

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, July 24, 2018

7:30 p.m.

MINUTES

CALL TO ORDER:

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 7:31 p.m. on Tuesday, July 24, 2018.

VERIFICATION:

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 4, 2018 in the annual meeting notice and on July 20, 2018, 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 Marc Lippman.

ROLL CALL:

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

PRESENTATIONS & PROCLAMATIONS:

Eagle Scout: Kevin Grimm, Boy Scout Troop 5700 (July 29, 2018)

INTERVIEWS FOR BOARDS AND COMMISSIONS:

PUBLIC FORUM: No one spoke.

MINUTES:

April 10, 2018

April 10, 2018 Closed Session

April 24, 2018

May 8, 2018

May 22, 2018

June 5, 2018

June 26, 2018

All minutes are rescheduled to the next regularly scheduled meeting.

ORDINANCE – PUBLIC HEARING:

Ordinance No. 2018-07 An Ordinance Amending Chapter XX, Zoning, for Creation of a New Zoning District Titled AH-1 Affordable Housing District to Facilitate Development of an Inclusionary Affordable Housing Development at the Property Located at 641 North Main Street, (Block 11.01, Lot 5), of the Revised General Ordinances of the Township of East Windsor

[NOTE: Ordinance 2018-07 is not included in the minutes but is provided in full on the East Windsor Township website due to the size of the Ordinance.]

Mayor Mironov stated Ordinance 2018-07 relates to the Blackpoint development which is part of the Affordable Housing plan. Mayor Mironov stated there were two meetings with them, at which the Mayor suggested they present a concept plan to the Planning Board. Blackpoint came before the board but did not have the information the town was requesting. Due to the court order, East Windsor created and introduced an Ordinance, Blackpoint did not like the Ordinance. Mayor Mironov stated that the court process suggested that the Township and Blackpoint and all professionals have a meeting to discuss what the plan is Blackpoint is seeking to provide. The meeting is scheduled for August 6, so the Ordinance is not able to be adopted until September or October. Mayor Mironov suggested carrying Ordinance 2018-07 since the new scheduling has not yet been received.

It was MOVED by Rosenberg, SECONDED by Lippman to carry Ordinance 2018-07 to the August 7, 2018 Council meeting.

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

There being six (6) ayes, no (0) nays, Ordinance 2018-07 was carried to the August 7, 2018 Council meeting.

ORDINANCE – INTRODUCTION:

Ordinance No. 2018-06 An Ordinance to Authorize Acceptance of Deeds for Donation of Block 47.12, Lot 4 and Block 47.12, Lot 21 from Pulte Homes NJ, Limited Partnership (Airport Road)

ORDINANCE NO. 2018-06 TOWNSHIP OF EAST WINDSOR COUNTY OF MERCER

AN ORDINANCE TO AUTHORIZE ACCEPTANCE OF DEEDS FOR DONATION OF BLOCK 47.12, LOT 4 AND BLOCK 47.12, LOT 21

FROM PULTE HOMES NJ, LIMITED PARTNERSHIP (AIRPORT ROAD)

WHEREAS, Pulte Homes of NJ, Limited Partnership is the owner of lands designated on the East Windsor Township Tax Maps as Block 47.12, Lot 4, consisting of approximately 3.05 acres and including the retention basin for the Windsor Cove residential subdivision, and Block 42.12, Lot 21, consisting of approximately 4.2 acres of open space within the Windsor Cove residential subdivision; and

WHEREAS, under the terms of the Developer's Agreement for Windsor Cove, these lands were to be conveyed to the Township upon completion of the subdivision; and

WHEREAS, The Township Council has determined that it is the best interest of the Township to accept the donation of Block 47.12, Lot 4 and Block 47.12, Lot 21 from Pulte Homes of NJ, Limited Partnership.

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

I

1. The Municipal Clerk, Township Manager and Township Attorney are hereby authorized and directed to take all necessary action to accept and record a deed from Pulte Homes of NJ, Limited Partnership, in the form attached hereto, for the land designated on the East Windsor Township Tax Maps as Block 47.12, Lot 4.

2. The Municipal Clerk, Township Manager and Township Attorney are hereby authorized and directed to take all necessary action to accept and record a deed from Pulte Homes of NJ, Limited Partnership, in the form attached hereto, for the land designated on the East Windsor Township Tax Maps as Block 47.12, Lot 21.

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 20 days after final passage and publication according to law.

Mayor Mironov requested Ordinance 2018-06 be held due to needed corrections on the deeds to reflect the accurate properties.

RESOLUTIONS:

Resolution R2018-109 Authorization to Change Custodian for the East Windsor
Municipal Clerk Petty Cash Fund

**RESOLUTION R2018-109
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, on December 6, 2005, the Township Council approved Resolution R2005-270 increasing the Municipal Clerk Petty Cash Fund from \$100 to \$200; and

WHEREAS, on January 19, 2006, the Division of Local Government Services, New Jersey Department of Community Affairs, approved the increase in the Municipal Clerk Petty Cash Fund to the amount of \$200; and

WHEREAS, Cindy A. Dye was the custodian of the Municipal Clerk Petty Cash Fund; and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Township of East Windsor is changing custodian of the Municipal Clerk Petty Cash Fund to Kelly Lettera, Municipal Clerk; and

WHEREAS, Kelly Lettera is bonded in the amount of \$1,000,000.00 by virtue of a blanket surety bond and such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedure.

NOW, THEREFORE, BE IT RESOLVED that the Township, of East Windsor, County of Mercer hereby authorizes the change in custodian of the Municipal Clerk Petty Cash Fund to Kelly Lettera, Municipal Clerk, and two copies of this Resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs, for approval.

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 July 24, 2018.

Mayor Mironov stated the Resolution was held previously since there was not sufficient background information on the amount of funds. A memo from the Finance Director was provided along with the updated Resolution. Mayor Mironov suggested revising paragraph 2 to read “approved the increase in the Municipal Clerk Petty Cash Fund to the amount of \$200”, in paragraph 3 “N.J.S.A. 40:5-21” and in the Now therefore add “authorizes the change in custodian of the Municipal Clerk Petty Cash Fund to Kelly Lettera, Municipal Clerk”.

It was MOVED by Shapiro, SECONDED by Daniels to approve Resolution R2018-109 with the changes.

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

There being six (6) ayes and no (0) nays, Resolution R2018-109 was approved with the changes.

Resolution R2018-110 Authorization to Change Custodian for the East Windsor Police
Department Petty Cash Fund

RESOLUTION R2018-110

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, on July 15, 1975, Division of Local Government Services, New Jersey Department of Community Affairs, approved the Police Department Petty Cash Fund in the amount of \$200; and

WHEREAS, on September 21, 2010 by Resolution R2010-187, William Spain was approved as the custodian of the Police Department Petty Cash Fund; and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Township of East Windsor is changing custodian of the Police Department Petty Cash Fund to James Geary, Chief of Police; and

WHEREAS, James Geary is bonded in the amount of \$1,000,000.00 by virtue of a blanket surety bond and such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedure.

NOW, THEREFORE, BE IT RESOLVED that the Township, of East Windsor, County of Mercer hereby authorizes the change in custodian of the Police Department Petty Cash Fund to James Geary, Chief of Police, and two copies of this Resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs, for approval.

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 July 24, 2018.

Mayor Mironov stated the first paragraph needs to read “Police Department petty cash fund”, the second paragraph “approved as the custodian of the Police Department petty cash fund”, the third paragraph “N.J.S.A. 40:5-21” and in the Now therefore “change in custodian of the Police Department Petty Cash Fund to James Geary, Chief of Police”.

It was MOVED by Lippman, SECONDED by Zoller to approve Resolution R2018-110 with the changes.

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

There being six (6) ayes and no (0) nays, Resolution R2018-110 was approved with the changes.

Resolution R2018-111 Authorization to Change Custodian for the East Windsor Senior Center

Resolution R2018-111 is held until the senior center position is filled. Changes also need to be made to the Resolution.

Resolution R2018-112 Authorization to Change Custodian for the East Windsor Recreation Department

**RESOLUTION R2018-112
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, on July 31, 1995, the Division of Local Government Services, New Jersey Department of Community Affairs, approved the Recreation Department Petty Cash Fund in the amount of \$300; and

WHEREAS, on September 21, 2010 by Resolution R2010-186, the Township Council approved Kevin Hood as the custodian of the Recreation Department Petty Cash Fund; and

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Township of East Windsor is changing custodian of the Recreation Department Petty Cash Fund to Joyce Ferejohn, Director of Recreation; and

WHEREAS, Joyce Ferejohn is bonded in the amount of \$1,000,000.00 by virtue of a blanket surety bond and such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedure.

NOW, THEREFORE, BE IT RESOLVED that the Township, of East Windsor, County of Mercer hereby authorizes the change in custodian of the Recreation Department Petty Cash Fund to Director of Recreation, Joyce Ferejohn, and two copies of this Resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

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 July 24, 2018.

Mayor Mironov stated paragraph 1 should read "Recreation Department Petty Cash Fund in the amount of \$300", in paragraph 2 "the Township Council approved Kevin Hood as the custodian of the Recreation Department cash fund" and paragraph 3 should say "Recreation Department Petty Cash Fund to Joyce Ferejohn, Director of Recreation".

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2018-112 with the changes.

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

There being six (6) ayes and no (0) nays, Resolution R2018-112 was approved with the changes.

Resolution R2018-136 Action on Request for Release of Performance Guarantee by Sterling Properties for The Woods at East Windsor (Lanning Blvd, Block 6.07, Lot 14.05)

**RESOLUTION R2018-136
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, Steven W. Katz of Sterling Properties requested by letter dated May 31, 2018, a release of the performance guarantees being held by the Township for The Woods at East Windsor Site Improvements; and

WHEREAS, the Township Engineer has inspected the site work for The Woods at East Windsor and filed a written report with the Township Council dated June 11, 2018, which is attached hereto and made a part of this Resolution; and

WHEREAS, the Township Manager and Director of Finance have certified that all required charges and fees have been paid and satisfied.

WHEREAS, the Township Council has reviewed the report and recommendations of the Township Engineer; and

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 agrees to release Performance Bond No. 0650913 issued by International Fidelity Insurance Company in the amount of \$298,625.99 and the cash guarantee of \$33,180.67, upon the posting of a two (2) year maintenance bond in the amount of \$165,903.33 and inspection

escrow of \$1,500.00 for maintenance bond release, in a form acceptable to the Township Attorney.

2. The Municipal Clerk is authorized and directed to forward a certified copy of this Resolution and a copy of the Township Engineer's report to Steven W. Katz of Sterling Properties.

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 July 24, 2018.

Mayor Mironov stated a memo was received from the Township engineer recommending the release, as well as a memo from the Manager and Finance Director certifying all fees and charges have been satisfied.

It was MOVED by Rosenberg, SECONDED by Shapiro to approve Resolution R2018-136.

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

There being six (6) ayes and no (0) nays, Resolution R2018-136 was approved.

Resolution R2018-137 Approval of Agreement for the Replacement of the Water Treatment System at Etra Lake Park with Culligan Matrix Solutions

Mayor Mironov stated the memo was lacking information as to why the system is inoperable, what are the implications as to why the issues remained outstanding for months, is the entire system being replaced or parts and if the price is reasonable. Council Member Lippman asked why the system went bad.

Resolution R2018-137 was held due to further clarification regarding the water treatment system replacement.

APPLICATIONS:

REPORTS BY COUNCIL AND STAFF:

Deputy Mayor John Zoller stated on July 18 the Environmental Commission met and discussed that at the National Night Out event on August 7 they will have their own table, the Sustainable Jersey program and working towards their silver certification and the next meeting will be September 12 at the Etra Lake Park at 6 p.m. He further stated the Green Team met last night and discussed the topics that need to be finalized for the Sustainable Jersey Silver certification.

Council Member Parry Shapiro stated the Planning Board met last night and discussed a small building on Lake Drive and Abbington Drive.

CORRESPONDENCE:

APPOINTMENTS:

None

APPROVAL OF BILLS:

Mayor Mironov stated a 2018 Current Bill list, 2017 Current Bill list, Affordable Housing Bill List and other miscellaneous bill lists and trust accounts were provided.

Deputy Mayor John Zoller questioned the second bills department name on the Current 2018 bill list, page 13, it was labeled "Commission on Aging Recreation Department". Mayor Mironov requested clarification. Also, Deputy Mayor Zoller questioned on the Current 2018 bill list, page 17 if the organization is accurate.

Mayor Mironov questioned if on the Current 2018 bill list, page 7, if the clothing item is day to day items or if it should be charged to Operating, Capital or some other type account.

It was MOVED by Lippman, SECONDED by Rosenberg to approve the Bill Lists subject to the requested clarifications.

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

There being six (6) ayes and no (0) nays, the various presented bill lists were approved subject to the clarifications.

MATTERS BY COUNCIL:

Mayor Mironov stated the August 7 Council meeting is also National Night Out and Mayor and Council agreed to move the meeting time to 8:00 p.m. A report was received from the Tax Collector for the period ending June 30, 2018. A memo was received from the Manager regarding the bills list questions from the June 10 Council meeting. Mayor Mironov also provided to Council the communication from Mr. O'Connor. A July 17 memo was received on asphalt purchases, which at this point the Mayor had no further objections. The next Child Safety Passenger event is on August 4. Mayor Mironov stated she is looking for information on Mercer at Play and she is looking to have the information for the next Council meeting. She is looking for information on the in-kind match. Mayor Mironov stated she is looking for a

timeline on when the Energy Aggregation information will be provided from the Assistant Manager. She is also looking for information from Public Works on the roadway paving work that was done by Aurobindo last fall 2017. Mayor Mironov is also looking for an update on Windsor Center lights from Public Works,

Council Member Parry Shapiro thanked the Mayor for forwarding the letter from the League of Municipalities on the municipal court study and the memo was very helpful.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. 2017 Municipal Audit

Resolution R2018-138 Acknowledging the Receipt of Audit and Signing of Group Affidavit

**RESOLUTION R2018-138
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by Resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

**General Comments
Recommendations**

and,

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

**General Comments
Recommendations**

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such Resolution of certification shall be adopted by the governing body no later than forty-five (45) days after the receipt of the Annual Audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgation's of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one (1) year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of East Windsor, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968, and does hereby submit a certified copy of this Resolution and the required affidavit to said Board to show evidence of said compliance.

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 July 24, 2018.

East Windsor Township Auditor, Nisivoccia and Company, LLP, reviewed the 2017 Audit and stated East Windsor Township is in great financial state and the Mayor and Council and officials have done a great job with preparing the budget and overseeing and managing expenditures and revenues.

Mayor Mironov stated staff needs to obtain the financial statement to the JIF.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2018-138.

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

There being six (6) ayes and no (0) nays, Resolution R2018-138 was approved.

2. 2018 Safe Routes to School Program (SRTS) Proposals

Mayor Mironov stated in Mayor and Council folders is a memo that was provided by Public Works late this afternoon thanks to the Municipal Clerk. Mayor Mironov expressed that this information was previously requested and Hightstown has not yet responded as to the plan for the Township and the Borough for the Safe Routes to School application. Mayor Mironov stated the previous Public Works memo was lacking a lot of pertinent information and the second memo does provide more information as to the questions Council was asking. Mayor Mironov stated there is zero information on the proposed bikeway in the area of Wiltshire Drive and it would be impossible to provide this unless someone physically went out to look at everything. Mayor Mironov requested that more information be provided and followed up on this project. Deputy Mayor John Zoller requested regarding the Dutch Neck project he would like to see a very simple map showing the responsibilities of East Windsor and Hightstown. Mayor Mironov further stated she would like to look into 401 Morrison further and she did not agree with what was provided. She also stated it seems as though it would be easier to install sidewalks on the southern side, despite there being no map to have a better view of the actual proposed project. Council Member Daniels questioned how the sidewalks affect the children. Mayor and Council unanimously agreed to work in conjunction with Hightstown on the project. Mayor Mironov requested the following information be provided, a map with descriptions on where the sidewalks are to be located connecting East Windsor and Hightstown, determining with Hightstown if the towns would do a joint application or just cross reference, what are the amounts within the memo and are they correct. The item needs to be listed on the August 7 agenda. Council Member Lippman requested that Council be notified once the information is in their boxes.

3. 2018 Transportation Alternatives Set-Aside Program (TA Set-Aside) Proposals

Mayor Mironov stated this is also a New Jersey Department of Transportation program and public works provided a memo to Mayor and Council although it is lacking information. Mayor Mironov stated \$135,000 was received for the engineering services for the Union Transportation Trail as no other staff proposals, Mayor and Council would like to move ahead with the UTT trail for the transportation alternatives program. Mayor Mironov stated this need to be listed on the August 7 agenda with a resolution.

4. Route 130/Hankins Road/ Conover Road Realignment Improvement Project

Mayor Mironov stated the Assistant Manager should be more aggressive on this project and the Mayor is looking to move things along. Mayor Mironov also requested a report from the Assistant Manager by the end of the week as to the status. She further requested that this item be added to the August 7 Council meeting agenda.

5. Municipal Building HVAC Status and Professional Report Updates and Status

Mayor Mironov stated a memo was received on July 19 from the Public Works Director stating the project is complete and the remaining balance can be paid and closed out.

6. Police/Court Building Roof and Professional Report Updates and Status

Mayor Mironov stated a memo was received from Public Works dated July 19, 2018. Mayor Mironov questioned what is outstanding on the project, the status of the camera and the wire installation, what is not functioning, has the landscaping been completed, what is the contract balance and what are we holding and why and what is being done to complete the project.

MATTERS BY PUBLIC:

Linda Caffery, 60 One Mile Road, East Windsor stated she is looking for the website to provide better information on the Boards and Committees minutes.

ADJOURNMENT:

There being no further business Mayor Mironov declared the meeting adjourned at p.m.

Next Meeting: Tuesday, August 7, 2018 @ 8:00 p.m

Kelly Lettera
Municipal Clerk

Janice S. Mironov
Mayor

