

## **EAST WINDSOR TOWNSHIP COUNCIL**

Tuesday, October 29, 2019

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 7:39 p.m. on Tuesday, October 29, 2019.

#### **VERIFICATION:**

Deputy Municipal Clerk Allison Quigley certified that the meeting was noticed on January 11, 2019 in the annual meeting notice and on October 25, 2019, 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 Evan Dorfman, East Windsor Volunteer Fire Company No. 1 and Chief Mario Batista, East Windsor Volunteer Fire Company No. 2.

#### **ROLL CALL:**

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

#### **PRESENTATIONS & PROCLAMATIONS:**

##### **ADMINISTER OATH OF OFFICE TO:**

##### **NEW POLICE OFFICERS**

Mayor Janice S. Mironov administered oaths of office to new police officers Michael A. Pidhorecki Jr., Joshua B. Pohl, Christopher W. McDermott, and Evan T. McNamara who fill police department vacancies resulting from recent police department retirements and promotions. All four police officers Pidhorecki, Pohl, McDermott and McNamara will be assigned to the Uniform Services Division of the police department.

##### **Fire Prevention Week - October 6-12, 2019**

- Recognizing East Windsor Volunteer Fire Company No. 1 Firefighter of the Year
- Recognizing East Windsor Volunteer Fire Company No. 2 Firefighter of the Year

Mayor Janice S. Mironov proclaimed Fire Prevention Week, thanking all of East Windsor's dedicated volunteer fire company members, and recognized 2018 Firefighters of the Year, East Windsor Volunteer Fire Company No. 1, Evan Dorfman and East Windsor Volunteer Fire Company No. 2, Chief Mario Batista.

#### **INTERVIEWS FOR BOARDS AND COMMISSIONS:**

Ethan Bandel, East Windsor Regional School District high school student, interviewed and is interested in volunteering for the Recreation Commission. Mayor Mironov appointed Ethan Bandel as a student member to the Recreation Commission.

**PUBLIC FORUM:**

Jocelyn Herrera, who lives at 16 Hankins Road, spoke regarding concerns about the construction taking place at the intersection of Hankins Road, Conover Road and Route 130. Mayor Mironov asked Mr. Brand to follow up with Mr. Herrera regarding his concerns first thing the next morning and to keep her up to date on the matter.

**MINUTES:**

October 23, 2018  
February 12, 2019  
March 19, 2019  
July 23, 2019  
August 6, 2019  
September 10, 2019  
October 15, 2019

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

**ORDINANCE – PUBLIC HEARING:**

**ORDINANCE – INTRODUCTION:**

**RESOLUTIONS:**

**Resolution R2019-139**            Action on Purchase of Asphalt for Public Works Department

Mayor Mironov stated a memo was received from the Public Works Director on this matter addressing questions that were raised previously. She held Resolution R2019-139 until the next regularly scheduled meeting and asked that a second resolution for the second asphalt purchase be listed as well.

**Resolution R2019-156**            Action on Request for Release of Performance Guarantee by Asset Management Consultants for Riviera Offsite

Mayor Mironov held Resolution R2019-156 until the next regularly scheduled meeting, as Council is still awaiting information as previously requested. She stated that she previously asked staff to review existing systems for performance guarantee releases to ensure that similar mistakes are not made moving forward on future releases.

**Resolution R2019-168** Authorizing Refund of Tax Overpayments

**RESOLUTION R2019-168  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, the East Windsor Tax Collector has certified that there have been overpayments for various reasons on certain properties; and

**WHEREAS**, the taxpayers are entitled to refunds.

**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 Chief Financial Officer is hereby authorized and directed to make payments to the taxpayers for overpayments according to the attached Tax Collector's 2019 Refund of Taxes List Number 4 dated October 10, 2019.

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 October 29, 2019.

Mayor Mironov stated that a certified list was received from the Tax Collector.

It was MOVED by Zoller, SECONDED by Rosenberg to approve Resolution R2019-168.

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

There being six (6) ayes, and no (0) nays, Resolution R2019-168 was approved.

**Resolution R2019-169** Renewal of Alcoholic Beverage Control License for Americana RD, Inc. t/a Americana Diner

**RESOLUTION R2019-169  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, Americana RD Inc., t/a Americana Diner, has filed an online application for renewal of Plenary Retail Consumption License No. 1101-33-005-005 with the New Jersey Division of Alcoholic Beverage Control; and

**WHEREAS**, the Municipal Clerk represented that the application is in order and the proper fees have been submitted to the Township of East Windsor and to the Division of Alcoholic Beverage Control; and



**WHEREAS**, no objections have been made to the renewal of said license; and

**WHEREAS**, the Chief of Police has advised that a review of police records and records supplied by the New Jersey Division of Alcohol Beverage Control do not reveal any facts or circumstances that would preclude license renewal; and

**WHEREAS**, the Health Officer has reported satisfactory results of the sanitary inspection.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, does hereby approve the renewal of the aforesaid license for the year July 1, 2019 to June 30, 2020, and the Municipal Clerk is hereby authorized and directed to issue said license.

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 October 29, 2019.

Mayor Mironov stated that a memo was received from the Municipal Clerk indicating that all outstanding issues have been resolved by the license holder.

It was **MOVED** by Yeager, **SECONDED** by Lippman to approve Resolution R2019-169.

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

There being six (6) ayes, and no (0) nays, Resolution R2019-169 was approved.

**Resolution R2019-170** Authorizing Bidding for Lease of Township Farmland Property on One Mile Road and Designated as Block 6.06, Lot 2

**RESOLUTION R2019-170  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, East Windsor Township is the owner of an open space parcel on One Mile Road designated as Block 6.06, Lot 2 (23.912 acres) on the East Windsor Township Tax Map; and

**WHEREAS**, the said open space was acquired by East Windsor Township with funding provided through the State of New Jersey Green Acres Program and, thus, the use of the property is subject to a Green Trust Project Agreement made between Green Acres and the Township; and

**WHEREAS**, the purposes of recreation and conservation for open space will be advanced through the lease of existing farmland on the property for farming purposes, as identified on the tax maps attached hereto; and

**WHEREAS**, the acreage of farmable land on the Open Space parcel is estimated to be 18 acres on Block 6.06, Lot 2; and

**WHEREAS**, it is in the best interest of the Township of East Windsor to advertise for the lease of the property to the highest bidder in accordance with N.J.S.A. 40A:12-14 of the Local Lands and Buildings Law and the Green Acres Program regulations, N.J.A.C. 7:36-1 et seq.

**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 award and execution of the lease shall be subject to the approval of the attached Lease of Township Owned Land for Farming Purposes by the State of New Jersey Green Acres Program in accordance with N.J.A.C. 7:36-20.10; and
2. The above designated farmland shall be advertised for lease pursuant to all requirements and procedures set forth in the Local Lands and Building Law (N.J.S.A. 40A:12-1 et seq.) Subject to the following conditions:
  - (a) Sealed bids shall be received by the Municipal Clerk on Tuesday, December 3, 2019 at 2:30 p.m, at the East Windsor Township Municipal Building, 16 Lanning Boulevard, East Windsor, New Jersey 08520, at which time and place bids will be opened and read in public.
  - (b) The minimum bid shall be \$1.00 per acre, per year for the attached property shown on ***Schedule A*** which is located off **One Mile Road and designated as Block 6.06, Lot 2, approximately 23.912 acres, of which 18 acres is farmable, for a five (5) year lease term**. Each bid shall be accompanied by (i) a list of each property which the bidder currently farms, either as owner or tenant; (ii) a list setting forth the equipment, vehicles, etc. to be used in carrying out the terms of the lease; and (iii) the name, address and State registration number (issued pursuant to the Pesticide Control Code, N.J.A.C. 7:30-1 et seq.) of the person(s) who will be applying pesticides, herbicides or fertilizer on the leased premises.
  - (c) This lease shall be subject to the terms of the Agreement attached hereto entitled ***Lease of Township Owned Land for Farming, Property Located off One Mile Road, Block 6.06, Lot 2***; and
  - (d) All bids shall be referred to the Township Council for review and consideration pursuant to N.J.S.A. 40A:12-14; and
  - (e) The Township of East Windsor reserves the right to reject all bids where the highest bid is not accepted and shall make its decisions known not later than at

the second regular meeting of the Township Council following the receipt and opening of bids; and

- (f) Upon the close of bidding, the highest qualified bidder, as designated by the Municipal Clerk, shall submit cash or a certified check in the full amount of its bid for the initial year of the lease term. Said bid shall be irrevocable for sixty (60) days from the date of the close of bidding. Within ten (10) business days after the close of bidding, the highest qualified bidder shall submit to the Municipal Clerk a certificate of insurance in compliance with paragraph 4(d) of the attached lease.

I certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on October 29, 2019.

Mayor Mironov asked that on page one of the attachment, item number two should be revised to read *the term of lease shall be for a period of five years commencing January 1, 2020 and ending December 31, 20204.*

Mr. Zoller said on page six of the attachment, letter G identified the property as a park and stated that the language should be changed to property.

Mayor Mironov stated that this needs to go out to bid.

It was MOVED by Zoller, SECONDED by Shapiro to approve Resolution R2019-170 with revisions.

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

There being six (6) ayes, and no (0) nays, Resolution R2019-170 was approved with revisions.

**Resolution R2019-171** Authorizing Repair of 2010 Volvo, 32 Cubic Yard Garbage Truck S-04 with Norcia Truck Repair for Public Works Department

**RESOLUTION R2019-171  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, there is a need for repairs to the 2010 Volvo Garbage Truck S-04 for the Public Works Department; and

**WHEREAS**, the vehicle is at the Norcia Truck Repair, numerous quotes were solicited and one (1) quote were received for this repair; 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**, the Township Council has reviewed the Director of the Public Works Department's recommendations on the needed repairs; and

**WHEREAS**, the maximum amount of the repairs to Garbage truck S-04 is \$4,271.81 and funds are available in the Operating Budget Account No. 9-30-26-305-150-253, entitled "Other Contractual Services", as evidenced by the Chief Financial Officer's Certification No. G2019-006.

**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 Finance Officer are hereby authorized and directed to approve and forward a purchase requisition to Norcia Truck Repair, 451 Blackhorse Lane, North Brunswick NJ 08902, for repairs to Garbage truck S-04, in an amount not to exceed \$4,271.81, 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 October 29, 2019.

Mayor Mironov asked who determined the funding source for the repair. Mr. Brand stated he believed that was the Director of Public Works and the Finance Director. Mayor Mironov stated she would vote on this subject to confirmation that the funding source was correct.

Mayor Mironov stated this was part of the prior garbage truck status memo Council received on October 8. She asked Mr. Brand if the truck was repaired and back in operation. Mr. Brand confirmed it was. Mayor Mironov asked if the other two trucks that were out of operation were back in operation. Mr. Brand confirmed all garbage trucks are currently in operation.

It was **MOVED** by Yeager, **SECONDED** by Rosenberg to approve Resolution R2019-171 with conditions and revisions.

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

There being six (6) ayes, and no (0) nays, Resolution R2019-171 was approved with conditions and revisions.

**Resolution R2019-172** Approval of Contract for Disposal of Leaves with Mendies Farm, LLC for the Public Works Department

**RESOLUTION R2019-172  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, there is a need for a site for leaf disposal for the fall/winter season for East Windsor Township; and

**WHEREAS**, numerous quotes were solicited and three (3) quotes were received to provide this service; 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**, the Township Council has reviewed the Director of Public Work's recommendation on this purchase; and

**WHEREAS**, the maximum amount of the purchase is \$9,000.00 and funds are available in the Budget Account No.9-30-32-305-300-237 entitled, "Leaf Disposal", as evidenced by the Chief Financial Officer's Certification No. G2019-005.

**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 Mendies Farm LLC, PO Box 67, Roosevelt, New Jersey 08555, as a site for leaf disposal for the fall/winter season, at \$3.00 per cubic yard, in an amount not to exceed \$9,000.00, 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 October 29, 2019.

Mayor Mironov stated a memo was received from Public Works on this matter. She stated that the memo indicates that leaves are being disposed of with a blanket purchase order at the Bulb



Barn, but nowhere does the memo indicate what the Township is currently paying for leaf disposal. She requested the information tomorrow. She stated she would also like to know if it would be cost effective to continue to dispose of leaves at Bulb Barn.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2019-172.

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

There being six (6) ayes, and no (0) nays, Resolution R2019-172 was approved.

**APPLICATIONS:**

**REPORTS BY COUNCIL AND STAFF:**

Mr. Zoller stated the Environmental Commission met on October 16 and discussed topics including the Community Forestry Management Plan, the Sustainable Jersey Grant, the ANJEC 50<sup>th</sup> Anniversary meeting, the Emerald Ash Borer, and electrical vehicle charging stations in the Township. He stated Chairperson Ronald Balint had prepared a brief document for Council regarding electric vehicle charging stations that he would submit.

Mr. Shapiro stated the Planning Board met last night and reviewed an application for 219 Wyckoff Mills Road. He stated that a lot of questions were raised during the hearing and the applicant would be returning to the Board.

Mr. Yeager stated the Recreation Commission met on October 9 and discussed topics including proposed bus trips during upcoming school breaks, summer camp for 2020, and annual events including the Egg Hunt and Independence Day.

Mr. Rosenberg stated the Commission on Aging met on October 24. He indicated that current membership at the Senior Center is up to 1,664 people. The updates to the Senior Resource Directory have been completed and the document is being prepared for final review by Mayor and Council.

Mayor Mironov asked Council Members to remind the advisory boards that they interact with that the Township values their volunteers and if there are any proposals from the boards for any activities, events, or partnerships, those proposals should be submitted to Mayor and Council for review and approval prior to any action.

**CORRESPONDENCE:**

Mayor Mironov stated East Windsor Volunteer Fire Company No. 2 moved their Halloween party to Saturday, November 2 due to rain last weekend. She stated a memorandum was

received from the Recreation Director with proposed dates for the annual Egg Hunt in April 2020.

Mayor Mironov indicated a notice from the Municipal Utilities Authority was received regarding hydrant flushing for the fall. She asked Mr. Brand how the MUA notified residents of the hydrant flushing. He stated a notice was published in the newspaper. Mayor Mironov stated that was not adequate or appropriate notice for residents and she had brought this point up last year as well, and alternatives such as posting the notice online were discussed. Mr. Brand stated the notice was on the MUA's website. Mayor Mironov stated she wanted a proposal from the MUA to provide adequate notice to residents for the future. She stated she has asked this to be done last year and she is disappointed that nothing was done, so she would like to rectify that now. Mr. Shapiro suggested including a notice with the water bills sent to residents. Mr. Brand stated that could be done and a proposal would be provided.

Mayor Mironov stated PSE&G indicated they have completed the work along Brooktree Road. She asked that the Township conduct a final inspection of the work to ensure that everything is settled and the work is completed.

Mayor Mironov stated a letter from Act Engineers had been distributed in meeting folders tonight. She wanted to bring this letter to the attention of staff and the Township Attorney, as Act Engineers is indicating that they are having challenges getting the developer K. Hovnarian to finish the outstanding work for the Magnolia Ridge development. She stated this work has been outstanding for far too long and she requested that staff and the Township Attorney review the letter, evaluate the escrow from K. Hovnarian and determine an appropriate course of action to get this project completed. She stated she is sympathetic to residents who are concerned about the outstanding work, and agreed that this should have been completed a long time ago.

#### **APPOINTMENTS:**

#### **APPROVAL OF BILLS:**

Mayor Mironov stated a 2019 Current Bill list, 2018 Current Bill list, a Capital Bill List and other miscellaneous bill lists and trust accounts were provided.

Mayor Mironov requested that on page 11 of the 2019 Current Bill list, an item be held pending receipt of a report from the Manager's Office as previously requested.

It was MOVED by Lippman, SECONDED by Rosenberg to approve the Bill Lists with the holds.

ROLL CALL: Ayes – 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.

**MATTERS BY COUNCIL:**

**DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:**

1. FY 2021 Mercer County Planning Incentive Grant Application (Farmland Preservation Plan)

Mayor Mironov indicated this was discussed at the October 15 Council meeting where she had raised two questions to be addressed before proceeding. Her first question was if the Ward property being proposed for farmland preservation was the same property as the Township's open space target which she was told it was not. She asked Mr. Brand if that was correct. Mr. Brand confirmed it is the same property. Mayor Mironov stated she also indicated that these properties appear to be the same as prior years and asked if there was any action being undertaken on any of these parcels by Mercer County. Mr. Brand stated he did not think so. Mayor Mironov asked him who he spoke to at Mercer County. Assistant Township Manager Jay Delaney stated his understanding is that this is a voluntary program and that the County only reacts to participation by the land owner. Mayor Mironov asked Mr. Delaney who he spoke to at the County and he said he did not speak with anyone. Mayor Mironov asked him to follow up with the County as requested. Mayor Mironov asked if there was a deadline to respond. Mr. Delaney stated that they have approximately 60 days since the date of the letter. Mayor Mironov stated that the letter from the County is dated September 4, so they have until November 4 or so to respond. She asked that this matter be listed on the second meeting agenda in November for follow up.

2. Sustainable Jersey Grant for Etra Park Arboretum: Action Plan

Mayor Mironov stated she is aware that Community Development Director Robert Goodman is working on this project. She cautioned that this is the first grant from Sustainable Jersey the Township has received, and an information report is due back in January and a final project closeout is due October 3, 2020. She stated that this needs to move along so the Township is not in a position where they are not in accordance with the grant requirements. She asked the Township Manager to follow up on the project.

Mr. Zoller asked Mayor Mironov if Daniel Dobromilsky had been contacted about the project yet. Mayor Mironov stated he had not been contacted yet as the materials are not finished yet. She stated that they were going to put the materials together with a cover and provide that to Mr. Dobromilsky so he could review the project and provide a quote back for his services. Mayor Mironov stated while reviewing the materials, she notice multiple deliverables that she did not believe were applicable. She stated that it was her understanding the Township was looking for Mr. Dobromilsky to review the grant application and any other materials associated with the arboretum and to provide an action plan as to what needs to be done, what needs to be planted,



what needs to be rearranged, and what species to include. Any printed materials, such as the book or brochures would be prepared by the Environmental Commission. Mr. Dobromilsky's work would just be limited to landscape architectural services. Mr. Zoller agreed. Mayor Mironov indicated this project needs to move along.

### 3. Historical Signage Request for East Windsor Speedway

Mayor Mironov indicated a memo from the Community Development Director had been distributed on this matter with some possible options for the location and material of the sign. She stated that this had been initiated by a request from a local historical organization who had initially requested a marker for the site. She stated personally she wanted to see something respectful for the site while keeping in mind the cost of the project. She also indicated she would like to see the wording on the sign kept concise. She stated that option presented on the bottom of page five seemed fitting.

Mr. Rosenberg stated he believed the sign should also commemorate the former airport. Mayor Mironov agreed with Mr. Rosenberg. Mr. Yeager also expressed his agreement. Mayor Mironov stated the reference to the former fairgrounds could be eliminated and reference to the airport could be added. Mr. Lippman agreed with Mayor Mironov's suggestion. Mayor Mironov stated that the wording could be condensed even further.

Mayor Mironov asked members for their thoughts on material. She stated a 38 inch by 46 inch metal sign can be done for a very reasonable cost. Mr. Lippman stated that aluminum composite was prone to rusting after a few years. Mr. Zoller stated they should choose a material that is long lasting even if the initial cost is a bit higher so the sign does not need to be replaced in just a few years. He stated this is an issue with some other existing signs in the Township. Mayor Mironov stated that regarding other Township signage, a maintenance program for existing Township signage was never put in place.

Mayor Mironov asked for final thoughts from Council members as to location and material for the sign. She stated they all seemed to be on the same page regarding the wording for the sign. Mr. Shapiro stated that aluminum seems to be a long lasting option. Mayor Mironov stated aluminum signs vary based on the actual metal used which affects the overall cost. She asked members if they have a sense of what they want tonight or if more time is needed to evaluate all options. Mr. Lippman stated he would like more time to evaluate the options, and he would also like to see what the wood option would look like. Mr. Zoller stated he would like to choose an option with the longest warranty.

Mr. Zoller stated that regarding location, it seems the recommendation is for 60 Airport Road, which is not near the original entrance for the speedway. He would like to see the sign placed near the original entrance to the speedway. He also didn't think a parking area or curb cut was necessary. Mayor Mironov stated that she thinks it should be visible along a roadway.

Mayor Mironov stated Council wants to see a depiction of the wood sign and there was some consideration of the mid-level aluminum options. She also said the sign location would be considered as well. She asked if there were any other comments. She stated this matter would be revisited at a future meeting

4. Letter of September 24, 2019 from Union City Regarding Street Openings by Utility Companies

Mayor Mironov stated that Council received this letter from Union City while they were already discussing PSE&G and Brooktree Road. She stated PSE&G was also a major reason for the significant delay of the Route 130/Hankins Road/Conover Road Realignment project. They did not do their work properly, so they had to go back and re-do the work. Additionally, they had promised to start that work on August 1 but did not start until the end of the month and then took a long time to complete the work. She stated PSE&G has cost the Township money and thrown the project off schedule.

She stated the points raised in the letter from Union City are well taken. She stated the Township also just went through an episode with PSE&G regarding the work on Brooktree Road and based on their general performance, she would not be surprised if more issues arise in the future. She asked staff to look into any actions that may need to be taken via ordinance to be able to hold PSE&G responsible. She stated they did not take responsibility for the damage they caused along Brooktree Road, but they have finally repaved the entire road from Oak Creek Road to Lynnfield Drive. She asked if staff could look into what actions the Township may need to take to hold PSE&G accountable.

Mr. Yeager asked if the New Jersey League of Municipalities has done anything on this. Mayor Mironov stated she is unsure if anything has been done on this, but she would follow up. Mr. Yeager stated that other municipalities are probably experiencing similar issues.

5. The Shoppes at East Windsor: Status Report by Township Manager

Mayor Mironov stated an update on the project was provided by the Township Engineer Max Peters at last night's Planning Board meeting. In Council folders tonight is an update from T&M Associates on the project showing some items that have been finished and others that remain outstanding. She stated Mr. Peters indicated that he does not have a timeline from the developer as to when the work will be finished. Mayor Mironov stated the Township Manager, Engineer and Attorney were directed last night to come up with a plan to get the work completed. If that cannot be accomplished, the Township will have to consider other approaches and possible penalties. She asked Mr. Brand if he had any comments.

Mr. Brand stated he will reach out to John Parmar tomorrow to provide him the updated list from T&M Associates and to get an updated schedule for completion. He stated he thinks that is the best place to start, and if that does not work than the next step would be a notice of violation or as discussed the Planning Board meeting, potentially going after the performance bond. Mayor



Mironov stated she does want to follow up on this, as the work has been outstanding for more than a year.

6. Dutch Neck Road/ Morrison Road Resurfacing Improvement Project: Status Report by Township Manager

Mayor Mironov stated since asking the Director of Public Works to get involved with the project after bidding fell apart and a subsequent meeting with NJDOT, she was unaware of any further action on the project. She stated November 1 was approaching at the end of the week and she would have expected that under these circumstances, the Township would be out to bid by November in order to get the project queued up for spring. She asked Mr. Brand to explain where the project is currently. Mr. Brand stated he will be meeting with the Director of Public Works, the Assistant Township Manager, and Mark Liss from the Department of Public Works tomorrow morning to go over the project and get everything moving. He stated once everything is approved by NJDOT, the Township would go out to bid. Mayor Mironov stated she wanted this project to go out to bid this month. She asked for feedback as to what is remaining and a schedule as to when everything will be completed and the project can go out to bid. Mr. Zoller asked if any funding was in jeopardy due to the delay. Mayor Mironov stated no funding is in jeopardy but the road is in poor condition.

7. Union Transportation Trail Extension Project: Status Report by Township Manager

Mayor Mironov stated she knows there are a lot of projects going on, but she feels like this project has come to a standstill and is not progressing. She stated a lot of residents have asked about this. She is unaware of any action being taken on the project. Mr. Delaney stated he had been in contact with Hopewell Valley Engineering, the engineering firm that was preparing the concept plan for the project. He stated that they indicated to him that they were awaiting formal confirmation from JCP&L regarding some encroachments that were evidenced during their preparations, and verbally JCP&L indicated that the encroachments in the farm area were not permitted. Mr. Delaney stated he is pressing them for formal verification from JCP&L so they can proceed to the next step, which is discussion with the farm owners. He stated the second related issue is the remaining funding from a DVRPC grant of \$135,000. \$95,000 is currently funding the work undertaken by Hopewell Valley Engineering. The remaining funding, after discussion with DVRPC, will stand ready to fund the next stage of the project to go to bid once the concept plan is received. Mayor Mironov asked if all the other JCP&L easement agreements had been provided. Mr. Delaney stated it is Hopewell Valley's position that this would be covered under a standard easement agreement and the formal submission will waive the completion of the final plan after public review. Mayor Mironov asked Mr. Delaney if he had contact information for the farm owners and he confirmed he did.

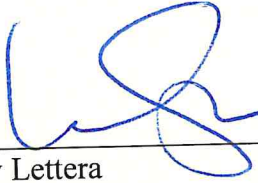
**MATTERS BY PUBLIC:**

**ADJOURNMENT:**



There being no further business Mayor Mironov declared the meeting adjourned at 9:39 p.m.

Next Meeting: Wednesday, November 6, 2019 at 7:30 p.m.



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Kelly Lettera  
Municipal Clerk



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Janice S. Mironov  
Mayor

