

## **EAST WINDSOR TOWNSHIP COUNCIL**

Tuesday, September 24, 2019

7:30 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 7:30 p.m. on Tuesday, September 24, 2019.

#### **VERIFICATION:**

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 11, 2019 in the annual meeting notice and on September 20, 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 Chief of Police James Geary

#### **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, Assistant Township Manager Jay Delaney and Municipal Clerk Kelly Lettera.

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

East Windsor Regional School District Hightstown High School Girls' Softball Team – 2019 NJSIAA Group IV State Champions and 2019 NJSIAA Central Jersey Group IV State Champions

Mayor Mironov issued a Mayoral Proclamation recognizing and congratulating the East Windsor Regional School District Hightstown High School Girls' Softball Team for earning several state championship titles during their victorious season earlier this year. The Girls' Softball Team won the first state championship for Hightstown High School of any kind in over 40 years.

\*Presentation on the United State Census 2020

Mayor Mironov stated the presentation for the 2020 census will be done during this part of the meeting. US Census Bureau representative and partnership specialist for Mercer County, Jennifer Jones Hamilton, did a presentation discussing the importance of the 2020 census and stated she is going out to multiple municipalities to ensure information is appropriately provided and the importance of the census.

2019 Hightstown High School Athletic Hall of Fame Inductees – (October 4, 2019)

Mayor Mironov stated the 2019 Hightstown High School Athletic Hall of Fame event will be held at Hightstown High School on October 4, 2019.

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

### **PUBLIC FORUM:**

No one spoke from the public.

### **MINUTES:**

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

August 6, 2019

Mayor Mironov stated pages 1, 15 and 16 need to be revised.

It was MOVED by Lippman, SECONDED by Daniels to approve August 6, 2019 minutes with revisions.

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

There being five (5) ayes, no (0) nays and two (2) abstentions, August 6, 2019 minutes were approved with the revisions.

Mayor Mironov stated the October 23, 2018 minutes were held and will be redistributed.  
March 19, 2019, July 23, 2019 and September 10, 2019 minutes were rescheduled till the next regularly scheduled meeting.

## **ORDINANCE – PUBLIC HEARING:**

### **ORDINANCE – INTRODUCTION:**

**ORDINANCE 2019-07**      An Ordinance to Authorize Acquisition for Open Space of an Approximately 11.32 Acre Site, Located At 641 Etra Road, and Designated on the East Windsor Township Tax Map As Part of Block 32, Lot 13.01

**ORDINANCE NO. 2019-07**

**AN ORDINANCE TO AUTHORIZE ACQUISITION FOR OPEN SPACE OF AN APPROXIMATELY 11.32 ACRE SITE, LOCATED AT 641 ETRA ROAD, AND DESIGNATED ON THE EAST WINDSOR TOWNSHIP TAX MAP AS PART OF BLOCK 32, LOT 13.01**

**WHEREAS**, the Township Council of the Township of East Windsor has determined that it is in the best interests of the Township to acquire an approximately 11.32 acre parcel of land located at 641 Etra Road, and designated on the East Windsor Township Tax Map as part of Block 32, Lot 13.01 (the "Property"), for use as open space; and

**WHEREAS**, the Property is presently owned by Orrin Paul Bennett and May K. Bennett. (the "Owners"), residing at 164-B Kalmia Place, Monroe Township, New Jersey 08831; and

**WHEREAS**, an Agreement of Sale, between East Windsor Township and the Owners, has been negotiated with a purchase price of \$220,000.00 for the Property; and

**WHEREAS**, the Township has been awarded New Jersey Green Acres Program grants and Mercer County Open Space grants to fund the purchase of the 11.32 acre Property.

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

**I**

The Mayor, Municipal Clerk, Township Manager, Township Engineer and Township Attorney be and are hereby authorized to take all necessary actions to acquire an approximately 11.32 acre parcel of land located at 641 Etra Road and designated on the East Windsor Township Tax Map as part of Block 32, Lot 13.01, for use as open space, pursuant to the Agreement of Sale between the Owners and the Township of East Windsor. This authorization includes, but is not limited to, the execution of an Agreement of Sale with a purchase price of \$220,000.00, payment of the contract purchase price, and the acceptance and recording of a Deed to the Property.

**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 stated a few minor typos within the Ordinance that needed to be corrected and is incorporated in the above Ordinance. Mayor Mironov stated a full copy of the contract of sale has been provided to council and the property is one of the properties that the Township previously targeted. Mayor Mironov stated a few initial steps need to take place prior to closing. Mayor Mironov asked the Assistant Manager if the Subdivision application will be able to be on an upcoming Planning Board meeting. The Assistant Manager stated the property is a partial acquisition and he did anticipate the application is being prepared and will be on one of the October Planning Board meetings. Mayor Mironov requested that he inform the Planning board Secretary so she can tentatively list it for priority purposes. Mayor Mironov also requested an assessment report and the Assistant Manager stated it should be in early October. She stated a letter from Mercer County, dated September 4, was provided to Mayor and Council on the Mercer County grant subject to conditions and follow-up from the Township. Mayor Mironov also stated the Township is still awaiting the Green Acres certified value and they stated by next week the Township should have it.

It was MOVED by Zoller, SECONDED by Shapiro to approve Ordinance 2019-07 on introduction, authorize publication as required by law and set public hearing for October 15, 2019.

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

There being seven (7) ayes and no (0) nays, Ordinance 2019-07 was approved on introduction, authorize publication as required by law and set public hearing for October 15, 2019.

#### **RESOLUTIONS:**

**Resolution R2019-129**      Action on Request for Release of Performance Guarantee by Arco Design/Build Industrial for Aurobindo Pharma USA, Inc.

Mayor Mironov stated Resolution R2019-129 was held from previous Council meetings regarding the roadwork agreement. She stated action needs to be taken on this with a process to ensure the remaining items on the roadway are taken care of prior to the release. The Resolution was held.

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

Mayor Mironov stated the Resolution was listed in order to ensure everything gets straightened out and she would like for the Chief of Police or the Assistant Manager to address it at the staff meeting. The Resolution was held.

**Resolution R2019-154**      Action on Professional Services Agreement for Property Survey Services for Green Acres Funded Open Space Property Acquisitions

**RESOLUTION R2019-154  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, East Windsor Township is considering acquisition of the following properties: 641 Etra Road (Block 32, Lot 13.01), 140 Cedarville Road (Block 30, Lot 19.03), 949 Windsor Perrineville Road (Block 31, Lot 21) and 820 Windsor Perrineville Road (Block 35, Lot 4 and 4.01), to preserve as open space; and

**WHEREAS**, on May 30, 2019, the Township solicited proposals for Property Survey Services for Green Acres funded Property Acquisitions and received one (1) proposal with a receipt date of July 9, 2019; and

**WHEREAS**, the cost proposal received from Johnson, Mirmirim & Thompson, Inc. was the only proposal received and was not cost effective for the Township; and

**WHEREAS**, on July 22, 2019, the Township re-solicited proposals for Property Survey Services for Green Acres funded Property Acquisitions and received eight (8) proposals with a receipt date of September 4, 2019; and

**WHEREAS**, the overall lowest most responsive proposal was received from Harris Surveying, Inc.; and

**WHEREAS**, a contract for this professional service may be awarded without public advertising for bids as the contract is for "Professional Services" pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS**, this contract is awarded in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5et seq.; and

**WHEREAS**, the Township Council has reviewed the Assistant Township Manager's recommendation that at this time a contract be awarded for only the property located at 641 Etra Road (Block 32, Lot 13.01); and

**WHEREAS**, the maximum amount of the contract is \$4,900.00 and funds are available in the Account No. T-13-56-857-802, entitled "Reserve for Open Space," as evidenced by the Chief Financial Officer's Certification No. T2019-014.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to enter into the attached Agreement with Harris Surveying, Inc., 26 Main Street, Robbinsville, NJ 08691 to prepare a property survey for the above referenced property in an amount not to exceed \$4,900.00.
2. This Contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law because the contract is for services performed by persons authorized by law to practice a recognized profession that is regulated by law, but in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5 et seq.
3. The Municipal Clerk shall cause to be printed once, in the Trenton Times, a brief notice stating the nature, duration, service and amount of this contract, and that the resolution and contract are on file and available for public inspection in the office of the Municipal Clerk.

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 September 24, 2019.

Mayor Mironov stated a few minor revisions to the Resolution, [which are incorporated in the above Resolution]. Mayor Mironov stated a recommendation was provided from the Assistant Manager. Mayor Mironov stated at this point the Township is ready to proceed with the survey for the Bennett property.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2019-154 with the revisions.

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

There being seven (7) ayes, and no (0) nays, Resolution R2019-154 was approved with the revisions.

#### **APPLICATIONS:**

Raffle License RL: 2019-006 Hightstown Elks Lodge #1955 – January 3, 10, 17, 24, 31 and February 7, 14, 21 2020 at 110 Hickory Corner Road, East Windsor, NJ – On-site 8-week Calendar Raffle

It was MOVED by Rosenberg, SECONDED by Daniels to approve Raffle License RL: 2019-006.

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

Nays – None  
Abstain -- Yeager

There being six (6) ayes, no (0) nays and one (1) abstention, Raffle License RL: 2019-006 was approved.

#### **REPORTS BY COUNCIL AND STAFF:**

Council Member Yeager reported that the Recreation Commission met on September 11 and discussed school programs for the Fall, the 2019 summer camp and the planning of 2020 summer camp and other special events and projects. Council Member Shapiro reported that James Brady was appointed at the last Council meeting and he sat as an Alternate #1 member at last night's Planning Board meeting. Mayor Mironov stated a concept presentation was also on last night's agenda for a project on Old Trenton Road and two commercial projects were also heard on Lake Drive and 330 Wyckoff Mills Road. Council Member Daniels reported that the Health Advisory Board met and discussed some exciting events that will be held in the park. Council Member Zoller reported that the Environmental Commission met on September 18 and discussed the Community Forestry Management Plan, the Sustainable Jersey grant, follow-up on National Night Out, the 50<sup>th</sup> anniversary of the environmental congress and the Emerald Ash Borer trees on the southern part of the Township. Mayor Mironov stated recycling day was held on Saturday, September 24 and several council members and Clean Community members were in attendance to help out.

#### **CORRESPONDENCE:**

#### **APPOINTMENTS:**

Mayor Mironov stated one of the students from the Recreation Commission contacted her and stated his schedule has changed preventing him from attending the meetings and he would like to change to a different board. Mayor Mironov appointed Akkshath Subrahmanian as a student member of the Economic Development Committee. She requested a draft letter and a call should be made to him notifying him of the change and the next meeting date.

Mayor Mironov recommended appointing Jay Mermelstein, with an unexpired term ending December 31, 2022, and Harshav "Neil" Raval, with an unexpired term ending December 31, 2020, to the Health Advisory Board subject to their interest in serving.

It was MOVED by Shapiro, SECONDED by Daniels to appoint Jay Mermelstein for an unexpired term ending December 31, 2022 and Harshav "Neil" Raval for an unexpired term ending December 31, 2020, as members of the Health Advisory Board.

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

There being seven (7) ayes and no (0) nays Jay Mermelstein for an unexpired term ending December 31, 2022 and Harshav “Neil” Raval for an unexpired term ending December 31, 2020 was appointed as Health Advisory Board members.

Mayor Mironov appointed Catherine Naughton as an Auxiliary member of the Recreation Commission.

### **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 clarification on the request. Council Member Zoller requested that the large bill at the bottom of the page be held with more information. He further questioned if the bills are being paid through the squad or to the vendors.

Council Member Shapiro questioned page 6, of the current bill list, pest solutions and why there are so many charges on one day.

It was MOVED by Shapiro, SECONDED by Zoller to approve the Bill Lists with the clarifications and holds.

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 clarifications and holds.

### **MATTERS BY COUNCIL:**

Council Member Zoller stated the lighting around the municipal building is not adequate and it is very dark while leaving the back of the Township Building and the Senior Center at night. He stated he feels like it is a safety issue and needs to be addressed. Mayor Mironov requested staff to look into and make sure everything is working properly. Mayor Mironov stated Mayor and Council was provided flyers for the Mayor’s State of the Township, as well as the Flu Clinic on Thursday, October 3 and Thursday, October 4. She stated a Tax Collector’s report was received for the period ending July 31, 2019. Mayor Mironov stated a memo was received from the Director of Public Works, dated August 31, regarding Timber Wolfe tree service bills. She stated a memo was received from the Manager’s office on the tree stump removal. Mayor Mironov stated a memo was received from the Chief of Police regarding the police communication tower. She stated a memo was provided from the Assistant Manager regarding Settembrino bills on the expansion of the senior center. She stated a letter was provided by Assemblywoman Reynolds Jackson informing the Township that she will not be attending the September 11 event. Mayor Mironov stated a letter of resignation was received from Susan Flaster from the Health Advisory Board. Mayor Mironov stated that a letter, dated September 3,

from Mercer County on the Farmland Preservation Plan was received and should be listed on the next agenda. She further stated a letter was sent to the County Executive regarding the suggestions made by residents regarding a walkway at the intersection of Princeton Hightstown Road and Lanning Boulevard. She stated a report was provided by ACT Engineers regarding an update on Magnolia Ridge. Mayor Mironov requested that the Manager, Assistant Manager and the Business Ombudsman put their heads together and come up with a list of professionals for the truck alternative proposal and grant. She stated she is looking to have a meeting of stakeholders and various parties to meet with ideas for a viable route. The Assistant Manager stated the Dutch Neck Road Morrison Avenue plans are being revised and provided to NJDOT for review. He stated a meeting is scheduled for next week with the Manager, Assistant Manager and NJDOT to review the changes and once that is done the project will be ready for bidding. Mayor Mironov requested that a timeline to go out to bid should be determined and when the best time for that is. Mayor Mironov also again requested a letter to be drafted to the County Executive on the signalization at the Intersection of Route 133 and Route 571.

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

1. \*Presentation on the United State Census 2020

The presentation was done during the presentation and proclamation section of the meeting.

2. Anker Park Improvements- Mercer at Play Grant Program

Mayor Mironov stated it was listed even though nothing has been received but she is looking for a plan to move forward with the use of the grant for Anker Park improvements.

3. Sustainable Jersey Grant for Etra Park Arboretum

Mayor Mironov stated a \$10,000 grant was received for the refurbishment and upgrade of the Arboretum. She is looking for information to move the project forward in a timely manner. Council Member Zoller stated the Environmental Commission is interested in using the Township Landscape Architect. Mayor Mironov requested that staff put together the proposal for review to give the proposal to the Landscape Architect for a quote for his services. Council Member Zoller also stated that if there are any tasks that the Environmental Commission members can help out with please let him know. Mayor Mironov stated she would like to get the Landscape Architect involved to move forward with the design of the project. Mayor Mironov questioned if there is any limitations on how the money is spent and is looking for follow-up on the questions.

4. Abandoned Foreclosed Property Ordinance: Updates and Enforcement Program

Mayor Mironov stated an update was provided by the Business Ombudsman and it appears that the enforcement is taking place. Mayor Mironov requested that Mayor and Council be updated

periodically. The Business Ombudsman stated he will provide Council with a quarterly update report.

5. East Windsor No Net Loss Program, Phase III : Letter of May 24, 2019 from New Jersey Department of Environmental Protection

Mayor Mironov stated a letter was received on May 24, 2019 and she has requested may times at prior Council meetings that the staff look into on what needs to be done. The Assistant Manager stated the letter was pertaining to a final inspection on Old York Road for final payment to the contractor. He further stated the program requires a two year period between planting and final close out and that portion of the project has met the required threshold of 95% survivability. He stated the suggestions that were in the report were interim because the two year period is not yet expired and the contractor has been notified to replace the damaged trees. The Assistant Manager confirmed that once the plantings are complete an update will be provided to Mayor and Council. He further stated in the spring another inspection will take place to close out phase three of the program. Mayor Mironov requested to work to verify NNL status in order to get billing processed as appropriate.

6. Public Works Township Garbage Collection Trucks: Complete Report by Manager

Mayor Mironov stated a report was provided by the Township Manager and she requested follow-up on the report. Mayor Mironov stated this is the first she is hearing about issues with the condition of any garbage trucks and their status. She further noted that an Ordinance was approved at the beginning of the year for two new garbage trucks and if that is what needed, then prepare specifications for the bids. She stated she would like a more detailed follow-up on what is needed and what is being done to remedy the situation.

#### **MATTERS BY PUBLIC:**

#### **ADJOURNMENT:**

There being no further business Mayor Mironov declared the meeting adjourned at 9:10 p.m.

Next Meeting: Tuesday, October 15, 2019 at 7:30 p.m.

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Kelly Lettera  
Municipal Clerk

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Janice S. Mironov  
Mayor



