noticed on May 28, 2014. Notice was sent to the Trenton Times, filed with the Municipal Clerk and posted in the East Windsor Township Municipal Building, on May 28, 2014. All requirements of the "Open Public Meetings Act" were satisfied

Parker Alkema led the flag salute.

Present were: Mayor Janice S. Mironov and Council Members Hector Duke, Marc Lippman, Alan Rosenberg, Peter Yeager and John Zoller. Also present were Township Manager James P. Brady and Deputy Municipal Clerk Erin Martin. Council Member Perry Shapiro was absent.

PRESENTATIONS & PROCLAMATIONS:

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

Mayor Mironov issued the Proclamation to the representatives from businesses in East Windsor who attended the meeting to support and sign the We Check 21 pledge. Mayor Mironov spoke of the importance of checking the identifications of customers buying alcohol to make sure that it does not end up in the hands of minors. Councilman Yeager assisted Mayor Mironov with distributing materials and making sure the pledges were signed.

Eagle Scout: Parker Alkema, Boy Scout Troop 183 was recognized for his Eagle Scout Project of painting the fire hydrants.

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Aish Parulekar, 9 Lockewood Lane, East Windsor, New Jersey 08520, is a student at Hightstown High School who is interested in serving on the Environmental Commission or the Health Advisory Board.

PUBLIC COMMENT: None

MINUTES:

Mayor Mironov rescheduled April 1, 2014, April 22, 2014, May 6, 2014, May 20, 2014 and June 3, 2014 minutes.

ORDINANCE – PUBLIC HEARING

Ordinance No. 2014-04 An Ordinance of the Township of East Windsor, in the County of Mercer, New Jersey, Re-Appropriating \$144,000 Proceeds of Obligations Not Needed for Their Original Purposes

Mayor Mironov stated that Ordinance 2014-04 was introduced on June 3, 2014. Mayor Mironov declared that the public hearing is now open on Ordinance 2014-04.

There being no comment, Mayor Mironov closed the public hearing.

It was MOVED by ROSENBERG and seconded by DUKE that Ordinance No. 2014-04 be adopted and authorize publication as required by law.

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

There being six (6) ayes, no (0) nays, Ordinance 2014-04 was adopted and authorized publication as required by law.

ORDINANCE - INTRODUCTION:

Ordinance No. 2014-05 An Ordinance Amending and Supplementing Chapter XX, “Zoning”, of the Revised General Ordinances of the Township of East Windsor, County of Mercer, State of New Jersey and Specifically Subsection 20-19.1 Regarding Principal Uses in the “I-O” Industrial Office Zoning District and a New Subsection 20-19.5 Regarding Zoning Provisions Governing “Continuing Care Developments” in the “I-O” District

It was MOVED by LIPPMAN and seconded by ROSENBERG that Ordinance 2014-05 be approved on introduction, authorized for publication and public hearing set for July 15, 2014.

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

There being six (6) ayes, no (0) nays, Ordinance 2014-05 was approved on introduction, authorized for publication, and public hearing set for July 15, 2014.

Mayor Mironov stated that there are legal steps that need to be followed such as a legal notice to be published in the Trenton Times and a notice of public hearing to go out to the

200 foot list. Mayor Mironov also directed the Clerk's Office to look into how to file with the County Planning Board after adoption. She stated that she would like updates throughout the day tomorrow to the steps that are being taken.

RESOLUTIONS:

Resolution R2014-103 Chapter 159 – Amending the 2014 Municipal Budget
Providing an Item of Revenue and Appropriation for the
New Jersey Transit Section 5307 Bus Grant

The Deputy Municipal Clerk read by title Resolution R2014-103

Mayor Mironov stated that the Township received this grant money and this allows us to insert the money into the budget to make it available for use.

It was MOVED by YEAGER and seconded by ZOLLER that Resolution R2014-103 be approved.

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

There being six (6) ayes, no (0) nays, Resolution R2014-103 was approved.

Resolution R2014-104 Chapter 159 – Amending the 2014 Municipal Budget
Providing an Item of Revenue and Appropriation for the
Hightstown Interlocal Shared Bus Services

Mayor Mironov pulled and rescheduled Resolution R2014-104 as no staff provided information.

Resolution R2014-105 Chapter 159 – Amending the 2014 Municipal Budget
Providing an Item of Revenue and Appropriation for the
Mercer County Transportation Bus Grant

Mayor Mironov pulled and rescheduled Resolution R2014-105 as no staff provided information.

Resolution R2014-106 Chapter 159 – Amending the 2014 Municipal Budget
Providing an Item of Revenue and Appropriation for the
2014 Clean Communities Grant

The Deputy Municipal Clerk read by title Resolution R2014-106.

It was MOVED by ROSENBERG and seconded by LIPPMAN that Resolution R2014-106 be approved.

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

There being six (6) ayes, no (0) nays, Resolution R2014-106 was approved.

Resolution R2014-107 Refund of Tax Overpayments

The Deputy Municipal Clerk read by title Resolution R2014-107.

Mayor Mironov pulled and rescheduled Resolution R2014-107 as staff failed to attach list.

Resolution R2014-108 Approval of Professional Services Contract for Engineering Services for Reconstruction and Resurfacing of Hickory Corner Road between Dorchester Drive and Dutch Neck Road with BANC3

The Deputy Municipal Clerk read by title Resolution R2014-108.

Mayor Mironov asked that the following corrections be made to the Resolution. In the first paragraph, insert “*between Dorchester Drive and Dutch Neck Road*”. In the second paragraph insert the date of request for proposals as “*May 14, 2014*”. In the third paragraph, change the wording to say “*the most responsive and cost effective proposal*” and spell out “*New Jersey Department of Transportation*”. In the last paragraph before the ‘Now, Therefore’ insert the CFO certification number as “*C2014-25*”.

It was MOVED by ZOLLER and seconded by DUKE that Resolution R2014-108 be approved with the changes.

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

There being six (6) ayes, no (0) nays, Resolution R2014-108 was approved with changes.

Resolution R2014-109 Purchase of Replacement Compressor for Police/Court Building

The Deputy Municipal Clerk read by title Resolution R2014-109.

Mayor Mironov stated that the Resolution needs to read as follows;

WHEREAS, there exists a need to replace the HVAC Compressor for the Police/Court Building; and

WHEREAS, the Township solicited proposals and received three (3) proposals for HVAC Compressor Replacement; and

WHEREAS, the lowest proposal was received from Binsky Services; and

WHEREAS, public bids are not required when the purchases are under a State Contract in accordance with N.J.S.A. 40A:11-12 of the Local Public Contracts Law; and

WHEREAS, since the purchase is under \$17,500, public bids are not required as set forth in N.J.S.A. 40A:11-4 requiring public advertising and bidding for contracts for a sum exceeding the aggregate amount as calculated periodically by the Governor, pursuant to N.J.S.A. 40A:11-3 which amount is \$17,500; and

WHEREAS, the Township Council has reviewed the Township Manager's and the Director of Public Work's recommendations; and

WHEREAS, the maximum amount of the purchase is \$16,987.00 for the Police/Court Building. Funds are available in Capital Fund Account No. C-04-55-953-914-501 entitled HVAC Repairs for a total amount not to exceed \$16,987.00, as evidenced by the Chief Financial Officer's Certification No. C2014-26.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, as follows:

1. The Mayor and Deputy Municipal Clerk are hereby authorized and directed to Binsky Service, 281 Centennial Avenue, Piscataway, NJ 08854 to provide Professional Services for the HVAC Compressor Repair to the Police/Court Building.

It was **MOVED** by LIPPMAN and seconded by ROSENBERG that Resolution R2014-109 be approved with the changes.

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

There being six (6) ayes, no (0) nays, Resolution R2014-109 was approved with changes.

Resolution R2014-110 Action on Request for Release of Performance Guarantees for Riviera at East Windsor – Off-Site Improvements

Mayor Mironov pulled and rescheduled Resolution R2014-110 as the proper information was not obtained and provided.

Resolution R2014-111 Award of Public Transportation Services to Irvin Raphael, Inc.

The Deputy Municipal Clerk read by title Resolution R2014-111.

Mayor Mironov stated that the two pages attached to the Resolution do not belong there and please remove them. Also, the Resolution needs to be corrected to read the proper companies for the return of the bid bonds.

It was **MOVED** by ROSENBERG and seconded by YEAGER that Resolution R2014-111 be approved with the changes.

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

There being six (6) ayes, no (0) nays, Resolution R2014-111 was approved with changes.

Resolution R2014-112 Approval of Developers Agreement for AllStar Route 130
EW LLC

The Deputy Municipal Clerk read by title Resolution R2014-112.

Mayor Mironov stated that the exhibits need to be attached to the Developers Agreement and the Resolution needs to be changed to incorporate the Planning Board Resolution referenced and change the Township engineer to various Township staff.

It was MOVED by ZOLLER and seconded by DUKE that Resolution R2014-112 be approved with the changes.

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

There being six (6) ayes, no (0) nays, Resolution R2014-112 was approved with changes.

Resolution R2014-113 Consent to Sewer Service for Hankins Center and Approval
of Developers Agreement with Hankins Center, LLC

The Deputy Municipal Clerk read by title Resolution R2014-113.

Mayor Mironov stated that the exhibits need to be attached to the Developers Agreement and the Resolution needs to be changed to incorporate the Planning Board Resolution referenced and change the Township engineer to various Township staff, just like previous Developers Agreement.

It was MOVED by DUKE and seconded by LIPPMAN that Resolution R2014-113 be approved with the changes.

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

There being six (6) ayes, no (0) nays, Resolution R2014-113 was approved with changes.

Resolution R2014-114 Requiring Township Alcoholic Beverage Control Licensees
Pledge “We Check for 21” as a Condition of Issuance of
Alcoholic Beverage Control License

The Deputy Municipal Clerk read by title Resolution R2014-114.

It was MOVED by YEAGER and seconded by ZOLLER that Resolution R2014-114 be approved.

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

There being six (6) ayes, no (0) nays, Resolution R2014-114 was approved.

Mayor Mironov suggested voting on Resolutions R2014-115 through R2014-132 as one vote, with the exception of Resolution R2014-123, which is to be pulled for failure to return an application, as they were all alcoholic beverage control license renewals. R2014-123 should not have been listed by staff in this manner without any notice that not filed for a vote by Mayor and Council.

Mr. Yeager stated that he would have to abstain from R2014-124 and R2014-127.

Mr. Lippman stated that he would have to abstain from R2014-127.

Mayor Mironov stated that the Council would vote on Resolutions R2014-115 through R2014-122 and R2014-125 through R2014-126 and Resolutions R2014-128 through R2014-132 as one vote, and would vote on Resolution R2014-124 and Resolution R2014-127 separately. She also asked that the Resolutions be changed to read as *“the Deputy Clerk has represented that the application is in order”* in the second paragraph.

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| Resolution R2014-115 | Renewal of Alcoholic Beverage Control License for Mali, Inc., t/a Holiday Inn of East Windsor |
| Resolution R2014-116 | Renewal of Alcoholic Beverage Control License for Woodside Avenue, Inc. t/a Days Inn of East Windsor |
| Resolution R2014-117 | Renewal of Alcoholic Beverage Control License for Briad Restaurant Group, L.L.C., t/a TGI Friday’s |
| Resolution R2014-118 | Renewal of Alcoholic Beverage Control License for Americana RD, Inc. t/a Americana Diner |
| Resolution R2014-119 | Renewal of Alcoholic Beverage Control License for CB East Windsor, LLC t/a Charlie Brown’s Steakhouse |
| Resolution R2014-120 | Renewal of Alcoholic Beverage Control License for Windsor Grand Cafe Corp t/a Town Diner |

- Resolution R2014-121** Renewal of Alcoholic Beverage Control License for East Windsor Recreation Center LLC
- Resolution R2014-122** Renewal of Alcoholic Beverage Control License for PST Associates, LLC
- Resolution R2014-125** Renewal of Alcoholic Beverage Control License for The Peddie Golf Club t/a The Peddie School Golf Club
- Resolution R2014-126** Renewal of Alcoholic Beverage Control License for Hightstown American Legion Post 148
- Resolution R2014-128** Renewal of Alcoholic Beverage Control License for CS Estates LLC, t/a City Street Café
- Resolution R2014-129** Renewal of Alcoholic Beverage Control License for EDFRAN LLC., t/a David's Pub & Package
- Resolution R2014-130** Renewal of Alcoholic Beverage Control License for Club 8 A Corp.
- Resolution R2014-131** Renewal of Alcoholic Beverage Control License for East Windsor BK LLC t/a Bottle King Discount Wine & Liquors
- Resolution R2014-132** Renewal of Alcoholic Beverage Control License for EW Bistro, LLC

It was MOVED by DUKE and seconded by YEAGER that Resolutions R2014-115 through R2014-122 and R2014-125 through R2014-126 and Resolutions R2014-128 through R2014-132 be approved with the changes.

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

There being six (6) ayes, no (0) nays, Resolutions R2014-115 through R2014-122 and R2014-125 through R2014-126 and Resolutions R2014-128 through R2014-132 were approved with changes.

- Resolution R2014-124** Renewal of Alcoholic Beverage Control License for Veterans of Foreign Wars Post 5700, t/a Veterans of Foreign Wars Post 5700

It was MOVED by LIPPMAN and seconded by ROSENBERG that Resolution R2014-124 be approved with changes.

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

There being five (5) ayes, no (0) nays and one (1) abstentions, Resolution R2014-124 was approved with changes.

Resolution R2014-127 Renewal of Alcoholic Beverage Control License for
Hightstown Elks #1955 B.P.O.E.

It was MOVED by ROSENBERG and seconded by DUKE that Resolution R2014-127 be approved with changes.

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

There being four (4) ayes, no (0) nays and two (2) abstentions, Resolution R2014-127 was approved with changes.

APPLICATIONS: None

REPORTS BY COUNCIL AND STAFF:

Mr. Rosenberg reported that the Recreation Commission met on June 7th and went over the summer programs and discussed the upcoming series of short programs including: Mad Science, Kids Pottery and Bricks for Kids. They also discussed the seniors travel plans.

Mr. Yeager reported that the East Windsor Municipal Alliance for Prevention of Substance Abuse met on June 4th and discussed their grant programs and the grant requirements. Currently in the final quarter of this grant and will begin new grant term July 1st.

Mayor Mironov reported that the Economic Development Committee met on June 5th and discussed the Einstein Alley High Tech Corridor signage which will be on the next Agenda as a discussion item for council. They also discussed a networking event with the New Jersey Chamber East Windsor Division.

CORRESPONDENCE:

APPOINTMENTS:

APPROVAL OF BILLS:

Mayor Mironov said that there is a Current 2014 and Current 2013 bill list, 1 page Capital bill list, Escrow bill list and some other misc. and trust fund account bill lists all dated June 12, 2014.

Mayor Mironov would like held on the Current 2014 pages 2 and 3 for legal notices, on page 4 for tax. Pull from page 12 for the Sale of Salt to East Windsor Regional School District, this was supposed to be a receivable yet this is being paid. Hold from pages 10, 11 and 12 all of the Fire Rescue Bills and will look for an explanation from the manager.

Mr. Zoller would like a response regarding the EZPass bills from Petty Cash. Mr. Brady responded that these are bills from the Police Department where our Transmitter didn't work for the toll on the turnpike.

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

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

There being six (6) ayes, no (0) nays the bills were approved.

MATTERS BY COUNCIL:

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. New Jersey Department of Transportation Grant Programs
 - a. Grant Application for "Safe Routes to School" Program

Mayor reviewed and Council concurred to support and file the Grant Application for the "Safe Routes to School" Program to include installation of a bicycle only lane in the area of Old Creek Road, Dutchneck Road and Windsor Center Drive and upgrades and crosswalks, possibly refuge islands at Dutchneck Road, Dorchester Drive and Hickory Corner Road for Kreps Middle School. Mayor and Council also supported the installation of six stationary solar school zone flashing signs and new message boards for Kreps Middle School, Perry L. Drew Elementary School and Ethel McKnight Elementary School. Mayor Mironov noted there is a resolution required from the school district and directed the manager to contact them for the Resolution first thing in the morning.

It was MOVED by DUKE and seconded by ZOLLER that the Grant Application be filed for "Safe Routes to School" in accordance with those items.

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

There being six (6) ayes, no (0) nays, the “Safe Routes to School” Program was approved for filing of the application.

b. “Transportation Alternatives” Program

Council decided there was no feasible proposal and not to file any application for this program .

2. New Jersey Division of Highway Traffic Safety FY2015 Grant Program

a. Approval of Filing of Application to New Jersey Division of Highway Traffic Safety for Bicycle Safety Program

It was MOVED by ROSENBERG and seconded by YEAGER that the “New Jersey Division of Highway Traffic Safety Bicycle Safety Program” be approved for filing of the application.

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

There being six (6) ayes, no (0) nays, the “New Jersey Division of Highway Traffic Safety Bicycle Safety Program” was approved for filing of the application.

MATTERS BY PUBLIC: None

There being no further business Mayor Mironov adjourned the meeting at 9:53 p.m.

James P. Brady
Acting Municipal Clerk

Janice S. Mironov
Mayor