

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, March 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, March 23, 2021.

VERIFICATION:

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 11, 2021 in the annual meeting notice. On March 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 Township Attorney David Orron.

ROLL CALL:

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

PRESENTATIONS & PROCLAMATIONS:

Women's History Month – March 2021

Mayor Janice S. Mironov, joined by East Windsor Council Member Denise Daniels, New Jersey Senator Linda Greenstein, New Jersey Assemblywoman Verlina Reynolds-Jackson, Mercer County Commissioners Ann Cannon, Nina Melker, and Lucylle Walter, Mercer County Clerk Paula Sollami-Covello, Mercer County Surrogate Diane Gerofksy, Hightstown Council Member Cristina Fowler, Hamilton Township Council Member Nancy Phillips, and Hopewell Township Committee Member Kristin McLaughlin, issued a Proclamation recognizing Women's History Month. Mayor Mironov and each of the women elected officials offered comments recognizing the importance of Women's History Month and women being involved in government and public service and their own experiences.

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Johnnie Whittington was interviewed and is interested in volunteering for the Planning Board or Economic Development Committee.

Dhilan Vyas, student was interviewed and is interested in volunteering for the Health Advisory Board or the Commission on Aging.

PUBLIC FORUM:

MINUTES:

March 2, 2021 (Budget)

It was MOVED by Rosenberg, SECONDED by Yeager to approve the March 2, 2021 (Budget) Council meeting minutes.

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

There being six (6) ayes and no (0) nays, the March 2, 2021 (Budget) minutes were approved.

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 4, 2021 (Budget)
March 9, 2021

March 10, 2020, June 2, 2020, November 9, 2020 and March 4, 2021 (Budget) were held till the next regularly scheduled meeting. All remaining 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

**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 adopt Ordinance 2020-11 and authorize publication as required by law.

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

There being six (6) ayes, and no (0) nays, Ordinance 2020-11 was adopted and publication authorized as required by law.

ORDINANCE – INTRODUCTION:

RESOLUTIONS:

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
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, David Saltman is the owner of a 2.6 acre property located off of Old York Road and designated on the East Windsor Township Tax Maps as Block 42, Lot 13 (“the Property”), and has executed and delivered a Quit Claim Deed conveying all of his interest in the Property to the Township; and

WHEREAS, the East Windsor Tax Collector has certified that on October 10, 1996, by certificate number 96-13, a tax lien on the Property was established in favor of Frank Bachkai, in the amount of \$9,618.73, which includes interest, costs and subsequent taxes to date; and

WHEREAS, as provided under N.J.S.A. 54:5-79, certificate number 96-13 is over twenty years old and has expired; and

WHEREAS, the East Windsor Tax Collector has certified that on October 4, 2001, by certificate number 01-41, a municipal lien on the Property was established in the amount of \$42,860.45, which includes interest, costs and subsequent taxes to date; and

WHEREAS, the Township Council has determined that it is in the best interest of the Township to accept the donation of the Property and to discharge the municipal tax lien evidenced by certificate number 01-41.

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

1. The Tax Collector is hereby authorized and directed to discharge the outside tax lien as detailed on the attached certified Tax Collector’s list, entitled “Lien Redemption Work Sheet – Certificate 96-13”, dated March 23, 2021, consisting of 1 page, in the amount of \$9,618.73.
2. The Tax Collector is hereby authorized and directed to discharge the municipal tax lien as detailed on the attached certified Tax Collector’s list, entitled “Lien Redemption Work Sheet- Certificate 01-41”, dated March 23, 2021, consisting of 3 pages, in the amount of \$42,860.45.

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 March 23, 2021.

It was **MOVED** by Zoller, **SECONDED** by Rosenberg to approve Resolution R2021-029.

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

There being six (6) ayes and no (0) nays, Resolution R2021-029 was approved.

Resolution R2021-045 Approving Amendments to 2021 Temporary Budget
Appropriations

RESOLUTION R2021-045
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, by Resolution R2021-008, adopted on January 5, 2021, the Township Council established a Temporary Budget for 2021, in the amount of \$4,790,450.00 for current fund plus \$565,000.00 for Garbage District No. 1 for a total amount of \$5,355,450.00; and

WHEREAS, an emergent condition has arisen with respect to municipal operating expenses until the official budget is adopted and no adequate provision has been made in the 2020 temporary appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for emergency temporary appropriations for this purpose; and

WHEREAS, this appropriation increases the 2021 Temporary Budget for Current Fund by \$4,235,336.00 plus \$250,000.00 for Garbage District No. 1 totaling \$4,235,336.00 resulting in emergency temporary Resolutions adopted in 2021, pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this Resolution, for a total amount of \$9,840,786.00.

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 in accordance with the provisions of N.J.S.A. 40A:4-20:

1. The attached additional Emergency Temporary Appropriations are hereby made in the total amount of \$4,235,336.00 plus \$250,000 for Garbage District No. 1 totaling \$4,485,336.00, resulting in a total amount of \$9,840,786.00.
2. These emergency temporary appropriations have been provided for in the 2021 budget.
3. One certified copy of this Resolution shall be filed with the Director 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 March 23, 2021.

It was **MOVED** by Shapiro, **SECONDED** by Daniels to approve Resolution R2021-045.

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

There being six (6) ayes and no (0) nays, Resolution R2021-045 was approved.

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 was held till the next regularly scheduled meeting pending further clarification.

Resolution R2021-047 Approving Establishment of Updated Township “Complete Streets” Policy

**RESOLUTION R2021-047
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, East Windsor Township is committed to creating a pedestrian and bikeway system to the extent feasible, by creating street corridors that safely accommodate all road users of all ages, abilities and disabilities; and

WHEREAS, the New Jersey Department of Transportation Complete Streets policy states “A Complete Street is defined as means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options.”; and

WHEREAS, as part of this policy, the New Jersey Department of Transportation strongly encourages the adoption of similar policies by regional and local jurisdictions who apply for funding through Local Aid programs; and

WHEREAS, the benefits of complete streets include: improving safety for pedestrians, bicyclists, children, older citizens, non-drivers and the mobility challenged as bicycling and walking trip generators such as employment, education, residential, recreation, retail centers and public facilities; promoting healthy lifestyles; creating more livable communities; reducing traffic congestion and reliance on carbon fuels thereby reducing greenhouse gas emissions; and saving money by incorporating sidewalks, bike lanes, safe crossings and transit amenities into the initial design of a project, thus sparing the expense of retrofits later; and

WHEREAS, complete streets have the potential for improving physical and mental health either directly or indirectly in the following ways:

- a) Incorporating physical activity into our daily lives by increasing pedestrian activity and bicycle use.
- b) Reducing rates of several chronic diseases related to increases in physical activity from walking and bicycling. Key impacted diseases include diabetes, heart disease, depression, and some cancers.
- c) Reducing rates of injury and death from decreased traffic crashes and improved road safety for all users.

- d) Reducing rates of asthma and other respiratory issues due to improved air quality through emissions reductions and vegetative air filtration.
- e) Multiplying health and wellness benefits resulting from improved access to necessary amenities for vulnerable populations.
- f) Reducing the risk of illnesses related to water-borne pathogens resulting from improved stormwater infiltration.
- g) Increasing the sense of social connectivity and sense of community belonging.
- h) Improving aesthetics through decorative and functional vegetation.

WHEREAS, the East Windsor Township Council supports, to the extent practicable, the application of an East Windsor Township “Complete Streets” policy that will apply to all road, bridge, and building projects undertaken by East Windsor.

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. All public street projects, both new construction and reconstruction undertaken by the Township of East Windsor shall be designed and constructed as “Complete Streets” whenever feasible to do so, and subject to municipal considerations including scarcity of population and travel, outweighed by detrimental environmental or social impacts, disproportionate costs generated, and project timing, in order to safely accommodate travel by pedestrians, bicyclists, public transit and motorized vehicles and their passengers with special priority given to pedestrian safety.
2. All initial planning and design studies of complete street infrastructure projects shall consider opportunities to improve public health
3. Pedestrian and bicycle facilities and other alternate forms of transportation shall not be required where they are prohibited by law.
4. Public transit facilities shall not be required on streets not serving as transit routes and the desirability of transit facilities will be determined on a project specific basis.

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 March 23, 2021.

It was MOVED by Yeager, SECONDED by Zoller to approve Resolution R2021-047.

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

There being six (6) ayes and no (0) nays, Resolution R2021-047 was approved.

Resolution R2021-048 Approval of Developers Agreement with 330 WMR, LLC for 330 Wyckoff Mills Road (Block 15, Lot 1)

**RESOLUTION R2021-048
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, 330 WMR, LLC, the owners of property located at 330 Wyckoff Mills Road, East Windsor, New Jersey, Block 15, Lot 1, 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 25, 2019, bearing application No. PB18-002, for the construction of a 160,462 square foot warehouse facility, including 2,500 square feet of office space with related parking and loading areas; and

WHEREAS, the developer is required to enter into a Developer's Agreement, pursuant to Planning Board Resolution 2019-19.

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 330 WMR, 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 330 WMR, 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 March 23, 2021.

It was **MOVED** by Rosenberg, **SECONDED** by Yeager to approve Resolution R2021-048.

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

There being six (6) ayes and no (0) nays, Resolution R2021-048 was approved.

APPLICATIONS:

Raffle License RL: 2021-002 Veterans of Foreign Wars Post 5700 – April 12, 2021
through April 12, 2022, at 140 Dutch Neck Road, East
Windsor– Instant Raffles

It was MOVED by Rosenberg, SECONDED by Daniels to approve Raffle License RL: 2021-002.

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

There being six (6) ayes and no (0) nays, Raffle License RL: 2021-002 was approved.

REPORTS BY COUNCIL AND STAFF:

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 with the holds and clarifications.

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

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

There being six (6) 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. Operation Medicine Cabinet (April 24, 2021)
2. New Jersey Department of Transportation Infrastructure Fund (LAIF) Grant Program

Resolution R2021-049 Approval of Filing of Application for the New Jersey
Department of Transportation Infrastructure Fund (LAIF)
Grant Program

**RESOLUTION R2021-049
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the New Jersey Department of Transportation is soliciting grant applications funded through the Local Aid Infrastructure (LAIF) Grant Program; and

WHEREAS, East Windsor Township desires to submit a grant application for the Union Transportation Trail Extension project.

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 application identified as “LAIF-2021-East Windsor Township Union Transp-00038”, for the Union Transportation Trail Extension Project on behalf of East Windsor Township to New Jersey Department of Transportation under the New Jersey Department of Transportation Local Aid Infrastructure (LAIF) Grant Program.
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 March 23, 2021.

It was **MOVED** by Rosenberg, **SECONDED** by Yeager to approve Resolution R2021-049.

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

There being six (6) ayes and no (0) nays, Resolution R2021-049 was approved.

3. Assembly Bill A-1571, Redevelopment Projects
4. Township Recreation Department and Programs/Costs
5. Municipal Budget Review

MATTERS BY PUBLIC: No one from the public spoke.

ADJOURNMENT:

Next Meeting: April 6, 2021