

EAST WINDSOR TOWNSHIP COUNCIL
MINUTES OF MEETING
October 21, 2014

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 7:30 p.m. on October 21, 2014.

Kelly Lettera certified that the meeting was noticed on August 27, 2014. Notices were sent to the Trenton Times, filed with the office of the municipal clerk and posted in the East Windsor municipal building. All requirements of the open public meeting act have been satisfied.

Lieutenant Jim Geary led the flag salute.

Present were: Mayor Janice S. Mironov and Council Members Alan Rosenberg, Perry Shapiro, Peter Yeager and John Zoller. Also present were Township Manager James P. Brady and Kelly Lettera. Council Members Hector Duke and, Marc Lippman were absent.

PRESENTATIONS & PROCLAMATIONS:

ADMINISTER OATH OF OFFICE TO NEW POLICE OFFICER

Mayor Mironov administered the Oath of Office to new Police Officer Gregory Hager

Domestic Violence Awareness Month - - October 2014 - Mayor Mironov proclaimed October "Domestic Violence Awareness Month." Mayor Mironov also presented a proclamation to Patricia Hart for 20 years of service as Executive Director of Womanspace.

Pancreatic Cancer Awareness Month - - November 2014 – Mayor Mironov proclaimed October “Pancreatic Cancer Awareness Month” and presented a Proclamation to Maria Selesi, the Southern New Jersey Affiliate Coordinator of the Pancreatic Cancer Network.

INTERVIEWS FOR BOARDS AND COMMISSIONS:

PUBLIC COMMENT:

Sean O’Conner, 152 Hickory Corner Road, Apt. 313, East Windsor, spoke about the Township’s public comment rules. Mayor Mironov directed him to Resolution R2014-06, adopted on January 1, 2014.

MINUTES:

July 1, 2014

Mayor Mironov noted the third paragraph on page two, Township should have a capital "T" with no "s," on page three "ordinance" should have "public hearing" next to it, "ordinance" should have "introduction" next to it, on page six at the bottom the last two words should be removed and there should be a period after 2014, on page 7 under Discussion Items, items should be listed as they were on the agenda with the first item being "Audit," with Einstein's Alley as the second item.

It was MOVED by ZOLLER and seconded by ROSENBERG that the July 1, 2014 minutes be approved with changes.

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

There being five (5) ayes, no (0) nays, July 1, 2014 minutes were approved with changes.

September 23, 2014

Mr. Zoller noted that page five roll calls were inconsistent with (7) ayes and (1) abstention, which was repeated at the bottom of the page as well. Mayor Mironov stated that the minutes would be checked and corrected accordingly.

It was MOVED by YEAGER and seconded by SHAPIRO that the September 23, 2014 minutes be approved with changes.

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

There being four (5) ayes and no (0) nays, September 23, 2014 minutes were approved with changes.

Mayor Mironov held September 2 minutes and rescheduled October 7, 2014 minutes.

ORDINANCE – PUBLIC HEARING:

ORDINANCE – INTRODUCTION:

Ordinance No. 2014-08 Bond Ordinance Providing For Various Capital Improvements In and By The Township Of East Windsor, In The County of Mercer, New Jersey, Appropriating \$1,985,500 Therefore And Authorizing The Issuance Of \$1,149,975 Bonds Or Notes Of The Township To Finance Part Of The Cost Thereof

Kelly Lettera read by title Ordinance 2014-08.

It was MOVED by ROSENBERG and seconded by YEAGER that Ordinance 2014-08, be approved on introduction, authorized for publication as required by law and public hearing set for November 11, 2014.

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

There being five (5) ayes and no (0) nays, Ordinance 2014-08 was approved on introduction, and the public hearing set for November 11, 2014.

Mayor Mironov stated that the Ordinance reflected the outcome of the two workshop discussions of Capital Budget items. A second phase capital program review will be scheduled for the February 2015 Council Meeting. Mayor Mironov requested that all steps be taken regarding the ordinance.

RESOLUTIONS:

Resolution R2014-178 Award of Contract for Affordable Housing Plan Consultant Services to Clarke Caton Hintz

Kelly Lettera read by title Resolution R2014-178

Mayor Mironov asked Council Members to set aside the previous ordinance as there was a revised resolution and attachments in Council Members' meeting folders. She noted that page three of the professional services agreement had been amended from \$35,000 to \$40,000, and that Exhibit A (affirmative action form) would be included in the contract. The consultant's proposal was attached as Exhibit B, which incorporates the scope of services as well as the fee schedule, and the request for proposals (Exhibit C) would also be incorporated.

Mr. Orron recommended that the name of the consultant's responsible party be included in the first paragraph of the contract.

It was MOVED by ROSENBERG and seconded by ZOLLER that Resolution R2014-178 be approved as amended.

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

There being five (5) ayes, no (0) nays, Resolution R2014-178 was approved as amended.

Resolution R2014-179 Approval of Developers Agreement for Conair Corporation

Kelly Lettera read by title Resolution R2014-179

Mayor Mironov asked that references to “resolution” in developer’s agreements include the resolution number.

Mayor Mironov explained that a copy of a proposed mid-block crosswalk as proposed by Conair was included in the documents, and that if approved Conair should be responsible for its cost and maintenance. Mr. Orron recommended a separate, restrictive covenant be developed memorializing the above. Mayor Mironov agreed, and also sought confirmation regarding whether formal action must be taken to include the crosswalk in the Township ordinances.

It was MOVED by SHAPIRO and seconded by ZOLLER that Resolution R2014-179 be approved as amended.

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

There being five (5) ayes, no (0) nays, Resolution R2014-179 was approved as amended.

Resolution R2014-180 Authorize Payment to Mercer County for Materials Used
for Work Performed on Devonshire Drive

Kelly Lettera read by title Resolution R2014-180.

Mayor Mironov noted that paragraph four should be “your purchase” and “publicly” was misspelled. In the fifth paragraph “the” should be capitalized, “Mercer County Contract” should be added in the sixth paragraph, in paragraph seven “Capital Ordinance 2012-03” should be removed, paragraph eight should say “funds are available in the Capital Account,” and the finance certification number is C2014-036.

Mayor Mironov explained the project resulted from a cooperative agreement with Mercer County. East Windsor pays for the materials and the County provides the labor and cost the Township less than half than if it had been bid.

It was MOVED by ROSENBERG and seconded by YEAGER that Resolution R2014-180 be approved with changes.

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

There being five (5) ayes, no (0) nays, Resolution R2014-180 was approved with changes.

Resolution R2014-181 Refund of Tax Overpayments

Kelly Lettera read by title Resolution R2014-181

Mayor Mironov stated that there was a certified report from the tax collector.

It was MOVED by YEAGER and seconded by ZOLLER that Resolution R2014-181 be approved.

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

There being five (5) ayes, no (0) nays, Resolution R2014-181 was approved.

Resolution R2014-182 Action on Request for Release of Performance Guarantees
for D & E Realty d/b/a Trifoodarama

Kelly Lettera read by title Resolution R2014-182

It was MOVED by ROSENBERG and seconded by ZOLLER that Resolution R2014-182 be approved.

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

There being five (5) ayes, no (0) nays, Resolution R2014-182 was approved.

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

Kelly Lettera read by title Resolution R2014-110

Mayor Mironov noted this had been carried from the last meeting. There were still items that needed to be remedied that were awaiting information from T&M Associates. Therefore the resolution will be held.

Resolution R2014-XXX Action on Request for Release of Performance Guarantees
for Riviera at East Windsor – Clubhouse

This resolution will be held until further information is received from the Township Engineer. Mayor Mironov asked not to insert any resolution numbers until it is placed on the agenda again.

APPLICATIONS:

Raffle License RL2014-06 Veterans of Foreign Wars Post 5700 – November 9, 2014 –
at 140 Dutch Neck Road, East Windsor, Raffle License

It was MOVED by ROSENBERG and seconded by SHAPIRO that Raffle License RL2014-06 be approved.

Mayor Mironov asked if everything is in order for the raffle. The response was yes.

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

There being four (4) ayes, no nays and one (1) abstention, Raffle License RL2014-06 was approved.

REPORTS BY COUNCIL AND STAFF:

Council Member Rosenberg reported that the Recreation Commission met on October 8. 150 people signed up for the ski trip. The winter programs will be advertised very soon.

Council Member Shapiro reported on the East Windsor Green Space meeting on October 20. The committee took care of some housekeeping issues, including electing officers.

Council Member Shapiro reported on the Planning Board meeting of October 20. The Gallaria plans had been modified. They will return for final approval.

Council Member Zoller reported on the Commission on Aging meeting of October 21. A brief presentation was given by the Senior Center Coordinator regarding the fall calendar. The Senior Services Directory was complete and was awaiting the Township seal and a photo of Council for completion.

CORRESPONDENCE:

APPOINTMENTS:

APPROVAL OF BILLS:

In the Capital Bills List, Mayor Mironov asked that the first item be pulled.

In the 2014 Current Bills List, on page five, Mayor Mironov asked for clarification on a bill for \$5293.

It was MOVED by SHAPIRO and seconded by YEAGER that the bills be approved without those pulled and subject to the questions and clarifications.

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

There being five (5) ayes, no (0) nays the bills were approved subject to questions and clarifications.

MATTERS BY COUNCIL:

Recycling Day was held on October 11. Mayor Mironov thanked Councilman Shapiro and Rosenberg for coming out in poor weather. She also recognized Councilman Yeager for his super assistance.

The Einstein's Alley event was held and great feedback was received.

Mayor Mironov acknowledged a letter from Patricia Franks indicating that she was regretfully resigning from the Clean Communities Committee.

A letter from Caroline Garcia was received that she was resigning from the Zoning Board.

The student serving on the Recreation Commission formally resigned.

A letter from the Surrogate had been received proposing dates for their satellite office for 2015. Mayor Mironov asked that a letter be prepared for her signature accepting this schedule.

A note from the Manager had been received responding to bills list questions from prior meetings.

Mayor Mironov reminded Council Members that Passport Day was scheduled for November 13.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. Mercer County Agricultural Development Board FY2016 Farmland Preservation County Planning Incentive Grant Program

Ten targeted parcels were included in the County's proposed plan. Mayor Mironov stated that the first parcel (Block 30, Lot 1901, 130 Cedarville Road) had already been preserved.

Mayor Mironov said it would be appropriate to send a letter to the County thanking them for inviting comments and that the Township endorses the inclusion of the farmland

parcels identified by Mercer County, and requesting the addition of Block 35, Lots 4 and 4.01 as a targeted farm.

It was MOVED by ROSENBERG and seconded by SHAPIRO that East Windsor Township endorses the Mercer County Agricultural Development Board FY2016 Farmland Preservation County Planning Incentive Grant Program Proposal and requests that that Block 35, Lots 4 and 4.01 be added as a targeted farm.

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

There being five (5) ayes, no (0) nays, the motion was approved.

2. Transportation Trust Fund Reauthorization

Resolution R2014-183 Urging Transportation Trust Fund Reauthorization

Mayor Mironov explained that a number of organizations, including the New Jersey State League of Municipalities, are urging the Federal and State Governments to take action to reauthorize the Transportation Trust Fund. Studies indicate there are a large number of bridges and roadways that are defective, and have become safety issues.

It was MOVED by YEAGER and seconded by ZOLLER that Resolution R2014-183 be approved.

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

There being five (5) ayes, no (0) nays, Resolution R2014-183 was approved

3. State Pension and Health Benefits Study Commission Potential Recommendations

Resolution R2014-184 Urging Governor and Legislature to Recognize and Preserve Strength of Local Pension Funding When Considering the Recommendations of Governor's Pension and Health Benefit Study Commission

Mayor Mironov noted that the Pension Fund was in trouble and the State had serious issues. The current issue was that municipalities that made payments every year were much healthier. The resolution requests that the State not impair local pensions or impose additional financial burdens on taxpayers to resolve their issues.

It was MOVED by SHAPIRO and seconded by ROSENBERG that Resolution R2014-184 be approved.

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

There being five (5) ayes, no (0) nays, Resolution R2014-184 was approved.

4. Sustainable Jersey Small Grants Program

Resolution R2014-XXX Approval of Filing of Grant Application with Sustainable Jersey Grants Program

Mayor Mironov gave a synopsis of the Sustainable Jersey Grants Program. She noted that East Windsor had just received its Bronze Sustainable Jersey Re-Certification. She noted four options: sustainability plan, GIS mapping, municipal composting site, or not submitting an application. Mayor Mironov noted the deadline was November 5, 2014.

Council Member Yeager commented that the GIS option had already been rejected and, unless Sustainable Jersey was now funding such projects, it would not be advisable to re-submit for this project. Council Member Shapiro stated the sustainability plan and compost site were interesting programs but did not like the GIS option. Mayor Mironov agreed that the GIS option would not be a strong proposal. She stated that some topics included in the sustainability plan were already being addressed by the East Windsor Green Team for its Sustainable Jersey Certification Program, and that it was time consuming as the Township already had a number of projects, such as the bikeway plan and greenways, underway. She would prefer to see how other municipalities in New Jersey had implemented sustainability plans before moving forward with such a project. It may also require significant monitoring that would generate additional tasks on an ongoing basis. She believed the composting site would be tangible, beneficial and could save money in the long run while benefitting residents by providing compost at no charge, and possibly generating revenue by selling compost to landscaping businesses. Council Member Zoller agreed that this option provided a number of benefits. Mayor Mironov expressed concern about the site, which was still an open question.

It was MOVED by ROSENBERG and seconded by ZOLLER that Resolution R2014-XXX Approval of Filing of Grant Application for a Municipal Composting Site with Sustainable Jersey Grants Program be approved, subject to identifying an agreeable site.

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

There being five (5) ayes, no (0) nays, Resolution R2014-184 Approval of Filing of Grant Application for a Municipal Composting Site with Sustainable Jersey Grants Program was approved, subject to identifying an agreeable site.

MATTERS BY PUBLIC:

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Sean O'Connor, 152 Hickory Corner Road, Apt. 313, East Windsor – Mr. O'Connor requested additional details on the Farmland Preservation Program, municipal bonds and anticipated surplus.

There being no further business Mayor Mironov adjourned the meeting at 9:25 p.m.

Kelly Lettera
Acting Municipal Clerk

Janice S. Mironov
Mayor