

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday December 22, 2020

5:30 p.m.

DRAFT 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, December 22, 2020.

VERIFICATION:

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 10, 2020 in the annual meeting notice and on December 18, 2020, 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 virtually by Council Member Alan Rosenberg.

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:

INTERVIEWS FOR BOARDS AND COMMISSIONS:

PUBLIC FORUM:

MINUTES:

December 17, 2019
March 10, 2020
March 24, 2020
November 9, 2020 Special Meeting

Mayor Mironov held December 17, 2020, March 10, 2020, March 24, 2020 and November 9, 2020 Special Meeting Minutes pending additional revisions.

July 21, 2020

It was MOVED by Lippman, SECONDED by Rosenberg to approve the July 21, 2020 Council meeting minutes.

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

There being seven (7) ayes and no (0) nays, the July 21, 2020 minutes were approved.

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 10, 2020
November 24, 2020

All remaining minutes were rescheduled to the next regularly scheduled meeting.

ORDINANCE – PUBLIC HEARING:

ORDINANCE – INTRODUCTION:

Ordinance 2020-11 An Ordinance Accepting Donation of Real Property Located off of Old York Road and Designated as Block 42, Lot 13 on the East Windsor Township Tax Map

AN ORDINANCE ACCEPTING DONATION OF REAL PROPERTY LOCATED OFF OF OLD YORK ROAD, AND DESIGNATED AS BLOCK 42, LOT 13 ON THE EAST WINDSOR TOWNSHIP TAX MAP

WHEREAS, David Saltman is the owner of the property located off of Old York Road and designated as Block 42, Lot 13 on the East Windsor Township Tax Map, consisting of 2.6 acres, and has signed a Quit Claim Deed transferring all of his interest in this property to East Windsor Township; and

WHEREAS, the Township Council has determined that it is in the best interests of the Township of East Windsor to accept the donation of Block 42, Lot 13.

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

SECTION 1. AUTHORIZATION.

- A. The Township hereby accepts the donation of the property located off of Old York Road and designated as Block, 42, Lot 13 on the East Windsor Township Tax Map, consisting of 2.6 acres.

- B. The Mayor, Municipal Clerk, and Township Attorney are hereby authorized to take all necessary actions to acquire the property located off of Old York Road and designated as Block, 42, Lot 13 on the East Windsor Township Tax Map, consisting of 2.6 acres.

SECTION 2. REPEAL. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. SEVERABILITY. If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect 20 days after final passage and publication according to law.

It was MOVED by Yeager, SECONDED by Shapiro to approve Ordinance 2020-11 on introduction, authorize publication as required by law and set a public hearing for January 12, 2021.

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

There being seven (7) ayes, and no (0) nays, Ordinance 2020-11 was approved on introduction, authorize publication as required by law and set a public hearing for January 12, 2021.

RESOLUTIONS:

Resolution R2020-192 Authorizing Cancellation of Grant Receivable and Reserve Balances

**RESOLUTION R2020-192
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, grant receivable and reserve balances of \$286,817.51 remain on the Capital Fund balance sheet have expired; and

WHEREAS, it is necessary to formally cancel the receivable and reserve balances from the balance sheet;

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 following grant receivable and reserve balances be cancelled:

Receivable:		
	2019 Child Passenger Safety Seat	\$0.54
	Ordinance 2013-04 NJDOT Route 571 Sidewalk in Transit Program	\$124,000.00
	Ordinance 2019-01 NJDOT Oak Creek Road	\$5,520.66
	Ordinance 2019-01 NJDOT Old Cranbury Road	\$11,491.49

Total Receivable		\$141,012.69
Reserve:		
	2019 Child Passenger Safety Seat	\$0.54
	2019 Recycling Tonnage	\$0.87
	EWT/NJTPK Exit 8 T&D Study	\$832.29
	NJ Transit Bus Grants 2019/2020	\$3,958.97
	Ordinance 2013-04 NJDOT Route 571 Sidewalk in Transit Program	\$124,000.00
	Ordinance 2019-01 NJDOT Oak Creek Road	\$5,520.66
	Ordinance 2019-01 NJDOT Old Cranbury Road	\$11,491.49
Total Reserve		\$145,804.82

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 December 22, 2020.

[NOTE: The changes requested are reflected in the above Resolution.]

It was MOVED by Zoller, SECONDED by Lippman to approve Resolution R2020-192 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 R2020-192 was approved with the revisions.

Resolution R2020-197 Approval of Extension of Lease for Farming of Property located off of Old York Road (Block 29, Lot 6) with Kevin and Sharon Kyle

**RESOLUTION R2020-197
 EAST WINDSOR TOWNSHIP
 MERCER COUNTY**

WHEREAS, by Resolution R2015-079, approved on April 21, 2015, the East Windsor Township Council awarded a lease of 60 farmable acres of the Township owned 100 acre property located on Old York Road (Block 29, Lot 6) to Kevin and Sharon Kyle, through December 31, 2020; and

WHEREAS, by Resolution R2016-146, approved on August 21, 2016, Mayor and Council, pursuant to the lease terms, reclaimed the land located on Old York Road to plant 3,000 trees for the Township No Net Loss Reforestation Program, Phase 3 and terminated the Lease for farming; and

WHEREAS, the Township used approximately 26 of the 60 farmable acres for the planting of the 3,000 No Net Loss trees, leaving 34 acres of farmland available for farming; and

WHEREAS, by expressed interest from Kevin Kyle, Resolution R2017-113, was approved by Mayor and Council on June 27, 2017 authorizing the reinstatement of Resolution R2015-079 with the modification of the acreage to farm to the remaining 34 farmable acres of the Township owned 100 acre property designated on Old York Road (Block 29, Lot 6); and

WHEREAS, paragraph 2 of the original lease dated April 21, 2015, provided an option for the lessee to renew the lease for an additional five years, under the same terms and conditions; and

WHEREAS, Kevin & Sharon Kyle has expressed interest in continuing to farm the 34 acres of farmland and renew the lease for five additional calendar years commencing January 1, 2021 through December 31, 2025, under the same terms and conditions.

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 hereby agrees to extend the original lease, dated April 21, 2015, to Kevin & Sharon Kyle, 230 Cedarville Road, East Windsor, New Jersey 08520, to farm the 34 acres of the Township owned 100 acre property located on Old York Road (Block 29, Lot 6), for five additional calendar years from January 1, 2021 through December 31, 2025, under the same terms and conditions.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Lease Extension.

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 December 22, 2020.

[NOTE: The changes requested are reflected in the above Resolution.]

It was **MOVED** by Rosenberg, **SECONDED** by Shapiro to approve Resolution R2020-197 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 R2020-197 was approved with the revisions.

Resolution R2020-200 Authorizing Cancellation of Grant Receivable and Reserve Balances

**RESOLUTION R2020-200
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, grant receivable and reserve balances of \$9,218.00 remain on the Capital Fund balance sheet have expired; and

WHEREAS, it is necessary to formally cancel the receivable and reserve balances from the balance sheet;

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 following grant receivable and reserve balances be cancelled:

Receivable:		
	2019/2020 Municipal Alliance	\$4,609.00
Total Receivable		\$4,609.00
Reserve:		
	2019/2020 Municipal Alliance	\$4,609.00
Total Reserve		\$4,609.00

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 December 22, 2020.

It was MOVED by Yeager, SECONDED by Zoller to approve Resolution R2020-200.

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

There being seven (7) ayes and no (0) nays, Resolution R2020-200 was approved.

Resolution R2020-201 Authorizing Cancellation of Outstanding Checks

**RESOLUTION R2020-201
 EAST WINDSOR TOWNSHIP
 MERCER COUNTY**

WHEREAS, there exists on the books of the Recreation, Grant, Trust Fund, Garbage District and Current Fund accounts outstanding checks that have not cleared in over 12 months; and

WHEREAS, outstanding checks may be cancelled with the approval of the Township Council.

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 Finance Director has requested and is hereby authorized to cancel the following outstanding checks in the amounts shown from the Recreation, Grant, Trust Fund, Garbage District and Current Fund accounts:

<u>Account</u>	<u>Check No.</u>	<u>Date</u>	<u>Amount</u>
Recreation	6987	2/14/2017	23.00
Recreation	7359	7/24/2018	370.00
Recreation	7714	9/10/2019	375.00
Grant	2554	1/23/2018	100.00
Grant	2612	1/18/2019	100.00

Grant	2613	1/18/2019	100.00
Trust Fund	6521	2/2/2018	250.00
Garbage District	6078	9/12/2017	3,325.39
Garbage District	6238	2/12/2019	384.86
Current Fund	54864	2/14/2017	742.00
Current Fund	56078	11/21/2017	6.75
Current Fund	56339	1/23/2018	100.00
Current Fund	57170	7/24/2018	354.84
Current Fund	57752	1/15/2019	144.00
Total			6,375.84

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 December 22, 2020.

[NOTE: The changes requested are reflected in the above Resolution.]

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2020-201 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 R2020-201 was approved with the revisions.

Resolution R2020-202 Authorizing Cancellation Among the 2020 Budget Appropriations

**RESOLUTION R2020-202
 EAST WINDSOR TOWNSHIP
 MERCER COUNTY**

WHEREAS, N.J.S.A 40A:4-60 provides that any unexpended balances of appropriations may be cancelled prior to the end of the fiscal year; and

WHEREAS, it is necessary that Current Fund budget appropriation balances which remain unexpended be formally cancelled so that the unexpended balances may be credited to fund balance.

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 attached listed unexpended balances of the Current Fund be cancelled.

Tax Collector S&W (Second Clerk position unfilled)	\$35,000.00
Municipal Court S&W (position unfilled)	\$48,270.00
Group Insurance for Employees (unused)	\$50,000.00
Police Training – Training and Tuition (same as prior year)	\$45,000.00

Total	\$178,270.00
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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 December 22, 2020.

[NOTE: The changes requested are reflected in the above Resolution.]

It was MOVED by Daniels, SECONDED by Shapiro to approve Resolution R2020-202 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 R2020-202 was approved with the revisions.

Resolution R2020-203 Authorizing Cancellation Among Additional 2020 Budget Appropriations

Resolution R2020-203 was voided.

Resolution R2020-204 Approval of Shared Services Agreement with Mercer County for Grant Funding for FY21 (October 1, 2020 to June 30, 2021) for East Windsor Municipal Alliance for the Prevention of Substance Abuse

**RESOLUTION R2020-204
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the East Windsor Municipal Alliance for the Prevention of Substance Abuse has been awarded a grant by the Mercer County Department of Human Services, Division of Drug and Alcohol, for FY21 (October 1, 2020 through June 30, 2021) in the amount of \$11,267.00; and

WHEREAS, in order to obtain such grant, it is necessary that the Mayor and Township Council approve the Contract with the County of Mercer.

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 and directed to execute the attached “Shared Services Agreement between East Windsor Township and County of Mercer” for the East Windsor Municipal Alliance Program, for FY2021, for the term of October 1, 2020 through June 30, 2021, in the amount of \$11,267.00.

2. The East Windsor Municipal Alliance for the Prevention of Substance Abuse and the Township of East Windsor agree to perform services described in the program specifications in the manner and upon the terms specified and to complete and file the required programmatic reports.

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 December 22, 2020.

It was MOVED by Yeager, SECONDED by Zoller to approve Resolution R2020-204.

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

There being seven (7) ayes and no (0) nays, Resolution R2020-204 was approved.

Resolution R2020-205 Approval of Public Health Shared Service Partnership Agreement with Mercer County for Public Health Preparedness and Response to Bioterrorism, Outbreaks of Infectious Disease, and other Public Health Threats and Emergencies

Mayor Mironov held Resolution R2020-205 requesting additional information.

Resolution R2020-206 Authorizing Purchase of Leaf Equipment from Old Dominion Brush Company for the Department of Public Works

**RESOLUTION R2020-206
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need to purchase various replacement leaf collection equipment for the Public Works Department; and

WHEREAS, Old Dominion Brush Company is the sole provider and only local vendor authorized to sell this equipment; and

WHEREAS, since the purchase is under \$17,500.00, public bids are not required as set forth in N.J.S.A. 40A:11-4 requiring public advertising and bidding for contracts for a sum exceeding the aggregate amount as calculated periodically by the Governor, pursuant to N.J.S.A. 40A:11-3 which amount is \$17,500.00; and

WHEREAS, the Township Council has reviewed the Director of Public Works recommendation on these purchases; and

WHEREAS, the maximum amount of the purchase is \$3,356.00 and funds are available in the Capital Fund Account No. C-04-55-980-924-635 entitled Ordinance 2020-07 entitled “DPW Leaf Vacuum Equip Acquisition” as evidenced by the Chief Financial Officer’s Certification No. C2020-039.

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

1. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to Old Dominion Brush Company, 5118 Glen Alden Drive, Richmond, Va. 23231, for the purchase of one Impeller Housing Liner in the amount of \$241.00, one fan in the amount of \$834.00, one Bushing in the amount of \$68.00, one PTO/Clutch in the amount of \$1,950.00, one belt in the amount of \$63.00 and an additional shipping charge in the amount of \$200.00, for a total amount not to exceed \$3,356.00, all in accordance with the attached quote.

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 December 22, 2020.

[NOTE: The changes requested are reflected in the above Resolution.]

It was **MOVED** by Lippman, **SECONDED** by Rosenberg to approve Resolution R2020-206 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 R2020-206 was approved with the revisions.

Resolution R2020-207 Authorizing Purchase of Replacement Turn-Out Gear from SAFE-T for East Windsor Volunteer Fire Company No. 1

RESOLUTION R2020-207
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, there is a need to purchase replacement turn-out gear, (coats and pants) for the East Windsor Volunteer Fire Company No. 1; and

WHEREAS, three (3) quotes were obtained to provide this replacement turn-out gear; and

WHEREAS, since the purchase is under \$17,500, public bids are not required as set forth in N.J.S.A. 40A:11-4 requiring public advertising and bidding for contracts for a sum exceeding the aggregate amount as calculated periodically by the Governor, pursuant to N.J.S.A. 40A:11-3 which amount is \$17,500; and

WHEREAS, public bids are not required when the purchase is under a State Contract in accordance with N.J.S.A. 40A:11-12 of the Local Public Contracts Law; and

WHEREAS, the lowest cost proposal for the replacement turnout equipment was submitted by SAFE-T through State Contract No. #17-Fleet-00810 which is valid through April 30, 2021; and

WHEREAS, the Township Council has reviewed the Township Manager's and the East Windsor Volunteer Company No. 1 Fire Chief's recommendations on this purchase; and

WHEREAS, the maximum amount of the purchase is \$16,255.10 and funds are available in Account No. C-04-55-980-923-531, Ordinance 2019-01, entitled "FC#1 Turnout Gear" in the amount of \$2,402.08 and Account No. C-04-55-980-924-531, Ordinance 2020-07, entitled "FC#1 Turnout Gear", in the amount of \$13,853.02, as evidenced by the Chief Financial Officer's Certification No.C2020-040.

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

1. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to: Safe-T, 23 Hamburg Turnpike, Unit A, Riverdale, New Jersey 07457, for five (5) Morning Pride turnout coats in the amount of \$1,929.23 each and five (5) Morning Pride turnout pants at \$1,321.79 each, for a total amount not to exceed \$16,255.10, for the East Windsor Volunteer Fire Company No. 1, Inc., all in accordance with the attached quote.

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 December 22, 2020.

It was **MOVED** by Shapiro, **SECONDED** by Yeager to approve Resolution R2020-207.

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

There being seven (7) ayes and no (0) nays, Resolution R2020-207 was approved.

Resolution R2020-208 Establishing Date, Time and Place for East Windsor Township
2021 Reorganization Meeting

RESOLUTION R2020-208
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, Section 2-2.2 of the Administrative Code of the Township of East Windsor directs that at the annual organization meeting the members of the Township Council will assemble at a place designated in December of each year by Resolution of the governing body and organize and elect one (1) of the members of the Council as Mayor.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of East Windsor, County of Mercer, State of New Jersey, that the annual reorganizational meeting for the year 2021 shall be held on Tuesday, January 5, 2021 at 6:30 p.m. via electronic means only, in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., and

Executive Order No. 103 issued by Governor Murphy on March 9, 2020 declaring a “State of Emergency and Public Health Emergency in the State of New Jersey,” in order to protect the health, safety, and welfare of our citizens while ensuring the continued function of the government.

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 December 22, 2020.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2020-208.

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

There being seven (7) ayes and no (0) nays, Resolution R2020-208 was approved.

APPLICATIONS:

REPORTS BY COUNCIL AND STAFF:

CORRESPONDENCE:

APPOINTMENTS:

APPROVAL OF BILLS:

Mayor Mironov stated a 2020 Current Bill list, 2019 Current Bill list, a Capital Bill List and other miscellaneous bill lists and trust accounts were provided with the holds and clarifications.

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

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 holds and clarifications.

MATTERS BY COUNCIL:

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. East Windsor Senior Center Expansion Project: Architect Requested Written Project Plan, Contract Bid Award Matters
2. Abandoned Foreclosed Property Program Administration

3. Vacant Parcel at 64 Woodside Avenue (Block 22, Lot 48)

MATTERS BY PUBLIC: No one from the public spoke.

ADJOURNMENT:

Next Meeting: January 5, 2021 Reorganization Meeting

DRAFT