

**EAST WINDSOR TOWNSHIP COUNCIL**

Tuesday, July 23, 2019

7:30 p.m.

**MINUTES**

**CALL TO ORDER:**

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 7:30 p.m. on Tuesday, July 23, 2019.

**VERIFICATION:**

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 11, 2019 in the annual meeting notice and on July 19, 2019, 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 Perry Shapiro

**ROLL CALL:**

Present were Council Members Denise Daniels, Alan Rosenberg, Perry Shapiro, John Zoller and Mayor Janice Mironov. Council Members Marc Lippman and Peter Yeager were absent. Also present were Bill Moran [filling in for Township Attorney David Orron], Township Manager Richard Brand and Municipal Clerk Kelly Lettera.

**PRESENTATIONS & PROCLAMATIONS:**

**INTERVIEWS FOR BOARDS AND COMMISSIONS:**

**PUBLIC FORUM:**

Katherine Woodward, 30 Geraldine Road, stated there is a problem with a pond in her backyard that is causing a lot of bugs and high weeds and needs to be taken care

Asawari Phadke, 26 Geraldine Road, spoke on this same subject.

Pranad Phadke, 26 Geraldine Road, spoke on the same subject.

Mayor Mironov stated the Township Manager will look into the pond issue and get back to them.

**MINUTES:**

December 4, 2018

Mayor Mironov held the December 4, 2018 minutes due to additional revisions that need to be made.

April 2, 2019

Mayor Mironov held the April 2, 2019 minutes due to additional revisions that need to be made.

April 16, 2019

Mayor Mironov stated pages 21 and 22 need to be revised.

It was MOVED by Zoller, SECONDED by Rosenberg to approve the April 16, 2019 Council meeting minutes with the revisions.

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

There being five (5) ayes, and no (0) nays, April 16, 2019 minutes were approved with the revisions.

October 23, 2018  
January 15, 2019  
March 5, 2019  
March 19, 2019  
May 7, 2019  
June 4, 2019  
June 25, 2019  
July 9, 2019

All remaining minutes are rescheduled till the next regularly scheduled meeting.

**ORDINANCE – PUBLIC HEARING:**

**ORDINANCE – INTRODUCTION:**

**Ordinance 2019-05**                      An Ordinance of the Township of East Windsor, New Jersey, to Establish Salaries and Wages for New Jersey State Policeman's Benevolent Association Local #191 for Fiscal Years 2017-2020

Mayor Mironov stated the Township has signed agreements so action can be taken tonight. She stated that a memo was provided by the Township Manager regarding the changes. Mayor Mironov stated the memo has a few revisions within it and those changes need to be made and redistributed for the Manager and Clerk's files.

[NOTE: Ordinance 2019-05 is not included in the minutes but is provided in full on the East Windsor Township website due to the size of the Ordinance.]

It was **MOVED** by Daniels, **SECONDED** by Rosenberg to approve Ordinance 2019-05 on introduction, authorize publication as required by law and set public hearing for August 6, 2019.

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

There being five (5) ayes and no (0) nays, Ordinance 2019-05 was approved on introduction, authorize publication as required by law and set public hearing for August 6, 2019.

**Ordinance 2019-06** An Ordinance of the Township of East Windsor, New Jersey, to Establish Salaries and Wages for the Police Superior Officers' Association for Fiscal Years 2017-2020

Mayor Mironov stated the Township has signed agreements so action can be taken tonight. She stated that a memo was provided by the Township Manager regarding the changes. Mayor Mironov stated the memo has a few revisions within it and those changes need to be made and redistributed for the Manager and Clerk's files.

[NOTE: Ordinance 2019-06 is not included in the minutes but is provided in full on the East Windsor Township website due to the size of the Ordinance.]

It was **MOVED** by Rosenberg, **SECONDED** by Shapiro to approve Ordinance 2019-06 on introduction, authorize publication as required by law and set public hearing for August 6, 2019.

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

There being five (5) ayes and no (0) nays, Ordinance 2019-06 was approved on introduction, authorize publication as required by law and set public hearing for August 6, 2019.

## **RESOLUTIONS:**

**Resolution R2019-129** Action on Request for Release of Performance Guarantee by Arco Design/Build Industrial for Aurobindo Pharma USA, Inc.

Mayor Mironov stated the Resolution was held from the last meeting. She stated at the last meeting she thought there was an agreement for the Windsor Center Drive roadway work. Mayor Mironov stated that agreement and the Resolution was provided to Mayor and Council. Mayor Mironov asked the Township Manager Richard Brand for an update on Windsor Center Drive. She stated the agreement is dated July 11, 2017 and the roadway was paved in 2017. The Township Manager responded that the road was paved and they took care of all issues. He stated he will speak with the Director of Public Works and find out the status. Mayor Mironov stated there was reported to be a pending issue and they will not be voting on tonight. Council Member Zoller stated T & M Associates approved the release. Mayor Mironov stated she does not agree

with T&M Associates and Township staff regarding the release and she feels that the agreement needs to take precedence for the site work and then we can consider. Mayor Mironov requested that the Resolution be carried to the next regularly scheduled meeting.

**Resolution R2019-130** Approving Award of Contract to Municipal Inspection Corporation for Elevator Inspection Services

**RESOLUTION R2019-130  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, on August 7, 2018, by Resolution R2018-140, the East Windsor Township Council approved a one year contract with Municipal Inspection Corporation commencing August 1, 2018 and ending July 31, 2019, with the option to award one additional two year extension commencing August 1, 2019 through July 31, 2021, for Private Elevator On-site Inspections and Plan Review; and.

**WHEREAS**, the Township Council has reviewed the recommendation of the Township Manager; and

**WHEREAS**, the Chief Financial Officer has determined sufficient funds are available in the Trust Fund Account No. T-13-56-854-802 entitled "Elevator Inspections", as evidenced by the Chief Financial Officer's Certification No. T2019-010.

**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 Private Elevator On-site Inspections and Plan Review is hereby renewed for a two year extension commencing August 1, 2019 through July 31, 2021 with Municipal Inspection Corporation, 183 West 4<sup>th</sup> Street, Bayonne, NJ 07002.

Mayor Mironov stated the Resolution was carried from the last meeting due to the renewal term. She further stated the Township Attorney and Township Clerk looked into the regulations to see what the requirements are. She stated the Clerk and the Township Attorney stated the contract term can be up to three years. Mayor Mironov suggested that the contract renewal should be for two additional years and all prior documents need to be corrected.

It was **MOVED** by Zoller, **SECONDED** by Rosenberg to approve Resolution R2019-130 for two additional years and all prior documents need to be revised.

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

There being five (5) ayes, and no (0) nays, Resolution R2019-130 was approved with the conditions and required revisions.

**Resolution R2019-138**                      Action on Request for Release of Performance Guarantee by  
Trammell Crow Company for Gateway Twin Rivers, LLC

**RESOLUTION R2019-138  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, Barry Henry, Senior Vice President of Trammell Crow Company, requested by letter dated May 7, 2019, a release of the performance guarantees being held by the Township for Gateway Twin Rivers, LLC located at 159 Milford Road; and

**WHEREAS**, Performance Bond No. #800007382 was issued by Atlantic Specialty Insurance Company, in the amount of \$4,636,240.20, which represented ninety percent (90%) of the entire performance guarantee amount. In addition, a cash guarantee was posted, in the amount of \$515,137.80, which represented ten percent (10%) of the entire performance guarantee amount to cover the installation of bituminous pavement, concrete curb, concrete sidewalk, storm drains, and the stormwater management basin, lighting and landscaping; and

**WHEREAS**, on June 5, 2018, by Resolution R2018-104, the Township Council reduced Bond No. #800007382 from \$4,636,240.20 to \$1,390,872.06 and the Cash Guarantee from \$515,137.80 to \$154,541.34, the Township retaining thirty percent (30%) of the total original performance guarantee as permitted in accordance with the Municipal Land Use Law; and

**WHEREAS**, on April 16, 2019, by Resolution R2019-067, the Township Council denied the request to release Performance Bond No. #800007382 issued by Atlantic Specialty Insurance Company in the amount of \$1,390,872.06 and cash guarantee in the amount of \$154,541.34; and

**WHEREAS**, the Township Engineer has inspected the site work for Gateway Twin Rivers, LLC located at 159 Milford Road and filed a written report with the Township Council dated July 8, 2019, which is attached hereto and made a part of this Resolution; and

**WHEREAS**, the Township Council has reviewed the report and recommendations of the Township Engineer;

**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 Township Council denies the request to release Performance Bond No. #800007382 issued by Atlantic Specialty Insurance Company in the amount of \$1,390,872.06 and cash guarantee in the amount of \$154,541.34.
2. The Municipal Clerk is authorized and directed to forward a certified copy of this Resolution and a copy of the Township Engineer's report to Barry Henry, Trammell Crow Company.

Mayor Mironov stated a recommendation from the Township Engineer was provided to Mayor and Council on the denial of the release of the performance guarantee.

It was MOVED by Zoller, SECONDED by Rosenberg to approve Resolution R2019-138.

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

There being five (5) ayes, and no (0) nays, Resolution R2019-138 was approved.

**Resolution R2019-139** Authorizing Purchase of Asphalt from Trap Rock Industries for  
Public Works Department

Mayor Mironov stated she has no recollection of receiving any memo or previous Resolution on this. She stated the 2018 Resolution was pulled and she does not understand why the Director of Public Works is recommending only Trap Rock and she would like him to compare prices and get a timeline of when the plants are open. Mayor Mironov requested holding the Resolution until the next meeting due to the need for further information from the Director of Public Works.

**Resolution R2019-140** Approval of Collective Bargaining Agreement with the New Jersey  
State Policeman's Benevolent Association Local #191 for Fiscal  
Years 2017-2020

**RESOLUTION R2019-140**  
**EAST WINDSOR TOWNSHIP**  
**MERCER COUNTY**

**WHEREAS**, as a result of negotiations, the East Windsor Policeman's Benevolent Association Local No. 191 and the Township of East Windsor have reached agreement on the terms and conditions of employment; and

**WHEREAS**, the Township Council has reviewed the attached Agreement.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement between the Township of East Windsor, County of Mercer, and the New Jersey State Policemen's Benevolent Association Local No. 191 effective January 1, 2017 expiring December 31, 2020.
2. A copy of the said agreement will be available for public inspection in the Office of the Municipal Clerk.

Mayor Mironov stated this Resolution is for the approval of the PBA Local 191 agreement.

It was MOVED by Rosenberg, SECONDED by Daniels to approve Resolution R2019-140.

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

There being five (5) ayes, and no (0) nays, Resolution R2019-140 was approved.

**Resolution R2019-141** Approval of Collective Bargaining Agreement with the Police Superior Officers' Association for Fiscal Years 2017-2020

**RESOLUTION R2019-141  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS,** as a result of negotiations, the Superior Officers' Association of the New Jersey State Policemen's Benevolent Association Local No. 191 and the Township of East Windsor have reached an agreement on the terms and conditions of employment; and

**WHEREAS,** the Township Council has reviewed the attached Agreement.

**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:

3. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement between the Township of East Windsor, County of Mercer, and the Superior Officers' Association of the New Jersey State Policemen's Benevolent Association Local No. 191 effective January 1, 2017 expiring December 31, 2020.
4. A copy of the said agreement will be available for public inspection in the Office of the Municipal Clerk.

It was MOVED by Shapiro, SECONDED by Rosenberg to approve Resolution R2019-141.

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

There being five (5) ayes, and no (0) nays, Resolution R2019-141 was approved.

**APPLICATIONS:**

**REPORTS BY COUNCIL AND STAFF:**

Council Member Zoller stated the Municipal Alliance of Prevention of Substance Abuse met on July 17 and discussed the fourth quarter reporting, member updates and events. He further stated that the Environmental Commission also met on July 17 and discussed the Community Forestry Management Plan and the Sustainable Jersey grant. Council Member Shapiro stated the majority

of the evening The Seasons of East Windsor spoke regarding an extension of an approval and the 30 Lake Drive application was carried to the next Planning Board meeting.

**CORRESPONDENCE:**

**APPOINTMENTS:**

**APPROVAL OF BILLS:**

Mayor Mironov stated a 2019 Current Bill list, 2018 Current Bill list, a Capital Bill List and other miscellaneous bill lists and trust accounts were provided.

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

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

There being five (5) ayes, and no (0) nays, the various presented Bill Lists were approved.

**MATTERS BY COUNCIL:**

Council Member Zoller stated the stop sign at One Mile Road and Route 133 exit ramp has not been standing for some time and he would like Public Works to fix it. Mayor Mironov reminded Council that the August 6 Council meeting will begin at 8:00 p.m. due to National Night Out. She also stated the second meeting in August may be cancelled and asked if anyone had an issue to bring it to her attention. Mayor Mironov stated Recycling Day was on July 10 and she thanked Council Member Shapiro, Rosenberg and Zoller for helping out with the event. She stated National Night Out will be on August 6, 2019 from 6:00 p.m. to 9:00 p.m. Mayor Mironov also stated Danny V's 52<sup>nd</sup> Street band will be playing on July 28. Mayor Mironov reported that correspondence was received as follows: a finance report, dated July 15, was provided by the Finance Director, a memo was provided from the Director of Public Works for the payment #2 on Old Cranbury Road/Rocky Brook/Holland Lane project, a memo, dated July 17, was provided from the Director of Public Works for a request for payment #2 on Oak Creek Road Heathwood Drive project, and a letter, dated July 12, was received from the Chief of Staff of New Jersey Department of Transportation concerning the Airport Road extension. Mayor Mironov stated she does not agree with what the July 12 letter says but the Township just received a \$1.7 million grant award for the Wyckoff Mills bypass connecting to the turnpike from Route 133. Mayor Mironov requested a copy of the application that is going to be submitted along with who will be following up on this, as well as, figuring out what was submitted in the application. Mayor Mironov further reported a letter dated, July 12, from Earl Jacobs was received requesting a dedicated left turn lane at the intersection of Route 33 and 571. She requested that staff look into that left lane turn and if it is a feasible option. Mayor Mironov reported that she sent a letter to New Jersey Department of Transportation and so did the Assemblyman Daniel Benson, regarding the tunnel in Twin Rivers. She stated NJDOT decided



to reply to Assemblyman Daniel Benson's letter stating that Kendell Development is responsible for the maintenance of the underpass and that the underpass does not have any structural issues but does require maintenance. Mayor Mironov requested a status on the Dutch Neck Morrison Avenue grant project. She stated she has not heard a word and she is looking for a notice and bid specifications immediately. She further stated that she is still awaiting a letter from PSE&G to their plan of action on Brooktree Road. Mayor Mironov stated the New Jersey Department of Community Affairs held a small cities facilities grant cycle meeting that the Assistant Manager attended and she would like follow-up from the Assistant Manager on if the grant cycle is open and if everything is being reviewed. She further stated maybe there will be money to match for the senior center. Mayor Mironov requested that the Clerk's office reach out to Act Engineers regarding Magnolia Ridge status update. Mayor Mironov stated an action has not taken place in over two years and she would like the Director of Public Works to provide Mayor and Council with a plan. Mayor Mironov stated she has called the Mercer County Engineers office more than she wanted too regarding the grates in the road at Route 571 and One Mile Road. She requested a letter to be drafted for her signature regarding the safety issue of the grates. Mayor Mironov stated at the Recycling event there were unauthorized changes that took place and she requested that all layouts and the checklist needs to be confirmed prior to the event with no changes. She further stated that all contacts need to be provided prior to the event to avoid any issues in the future.

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

1. Mercer at Play Grant – Improvements to Anker Park

Mayor Mironov stated a memo, dated July 10, was provided from the Director of Public Works regarding improvements to Anker Park. She stated she took photos of areas in need of improvement and provided them to the Director of Public Works. Mayor Mironov stated the Director made some improvements at Anker Park and she requested that whatever money was spent needs to be incorporated in the match. She further stated whatever is used from the grant there needs to be a 50% match and she would like a plan on how that is going to be done prior to spending any additional money. She is also looking for pricing on the proposals that were provided for the tot lot surfacing. Council Member Zoller requested that staff look into other towns and he would like to see what a poured rubber surface looks like. Mayor Mironov stated she would like more information on the turf and the bonded rubber surface. She also requested Public Works look at Anker Park for other improvements, such as grading, replacing and/or staining benches and tables. Council Member Zoller requested that the equipment also be power washed. Council Member Daniels stated that the path also needs to be looked at for weeding and clean-up. Ms. Daniels also stated she would not recommend the loose surface material because it could get into the stream.

2. Route 130/Hankins Road/Conover Road Improvement Project – Status Report by Manager

**Resolution R2019-136**

Approval of Change Order #1 to Contract with The Earle Asphalt Company for Intersection Improvements for Route 130/Hankins Road/Conover Road Intersection Improvements

Mayor Mironov questioned how much of the work is actually done at this point, a schedule to know what work has been done on the project, when the contractor will be on site and what is the honest completion date of the project at this point. The Township Manager stated there has been no work done in the last three weeks, but the interim traffic signal has been approved by the Department of Transportation and received back by the consultants and was forwarded off to the electrical subcontractor and now awaiting a schedule. Mayor Mironov stated the subcontractor should have never left the site but due to Maser oversighting the permit that prolonged the process. The Township Manager stated that Department of Transportation is now requesting that the work be done at night, which requires an overtime rate and the \$15,000 is to cover all costs for that overage. The Township Manager stated the \$15,000 will be submitted within the next few days so work can get started as soon as possible. Mayor Mironov stated she is also still awaiting a new proposal from Maser but in hopes that the schedule comes first. Mayor Mironov stated the project needs to be done by the end of the summer.

**MATTERS BY PUBLIC:**

**ADJOURNMENT:**

There being no further business Mayor Mironov declared the meeting adjourned at 9:12 p.m.

Next Meeting: Tuesday, August 6, 2019 @ 8:00 p.m.

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Kelly Lettera  
Municipal Clerk

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Janice S. Mironov  
Mayor

