

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, November 14, 2011

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 8:00 p.m. on November 14, 2011.

Municipal Clerk Cindy A. Dye 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 7, 2011. All requirements of the "Open Public Meetings Act" were satisfied.

John Zoller led the flag salute.

Present were: Mayor Janice S. Mironov, Deputy Mayor Marc Lippman and Council Members Hector Duke, Alan Rosenberg, Perry Shapiro, Marsha Weinstein, and Peter Yeager. Also present were Alan M. Fisher, Township Manager, Township Attorney David E. Orron and Municipal Clerk Cindy A. Dye.

PRESENTATIONS & PROCLAMATIONS:

Domestic Violence Awareness Month - - October 2011

Womanspace Communities of Light Day - - December 12, 2011

Mayor Mironov read and presented a proclamation in recognition of Domestic Violence Awareness Month to Pat Hart, Executive Director of Womenspace, and Police Chief William Spain.

Mayor Mironov stated Communities of Light would take place on December 12, 2011 at 5 p.m. She noted candles were for sale at several local businesses and invited everyone to attend. Mayor Mironov kicked off the event with a private check donation.

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Mayor Mironov and Council Members interviewed Matthew Dolan for a student position on a Township Board or Commission. Matthew expressed an interested in the Economic Development Committee.

Mayor Mironov and Council Members interviewed Colleen Murphy for a student position on a Township Board or Commission. Colleen expressed an interested in the Economic Development Committee.

PUBLIC FORUM:

Joseph Van Handle of 31 Cedarville Road discussed concerns he had regarding proposed construction on his property on Cedarville Road and the threat of imminent domain.

Mr. Fisher indicated that he has attended the meetings with the Van Handle's and he does not recall any mention of imminent domain at any of those meetings.

Mayor Mironov stated that every municipality in the State of New Jersey has a master plan, which is implemented through a series of zoning regulations. The zoning determines and restricts the use of every property in every town in the State of New Jersey. The subject property is in a rural agricultural zone. The permitted uses are farming and large lots. The installation of large scale commercial grid structures is not a permitted use in that zone. The RA zone, in general, is a zone that has existed for a very long time. That zone has been in place for a very long time and has been reaffirmed throughout the years. The properties are qualified farms and are surrounded by qualified farms, as well as preserved farms and open space. That is the nature of the area identified in the municipal master plan.

Regarding renewable energy and specific types of projects, the Township did a resolution which set out some policy, directions and statements of the Council in a generic fashion applying to all the lands in the community, not specific to any specific piece of land. The resolution is a policy direction which is being widely adopted by planning groups throughout the State and is a part of the Governor's property energy master plan in the State of New Jersey. While we all support renewable energy which is an important goal for our State and nation, renewable energy should be pursued in a rationalized and balanced fashion so that it does not destroy or undermine other important goals that are valued in our community and the State of New Jersey. The direction that the policy statement takes, as does the Governor's energy master plan and many planning groups, is that to the greatest degree possible, solar should be directed to roof tops, car ports, paved areas, brown fields and redevelopment areas as priorities. Additionally, the use of renewable energy should further support goals where there is a dual benefit. A dual benefit is achieved when there is a net metered, rather than a grid type project, which supports an existing business operation. Shiseido America has a roof top installation as well as a ground installation. McGraw Hill has a ground installation as the age of the roofs made it not viable to do a roof installation. The benefit of the community is having a renewable energy source that is available it that it allows those existing businesses in our community to reduce their operating costs so that they are able to function in a more competitive manner so they will find it attractive to stay here in East Windsor and New Jersey and allow them to keep jobs here in New Jersey, both short and long term. It would also allow them to grow in New Jersey, which will hopefully provide additional jobs in New Jersey because they are now operating in a more competitive fashion. They also bring many local shoppers through their employees to support our stores and restaurants within the community.

One of the other policy concerns that exist among the elected officials, as well as many other elected officials throughout the towns in New Jersey, is that taxpayers are providing subsidies for these various solar projects through subsidies and tax credits. Taxpayers are substantially funding these projects. It is a serious question if taxpayers wish to use taxpayers subsidies to construct large grid projects that remove productive farmland from its primary use, rather than to prioritize and direct the funding toward other directions. These questions are being explored more and more throughout the State by environmental groups, planning groups and State officials.

Mayor Mironov continued that regarding the zoning, it provides a public safeguard to someone who buys property or makes an investment; they have some knowledge as to what may be next to them, around them or in the general area.

David Bock of 619 Greenwich Court discussed his recommendation for a compromise regarding Joseph Van Handle's concerns for his property on Cedarville Road.

Mayor Mironov clarified that with respect to McGraw Hill and Shiseido, solar arrays are permitted uses as an accessory use under the zoning regulations. No use variances were required. Regarding the rural agricultural zone, if the project was for roof top installation or if the solar array was to support the existing farm that would be an acceptable use; however, a large scale commercial utility structure is not permitted under the zoning regulations. In addition to other policies differences, there is a difference in the zoning that applies to those properties.

T.J. Berdzik of 31 Sussex Lane clarified that the subsidies that were mentioned are State and federal funds, not local funds. Mr. Berdzik questioned if the solar project was an excluded use of the Van Handle property.

David Kramer, 68 Pebble Road, commented about the zoning regulations in the Township.

Council Member Shapiro commented about the reasons why there are zoning requirements in the towns and State.

Deputy Mayor Lippman stated that the major disservice was done by the power company who knew that the property was not zoned for this type of use.

There being no further comments, Mayor Mironov closed the public portion of the meeting.

MINUTES:

July 26, 2011

It was MOVED by LIPPMAN and seconded by ROSENBERG that the minutes of June 28, 2011 with revisions be approved.

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

There being seven (7) ayes and no nays, the July 26, 2011 minutes were approved.

Mayor Mironov indicated that the following minutes would be rescheduled: September 20, 2011, October 4, 2011 and November 1, 2011.

RESOLUTIONS:

Resolution R2011-212 Chapter 159 – Amending the 2011 Municipal Budget Providing an Item of Revenue and Appropriation for the 2011 State Body Armor Replacement

The Township Clerk read by title Resolution R2011-212.

It was MOVED by YEAGER and seconded by DUKE that Resolution R2011-212 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2011-212 was adopted.

Resolution R2011-213 Refund of Tax Overpayments

The Township Clerk read by title Resolution R2011-213.

It was MOVED by LIPPMAN and seconded by ROSENBERG that Resolution R2011-213 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2011-213 was adopted.

Resolution R2011-214 Authorizing Cancellation of Outstanding Checks

The Township Clerk read by title Resolution R2011-214.

It was MOVED by WEINSTEIN and seconded by DUKE that Resolution R2011-214 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2011-214 was adopted.

Resolution R2011-215 Authorizing Cancellation of Current Fund Accounts Payable

The Township Clerk read by title Resolution R2011-215.

It was MOVED by ROSENBERG and seconded by SHAPIRO that Resolution R2011-215 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2011-215 was adopted.

Resolution R2011-216 Authorizing Cancellation of Other Trust – Street Opening

The Township Clerk read by title Resolution R2011-216.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2011-216 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2011-216 was adopted.

Resolution R2011-217 Authorizing Dedication by Rider for Special Duty Police Services

Resolution R2011-218 Authorizing Dedication by Rider for Senior Center

Resolution R2011-219 Authorizing Dedication by Rider for Memorial Tree Grove Program

Resolution R2011-220 Authorizing Dedication by Rider for Public Defenders

Resolution R2011-221 Authorizing Dedication by Rider for Tree Planting

Resolution R2011-222 Authorizing Dedication by Rider for Affordable Housing

The Township Clerk read by title Resolution R2011-217 through Resolution R2011-222.

It was MOVED by WEINSTEIN and seconded by YEAGER that Resolution R2011-217 through Resolution R2011-222 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2011-217 through Resolution R2011-222 be adopted.

Resolution R2011-223 Action on Request for Reduction of Performance Guarantees for Riviera at East Windsor – Phase 5

The Township Clerk read by title Resolution R2011-223.

Mayor Mironov stated that the Township Engineer has filed a written report with the Township Council dated September 26, 2011, which is attached hereto and made a part of this Resolution. The reduction is very modest.

It was MOVED by WEINSTEIN and seconded by SHAPIRO that Resolution R2011-223 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2011-223 was adopted.

Resolution R2011-224 Action on Request for Reduction of Performance Guarantees for
Riviera at East Windsor – Phase 6

The Township Clerk read by title Resolution R2011-224.

Mayor Mironov stated that the Township Engineer has filed a written report with the Township Council dated September 26, 2011, which is attached hereto and made a part of this Resolution. The reduction is very modest.

It was MOVED by SHAPIRO and seconded by ROSENBERG that Resolution R2011-224 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2011-224 was adopted.

Resolution R2011-225 Action on Request for Reduction of Performance Guarantees for
Riviera at East Windsor – Phase 7

The Township Clerk read by title Resolution R2011-225.

Mayor Mironov stated that the Township Engineer has filed a written report with the Township Council dated September 26, 2011, which is attached hereto and made a part of this Resolution. This is recommending denial of the request.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2011-225 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2011-225 was adopted.

Resolution R2011-226 Action on Request for Reduction of Performance Guarantees for
Riviera at East Windsor – Phase 8

The Township Clerk read by title Resolution R2011-226.

Mayor Mironov stated that the Township Engineer has filed a written report with the Township Council dated September 26, 2011, which is attached hereto and made a part of this Resolution. This is a modest reduction.

It was MOVED by SHAPIRO and seconded by LIPPMAN that Resolution R2011-226 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2011-226 was adopted.

Resolution R2011-227 Closed Session: (Acquisition of Real Property; Collective
Bargaining)

The Township Clerk read by title Resolution R2011-227.

It was MOVED by SHAPIRO and seconded by DUKE that Resolution R2011-227 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2011-227 was adopted.

APPLICATIONS: None

REPORTS BY COUNCIL AND STAFF:

Council Member Shapiro reported that the Planning Board met on November 7 and reviewed the conversion application for Enchantment.

CORRESPONDENCE: None

APPOINTMENTS:

Mayor Mironov appointed Vincent Stevens as a student member to the Environmental Commission and DeShawna Grimsley as a student member to the Health Advisory Board.

APPROVAL OF BILLS:

Listed for approval were current 2011 bill list dated November 10, 2011, current 2010 bill list dated November 10, 2011 and a capital bill list dated November 10, 2011, as well as other miscellaneous and trust account bill lists.

Mayor Mironov requested that the bill on page 4 for WPCS be held until further explanation is provided.

Mayor Mironov questions about the bills for Harry Haushalter as to what was the source of payment approved in the contract. She would like it confirmed that they should be charged to the current account. If this is not the case, then she would like the bills to be held until further explanation is provided.

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

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

There being six (6) ayes and no nays, the bills were approved as indicated above.

MATTERS BY COUNCIL:

Mayor Mironov reminded Council of the meeting date changes. The Windsor-Hightstown Area Ministerium will be holding Thanksgiving Services on Sunday, November 20. Council is in receipt of a report from the Tax Collector for a period ending October 31, 2011. Mayor Mironov reminded staff that the Recreational Trails Program application is due on February 15 and asked when she can anticipate placing this on the agenda. A letter dated October 25 was received from the NJDEP Division of Parks and Forestry indicating that they have approved East Windsor's second five year Community Forestry Management Plan. A letter dated October 11 was received from Assemblyman DeAngelo regarding clarification the Council requested on his previous letter.

Mayor Mironov asked Mr. Fisher when the rest of the reorganization of the website will be completed with the outstanding department information filled in. Mr. Fisher indicated that he has been working on that and asked the departments to get back to him by the next department head meeting.

MATTERS BY PUBLIC: None

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. Interlocal Services Agreements for Animal Control Services with Robbinsville Township and with West Windsor Township

The Township has had communications with both towns. West Windsor and Robbinsville are interested in continuing the arrangement of an interlocal services agreement for animal control. Information has been distributed from the Police Chief. Supplemental information was distributed in Council's folders of the comparison of the rates from last year and this year.

It was the consensus of the Township Council that Mayor Mironov forward a letter to the mayors of West Windsor and Robbinsville with the proposal.

2. East Windsor Township Housing Trust Fund

Mayor Mironov stated that she sent a note to the Manager dated October 12, 2011 in follow-up to multiple inquires she made regarding the formulation of a spending plan. There were some programs that she requested to be investigated. The Township has a spending plan in place; however, she requested that this be revisited. The Commissioner of the DCA sent over information regarding a possible idea. The grants under the Small Cities are also to be reviewed. She indicated that information has not yet been received from Mr. Fisher. She asked Mr. Fisher when the information will be put together to be placed on an agenda for discussion.

Mr. Fisher indicated he should have information in January. Mayor Mironov indicated that the information that is to be prepared should have specificity and be useful. Mayor Mironov stated that she would like to get back to the Commission with some preliminary reaction on the materials forwarded to the Township for consideration. Mr. Fisher would review the information in the morning and provide his comments to Mayor Mironov.

3. 2012 Independence Day Celebration and Summer Programs

Mayor Mironov stated that a memo was received by the Township Manager and Recreation Director regarding the Independence Day Celebration.

At this time Mayor Mironov and Council Members discussed the proposed dates for the Independence Day Celebration. It was the consensus of the Council to hold the Independence Day Celebration on Tuesday, July 3 with a rain date of Saturday, July 7.

Mayor Mironov asked when the summer program ideas should be received for consideration. Mayor Mironov requested that summer programs be scheduled the first meeting in January.

4. Senate Bill S-2887 and Assembly Bill A-3992 Regarding Wind Turbines on Preserved Farmland

Resolution R2011-229

Resolution Opposing Senate Bill S-2887 and Assembly Bill A-3992, Which Revises Standards for Wind Generation Facilities on Farmland

The Township Clerk read by title Resolution R2011-229.

Mayor Mironov stated that a revised resolution is in the Council's meeting folders. Mayor Mironov stated that this bill is pending in Senate and Assembly committee. There was a hearing on this on September 19. Votes could not be obtained to move the bill out of committee. Senator Beck and Senator Greenstein both would not provide the votes to release the bill. There are a number of organizations against the bill.

Council Member Shapiro stated that this is another example of the Legislature trying to do that none of the towns want. He indicated that he supports whatever we can do to stop these types of actions.

Council Member Yeager stated that this bill takes away the decision making from the municipality, which is very concerning.

Mayor Mironov stated that this bill would provide for the removal of the public's right to participate through notice and the normal safeguards that are provided in the land use law. This is another example of the complete imbalance that some of the legislators are attempting to impose in the area of renewable energy. She was pleased that the environmental groups attending the hearing opposed the bill.

It was MOVED by ROSENBERG and seconded by SHAPIRO that Resolution R2011-229 be adopted.

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

There being seven (7) ayes and no nays, Resolution R2011-229 was adopted.

There being no further business Mayor Mironov adjourned the meeting at 9:32 p.m.

Cindy A. Dye
Municipal Clerk

Janice S. Mironov
Mayor