

## **EAST WINDSOR TOWNSHIP COUNCIL**

Tuesday, July 24, 2012

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 8:00 p.m. on July 24, 2012.

Acting Secretary to the Manager Julia Martella 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 4, 2012. All requirements of the "Open Public Meetings Act" were satisfied.

Deputy Mayor Perry Shapiro led the flag salute.

Present were: Mayor Janice S. Mironov, Deputy Mayor Perry Shapiro and Council Members Hector Duke, Alan Rosenberg, Perry Shapiro, Peter Yeager, and John Zoller. Also present were Township Manager Alan M. Fisher, Township Attorney David E. Orron and Acting Secretary to the Manager Julia Martella. Council Member Marc Lippman was absent.

**PRESENTATIONS & PROCLAMATIONS: None**

**INTERVIEWS FOR BOARDS AND COMMISSIONS: None**

**PUBLIC FORUM: None**

### **MINUTES:**

July 10, 2012 (Closed Session)

It was MOVED by ROSENBERG and seconded by YEAGER that the July 10, 2012 (Closed Session) minutes be approved.

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

There being six (6) ayes and no nays, the July 10, 2012 (Closed Session) minutes were approved.

Mayor Mironov stated that the April 3, 2012, April 17, 2012, May 1, 2012, and July 10, 2012 would be held. She stated that the following minutes would be rescheduled: May 15, 2012, June 5, 2012, and June 19, 2012.

### **RESOLUTIONS:**

**Resolution R2012-161**      Approval of Purchase of Materials and Labor to Resurface and Repair Dais and Laminate Tops for the East Windsor Court Room with Flansburg Construction LLC

Mayor Mironov stated the first line should read, "need for resurfacing and repairs". Under the "now, therefore", on the third line about 'for', there should a semi-colon. There should also be a comma on the third-to-last line after 'Oak'. She stated the Council had materials from the Court Administrator.

Council Meeting

July 24, 2012

Page 2

It was MOVED by DUKE and seconded by SHAPIRO that Resolution R2012-161 be approved as corrected.

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

There being six (6) ayes and no nays, Resolution R2012-161 was approved as corrected.

**Resolution R2012-162**            Approval of Purchase of Replacement Hose for East Windsor Volunteer Fire Company No. 2

Mayor Mironov stated that under “now, therefore”, under the sixth line, there should be an ‘and’. She stated that the existing hose has been used for 15 years.

It was MOVED by ROSENBERG and seconded by SHAPIRO that Resolution R2012-162 be approved as corrected.

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

There being six (6) ayes and no nays, Resolution R2012-162 was approved as corrected.

**Resolution R2012-163**            Approval of Purchase of Replacement Self-Contained Breathing Apparatus for East Windsor Volunteer Fire Company No. 2 with Municipal Emergency Services, Inc.

Mayor Mironov stated that she could not find where the credits were reflected, aside from a hand-written note on one of the pages. She noted that if this was not part of the materials, then the vote would have to be a conditional one. Mr. Zoller noted that the credits were separated out under “adjustment trade-in” on the same page as the winning quote. Mayor Mironov noted some punctuation changes to the “now, therefore” paragraph. She stated that on the second-to-last line on the first page, the language should read, “each in the amount of \$318 for a total”. She stated that the trade-in allowances should be clearly outlined, specifically, that first trade-in was for the self-contained breathing apparatus and the second, for the trade-in bottles. She stated it should also be clear that the resolution was to purchase needed replacements for the self-contained breathing apparatus for East Windsor Fire Company No. 2. She noted similar purchases had previously been made for Fire Company No. 1. She stated that the purchase was off of a national cooperative contract that the Township can access through the state purchasing bureau. She noted this was the first such purchase and that the process provided competitive pricing and allowed for the trade-in adjustments, for a significant savings of \$37,181.25. She praised the work of Fire Company No. 2 and the Public Works Director in finding these savings.

It was MOVED by ZOLLER and seconded by DUKE that Resolution R2012-163 be approved as corrected.

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

Nays – None

There being six (6) ayes and no nays, Resolution R2012-163 was approved as corrected.

**Resolution R2012-164** Approval of Employment Agreement with Chief of Police James Monahan

Mayor Mironov stated this was a standard agreement. Mr. Rosenberg stated that the entire process went very smoothly and praised those involved.

It was MOVED by ROSENBERG and seconded by SHAPIRO that Resolution R2012-164 be approved.

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

There being six (6) ayes and no nays, Resolution R2012-164 was approved.

**Resolution R2012-165** Action on Request for Release of Performance Guarantees for Woodmont Properties - SciPark Industrial Park

Mayor Mironov stated that Council had a recommendation from the Township Engineer, and that the resolution authorized the denial of the release.

It was MOVED by DUKE and seconded by ROSENBERG that Resolution R2012-165 be approved.

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

There being six (6) ayes and no nays, Resolution R2012-165 was approved.

**Resolution R2012-166** Closed Session (Acquisition of Property) (Attorney-Client Privilege) (Litigation)

It was MOVED by SHAPIRO and seconded by DUKE that Resolution R2012-166 be approved.

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

There being six (6) ayes and no nays, Resolution R1012-166 was approved.

**APPLICATIONS:**

**Raffle License RL:366** Police Athletic League of East Windsor Township – June 15, 2013 at the Police Athletic League of East Windsor Township, 30 Airport Road, East Windsor, NJ, Off-Premise Merchandise Raffle

Council Meeting

July 24, 2012

Page 4

Mayor Mironov asked if the application was in order. Mr. Orron stated he had reviewed the application and found it was in order.

It was MOVED by ROSENBERG and seconded by DUKE that Raffle License RL:366 be approved.

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

Nays – None

Abstain – Yeager

There being five (5) ayes, no nays, and one (1) abstention, Raffle License RL:366 was approved.

**REPORTS BY COUNCIL AND STAFF:**

Mr. Yeager stated that the Recreation Committee met on July 11, at which time they discussed the Independence Day celebration and the upcoming summer events. He stated that the Municipal Drug Alliance had also met on July 11, at which time they discussed National Night Out.

Mr. Zoller stated that the Environmental Committee met on July 18, at which time they discussed the community forestry management plan, the Sustainable Jersey green team, the Sustainable Jersey grant, and ANJEC grants.

**CORRESPONDENCE: None**

**APPOINTMENTS: None**

**APPROVAL OF BILLS:**

Listed for approval were a current 2012 bill list dated July 19, 2012, a current 2011 bill list dated July 19, 2012, and a capital bill list revised July 24, 2012, as well as various other miscellaneous and trust account lists.

Mayor Mironov stated that an item had been removed from the capital bill list; no new items were added. Mr. Zoller stated that on page 3 of the current 2012 bill list, there was an item for \$46.80 with no description. This was listed under “code enforcement agency”, and only read “NFPA office supplies”. He stated he would like more information on this. Mr. Fisher agreed to provide further information.

It was MOVED by DUKE and seconded by ZOLLER that the bills be approved as corrected.

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

Nays – None

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

**MATTERS BY COUNCIL:**

Mayor Mironov stated that the Council had a Tax Collector's report for the period through June 30, 2012. The Council also had a note from the Chief of Police providing additional information regarding the 2012 Drive Sober or Get Pulled Over grant. She stated that information was provided about the signage for the new Disbrow Hill crosswalks. She stated that the Council had previously authorized and awarded work on Cedarville Road, Chestnut Lane, Glen Oak Lane, and Primrose Lane; this work had begun the previous week and was due to last 30 to 45 days, weather permitting. She noted that residents in the immediate area would receive direct reports and notices. She stated that a status update had been provided regarding the energy aggregation program; all municipal buildings have been enrolled in the program. She noted the Turnpike Authority had provided updated photographs showing the status of the widening project. She reminded everyone that National Night Out would be August 7, and noted that the Beattlemania concert that took place the previous weekend had been a big success.

**MATTERS BY PUBLIC: None**

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

1. Delaware Valley Regional Planning Commission Grant for New Jersey Turnpike Exit 8 Transportation and Development Study/Process

Mayor Mironov stated that this item was on the agenda for the Council to discuss the process regarding the grant. She noted that the Township applied for a grant from the Delaware Valley Regional Planning Commission (DVRPC) to study the areas around the Turnpike impacted by the widening project, and was awarded \$100,000. Pursuant to receipt of the award, requests for proposal went out; 5 proposals were received. She stated that each of these firms will be interviewed. She stated that as Mayor, she will serve on the committee to interview the firms and to work on the project, along with the following: Deputy Mayor and Planning Board member Perry Shapiro, Council Member and Council Liaison to Environmental Committee John Zoller, Planning Board Chairperson Ed Kelley, Planning Board member Barry Clark, Economic Development Committee Chairperson Michael Henderson, and Economic Development Committee member George White. The committee will also include Hightstown Borough Planning Board Chairperson Steve Misiura and, as an alternate, Planning Board Vice-Chairperson Fred Montferrat. She stated that while Hightstown Borough is not a partner in the application, many of the areas in question would affect the Borough. Therefore, given the good cooperation between the municipalities on a previous grant, Mayor Mironov reached out to the Borough to include them in the process.

Mayor Mironov stated that they would move forward in the next month with meetings and interviews, with the expectation that by September, a consultant will be in place with a kick-off planned. She stated that this grant was a great opportunity for the Township, and that there was a great deal of potential in these areas of town, especially given the Turnpike widening project. She noted that the widening project would create many new commercial development opportunities. It would also create surplus properties, as the Turnpike vacated certain lands due to the relocation of the interchange. She stated that the study would provide a good overview of the effect of the changes caused by the Turnpike widening project and the relocation of the interchange.

2. East Windsor Township 2012 Business Awards Program

Mayor Mironov stated that the Council had a draft award program memorandum and materials. She asked if the Council wished to go ahead with the Business Award Program, and if so, were there any suggested changes to the format. Mr. Rosenberg stated he felt this was a good program and a good chance to recognize worthy businesses. Mr. Shapiro stated that the program has worked well in the past and that he did not feel any improvements were necessary. Mr. Zoller stated that he felt this was a good program, especially as it was a way for the Township to support new or struggling businesses. Mr. Duke and Mr. Yeager agreed with the comments made. The Council agreed unanimously to go ahead with the program as shown in the draft materials.

3. Senate Bill S-2140 and Assembly Bill A-3218: "Providing that solar facilities and structures on farmland are not an inherently beneficial use"

Mayor Mironov stated that the two bills, which had recently been introduced, both provided solar facilities and structures on farmland are not inherently beneficial uses. She stated that one bill had been filed by Senator Linda Greenstein, a Democrat; the other, by a Republican member. She quoted one of the bills, which provided that, "solar and photovoltaic energy facilities or structures that are on farmland would not be expressly included in a definition of an inherently beneficial use". She stated that the bill would limit the definition of inherently beneficial use, so that wind, solar, or photovoltaic facilities are only included if located on or above a parking lot, roof top, or brownfield, and not within agricultural land or open space. This modification would help restore balance between the state's goals of encouraging alternative energy sources and preserving open space.

Mr. Shapiro asked if the legislature would reconcile the differences between the bills. Mayor Mironov stated they would either reconcile the differences between the two or adopt one bill over the other. Mr. Shapiro asked if one seemed to be more useful or better than the other. Mayor Mironov noted that both served the basic goal of removing solar arrays on farmland from the definition of inherently beneficial use. Mr. Shapiro stated he felt Council should voice their support. Mr. Rosenberg agreed and asked if this would be in the form of a letter or a resolution. Mayor Mironov noted it could be either, and that the bills would not be heard prior to the next Council meeting, so time was not an immediate issue. Mr. Duke stated he felt a resolution would be more powerful. The Council agreed unanimously to schedule a resolution supporting both bills for the next Council meeting. Mayor Mironov noted that Governor Christie had signed a solar bill the previous week. She stated this was not a perfect bill but did incorporate a number of requirements and limitations in respect to grid solar array projects on farmland. She noted this was different from net metering, where an array generated power for an individual property, such as the roof solar panels at Lee's Turkey Farm, which serve only the farm. The signed bill would provide some guidelines with respect to the construction of solar arrays on productive farmland, requiring greater BPU involvement and approvals. She noted that the League of Municipalities and many municipalities had worked on this bill.

4. Restoration of Municipal Energy Tax Receipts

Council Meeting

July 24, 2012

Page 7

Mayor Mironov stated that there had been some additional press regarding this issue but that the legislature would not be back in session until August. Mr. Rosenberg stated that if the Council and other groups did not focus on this issue, there was a possibility it would be forgotten. He stated it was necessary that municipalities keep the discussion going.

There being no further business Mayor Mironov adjourned the meeting at 8:55 p.m.

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Alan M. Fisher  
Acting Municipal Clerk

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Janice S. Mironov  
Mayor