

## **EAST WINDSOR TOWNSHIP COUNCIL**

Tuesday February 23, 2016

### **MINUTES**

#### **CALL TO ORDER:**

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 7:00 p.m. on Tuesday, February 23, 2016.

#### **VERIFICATION:**

Municipal Clerk Gretchen McCarthy certified that the meeting was noticed on January 14, 2016 in the annual meeting notice and on February 19, 2016, notices were sent to the Trenton Times, filed in 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.

**FLAG SALUTE:** Led by Council Member Alan Rosenberg

#### **ROLL CALL:**

Present were Council Members, Denise Daniels, Marc Lippman Alan Rosenberg, Perry Shapiro, John Zoller and Mayor Janice Mironov. Council Member Peter Yeager was absent. Also present were Township Manager James P. Brady, Finance Director Laurie Finger and Municipal Clerk Gretchen McCarthy. Township Attorney David E. Orron entered the meeting at 7:30pm.

**7:00 p.m.** 2016 Municipal Budget Review Workshop

#### Municipal Court:

Municipal Court Administrator Claudia Rosenberg was present to discuss the department budget. The narrative was reviewed and specific subjects discussed included security officers for court sessions, staffing, and interpreter costs. Mayor Mironov asked for particular cost information regarding the public defender.

#### Public Works:

Public Works Director William Askenstedt was present to discuss the department budget. The narrative was reviewed and Mayor Mironov remarked on recent energy upgrades being a positive influence on energy costs. Specific subjects discussed included road repairs/maintenance, motor vehicle supplies, mechanics, costs for required physicals, engineering, utilities, and natural gas.

#### **7:30 p.m. PRESENTATIONS & PROCLAMATIONS:**

The Month of the Young Child – April 2016

Mayor Mironov stated that this was a great opportunity to issue this proclamation to kick off the Better Beginnings Gala being held on April 9 and to demonstrate public support of the event. Luz Horta, Executive Director and Dennis Cleary, Chairperson of the Better Beginnings Board of Trustees were presented personal checks by Mayor Mironov and Council Members for their tickets for the Gala.

Read Across America Day – (March 2, 2016)

Mayor Mironov will present the Proclamation at an event to be held at the elementary schools.

**INTERVIEWS FOR BOARDS AND COMMISSIONS:** None.

**PUBLIC FORUM:** No one spoke.

**MINUTES:**

November 10, 2015  
November 10, 2015 Closed Session  
December 8, 2015  
December 22, 2015  
December 22, 2015 Closed Session  
January 1, 2016  
January 12, 2016  
January 26, 2016  
February 9, 2016

Mayor Mironov requested that all minutes listed on the agenda be rescheduled.

**ORDINANCE – PUBLIC HEARING:**

The Municipal Clerk read the ordinance by title.

**Ordinance 2016-03**                    An Ordinance Authorizing and Directing Title and Possession of Certain Real Property be Acquired by Purchase, Gift, or Under the Power of Eminent Domain Pursuant to Law in Connection with Hankins Road/Conover Road Realignment Project.

**ORDINANCE NO. 2016-03  
TOWNSHIP OF EAST WINDSOR  
COUNTY OF MERCER**

**AN ORDINANCE AUTHORIZING AND DIRECTING THAT TITLE  
AND POSSESSION OF CERTAIN REAL PROPERTY BE ACQUIRED BY  
PURCHASE, GIFT OR UNDER THE POWER OF EMINENT DOMAIN  
PURSUANT TO LAW IN CONNECTION WITH THE ROUTE 130-  
HANKINS ROAD-CONOVER ROAD REALIGNMENT PROJECT**

**WHEREAS**, it is a matter of public necessity and interest that certain real property located at the intersections of U.S. Route 130, Hankins Road and Conover Road, in the Township of East Windsor, County of Mercer, and State of New Jersey, be acquired by the Township of East Windsor for the purposes of the realignment of Hankins Road and Conover Road at the intersection of Route 130 in accordance with the design plans prepared by Maser Consulting, P.A., copies of which are available for inspection by the public at the Township offices, 16 Lanning Boulevard, East Windsor, New Jersey.

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

**Section 1. Authorization to Acquire Land.**

Pursuant to the provisions of the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., and more particularly N.J.S.A. 40A:12-5, the Township of East Windsor, through, is hereby authorized and directed to acquire title to and possession of certain portions and interests in the real property described as follows by purchase, gift or under the power of eminent domain in a manner provided by N.J.S.A. 20:3-1, et seq.:

1. Block 46, Lot 1, located at the intersection of U.S. Route 130 North and Conover Road: Fee acquisition of the entire parcel.
2. Block 46, Lot 2, located east of U.S. Route 130 along Conover Road: Right-of-way and temporary construction easement, as depicted on an Individual Parcel Map prepared by Michael F. Burns, New Jersey Professional Land Surveyor, dated October 17, 2014, a copy of which is attached as Exhibit A.

The Township of East Windsor is further authorized and directed to acquire such additional or modified rights-of-way, easements, or other interests in the above enumerated properties as may be necessary in connection with the Route 130-Hankins Road-Conover Road Realignment Project.

**Section 2. Authority of Agents.**

The Township Engineer, the Township Manager and the Township Attorney are hereby authorized and directed to perform all acts necessary to acquire such real property on behalf of the Township of East Windsor, including the institution of proceedings pursuant to the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq., in the event the Township is unable to negotiate the acquisition of any of the above property interests; however, no settlement figure, purchase price, or stipulation to purchase shall be binding on the Township of East Windsor or its agents until the Township Council of the Township of East Windsor approves such figure or price by resolution.

**Section 3. Cost of Acquisition.**

The Finance Director of the Township of East Windsor is hereby authorized and directed to pay all sums necessary to acquire the above real property or interests therein, as well as the Township's share of costs connected with title reports and insurance, appraisal reports, attorney fees, professional consultant fees and other closing costs necessary for the acquisition of real property as authorized by the Township Council of the Township of East Windsor, as provided in Section 2 hereof.

**Section 4. Severability**

If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

**Section 5. Effective Date**

This Ordinance shall take effect 20 days after final passage and publication according to law.

Mayor Mironov stated that this ordinance had been introduced at the Council meeting of February 9, 2016, and declared the public hearing open on Ordinance 2016-03. There being no public comment, Mayor Mironov closed the public hearing.

It was **MOVED** by Lippman and **SECONDED** by Rosenberg that Ordinance No. 2016-03 be adopted and authorized for publication as required by law.

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

There being six (6) ayes and no (0) nays, Ordinance No. 2016-03 was adopted and authorized for publication as required by law.

**ORDINANCE – INTRODUCTION:**

The Municipal Clerk read the ordinance by title.

**Ordinance 2016-04** Ordinance Authorizing Sale of Property Owned by the Township of East Windsor, in the County of Mercer, New Jersey Located at 614 Route 33 and Designated as Block 53.03, Lot 100 on the East Windsor Township Tax Map

Mayor Mironov stated that the Ordinance attachment is included in Council’s meeting folders. This ordinance is the follow-up to a process that Council agreed to undertake to sell an undersized, Township owned lot that an adjacent property owner is interested in acquiring. All adjacent property owners were notified of the Township’s intent to sell the undersized lot and set a date to received closed bids. This Ordinance accepts the bid and allows the Township to enter into a contract to move forward with the sale of the property.

**ORDINANCE ~~2016-04~~  
2004-04**

**EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**~~ORDINANCE AUTHORIZING 1,184,000~~SALE OF PROPERTY OWNED BY THE ~~590N~~  
TOWNSHIP OF EAST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY  
LOCATED AT 614 ROUTE 33 AND DESIGNATED AS  
BLOCK 53.03~~32~~, LOT ~~100S 1 AND 3~~ ON THE EAST WINDSOR TOWNSHIP TAX MAP**

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13, authorizes a municipality to sell any real property not needed for public use; and

**WHEREAS**, the Township of East Windsor is the owner of property located at 614 Route 33 and designated on the East Windsor Township Tax Map as Block 53.03, Lot 100 (the “Property”); and

**WHEREAS**, the Property is approximately 50’ wide and 100’ deep and consists of vacant land; and

**WHEREAS**, the Property is not needed for public use and is less than the minimum size required in the Corridor Revitalization (CR) zone; and

**WHEREAS**, in accordance with N.J.S.A. 40A:12-13(b)(5), the Property was offered for sale to the highest bidder from among the owners of all lots contiguous to the Property; and

**WHEREAS**, one bid in the amount of \$16,000 was received from Windsor Property Associates, LLC, the owner of Block 53.03, Lot 101, which met the minimum required bid set forth in the invitation to bid; and

**WHEREAS**, the successful bidder is required to pay the Township's fees and costs associated with this transaction, up to \$1,000; and

**WHEREAS**, it is in the best interests of the Township that the Property be sold so that it may be put back on the Township tax rolls;

**NOW THEREFORE, BE IT ORDAINED**, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY AS FOLLOWS:

~~**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST**~~

~~**WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all**~~

Section 1. Authorization to Sell Land. The Mayor and Municipal Clerk are hereby authorized and directed to execute a contract, in the form attached hereto, for the sale of the Property to Windsor Property Associates, LLC at the price of \$16,000.00 and to execute and deliver a Deed to the Property and all other required documents to carry out the sale of the Property in accordance with the terms of the attached contract.

~~Section 1.~~ Section 2. Authority of Agents. All agents of the Township of East Windsor are hereby authorized and directed to perform all acts necessary to carry out the terms of the attached contract on behalf of the township of East Windsor.

~~Section 3.~~ Section 3. Effective Date.

This Ordinance shall take effect 20 days after final passage and publication according to law.

It was MOVED by Zoller, SECONDED by Lippman to approve Ordinance 2016-04 on introduction, authorize publication as required by law and set public hearing for March 8, 2016.

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

There being six (6) ayes and no (0) nays Ordinance 2016-04 was approved on introduction, authorized for publication as required by law and the public hearing was set for March 8, 2016.

## **RESOLUTIONS:**

**Resolution R2016-043**      Award of Bid for Lease Purchase of Five 2015-16 Police Interceptor (AWD) Sedans to Winner Ford

The Municipal Clerk read by title the Resolution. Mayor Mironov requested that the word "replacement" be added to the first paragraph and noted that a recommendation has been received on the matter from the

Police Chief. In the first “Now therefore paragraph”, Mayor Mironov requested that “be” should be replaced with “is” and also noted that the actual paperwork indicated Ford Motor Credit Company as the recipient of the purchase order although Winner Ford is the company that is providing the vehicle. Mayor Mironov wishes to proceed with the Resolution but the purchase order should be prepared for Ford Motor Company, listing the appropriate address.

**RESOLUTION R2016-043**

**EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, there is a need to purchase five (5) new replacement Police Interceptor Sedans; and

**WHEREAS**, a Notice to Bidders was posted and advertised on October 13, 2015, and, two (2) bids were received by the East Windsor Municipal Clerk on November 10, 2015 for the lease/purchase of five (5) marked Police Interceptor Sedans; and

**WHEREAS**, the Township Council has reviewed the recommendations made by the Chief of Police on said bids; and

**WHEREAS**, the total cost of the contract for the purchase of five (5) Police Interceptor Sedans is \$161,341.98 with the first year lease payment being \$53,780.66 and sufficient funds are available in the Account No. 5-01-25-240-301-263 entitled, Motor Vehicles in the amount of \$53,780.66 and as evidenced by the Chief Financial Officer’s Certification No.B2016-010.

**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 contract for the lease/purchase of five (5) Police Interceptor Sedans is awarded to Winner Ford of Cherry Hill, 250 Berlin Road, Cherry Hill, New Jersey 08034 to be processed through Ford Motor Credit Company, Municipal Finance, P. O. Box 1739-MD7500, Dearborn, MI 48121-1739, for an amount not to exceed \$53,780.66 for the first year, upon receipt of a fully executed contract and all other required documents.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the contract for same.

It was **MOVED** by Rosenberg, **SECONDED** by Lippman to approve Resolution R2016-043 with the changes.

**ROLL CALL:** Ayes – Daniels, Lippman, Rosenberg, Shapiro, Zoller, Mironov  
Nays – None

There being six (6) ayes and no (0) nays, Resolution R2016-043 was approved with the changes.

**Resolution R2016-044** Authorizing Repair of Garbage truck S-02 with Johnson and Towers, Inc. for Public Works Department

The Municipal Clerk read by title the Resolution. Mayor Mironov stated that a recommendation has been received from the Public Works Director on this repair. Mr. Zoller remarked on the significant money being saved by the Township by repairing this vehicle.

**RESOLUTION R2016-044**

**EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, there is a need for repairs to the Garbage truck S-02 for the East Windsor Public Works Department; and

**WHEREAS**, the vehicle is at Johnson and Towers in Mount Laurel, NJ and a price has been obtained for the repairs.

**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 Director of the Public Works Department's recommendations on said repairs; and

**WHEREAS**, the maximum amount of the repairs to Garbage truck S-02 is \$10,391.00 and funds are available in the Capital Account No.C-04-55-953-913-800 entitled Ordinance 2013-04, Upgrade of Equipment, as evidenced by the Chief Financial Officer's Certification No. C2016-003.

**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 Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to Johnson and Towers, Inc., 2021 Briggs Road, Mount Laurel, NJ 08054, for repairs to Garbage truck S-02, in an amount not to exceed \$10,391.00, all in accordance with the attached quote.

It was MOVED by Zoller, SECONDED by Rosenberg to approve Resolution R2016-044.

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

There being six (6) ayes and no (0) nays, Resolution R2016-044 was approved.

**Resolution R2016-045**      Refund of Tax Overpayments

The Municipal Clerk read by title the Resolution. Mayor Mironov noted that a certified list has been received from the Tax Collector.

**RESOLUTION R2016-045**

**EAST WINDSOR TOWNSHIP**

## MERCER COUNTY

**WHEREAS**, the East Windsor Tax Collector has certified that there have been overpayments for various reasons on certain properties; and

**WHEREAS**, the taxpayers are entitled to refunds.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, that the Chief Financial Officer is hereby authorized and directed to make payments to the taxpayers for overpayments according to the attached Tax Collector's 2016 Refund of Taxes List Number 1 dated February 12, 2016.

It was **MOVED** by Shapiro, **SECONDED** by Daniels to approve Resolution R2016-045.

**ROLL CALL:** Ayes – Daniels, Lippman, Rosenberg, Shapiro, Zoller, Mironov  
Nays – None

There being six (6) ayes and no (0) nays, Resolution R2016-045 was approved.

**APPLICATIONS:** None.

### **REPORTS BY COUNCIL AND STAFF:**

Council Member Shapiro reported on the Planning Board meeting of the previous evening where the Shoppes at East Windsor and a day care center in the Twin Rivers Shopping Center were discussed

Council Member Zoller reported on the Health Advisory Board meeting on February 18, 2016. The upcoming Community Garden meeting was discussed as well as encouraging residents to post clear numbers on their mailboxes and houses to help first responders located their homes.

### **CORRESPONDENCE:**

Mayor Mironov listed correspondence received as that of a memo from the Public Works Engineering Aide regarding a partial closure of Route 571 for the installation of cable, a report from the Tax Collector for the period ending January 31, 2016 and a February 10 letter from Mercer County regarding a hearing to be held on their 2016 action plan for the Mercer County Home Investment Partnerships Program.

### **APPOINTMENTS:**

Mayor Mironov appointed Diane Ortiz-Melendez as an auxiliary member of the Recreation Commission, Adikya Shah was appointed as a student member of the Environmental Commission, and Manas Sood as a student member of the Recreation Commission.

### **APPROVAL OF BILLS:**

Mayor Mironov specified the various bill lists and trust fund lists presented for payment.

Council Member Zoller noted, on the Current 2016 list page 7, a bill for bottled water for the Public Works Department. Mr. Zoller made the request that the department consider using the town water as opposed to bottled water.

It was MOVED by Lippman, SECONDED by Shapiro to approve the Bill Lists.

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

There being six (6) ayes and no (0) nays the various presented Bill Lists were approved.

**MATTERS BY COUNCIL:**

Mayor Mironov stated that on Wednesday, February 24, 2016, a meeting will be held on the pedestrian bicycle plan that has been developed. A committee, working with a consultant, has been working on this study which is the result of a grant received from the Department of Transportation, providing the consultant as well as D.O.T. staff to assist in putting together a Township-wide review of our pedestrian and bicycle routes and opportunities and to make suggestions to develop a master plan for pedestrian and bicycles to be utilized as a foundation going forward. Mayor Mironov encouraged attendance to provide an opportunity to give input.

On Saturday, March 19, from 11:00 a.m. to 4:00 p.m. at Rider University there is a “Living Local Expo” sponsored by Mercer County Sustainable Coalition of which East Windsor is a part so East Windsor is a participant and will have a booth there and Mr. Donnelly, chair of the Clean Communities Committee has been heading up our coordination efforts for that program.

On Saturday, April 9, is the East Windsor Township 5K Run/Walk at Etra Lake Park and it is intended to raise funds for Autism Speaks. Race starts at 9:00am and there is a link to register for the walk and there are volunteer opportunities as well.

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

1. 2016 Municipal Budget Review

Mayor Mironov moved to later in the agenda.

2. Assembly Bill A-302 Energy Tax Receipts Restoration to Municipalities

Mayor Mironov stated that this discussion item was placed on the agenda at the request of Council Member Shapiro, regarding Assembly Bill A-302 regarding energy tax receipts restoration to municipalities which is something East Windsor has been speaking out on for a long time both as a Council and with the League of Municipalities. This concerns an issue that has gone on for many years where the State of New Jersey has been diverting monies that belong to local property tax payers and municipalities and were deposited as energy tax receipts. Those funds have been being diverted to underwrite portions of the State budget rather than turning them over to local governments as was always the intent when the program first was established. The result of that State diversion has been that, over the years, millions of dollars that should have been used to

support local budgets and provide property tax relief has instead been used toward State programs. The reinstatement of these funds to municipalities is a goal that the Township has been working for and speaking out on for some time. Some bills have made it through the legislature only to be vetoed by the Governor. Assembly Bill A-302 has been heard and released from one Assembly committee and will now be going before the Appropriations Committee. The bill has a provision included that if the money were to be restored to the towns, it would not be at the discretion of the towns as to how the money could be used. The League of Municipalities has testified on the bill indicating that the support and attention to this important property tax relief issue is appreciated but the provision should be removed from the bill that ties the hands of local officials and does not allow them to exercise their good discretion as to the use of local monies. Council has been provided with a copy of the bill as well as some other commentary from the League of Municipalities. Council member Shapiro expressed appreciation that this matter has been listed on the agenda and his hopes that the bill will get further support. Mr. Shapiro further commented on the outrageousness that the municipalities would be told how to utilize the reinstated funds. Council Member Rosenberg commented on how long a fight it has been to try to restore these funds to the municipalities. Council Member Lippman spoke on his disagreement with the provision to condition use of the reinstated funds. Mayor Mironov requested Council's thoughts on how to proceed.

It was MOVED by Shapiro, SECONDED by Daniels to draft a letter commenting on Assembly bill A-302, copied to neighboring municipalities, supporting the notion of restoring energy tax receipts to municipalities but requesting that the bill be appropriately altered.

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

There being six (6) ayes and no (0) nays it was approved to draft a letter commenting on Assembly Bill A-302, copied to neighboring municipalities, supporting the notion of restoring energy tax receipts to municipalities but requesting that the bill be appropriately altered.

### 3. J.C.P. & L. Transmission Line Permits

Mayor Mironov remarked that a J.C.P. & L. official attended a meeting back in December to discuss this project. Council had some follow-up questions and concerns, more specifically impacts on local roadways and to local residents. Not much information was forthcoming at the previous meeting. Subsequent to that meeting Township staff has followed up with J.C.P. & L. and the Public Works Director has provided an upshot of exchanges with them. Permits have been submitted for some temporary and partial road closures and disturbances in conjunction with the project. An outline is included in the distributed information. There has been an effort, wherever possible to mitigate the effects of any of the closures by doing them during late night/early morning hours. The biggest likely disturbance will be on Route 33 where there will be intermittent closures of the right lane and shoulder from 7:00 a.m. to 3:00 p.m. This project is an upgrade of the J.C.P. & L. transmission lines and infrastructure from Manalapan to Hightstown, the purpose of which is to meet the increasing needs for electric use and to strengthen the integrity of the system. Council Member Rosenberg inquired the start date for the project. Mayor Mironov stated that once Council's comments and questions have been addressed, staff will get back to them to set up a timeline for the start of the project. Council Member Daniels requested clarification on work hours of the project. Mayor Mironov stated that it will be indicated that the

project can go forward and that the Council would like to know a start date and see more informative notices to go out to the public regarding restrictions.

4. National Night Out 2016

To be held on the 1<sup>st</sup> Tuesday in August, which is August 2, 2016. This has been done for a number of years and since this is a significant undertaking, the Chief appropriately feels that it requires the support of the Council. Council in consensus to move forward with National Night Out to be held on August 2, 2016.

1. 2016 Municipal Budget Review

Mayor Mironov remarked that a large part of the budget review was done on the previous Saturday. Mayor Mironov also spoke on how the budget has remained essentially flat from 2015 to 2016. Council reviewed the breakdowns in the Garbage District budget, revenues and the summary of appropriations. Staff has been working on the matters raised by Council during the review and will provide information for review at the next Council meeting.

**MATTERS BY PUBLIC:** No one spoke.

**ADJOURNMENT:** There being no further business Mayor Mironov declared the meeting adjourned at 8:36pm

Next Meeting: Tuesday, March 8, 2016 @ 7:30 p.m.

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Gretchen McCarthy  
Municipal Clerk

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Janice S. Mironov  
Mayor