

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, April 6, 2021

5:30 p.m.

Via ZOOM

MINUTES

CALL TO ORDER:

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 5:30 p.m. on Tuesday, April 6, 2021.

VERIFICATION:

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 11, 2021 in the annual meeting notice. On April 2, 2021, 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 Denise Daniels.

ROLL CALL:

Present were Council Members Denise Daniels, Marc Lippman, Alan Rosenberg, Perry Shapiro, Peter Yeager, John Zoller and Mayor Janice Mironov. Also present were Township Attorney David Orron, Township Manager James Brady and Municipal Clerk Kelly Lettera.

PRESENTATIONS & PROCLAMATIONS:

Yom Hashoah – Day of Remembrance of the Holocaust – (April 8, 2021)

Mayor Mironov stated she sent letters and proclamations to all local Rabbis.

Autism Awareness Month – April 2021

National “Donate Life” Month – April 2021

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Mayor Mironov stated that Anna Zappola was scheduled for an interview but she needs to be rescheduled.

PUBLIC FORUM:

MINUTES:

March 10, 2020

March 24, 2020

June 2, 2020

June 16, 2020

July 7, 2020

August 4, 2020
August 18, 2020
September 1, 2020
September 22, 2020
October 6, 2020
November 9, 2020 Special Meeting
November 10, 2020
November 24, 2020
December 8, 2020
December 22, 2020
January 5, 2021 (Reorg)
January 12, 2021
January 26, 2021
February 9, 2021
February 23, 2021
March 9, 2021
March 23, 2021

All minutes were rescheduled to the next regularly scheduled meeting.

COMCAST APPLICATION FOR RENEWAL OF MUNICIPAL CONSENT – PUBLIC HEARING

Robert Clifton, on behalf of Comcast Inc., spoke regarding the Comcast Franchise Application renewal with the Township. Mayor Mironov stated the Public Hearing was noticed, February 20 and then again on March 26, 2021, as per the Comcast 45-day Notice requirement guidelines. Mayor Mironov declared the public hearing open, with no comment from the public being made, Mayor Mironov declared the public hearing closed.

Mayor Mironov stated the expiration for the Consent Ordinance is October 12, 2021 and staff needs to file an extension of time. Robert Clifton stated he will be sending over a draft Ordinance and additional commitment documents that are required.

1. East Windsor Senior Center Expansion Project

Mayor Mironov stated since the designer, Charlie Kim, from Settembrino Architects is on Zoom, Mayor and Council can discuss color specifications for the expansion of the Senior Center during this portion of the meeting. Charlie Kim provided Mayor and Council with several color samples to pick from. Mayor and Council unanimously decided that Option 1 and 2 they are in favor of the paint sample colors. Mayor and Council required additional paint colors for Option 3 and more flooring options for Option 4. They agreed to Option 5, 6, 7 and 8 colors that were provided to them. Mayor and Council preferred option 9A for the partition wall. They requested additional flooring options for Option 10 and were satisfied with Option 11 color. Mayor Mironov requested that the Municipal Clerk provide a print out of Option 12 that is more clear to Mayor and Council for the April 20 Council meeting. On a separate note, Mayor Mironov requested that the Architect respond to her request regarding

what is going on with the project, how the Township can move forward with the project, how to address the costs in a more moderated and responsible way for the residents while continuing to move along on a very important Township project. Mayor Mironov requested the item to be listed on the next regularly scheduled Council meeting agenda.

ORDINANCE – PUBLIC HEARING:

ORDINANCE – INTRODUCTION:

Ordinance 2021-03 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank

**TOWNSHIP OF EAST WINDSOR
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO. 2021-03

**AN ORDINANCE TO EXCEED THE MUNICIPAL
BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Council of the Township of East Windsor in the County of Mercer finds it advisable to permit an increase of its CY 2021 budget by up to 3.5%, if necessary, over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Council hereby determines that a an increase of up to 2.5 % increase in the budget for said year, amounting to \$470,852.63 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Township Council hereby determines that any amount authorized herein that is not appropriated as part of the final CY 2021 budget shall be retained as an exception to final appropriations in either of the next two succeeding years.

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

I

1. In the CY 2021 budget year, the final appropriations of the Township of East Windsor shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$659,193.68 and that the CY 2021 municipal budget for the Township of East Windsor be approved and adopted in accordance with this ordinance; and,

2. Any amount authorized herein that is not appropriated as part of the final CY 2021 budget shall be retained as an exception to final appropriations in either of the next two succeeding years.

3. A certified copy of this ordinance as introduced shall be filed with the Director of the Division of Local Government Services within 5 days of introduction.

4. A certified copy of this ordinance upon adoption, with the recorded vote included thereon, shall be filed with said Director within 5 days after such adoption.

II

REPEAL

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

III

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.

IV

EFFECTIVE DATE

This ordinance shall take effect twenty (20) days after the final passage and publication as required by law.

It was **MOVED** by Rosenberg, **SECONDED** by Yeager to approve Ordinance 2021-03 on introduction, authorize publication as required by law and set a public hearing for April 20, 2021.

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

There being seven (7) ayes, and no (0) nays, Ordinance 2021-03 was approved on introduction, authorize publication as required by law and set a public hearing for April 20, 2021.

RESOLUTIONS:

Resolution R2021-050 Authorizing Miscellaneous Anticipated Revenue Averages from the Prior Three Years for the 2021 Budget

**RESOLUTION R2021-050
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the COVID 19 pandemic had an adverse effect on the anticipated municipal revenues in the 2020 municipal current and utility fund budgets; and

WHEREAS, Section 1 of P.L. 2020, c.74 amended N.J.S.A 40A:4-26 authorizing the Director of the Division of Local Government Services to promulgate new standards for the anticipation of COVID-19 affected revenues in the CY 2021 Municipal Budget, and, if necessary, in future years and

WHEREAS, for CY 2021 Municipal Budget, the Director authorizes the use of a three year average for the calculation of affected revenues; and

WHEREAS, the Chief Financial Officer of the Township of East Windsor, certifies that the following revenues were affected in 2020 by the COVID 19 pandemic and that the three year average of the amounts realized in 2018-2020 be anticipated in the introduced budget for 2021:

<u>Revenue Category</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>Average</u>
License-Other	36,259.00	69,470.00	31,802.00	45,844.00
Municipal Court	516,352.00	434,248.00	177,289.00	375,963.00
Hotel Tax	265,272.00	241,415.00	115,884.00	207,523.00
Uniform Construction Fees	516,080.00	438,078.00	270,755.00	408,304.00

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 above referenced revenues be anticipated using the three-year average as permitted by the amendments to N.J.S.A 40A:4-26, adopted by Section 1 of P.L. 2020, c.74.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on April 6, 2021.

Mayor Mironov requested that the Resolution incorporate the table that is included in the Finance Director's memo, dated March 31, 2021.

It was **MOVED** by Daniels, **SECONDED** by Lippman to approve Resolution R2021-050 with the revisions.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-050 was approved with the revisions.

[NOTE: Due to the size of Resolution R2021-051 and R2021-052 the Budget Resolutions are listed on the East Windsor Website as required by law.]

Resolution R2021-051 Introduction of the 2021 Municipal Budget

It was **MOVED** by Yeager, **SECONDED** by Rosenberg to approve Resolution R2021-051.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-051 was approved.

Resolution R2021-052 Introduction of the 2021 Garbage District No. 1 Budget

It was **MOVED** by Shapiro, **SECONDED** by Rosenberg to approve Resolution R2021-052.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-052 was approved.

[NOTE: Resolution R2021-053, Resolution R2021-054 and Resolution R2021-055 were voted on in bloc format.]

Resolution R2021-053 Approval of Agreement with Georgetowne Homeowners Association for Reimbursement for Private Community Services for 2020

**RESOLUTION R2021-053
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Georgetown Homeowners Association wish to enter into an Agreement for private community services for the year 2020 in the amount of \$4,816.56, pursuant to N.J.S.A. 40:67-23.2 et seq.; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in the Current Fund Account No. 1-01-26-325-802-253 entitled "Condo Services", for an amount not to exceed \$4,816.56, as evidenced by the Chief Financial Officer's Certification No. B2021-013.

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

1. The attached Agreement for the year 2020 in the amount of \$4,816.56 is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on April 6, 2021.

Resolution R2021-054 Approval of Agreement with Windsor Meadows Homeowners Association for Reimbursement for Private Community Services for 2020

**RESOLUTION R2021-054
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Windsor Meadows Homeowners Association wish to enter into an Agreement for private community services for the year 2020 in the amount of \$1,558.77, pursuant to N.J.S.A. 40:67-23.2 et seq.; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in the Current Fund Account No. 1-01-26-325-802-253 entitled "Condo Services", in the amount of \$1,558.77, as evidenced by the Chief Financial Officer's Certification No. B2021-014.

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

1. The attached Agreement for the year 2020 in the amount of \$1,558.77 is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on April 6, 2021.

Resolution R2021-055 Approval of Agreement with Windsor Regency Condominium Association for Reimbursement for Private Community Services for 2020

**RESOLUTION R2021-055
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Windsor Regency Condominium Association wish to enter into an Agreement for private community services for the year 2020 in the amount of \$1,448.12, pursuant to N.J.S.A. 40:67-23.2 et seq.; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in the Current Fund Account No. 1-01-26-325-802-253 entitled "Condo Services", in the amount of \$1,448.12, as evidenced by the Chief Financial Officer's Certification No. B2021-015.

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

1. The attached Agreement for the year 2020 in the amount of \$1,448.12 is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on April 6, 2021.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2021-053, Resolution R2021-054 and Resolution R2021-055.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-053, Resolution R2021-054 and Resolution R2021-055 were approved.

Resolution R2021-056 Authorizing Dedication by Rider for Revenues Anticipated for Trust Fund for the Township Gateway Sign Program

**RESOLUTION R2021-056
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, permission is required of the Director of the New Jersey Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 provides for receipt of acceptance of bequests and gifts by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the bequest and gifts trust fund for the Gateway Sign Program are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirements.

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 Council hereby requests permission of the Director of the New Jersey Division of Local Government Services to pay expenditures for the bequest and gifts trust fund for the Gateway Sign Program per N.J.S.A. 40A:4-39.
2. The Municipal Clerk is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on April 6, 2021.

It was MOVED by Zoller, SECONDED by Lippman to approve Resolution R2021-056.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-056 was approved.

Resolution R2021-057 Reaffirm Pledge of Sustainable Jersey Wildlife Action Plan

**RESOLUTION R2021-057
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, New Jersey is home to a rich diversity of wildlife and ecologically significant natural communities; and

WHEREAS, New Jersey’s wildlife and wild places are under threat from development, fragmentation, invasive species and the impacts of people; and

WHEREAS, the populations of mammals, birds, invertebrates, fish, reptiles and amphibians that live in and migrate through New Jersey find themselves clinging to smaller and smaller pieces of wild clean lands and aquatic habitats; and

WHEREAS, it is more cost-effective to prevent species from becoming imperiled than it is to recover them once their populations have declined; and

WHEREAS, a naturally functioning and healthy ecosystem represents a healthy environment for New Jersey wildlife and our citizens; and

WHEREAS, the New Jersey Division of Fish and Wildlife, other state and federal agencies, and many partners in conservation have worked together to develop a state Wildlife Action Plan for the benefit of biologists, wildlife experts, municipal leaders, land stewards, non-profit organizations, educators, planners, researchers, outdoor recreation enthusiasts, landowners and all the people who know the wild places of New Jersey State; and

WHEREAS, the New Jersey Wildlife Action plan is a comprehensive action agenda for the conservation of native wildlife, the restoration of important lands and water, and public education targeting the needs of rare wildlife in New Jersey; and

WHEREAS, on June 2, 2015, by Resolution R2015-100, Mayor and Council approved the Adoption of the Sustainable New Jersey Wildlife Action Plan Pledge; and

WHEREAS, the residents of and visitors to New Jersey also enjoy and benefit from New Jersey's wildlife and wild spaces;

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:

1. East Windsor Township resolves to take the following steps with regard to our municipal land-use decisions with the intent of making East Windsor an ecologically sustainable community. It is our intent to include these principles in our public lands management, our environmental resources inventory and to inform the next master plan revision and update our zoning accordingly.
 - a. Identify imperiled species, critical habitat and unique ecosystems in our Environmental Resource Inventory.
 - b. Acknowledge that it is more cost-effective to protect species than recover species, we will protect populations of rare and imperiled species that live and breed in, and migrate through, the municipality and the habitats they depend upon.
 - c. Because habitat integrity is critical to healthy biodiversity, manage publicly owned lands in accordance with wildlife management actions laid out in the New Jersey Wildlife Action Plan and will promote the management of all protected lands to promote biodiversity.
 - d. Seek to protect wildlife habitats and maintain connectivity of habitat when formulating an open space acquisition strategy, open space stewardship plans and through the municipal master plan including planning and zoning ordinances.

- e. Seek to minimize disturbance of critical wildlife populations and their habitats from human activities, subsidized predators and invasive species.
- f. When possible and appropriate, work with neighboring municipalities to implement the aforementioned principles across municipal boundaries.
- g. When possible and appropriate, strive to monitor and implement appropriate management of municipal easements to ensure native vegetation and wildlife takes precedence over invasive and/or exotic species.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on April 6, 2021.

It was MOVED by Yeager, SECONDED by Zoller to approve Resolution R2021-057.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-057 was approved.

Resolution R2021-058 Approval of East Windsor Township Anti-Idling Policy

**RESOLUTION R2021-058
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, emissions from gasoline and diesel-powered vehicles contribute significantly to air pollution, including greenhouse gases, ozone formation, fine particulates; and

WHEREAS, numerous scientific studies have found links between exposure to fine particles and health effects including premature death, and increased incidents of asthma, allergies, and other breathing disorders; and

WHEREAS, the United States Environmental Protection Agency has classified diesel exhaust as likely to be carcinogenic to humans; and

WHEREAS, vehicle idling occurs in locations (e.g. school grounds, parking lots, distribution centers, strip malls, construction sites, business centers, etc.) where New Jerseyans can be exposed to concentrated sources of air pollutant emissions; and

WHEREAS, asthma is a significant health concern in New Jersey, especially among children and the elderly; and

WHEREAS, the reduction of fine-particle emissions from diesel engines could also prevent large numbers of new asthma cases annually and could save significant costs for health care and related expenditures in the State; and

WHEREAS, for every gallon of gasoline used, the average car produces about 20 pounds of carbon dioxide (CO₂), the largest contributor to greenhouse climate change, with one-third of greenhouse gas emissions coming from the transportation sector; and

WHEREAS, petroleum-based gasoline and diesel fuel are nonrenewable fuels and should be used wisely and not wasted; and

WHEREAS, idling is not generally beneficial to a vehicles engine because it wears engine parts; and

WHEREAS, idling more than 10 seconds uses more fuel and emits more pollutants than turning an engine off and on again; and

WHEREAS, current state law prohibits the idling of vehicles for more than three minutes and studies have shown that an anti-idling policy will save fuel, prolong engine life, and improve air quality.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, supports the adoption of an effective anti-idling policy by government agencies, schools, businesses, and other organizations by:

1. Enforcing violations and penalties under New Jersey's existing no-idling law pursuant to N.J.S.A. C. 39:3-70.2 and N.J.S.A. C. 26:2C-1;
2. Encouraging any gasoline or diesel-powered motor vehicle to turn off their engines immediately at schools and off-site school related events to minimize exposure of children to vehicle emissions;
3. Maintaining municipal vehicles to eliminate any visible exhaust and complying with the annual inspection requirement for those vehicles;
4. Promoting the widespread use of emission controls in construction contracts (for example, see the "diesel Emission Controls in Construction Projects; Model Contract Specification" developed by the Northeast Diesel Collaborative); and
5. Supporting broad education of the public about the health, environmental and economic impacts of idling and ways to reduce idling.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on April 6, 2021.

It was **MOVED** by Zoller, **SECONDED** by Shapiro to approve Resolution R2021-058.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-058 was approved.

Resolution R2021-059 Amending Resolution R2018-098 Awarding Contract for the Resurfacing and Associated Repairs to Wiltshire Drive and Brooktree Road to Richard T. Barrett Paving Company, Inc.

**RESOLUTION R2021-059
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, on May 22, 2018, by Resolution R2018-098, the East Windsor Township Council approved an award of bid to perform resurfacing and associated improvements for Brooktree Road between Oak Creek Road and Dutch Neck Road and Wiltshire Drive to Richard T. Barrett Paving Company, Inc. in an amount of \$336,926.10; and

WHEREAS, based upon the final work and material quantities, the Township needs to amend the total contract amount by a reduction of \$22,758.84, from \$336,926.10 to \$314,167.26; and

WHEREAS, the Township retained \$5,923.71 of the 2017 invoice amount of \$290,262.14 pending final project completion and submission of a two year maintenance bond; and

WHEREAS, the Director of Public Works has reviewed and approved the need for the contract reduction and final payment in the amount of \$23,905.01 which includes the \$5,923.71 retainage from the remaining contract amount.

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 Council approves amendment of Resolution R2018-098 to reduce the contract amount by \$22,758.84, from \$336,926.10 to \$314,167.26 for the resurfacing and associated improvements for Brooktree Road between Oak Creek Road and Dutch Neck Road and Wiltshire Drive to Richard T. Barrett Paving Company, Inc.
2. The Township Council approves the final payment of the remaining contract amount, totaling \$23,905.01 to Richard T. Barrett Paving Company, Inc, upon the submission of a two year maintenance bond.
3. The Municipal Clerk is authorized and directed to forward a certified copy of this Resolution to Richard T. Barrett Paving Company, Inc.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on April 6, 2021.

It was **MOVED** by Zoller, **SECONDED** by Rosenberg to approve Resolution R2021-059.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-059 was approved.

Resolution R2021-060 Approval of Change Order #1 to Contract for Engineering Services for Union Transportation Trail with Hopewell Valley Engineering, PC

**RESOLUTION R2021-060
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township applied for and received \$135,000 in grant funds from the Delaware Valley Regional Planning Commission Regional Trails Phase V Program to fund the study and design of the Union Transportation Trail (UTT) multi-use trail Extension between the Mercer/Monmouth County border and Airport Road; and

WHEREAS, on January 23, 2018, by Resolution R2018-033, the Township Council authorized a contract for the design and preliminary engineering of the Union Transportation Trail (UTT) Extension with the low bidder Hopewell Valley Engineering, PC in an amount not to exceed \$95,000.00; and

WHEREAS, Change Order #1, in the amount of \$8,250.00, is required for the final trail alignment control survey and aerial photographs to complete the necessary work for the project; and

WHEREAS, the Assistant Township Manager has reviewed and the Township Manager has approved the need for Change Order #1; and

WHEREAS, the maximum amount of the change order is \$8,250.00 and funds are available in Capital Fund Account No. C-04-55-980-921-880 entitled Ordinance 2017-15, "DVRPC-Ped/Bike Path Trail Extension", for a total amount not to exceed \$8,250.00, as evidenced by the Chief Financial Officer's Certification No.C2021-007.

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 attached Change Order #1 with Hopewell Valley Engineering, PC, 1600 Reed Road, Suite A, Pennington, NJ 08534-5002, in an amount not to exceed \$8,250.00 is approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the necessary documents to effect Change Order No. 1.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on April 6, 2021.

It was MOVED by Yeager, SECONDED by Daniels to approve Resolution R2021-060.

ROLL CALL: Ayes – Daniels, Lippman, Rosenberg, Shapiro, Yeager, Zoller, Mironov

Nays – None

There being seven (7) ayes and no (0) nays, Resolution R2021-060 was approved.

Resolution R2021-061 Approval of Professional Services Agreement for Pediatric Nurse Practitioner with Ann Willitts

RESOLUTION R2021-061
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, there exists a need for Pediatric Nurse Practitioner Services, for the term of April 1, 2021 through December 31, 2021, in the Township of East Windsor, in the County of Mercer, State of New Jersey; and

WHEREAS, on March 6, 2021 the Township solicited proposals and on March 26, 2021 received two proposals for Pediatric Nurse Practitioner Services; and

WHEREAS, the lowest cost proposal was received from Ann Willitts; and

WHEREAS, a contract for this professional service may be awarded without public advertising for bids as the contract is for “Professional Services” pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township Council has reviewed the Township Manager’s recommendation; and

WHEREAS, the maximum amount of the contract is \$3,960.00 and funds are available in the Current Fund Account No. 1-01-27-330-603-249 entitled “Licensed Professional,” pending adoption of the 2021 Municipal Budget, as evidenced by the Chief Financial Officer’s Certification No. B2021-016.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of East Windsor, in the County of Mercer as follows:

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement for a term of January 1, 2021 to December 31, 2021, with Ann Willitts APN, CPNP-PC, 134 W. Millstream Road, Cream Ridge, NJ 08514.
2. This Contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5 (1)(a) of the Local Public Contracts Law because the contract is for service performed by persons authorized by law to practice a recognized profession that is required by law, but in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5, et seq.
3. The Municipal Clerk shall cause to be printed once, in the Trenton Times, a brief notice stating the nature, duration, service and amount of this contract, and that the resolution and contract are on file and available for public inspection in the office of the Municipal Clerk.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on April 6, 2021.

It was MOVED by Rosenberg, SECONDED by Lippman to approve Resolution R2021-061.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-061 was approved.

Resolution R2021-062 Approval of Developers Agreement with McDonald’s USA, Inc.
for 496 US Route 130 South (Block 58, Lot 11)

**RESOLUTION R2021-062
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, McDonald’s USA, LLC, the owners of property located at 496 US Route 130 South, East Windsor, New Jersey, Block 58, Lot 11, as shown on the official tax map of the Township of East Windsor, received Preliminary and Final Major Site Plan Approval with Bulk Variances from the Planning Board on November 23, 2020, bearing application No. PB20-004, for the approval of the demolition of the existing McDonald’s restaurant with a drive through, freestanding and wall signage, parking and related improvements; and

WHEREAS, the developer is required to enter into a Developer’s Agreement, pursuant to Planning Board Resolution 2020-16.

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 Mayor and Municipal Clerk are hereby authorized to execute the Developer’s Agreement with McDonald’s USA, LLC, in the attached form.
2. The Mayor, Township Attorney, Township Engineer, Finance Director, Construction Official and other Township Representatives are authorized to take any and all action necessary to carry out the terms and conditions of the Agreement.
3. A certified copy of this Resolution shall be forwarded to the Township Attorney, Engineer, Finance Director, Construction Official, and McDonald’s USA, LLC.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on April 6, 2021.

Mayor Mironov stated the Planning Board made it a condition of the approval that the proposed sign would be reviewed and approved by the Governing Body as part of the Developer’s Agreement. She stated that developer has submitted a proposed sign measuring three feet high and one and a half feet wide. Mr. Yeager stated that he supported the proposed sign. Mr. Shapiro also agreed and stated the proposed sign addresses the concerns raised by the Planning Board.

Mayor Mironov stated the proposed sign would become a part of the agreement. She also requested to be kept up to date with the date of the pre-construction meeting and start date of the project.

It was **MOVED** by Shapiro, **SECONDED** by Rosenberg to approve Resolution R2021-062 with the incorporation of the sign.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-062 was approved with the incorporation of the sign.

APPLICATIONS:

REPORTS BY COUNCIL AND STAFF:

Mr. Zoller stated the Economic Development Committee met on April 1 and discussed the Township Gateway signs project and methods for offsetting the expense of the project. They also discussed the Route 33 and Route 130 entrance sign and are continuing to gather concept ideas for that location. The Committee also discussed the signage on the Public Works garage building on Ward Street and possible slogans for a new sign facing the Turnpike. Mr. Zoller added there was also discussions regarding possible business programs and events with the regional chamber of commerce and possible nominations for the Business Awards.

Mr. Rosenberg stated the Clean Communities Committee met on March 25 and discussed the annual Stream Clean Up event, potential awardees for the Litter Free recognition, the upcoming recycling events and possibilities for a virtual Earth Day Poster Contest program.

Mr. Rosenberg also reported the Commission on Aging met on March 25 and discussed finalizing the senior resource directory. He also stated the virtual classes hosted by the Senior Center have been a big hit and they've gotten positive feedback. Mr. Rosenberg asked Ms. Daniels if there was anything else to add to the Commission on Aging report and she said no.

CORRESPONDENCE:

APPOINTMENTS:

APPROVAL OF BILLS:

Mayor Mironov stated a 2021 Current Bill list, 2020 Current Bill list, a Capital Bill List and other miscellaneous bill lists and trust accounts were provided.

Mayor Mironov requested to hold the Senior Center Environmental permit bill subject to verifying the maximum exposure and that no further bills will be forthcoming.

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

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

There being seven (7) ayes and no (0) nays, the various presented Bill Lists were approved with the hold.

MATTERS BY COUNCIL:

Mayor Mironov requested a status update on the Shoppes of East Windsor and Magnolia Ridge projects. She further requested that the Township Manager, Finance Director and Municipal Clerk provide a report regarding the vacant and abandoned properties for the next Council meeting. Mayor Mironov stated the NJLGS Recreation Grant Program application deadline is May 24, 2021 and the Resolution needs to be listed on the next Council Agenda. She stated that staff needs to provide a draft for non-smoking signs as per the adopted Ordinance and ideas of where those signs should be placed. She also requested the Township Manager distribute his memo and Ordinance 2021-01 to all department heads. Council Member Zoller asked if staff can look into the most cost-effective way to get the road stripping done on Hickory Corner Road.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. East Windsor Senior Center Expansion Project

East Windsor Senior Center Expansion Project was discussed after the Comcast public hearing in the beginning of the meeting.

2. New Jersey Division of Local Government Local Efficiency Achievement Program (LEAP) 2021 Grant

Resolution R2021-046 Approval of Filing of Application for the 2021 New Jersey Division of Local Government Local Efficiency Achievement Program (LEAP)

**RESOLUTION R2021-046
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the State of New Jersey has appropriated \$10 million for Shared Services and School District Consolidation Study and Implementation Grants to assist local units with the study, development and implementation of new shared and regional services; and

WHEREAS, the New Jersey Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP); and

WHEREAS, LEAP Implementation Grants exist to support costs associated with shared service implementation to ensure that meaningful, efficiency generating initiatives are not hindered by short term transitional expenses; and

WHEREAS, East Windsor Township and the Borough of Hightstown propose to enter into a shared services agreement, and face certain expenses associated with implementation that present a burden to the local units; and

WHEREAS, the purpose of this shared services agreement is to share dispatch services and to improve the technology of East Windsor Township's emergency dispatch center by improving the integration between East Windsor Township and Hightstown Borough and the capability of including additional municipalities for the future, which will benefit the residents of all participating local units; and

WHEREAS, East Windsor Township will be the lead agency in this program and will submit the application to DLGS on behalf of the participating units.

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:

1. The Mayor is hereby authorized and directed to submit an electronic application, followed by two original copies (within seven calendar days) via regular mail submission, on behalf of East Windsor Township to the New Jersey Department of Community Affairs, Division of Local Government Services, Attention: LEAP Grant, P.O. Box 803, Trenton, NJ 08625-0803, to improve the technology of East Windsor Township's Emergency Dispatch Center by improving the integration between East Windsor Township and Hightstown Borough and the capability of including additional municipalities for the future.
2. The Mayor is hereby authorized to sign the grant agreement on behalf of East Windsor Township and her signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on April 6, 2021.

Mayor Mironov stated the application process is done on a rolling basis and they will accept the applications at any time. Mayor and Council were unanimous to move forward with filing the application for Shared Dispatch Services with Hightstown Borough.

It was **MOVED** by Rosenberg, **SECONDED** by Zoller to approve Resolution R2021-046.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-046 was approved.

3. AARP Community Challenge 2021 Grant

Resolution R2021-063 Approval of Filing of Application for 2021 AARP Community Challenge Grant for Outdoor Amenities for the Senior Center

RESOLUTION R2021-063

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, AARP is soliciting grant applications under the AARP Community Challenge 2021 to fund “quick action” projects that improve and make the community more livable for people of all ages; and

WHEREAS, East Windsor Township desires to submit an application for financial assistance to improve East Windsor Township’s Senior Center with outdoor recreational furniture.

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:

1. The Mayor is hereby authorized and directed to submit an electronic application on behalf of East Windsor Township to the AARP Community Challenge 2021 for one fourteen foot wooden gazebo with two interior benches, four picnic tables with attached benches, four nine foot umbrellas and seven engraved brass plates to acknowledge AARP grant funded.
2. The Mayor is hereby authorized to sign the grant agreement on behalf of East Windsor Township and her signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on April 6, 2021.

Mayor and Council were unanimous to move forward with filing the application for various outdoor amenities for the Senior Center.

It was **MOVED** by Yeager, **SECONDED** by Lippman to approve Resolution R2021-063.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-063 was approved.

4. Township Recreation Department Programs and Costs

Mayor Mironov questioned how did the Recreation Director choose the programs selected and why were they selected. She further questioned what the guidelines are, costs, what the break-even point is for the Township, if the programs are done via Zoom, does the costs fit into the budget, what percentage does the Township get back from the program and what schools are participating. Mayor Mironov then questioned the summer program guidelines and the costs associated with the programs. She also questioned if the camps were indoor or outdoor and what facilities they are at if indoor, the number of campers per program and a survey for parents on how many are interested in participating in the program. Mayor Mironov also questioned the Independence Day event and whether or not the Township will be providing fireworks or if the event should be moved to Labor Day and information on bands for the event. Council Member Lippman asked if staff can look into what other Townships are doing an Independence Day event. Mayor Mironov requested to list the items on the next regularly scheduled Council meeting

agenda.

5. New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act and Municipal Zoning

Mayor and Council were unanimous on opting out on Cannabis for now, but they will review possibilities in the future to possibly opt in. She stated all the Municipalities in the state need to opt out or establish regulations no later than August 21, 2021. She requested staff to add an Ordinance to the next regularly scheduled Council meeting to opt out of Cannabis.

6. New Jersey Division of Highway Traffic Safety Grant Program

Mayor and Council were unanimous to move forward with all the options the Chief of Police provided in his March 11, 2021 memo.

7. Truck Engine Braking Regulations

Mayor Mironov requested staff look into other Townships regarding their engine braking Ordinance and the type of signs they use to enforce it. Mayor and Council requested to list the Ordinance on the next regularly scheduled Council meeting agenda.

MATTERS BY PUBLIC:

ADJOURNMENT:

Meeting adjourned at 8:25 p.m.

Next Meeting: April 20, 2021

Allison Quigley
Municipal Clerk

Janice S. Mironov
Mayor