

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, March 9, 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 9, 2021.

VERIFICATION:

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 11, 2021 in the annual meeting notice. On March 5, 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, 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:

Adam Palant was interviewed and is interested in volunteering for the Environmental Commission or the Health Advisory Board.

Emmaleigh Hauck was interviewed and is interested in volunteering for the Health Advisory Board or Municipal Alliance for the Prevention of Substance Abuse.

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

Helen Feng was interviewed and is interested in volunteering for the Planning Board or the Commission on Aging.

PUBLIC FORUM:

MINUTES:

December 17, 2019

It was **MOVED** by Shapiro, **SECONDED** by Rosenberg to approve the December 17, 2019 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 December 17, 2019 minutes were approved.

March 10, 2020

March 10, 2020 minutes were held to the next regularly scheduled meeting.

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

February 23, 2021

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

Ordinance 2020-11 was carried till the March 23 Council meeting.

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.

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 Yeager, SECONDED by Rosenberg to adopt Ordinance 2021-01 and authorize publication as required by law.

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

There being seven (7) ayes, and no (0) nays, Ordinance 2021-01 was adopted and publication authorized as required by law.

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
 - 3) 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.

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 adopt Ordinance 2021-02 and authorize publication as required by law.

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

There being seven (7) ayes, and no (0) nays, Ordinance 2021-02 was adopted and publication authorized as required by law.

ORDINANCE – INTRODUCTION:

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 R2021-042 Approval of Agreement with Twin Rivers Homeowners Association for Reimbursement for Private Community Services for 2020

**RESOLUTION R2021-042
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Twin Rivers Homeowners Association wish to enter into an Agreement for private community services for the year 2020 in the amount of \$17,408.44 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 \$17,408.44, as evidenced by the Chief Financial Officer’s Certification No. B2021-011.

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 \$17,408.44 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 March 9, 2021.

It was MOVED by Rosenberg, SECONDED by Daniels to approve Resolution R2021-042.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-042 was approved.

Resolution R2021-043 Approval of Agreement with Riviera at East Windsor Homeowners Association for Reimbursement for Private Community Services for 2020

**RESOLUTION R2021-043
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Riviera at East Windsor Homeowners Association wish to enter into an Agreement for private community services for the year 2020 in the amount of \$11,245.62, 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 \$11,245.62, as evidenced by the Chief Financial Officer’s Certification No. B2021-012.

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 \$11,245.62 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 March 9, 2021.

It was MOVED by Shapiro, SECONDED by Lippman to approve Resolution R2021-043.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-043 was approved.

Resolution R2021-044 Approval of Township Integrated Pest Management Policy for Sustainable Jersey

**RESOLUTION R2021-044
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council desires to promote matters which benefit the health, welfare, comfort and safety of the citizens of the community; and

WHEREAS, scientific studies associate exposure to pesticides with various possible health-related impacts including for infants, children, pregnant women and the elderly; and

WHEREAS, lawn pesticides can be harmful to pets, wildlife, soil microbiology, plants, and natural ecosystems, and can run off into streams, lakes and drinking water sources; and

WHEREAS, Integrated Pest Management is the coordinated use of pest and environmental information and all available pest control methods (sanitation, mechanical, biological and “least toxic” chemical) to prevent unacceptable levels of pest damage by the most economical means with the least possible hazard to people, property and the environment; and

WHEREAS, on July 24, 2007, by Resolution R2007-169, the Township Council adopted the “Integrated Pest Management” policy.

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 does hereby reaffirm “Integrated Pest Management” as the pest control policy and strategy to be employed in the maintenance of the Township’s public properties and facilities.
2. The Township will designate certain public properties, specifically community parks and playgrounds, as “Pesticide Free Zones”.
3. The Township encourages all citizens to make every effort to use best pesticide practices on their own property.

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 9, 2021.

It was **MOVED** by Yeager, **SECONDED** by Zoller to approve Resolution R2021-044.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-044 was approved.

APPLICATIONS:

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 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. Abandoned Foreclosed Property Program Administration
2. 2021 New Jersey Division of Local Government Local Efficiency Achievement Program (LEAP) Grants
3. Update of the 2016 Mercer County Multi-Jurisdictional Hazard Mitigation Plan Participation
4. Comcast Application for Renewal of Municipal Consent
5. 2021 Municipal Budget Review

MATTERS BY PUBLIC: No one from the public spoke.

ADJOURNMENT:

Next Meeting: March 23, 2021