EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, February 23, 2021 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, February 23, 2021.

VERIFICATION:

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 11, 2021 in the annual meeting notice. On February 19, 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 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:

Black History Month – February 2021

Remarks By: Assemblywoman Verlina Reynolds-Jackson

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Raph Copeland was interviewed and is interested in volunteering for the Municipal Utilities Authority.

Kartik Keertikar was interviewed and is interested in volunteering for the Health Advisory Board or Economic development Committee.

Barbara Gilbert was interviewed and is interested in volunteering for the Commission on Aging.

Ankur Patel was interviewed and is interested in volunteering for the Planning Board or the Zoning Board of Adjustment.

PUBLIC FORUM:

MINUTES:

December 17, 2019

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March 10, 2020

March 24, 2020

June 2, 2020

June 16, 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

All minutes were rescheduled to the next regularly scheduled meeting.

ORDINANCE – PUBLIC HEARING:

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

Ordinance 2020-11 was carried till the March 9 Council meeting.

ORDINANCE - INTRODUCTION:

Ordinance 2021-01

An Ordinance Amending and Supplementing Chapter V, "General Police Regulations," Section 5-9, "Use of Recreation Areas and Park Facilities," to Add Section 5-9.4, "Smoking Prohibited in Recreation Areas and Park Facilities," of the Revised General Ordinances of the Township of East Windsor

ORDINANCE NO. 2021-01 TOWNSHIP OF EAST WINDSOR MERCER COUNTY NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER V, "GENERAL POLICE REGULATIONS," SECTION 5-9, "USE OF RECREATION

AREAS AND PARK FACILITIES," TO ADD SECTION 5-9.4, "SMOKING PROHIBITED IN RECREATION AREAS AND PARK FACILITIES," OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EAST WINDSOR

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST WINDSOR in the County of Mercer, State of New Jersey, that Chapter V, "General Police Regulations," Section, 5-9, "Use of Recreation Areas and Park Facilities," of the Revised General Ordinances of the Township of East Windsor is amended and supplemented as follows:

SECTION 1. Chapter V, "General Police Regulations," Section 5-9, "Use of Recreation Areas and Park Facilities," is amended and supplemented by the addition of new Section 5-9.4, "Smoking Prohibited in Recreation Areas and Park Facilities," as follows:

5-9.4.1 Definitions. As used in this Section:

- a. Recreation Areas and Park Facilities shall include any Township lands and facilities owned by or operated by the Township upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities
- b. *Smoking* shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or inhaling or exhaling of smoke or vapor from an electronic smoking device.
- 5-9.4.2 *Smoking Prohibited in Public Places*. Smoking shall be prohibited in all recreation areas and park facilities which have been designated with no-smoking signs. Areas designated as smoke-free recreation areas and park facilities shall include: Anker Park, Bear Brook Pathway, Disbrow Hill Fields, Disbrow Hill Trail, Dreyfus Park, East Windsor Police Athletic League Complex, Etra Lake Park, Etra Lake Pathway, Rocky Brook Pathway, Turnpike Park, Turnpike Park Pathway, Veterans Park, Westfield Road Park, Wiltshire Park, Woods Road Community Park, and all other Township lands and facilities.
- 5-9.4.3 Signage Required. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a diagonal line through its cross section) shall be clearly, sufficiently and conspicuously posted at the entrance to every public place where smoking is prohibited by this article. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.
- 5-9.4.4 *Enforcement*. The Township Manager, police officer, health officer or other public employee engaged in the execution or enforcement of this Section, or any other citizen, may enforce and sign a complaint against any individual for violation of the provisions of this Section.
- 5-9.4.5 *Violations and Penalties*. For a violation of the provisions of this Section, the penalty upon conviction shall be a fine of up to \$100 for the first offense, up to \$250 for the second offense, and up to \$500 for each subsequent offense.
- 5-9.4.6 *Construal of Provisions*. No provision in this Section shall be construed or interpreted to allow smoking where it is otherwise restricted by other laws.

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

SECTION 3. 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. This Ordinance shall take effect 20 days after final passage and publication according to law.

It was MOVED by Zoller, SECONDED by Lippman to approve with revisions Ordinance 2021-01 on introduction, authorize publication as required by law and set a public hearing for March 9, 2021.

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

There being seven (7) ayes, and no (0) nays, Ordinance 2021-01 was approved with revisions on introduction, authorize publication as required by law and set a public hearing for March 9, 2021.

Ordinance 2021-02

An Ordinance Amending and Supplementing Chapter XX, "Zoning" Section 20-4.0200, "Classes of Uses," of the Revised General Ordinances of the Township of East Windsor

ORDINANCE NO. 2021-02
TOWNSHIP OF EAST WINDSOR
MERCER COUNTY
NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XX, "ZONING," SECTION 20-4.0000 "GENERAL PROVISIONS," SUBSECTION 20-4.0200, "CLASSES OF USES," TO AMEND AND CLARIFY PARAGRAPH 20-4.0201 "PERMITTED USES," OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EAST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY

WHEREAS, East Windsor Township ("Township"), pursuant to the Revised General Ordinances of the Township of East Windsor, Chapter XX, "Zoning", Section 20-4.000 "General Provisions," Subsection 20-4.0200, "Classes of Uses," Paragraph 20-4.0201, "Permitted Uses", has outlined appropriate uses within zoning districts of the Township; and

WHEREAS, pursuant to Paragraph 20-4.0201, the Township has determined that any use of land, buildings and/or structures which are not specifically designated as a

use for a zoning district are therefore prohibited, including, but not limited to smoke and vape shops; and

WHEREAS, recent increased interest in zoning districts throughout the Township to initiate commercial uses related to smoke and vape shops has precipitated the need to clarify the longstanding prohibition of this use in any zoning district within the Township; and

WHEREAS, this amendment to the Township Ordinances is to expressly and specifically reaffirm that smoking shops and vaping shops have always been intended by the Township as prohibited, and continue to be so, in all zoning districts.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST WINDSOR, in the County of Mercer and the State of New Jersey, that Chapter XX, "Zoning", Section 20-4.000 "General Provisions," Subsection 20-4.0200, "Classes of Uses," Paragraph 20-4.0201, "Permitted Uses", of the Revised General Ordinances of the Township of East Windsor is hereby amended and supplemented as follows:

SECTION 1. Paragraph 20-4.0201(b), under "Permitted Uses", is amended and supplemented as follows:

- b. Conversely, any uses of land, buildings and/or structures which are not specifically designated as a "principal use" or as an "accessory use" or as a "conditional use" for a subject zoning district are prohibited including but not limited to smoking shops and vaping shops. Notwithstanding any other section of this Chapter to the contrary, for the following are exceptions:
- 1) The use of land and/or buildings by the Township of East Windsor is permitted in all zoning districts;
- 2) Fire and rescue facilities authorized by the Township of East Windsor are permitted in all zoning districts; and
- In accordance with N.J.A.C. 40:55D-66.1 of the Municipal Land Use Law, community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries shall be permitted uses in the "R-A," "R-E," "R-M," "R-1," "R-2," "R-3," "S-L" and "PUD" residential zoning districts within East Windsor Township, in accordance with the applicable requirements of the subject zoning district for non-clustered single-family detached dwelling units, and in accordance with the definitions of these uses at N.J.A.C. 40:55D-66.2 of the Municipal Land Use Law.

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

SECTION 3. 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.

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

It was MOVED by Yeager, SECONDED by Daniels to approve with revisions Ordinance 2021-02 on introduction, authorize publication as required by law and set a public hearing for March 9, 2021.

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

There being seven (7) ayes, and no (0) nays, Ordinance 2021-02 was approved with revisions on introduction, authorize publication as required by law and set a public hearing for March 9, 2021.

RESOLUTIONS:

Resolution R2021-019

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

Resolution R2021-019 was held till the next regularly scheduled meeting pending clarifications.

Resolution R2021-029

Authorizing Discharge of Tax Lien for Property Located off of Old York Road and Designated as Block 42, Lot 13 on East Windsor Township Tax Map

Resolution R2021-029 was held till the next regularly scheduled meeting pending clarifications.

Resolution R2021-038

Authorizing Purchase of Rock Salt from Riverside Construction Material Inc. under Mercer County Cooperative Contract for Public Works Department

RESOLUTION R2021-038 EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, there is a need to purchase untreated rock salt; and

WHEREAS, in accordance with N.J.S.A. 40A:11-11, the Township can cooperatively purchase materials which have been bid by the County Government under a County Cooperative Pricing System; and

WHEREAS, Mercer County went out to bid for purchase of untreated rock salt, and on December 19, 2020 awarded contract CK09-MERCER-2019-28, for a two year term from January 24, 2020 to January 23, 2022, to the lowest responsible bidder at \$50.93 per ton for Mercer County and Mercer County Cooperative Pricing System, to Riverside Construction Material Inc., 355 Newbold Road, Fairless Hills, Pa. 19073; and

WHEREAS, the Township Council has reviewed the Director of Public Work's recommendations on this purchase; and

WHEREAS, the maximum amount of the purchase is \$50,930.00 and funds are available in the 2021 Municipal Operating Temporary Budget Account No. 1-01-26-290-401-223 entitled "DPW Rock Salt/Snow & Ice Removal", pending adoption of the 2021 Municipal Operating Budget, as evidenced by the Chief Financial Officer's Certification No. B2021-006.

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 Riverside Construction Material In, 355 Newbold Road, Fairless Hills, Pa. 19073, under the Mercer County Cooperative Contract Purchasing System CK09-MERCER-2019-28 for rock salt at \$50.93 per ton, for 1,000 tons of rock salt, in a total amount not to exceed \$50,930.00.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the East Windsor Township Council at a meeting held on February 23, 2021.

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

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2021-038 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 R2021-038 was approved with the revisions.

Resolution R2021-039 Authorizing Purchase of Police Vehicles from Winner Ford of Cherry Hill, NJ for the Police Department

RESOLUTION R2021-039 EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, there is a need to purchase five new replacement Police Interceptor Utility vehicles and equipment to perform vehicle conversions for the Police Department; and

- **WHEREAS,** three written quotes were obtained for the vehicles and equipment to convert the vehicles; 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 responsive quote for the purchase and delivery of five new replacement Police Interceptor Utility vehicles was submitted by Winner Ford through State Contract No. 20-Fleet-01189, which is valid through June 17, 2022, in the amount of \$156,645.00; and
- **WHEREAS,** the lowest responsive quote for the purchase, up-fitting and conversion of the five new Interceptor Utility vehicles was submitted by East Coast Emergency Lighting through State Contract No. T-0106, which is valid through May 14, 2023, in the amount of \$51,081.90; and
- **WHEREAS,** Watchguard is the sole provider for the cables/brackets to use on the existing Watchguard 4RE recording system in the five new Police Interceptor Utility vehicles in an amount not to exceed \$2,850.00; and
- **WHEREAS,** R&R Radar, Inc.is the sole provider for the cables/brackets for the existing Stalker DSR radar units in the five new Police Interceptor Utility vehicles, in an amount not to exceed \$2,430.00; and
- WHEREAS, since these are the sole providers and the purchases are 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, the Township Council has reviewed the recommendation made by the Chief of Police; and
- **WHEREAS,** the maximum amount of the purchase is \$213,006.90 and funds are available in Account No. C-04-55-980-924-920 entitled Ordinance 2020-01, entitled "Police SUV Vehicles Acq.", as evidenced by the Chief Financial Officer's Certification No. C2021-006.
- **NOW, THEREFORE, BE IT RESOVED** 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 under State Contract No. 20-Fleet-01189, to Chas S Winner, Inc. dba Winner Ford of Cherry Hill, NJ, 250 Haddonfield-Berlin Road, Cherry Hill, NJ 08034, for the purchase and delivery of five new replacement Police Interceptor Utility vehicles, in an amount not to exceed \$156,645.00, as set forth in the attached quote.

- 2. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition under State Contract No. T-0106, to East Coast Emergency Lighting, Inc., 200 Meco Drive, Millstone, NJ 08535, for the purchase, up-fitting and conversion of the five new replacement Police Interceptor Utility vehicles, in an amount not to exceed \$51,081.90, as set forth in the attached quote.
- 3. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to Watchguard, 415 East Exchange Parkway, Allen, TX, 75002, for the purchase of the cables/brackets for the existing Watchguard 4RE recording system for the five new replacement Police Interceptor Utility vehicles, in an amount not to exceed \$2,850.00.
- 4. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to R&R Radar, Inc., 762 White Horse Pike, Atco, NJ 08004, for the purchase of the cables/brackets for the existing Stalker DSR radar unit for the five new replacement Police Interceptor Utility vehicles, in an amount not to exceed \$2,430.00.

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 February 23, 2021.

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

It was MOVED by Shapiro, SECONDED by Rosenberg to approve Resolution R2021-039 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 R2021-039 was approved with the revisions.

Resolution R2021-040

Authorizing Transfer of Ownership of Oven/Stove from East Windsor Police Athletic League to East Windsor Volunteer Fire Company #1

RESOLUTION R2021-040 EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, East Windsor Volunteer Fire Company #1 (EWVFC#1) is in need of a new oven/stove for use in the Fire Company #1 kitchen; and

WHEREAS, New Jersey Police Athletic League (NJPAL) purchased a Garland Sunfire Series X-60 Commercial Stove/oven with funding from a United States

Department of Justice (DOJ) grant for use at an equestrian ranch operated by NJPAL; and

WHEREAS, due to the equestrian ranch closing, the oven was never utilized and in 2010 the unopened new stove/oven was given to the local East Windsor Police Athletic League (EWPAL) to expand their kitchen; and

WHEREAS, EWPAL since decided to not expand the kitchen and they no longer have use or interest in the stove/oven; and

WHEREAS, the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP) provided EWPAL permission to transfer ownership of the stove/oven to East Windsor Township; and

WHEREAS, it is the desire of East Windsor Township to accept ownership of the Garland Sunfire Series X-60 Commercial stove/oven for use by EWVFC#1.

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 accept ownership of the Garland Sunfire Series X-60 Commercial stove/oven and deliver to EWVFC#1 for use.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the East Windsor Township Council at a meeting held on February 23, 2021.

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

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2021-040 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 R2021-040 was approved with the revisions.

APPLICATIONS:

Raffle License RL: 2021-001 American Legion Post 148 – January 1, 2021 through

December 31, 2021 at 895 Route 130, East Windsor -

Instant Raffles

It was MOVED by Rosenberg, SECONDED by Shapiro to approve Raffle License RL: 2021-001.

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

Nays - None

There being seven (7) ayes and no (0) nays, Raffle License RL: 2021-001 was approved.

REPORTS BY COUNCIL AND STAFF:

CORRESPONDENCE:

APPOINTMENTS:

2021 Local Emergency Management Planning Committee

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 with the holds and clarifications.

It was MOVED by Lippman, SECONDED by Rosenberg 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. Abandoned Foreclosed Property Program Administration
- 2. Sustainable Jersey, Green Purchasing Policy Program

Resolution R2021-041 Approval of Environmental Green Purchasing Policy for East Windsor Township

RESOLUTION 2021-041 EAST WINDSOR TOWNSHIP MERCER COUNTY

A RESOLUTION SUPPORTING GREEN PURCHASING

WHEREAS, the Township Council of the Township of East Windsor recognizes the need to strive to enhance standards of

environmental stewardship and the environmental characteristics of our municipal operations; and

WHEREAS, the "Greening" of public purchasing is a tangible and practical step which local government can take by instituting more sustainable practices and improve environmental performance; and

WHEREAS, on August 7, 2018, by Resolution R2018-139, the Township Council incorporated "Green Purchasing" where feasible and fiscally prudent; and

WHEREAS, purchasing "Green" or environmentally preferable products sends a clear signal to the market that there is a preference for green, clean and safe products, resulting in the availability of an increasing number of environmentally preferable alternative products in the marketplace, which then also likely will become more available to our residents; and

WHEREAS, the Township of East Windsor, in furthering the use of Green products, will use as the definition and purpose of Environmentally Preferable Purchasing (EPP) or "Green Purchasing," the purchase of goods and services that minimizes environmental impacts. It includes the purchase of products with post consumer recycled content, that have a lesser or reduced effect on human health and the environment when compared with competing products that serve the same purpose; and

WHEREAS, the Township Council does hereby request that Township staff to continue to include environmental considerations in purchasing decisions by using the following criteria to encourage purchase of Green products, as available and practicable:

- distance of transport/ localness of production
- quality and performance standards of the product
- packaging or distribution method of the product
- price and performance of the product
- the raw materials, including energy and water and post consumer recyclable content, used in the manufacture of the product; and

WHEREAS, the Township Council continues to set forth the goals and objectives of the Green Purchasing Program as follows:

- 1. to establish the Township's clear commitment to conducting its functions in an environmentally responsible manner
- 2. to improve the Township's environmental performance and make it more sustainable
- 3. to raise awareness of environmental issues among the staff

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of East Windsor does support and encourage the purchasing of Green and Environmental Performance Products as a meaningful, long-term objective that has value both for the employees and for the community.

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 February 23, 2021.

It was MOVED by Yeager, SECONDED by Zoller to approve Resolution R2021-041.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-041 was approved.

3. 2021 Municipal Budget Review

MATTERS BY PUBLIC: No one from the public spoke.

ADJOURNMENT:

Next Meeting: March 9, 2021