

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday October 20, 2020

5:30 p.m.

MINUTES

CALL TO ORDER:

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 5:30 p.m. on Tuesday, October 20, 2020.

VERIFICATION:

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 10, 2020 in the annual meeting notice and on October 16, 2020, notices with the amended time 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 Assistant Township Manager Chris Jackson

ROLL CALL:

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

PRESENTATIONS & PROCLAMATIONS:

INTERVIEWS FOR BOARDS AND COMMISSIONS:

PUBLIC FORUM:

No one spoke from the public.

MINUTES:

December 17, 2019

March 10, 2020

March 24, 2020

July 21, 2020

Mayor Mironov held the minutes of December 17, 2019, March 10, 2020, March 24, 2020 and July 21, 2020.

January 14, 2020

It was **MOVED** by Rosenberg, **SECONDED** by Lippman to approve the January 14, 2020 Council meeting minutes with the revisions

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

Nays – None
Abstain - Yeager

There being five (5) ayes, no (0) nays and one (1) abstention, the January 14, 2020 minutes were approved with the revisions.

May 5, 2020
May 19, 2020
June 2, 2020
June 16, 2020
July 7, 2020
August 4, 2020
August 18, 2020
September 1, 2020
September 22, 2020
October 6, 2020

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

ORDINANCE – PUBLIC HEARING:

ORDINANCE – INTRODUCTION:

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

1. 2019 Municipal Audit

East Windsor Township Auditor, Bud Jones from Nisivoccia and Company, LLP, spoke regarding the 2019 Audit. He stated East Windsor Township is again in great financial state this year and Mayor, Council and Township Officials have done a great job in preparing the budget, as well as overseeing and managing expenditures and revenues.

Council Member Yeager requested that Mr. Jones provide an overview of pages five and six of the debt section. Mr. Jones stated that East Windsor Township is a vibrant growing town with a lot of activity taking place and because of that there will always be debt. He also stated that due to the size of the town and the activity that is taking place the twenty million dollars in debt is not negative infact is very good. He further stated it is hard for a vibrant town to grow and have no debt, but he said East Windsor is in great financial shape. Council Member Rosenberg requested that the Joint Insurance Fund (JIF) provide their financials to Mayor and Council. Mr. Jones stated the JIF has been contacted several times with unsuccessful attempts but he will continue to reach out to them and also the state in order to get those records to provide to Mayor and Council. Mayor Mironov requested that Mr. Jones provide any suggestions for the Township for the 2020 audit to again be in such great financial state during these challenging times due to the health emergency. Mr. Jones stated that the Township should continue to monitor activities and revenues, watch expenditures and also continue to project fund balances through the end of the year. He stated that tax collections are continually monitored and if a downward trend is

noticed then perhaps higher unpaid taxes should be identified and the Tax Collector should call the companies or individuals and request that they pay their taxes.

RESOLUTIONS:

Resolution R2020-140 Authorizing Execution of Certificate of Completion for the Redevelopment Agreement with Exeter Wyckoff Mills Urban Renewal, LLC for 329-359 Wyckoff Mills Road (Block 13, Lot 1.01 and 1.02)

RESOLUTION NO. R2020-140

A RESOLUTION OF THE TOWNSHIP OF EAST WINDSOR AUTHORIZING THE EXECUTION OF A CERTIFICATE OF COMPLETION FOR THE REDEVELOPMENT AGREEMENT WITH EXETER WYCKOFF MILLS URBAN RENEWAL, LLC FOR 329 - 359 WYCKOFF'S MILL ROAD, BLOCK 13, LOTS 1.01 AND 1.02

WHEREAS, the property known as 329-359 Wyckoff Mills Road (Block 13. Lots 1.01 & 1.02) located in East Windsor Township (referred to as "the Property"), is the subject of a Financial Agreement for Long Term Tax Exemption between the Township and Exeter Wyckoff Mills Urban Renewal, LLC dated March 13, 2017, recorded in the Mercer County Clerk's Office on March 22, 2017 in Book 6279, Page 32 (referred to as "the Financial Agreement"); and

WHEREAS, by Resolution R2017-026, adopted on January 31, 2017, the Mayor and Council approved a Redevelopment Agreement for the Property between the Township and Exeter Wyckoff Mills Urban Renewal, LLC (referred to as "the Redevelopment Agreement"); and

WHEREAS, by Resolution R2020-124 adopted on August 18, 2020, the Mayor and Council approved the assignment of the Financial Agreement from Exeter Wyckoff Mills Urban Renewal, LLC to TSM Urban Renewal Associates, LLC, in connection with the pending sale of the Property; and

WHEREAS, on August 24, 2020 a final certificate of occupancy was issued by the Township for the redevelopment project on the Property; and

WHEREAS, on August 28, 2020 the Property was sold by Exeter Wyckoff Mills Urban Renewal, LLC to TSM Urban Renewal Associates, LLC; and

WHEREAS, the parties have requested that the Township issue a Certificate of Completion for the Redevelopment Agreement, as provided for in Section 4.3(iii) of the Redevelopment Agreement; and

WHEREAS, the Township Council has reviewed the memoranda provided by the Township Manager and the Township Attorney regarding the parties' request for the issuance of a Certificate of Completion for the Redevelopment Agreement; and

WHEREAS, the Township Council has determined that the redevelopment project for the Property has been completed in accordance with the terms of the Redevelopment Plan;

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Certificate of Completion for the Redevelopment Agreement on behalf of East Windsor Township.
2. The Municipal Clerk is hereby authorized and directed to provide the fully executed Certificate of Completion to legal counsel for TSM Urban Renewal Associates, LLC, for recording in the Mercer County Clerk's Office.

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 20, 2020.

Mayor Mironov stated that Resolution R2020-140 was held from the last meeting pending a status report with all remaining issues, conditions and fees. The Township Attorney stated that the Township Manager submitted an updated memo, dated October 13, to Mayor and Council providing the certification that there are no outstanding issues with the new development agreement.

It was MOVED by Yeager, SECONDED by Rosenberg to approve Resolution R2020-140.

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

There being six (5) ayes, and no (0) nays, and one (1) abstention, Resolution R2020-140 was approved.

Resolution R2020-171 Chapter 159 – Amending the 2020-2021 Municipal Budget Providing an Item of Revenue and Appropriation for the Municipal Alliance Grant

**RESOLUTION R2020-171
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the Township Director of Finance has advised that the funds have been received by the Township as set forth below.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the following:

1. The insertion of an item of revenue in the budget of the year 2020-2021 in the sum of \$11,267.00, which item is now available as revenue from the October 1, 2020 through June 30, 2021 Municipal Alliance on Alcoholism and Drug Abuse grant year.
2. A like sum of \$11,267.00 is hereby appropriated under the caption of 2020-2021 Municipal Alliance on Alcoholism and Drug Abuse.

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 20, 2020.

Mayor Mironov stated that Resolution R2020-171 was discussed at the last Council meeting. She stated the program is now approved and the money can be inserted and accepted.

It was MOVED by Yeager, SECONDED by Zoller to approve Resolution R2020-171.

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

There being six (6) ayes, and no (0) nays, Resolution R2020-171 was approved.

Resolution R2020-172 Amending Resolution R2020-104 for Purchase of F450 Mason Dump Truck from Winner Ford for Department of Public Works

**RESOLUTION R2020-172
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, on July 7, 2020, by Resolution R2020-104, the Township Council approved the purchase of a 2020 Ford F450 Cab & Chassis Crew Mason Dump Truck from Winner Ford for the Department of Public under State Contract No. T-2102 in the amount of \$63,491.00; and

WHEREAS, on July 1, 2020, the State renewed state contract T-2102 and issued new state pricing; and

WHEREAS, the price for the 2020 Ford F450 Cab & Chassis Crew Mason Dump Truck previously awarded was increased by \$1,000 but by purchasing a new 2021 Ford F450 Cab & Chassis Crew Mason Dump Truck the price would decrease by \$2,790.00 making the new purchase price \$60,701.00 for a newer smaller cab size and style and the paint color; and

WHEREAS, the Township Council has reviewed the recommendation with update information made by the Director of Public Works; and

WHEREAS, the maximum amount of the purchase is \$60,701.00 and funds are available in Capital Account No. C-04-55-980-924-917 entitled Ordinance 2020-07 “Heavy

Duty Mason Dump Truck Acq.” as evidenced by the Chief Financial Officer’s Certification No. B2020-018R.

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 Council approves amendment of Resolution R2020-104 to reduce the total state contract T-2102 amount by \$2,790.00, from \$63,491.00 to \$60,701.00 for a new 2021 Ford F450 Cab & Chassis Crew Mason Dump Truck.
2. The Municipal Clerk is authorized and directed to forward a certified copy of this Resolution to Winner Ford, 250 Haddonfield-Berlin Road, Cherry Hill, NJ 08034.

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 20, 2020.

[NOTE: The changes requested are reflected in the above Resolution.]

Mayor Mironov requested further clarification on the vehicle and reason for the change.

It was MOVED by Daniels, SECONDED by Rosenberg to approve Resolution R2020-172 with the revisions.

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

There being six (6) ayes, and no (0) nays, Resolution R2020-172 was approved with the revisions.

Resolution R2020-173 Authorizing Bidding for Lease for Farming of Township Property Located at 374 Etra Road (Block 31, Lot 10)

**RESOLUTION R2020-173
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, East Windsor Township is the owner of an open space parcel at 374 Etra Road designated as Block 31, Lot 10 on the Township Tax Map (39 acres of which approximately 10 acres is farmable); and

WHEREAS, the Township Council believes that the purposes of recreation and conservation for open space will be advanced through the lease of a portion of the property for farming purposes, as identified on attached Schedule A; and

WHEREAS, it is in the best interests of the Township 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 10 farmable acres of the 39 acre property located at 374 Etra Road and designated as Block 31, Lot 10 (see map as Schedule A attached) 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 November 25, 2020 by 2:00 p.m., at the 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 \$60.00 per acre, for the 10 farmable acres, per year, for a five (5) year lease term, for the property shown on attached Schedule A, which is located at 374 Etra Road and designated as Block 31, Lot 10. 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 attached Agreement entitled "*Lease of Township Owned Land for Farming, Property Located at 374 Etra Road (Block 31, Lot 10)*"; 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 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 20, 2020.

[NOTE: The changes requested are reflected in the Resolution.]

Mayor Mironov requested a few grammatical changes in the Resolution.

It was MOVED by Yeager, SECONDED by Zoller to approve Resolution R2020-173 with the revisions.

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

There being six (6) ayes, and no (0) nays, Resolution R2020-173 was approved with the revisions.

Resolution R2020-174 Approval of Application for Person-to-Person Transfer of Plenary Retail Consumption Alcoholic Beverage License No. 1101-33-020-002, Briad Restaurant Group, LLC to TGI Friday's, 319 Route 130 North (Town Center Plaza)

**RESOLUTION R2020-174
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, an application has been filed with the Municipal Clerk for a Person-to-Person Transfer of Plenary Retail Consumption License No. 1101-33-020-002 from Briad Restaurant Group, LLC to TGI Friday's, located at 319 Route 130 North (Town Center Plaza), East Windsor, New Jersey; and

WHEREAS, the submitted application form is complete in all respects and the transfer fees have been paid; and

WHEREAS, notice of the application has been published in the Trenton Times on June 4, 2020 and June 11, 2020 as evidenced by an Affidavit of Publication; and

WHEREAS, the Chief of Police has reported that there are no facts or circumstances that would preclude the transfer and has no objection; and

WHEREAS, no objections have been made to the transfer of this license.

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

1. The application for person-to-person transfer of Alcoholic Beverage License No. 1101-33-020-002 from Briad Restaurant Group, LLC to TGI Friday's, is hereby approved.
2. The Municipal Clerk is hereby authorized and directed to endorse the license pursuant to N.J.A.C. 13:2-7.14.

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 20, 2020.

Mayor Mironov requested that a few revisions be made to the Resolution. She requested that the address reflect the accurate address, which is and always has been 319 Route 130 North (Town Center Plaza). She requested that all Township and Alcoholic Beverage Control documents reflect the accurate address for all future accuracy.

[NOTE: The changes requested are reflected in the above Resolution.]

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2020-174 with the revisions.

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

There being six (6) ayes, and no (0) nays, Resolution R2020-174 was approved with the revisions.

Resolution R2020-175 Approval of Developers Agreement with Lake Drive Properties, LLC for 30 Lake Drive (Block 20.01, Lot 18.01)

**RESOLUTION R2020-175
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, Lake Drive Properties, LLC, the owners of property located at 30 Lake Drive, East Windsor, New Jersey, Block 20.01, Lot 18.01, as shown on the official tax map of the Township of East Windsor, received Preliminary and Final Major Site Plan Approval from the Planning Board on October 28, 2019, bearing application No. PB19-001, for the construction of a 168,436 square foot warehouse facility, of which 5,000 will be office space; and

WHEREAS, the developer is required to enter into a Developer's Agreement, pursuant to Planning Board Resolution 2019-20.

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

1. The Mayor and Municipal Clerk are hereby authorized to execute the Developer's Agreement with Lake Drive Properties, LLC, in the attached form.
2. The Mayor, Township Attorney, Township Engineer, Finance Director, Construction Official and other Township Representatives are authorized to take any and all action necessary to carry out the terms and conditions of the Agreement.
3. A certified copy of this Resolution shall be forwarded to the Township Attorney, Engineer, Finance Director, Construction Official, and Lake Drive Properties, LLC.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on October 20, 2020.

Mayor Mironov stated that a memo was provided by the Township Attorney to Mayor and Council regarding the developer's agreement indicating it is a standard developer's agreement. Mayor Mironov questioned paragraph 19 inquiring if there is any dedication of land with the application or anything that is noteworthy or out of the ordinary that the Township should be aware of. Mr. Orron responded that there is no dedication of land or anything out of the ordinary in connection with the developer's agreement.

It was MOVED by Yeager, SECONDED by Lippman to approve Resolution R2020-175.

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

There being six (6) ayes, and no (0) nays, Resolution R2020-175 was approved.

Resolution R2020-176 Approval of Resolution Determining the Form and other Details of \$11,550,000 General Improvement Bonds, Series 2020, of the Township of East Windsor, in the County of Mercer, New Jersey, and Providing for their Sale

[NOTE: Due to the size of Resolution R2020-176, it is not included in the minutes, but a copy can be requested from the Municipal Clerk's office.]

Mayor Mironov stated communications have taken place between the Township's Financial Advisors as well as the Township's Bond Counsel regarding the bond sale. She further stated that the financial transaction is significant and was recommended by the Township's Finance Director, Financial Advisor and Bond Counsel to go out for permanent financing to bond the Township's debt due to rates being significantly low right now. She stated it is relatively cheap to borrow money and the Township could have bond anticipation notes that the rates could change depending on when they are sold. She further stated that the Township will benefit now if they consolidate the debt and request a longer term with a locked in lower rate. She stated it allows the Township to take advantage of the market, lock in the rate and permanently finance the bond to have a stable principal payment for the next few years. Council Members Yeager and Rosenberg both agreed it is a great idea to consolidate and take advantage of the current rates. Mayor Mironov also noted that there are two Resolutions accompanying the bond and the rating is solid, which is a helpful factor in today's market.

It was MOVED by Rosenberg, SECONDED by Lippman to approve Resolution R2020-176.

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

There being six (6) ayes, and no (0) nays, Resolution R2020-176 was approved.

Resolution R2020-177 Approval of Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Township of East Windsor, in the County of Mercer, New Jersey into a Single Issue of Bonds Aggregating \$11,550,000 in Principal Amount

**RESOLUTION R2020-177
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

**RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN
ISSUES OF GENERAL IMPROVEMENT BONDS OF THE TOWNSHIP
OF EAST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY,
INTO A SINGLE ISSUE OF BONDS AGGREGATING \$11,550,000 IN
PRINCIPAL AMOUNT.**

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds (as defined herein) of the Township of East Windsor, in the County of Mercer, New Jersey (the "Township"), authorized pursuant to the bond ordinances of the Township heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of General Improvement Bonds in the principal amount of \$11,550,000 (the "Bonds").

Section 2. The principal amount of Bonds authorized by each bond ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

Principal Amount of Bonds	Bond Ordinance	Description of Improvement and Date of Adoption of Bond Ordinance	Useful Life
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Principal Amount of Bonds	Bond Ordinance	Description of Improvement and Date of Adoption of Bond Ordinance	Useful Life
\$599,809	#2002-02 (supp. & amends #2001-04)	Various capital improvements, finally adopted March 12, 2002.	30 years
\$103,014	#2002-09 (supp. #2000-17)	Acquisition of the Millstone Bear Brook, Old York Road and Conover Sites for open space, finally adopted August 6, 2002.	40 years
\$107,411	#2004-08	Acquisition of land for use as open space or farmland preservation, finally adopted May 18, 2004.	40 years
\$11,954	#2006-15	Acquisition of land, finally adopted November 28, 2006.	40 years
\$38,082	#2007-08 (reappropriates #1995-14)	Repairs to Bear Brook Pathway, finally adopted February 12, 2008.	10 years
\$377,207	#2010-08	Various capital improvements, finally adopted September 7, 2010.	11.15 years
\$807,276	#2011-17	Various capital improvements, finally adopted July 26, 2011.	7.71 years
\$929,288	#2012-03	Various capital improvements, finally adopted March 7, 2012.	8.60 years
\$431,450	#2013-04	Various capital improvements, finally adopted June 11, 2013.	9.25 years
\$964,036	#2013-09	Various capital improvements, finally adopted December 17, 2013.	10.85 years
\$791,364	#2014-08	Various capital improvements, finally adopted November 11, 2014.	8.04 years
\$79,957	#2015-02 (reappropriates #2013-9 and #2014-8)	Parks and playground equipment, finally adopted March 17, 2015.	8.04 years
\$476,468	#2015-06	Various road improvements, finally adopted June 2, 2015.	10 years
\$339,295	#2015-09	Heating, ventilation and air condition improvements, finally adopted October 13, 2015.	15 years
\$2,586,293	#2016-08	Various capital improvements, finally adopted July 19, 2016.	9.96 years
\$847,277	#2017-02	Various capital improvements, finally adopted February 14, 2017.	9.29 years
\$712,500	#2017-15	Various road improvements, finally adopted December 5, 2017.	10 years

Principal Amount of Bonds	Bond Ordinance	Description of Improvement and Date of Adoption of Bond Ordinance	Useful Life
\$1,347,319	#2019-01	Various capital improvements, finally adopted February 12, 2019.	6.88 years

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

a. The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 10.99 years.

b. The Bonds of the combined issue shall be designated "General Improvement Bonds" and shall mature within the average period of usefulness herein determined.

c. The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and the issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

a. None of the Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

b. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

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 20, 2020.

It was MOVED by Yeager, SECONDED by Zoller to approve Resolution R2020-177.

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

There being six (6) ayes, and no (0) nays, Resolution R2020-177 was approved.

APPLICATIONS:

REPORTS BY COUNCIL AND STAFF

Mayor Mironov stated that the Planning Board met on October 19 and discussed an inclusionary residential project on Old Trenton Road called OTR Windsor Pointe. She stated the project was not yet approved by the Planning Board but the property is part of the Township's Affordable Housing Plan consisting of 186 multi-family units.

Mayor Mironov also noted that earlier today herself, Deputy Mayor Yeager and Council Member Daniels and Lippman attended a ribbon cutting ceremony for the new IHOP restaurant on Route 33.

CORRESPONDENCE:

Mayor Mironov reported the following correspondence was received and provided to Mayor and Council: a tax collectors report, period ending September 2020; a memo, dated September 29, from the Township Manager regarding bill list questions from the September 22 Council meeting; a memo, dated October 6, from the Director of Public Works, regarding the close out and final payment of No Net Loss Phase 3; a letter, dated October 5, from David Bach regarding a site issue turning from Wyckoff Mills Road to Probasco Road; Mayor Mironov requested that the Police Department take a look to see if there is anything that should be done; a notice from East Windsor Municipal Utilities Authority regarding the Hydrant Flushing Program; Mayor Mironov requested for the hydrant flushing to be included in the E News; a letter, dated September 23, from the New Jersey Department of Transportation regarding our local impact grant award of 1.7 million dollars; a memo was received from the Business Ombudsman regarding the property on 64 Woodside Avenue suggesting the Township auction the property off; Mayor Mironov requested further information on the topic.

Mayor Mironov also noted that she was asked by Meadow Lakes to sign off on an approval for the refinancing and refunding of bonds, a written opinion, dated October 9, from bond counsel stated the sign off did not in any way incur any obligation, debt or responsibility to East Windsor Township and was solely to benefit Spring Point and Meadow Lakes. In addition, Mayor Mironov requested that the document be modified to reflect that the sole purpose for the signing was a requirement of the Internal Revenue Service and her signature was not to be used in any other context or for any other purpose.

APPOINTMENTS:

APPROVAL OF BILLS:

Mayor Mironov stated a 2020 Current Bill list, 2019 Current Bill list, a Capital Bill List and other miscellaneous bill lists and trust accounts were provided.

Council Member Zoller questioned the dead tree removal on page 6 of the 2020 Current Bill list. He requested that the bill be held pending an explanation of the nature of expense and method of reimbursement. Mayor Mironov questioned page 6 of the Current Bill List, \$7,000 in tests performed by Volunteer Fire Co. No. 1 and asked if the expense was budgeted. The Township Manager confirmed that the tests were an annual expense. The Township Manager also stated the dead tree removal for Volunteer Fire Company No. 1 had two very large trees that were dead, considered extremely dangerous and needed to be removed immediately. He stated the remainder of the tree work will be done by the Department of Public Works. The Township Manager stated he spoke with Volunteer Fire Company No. 1 and in the future they will need to notify the Township prior to any work that could possibly be done by the Township prior to calling in a third party. Council Member Zoller questioned page 8 of the Current 2020 Bill list. He asked if the expenses for Volunteer Fire Company No. 2 should be capitalized due to the cost. The Township Manager stated they probably should have been but since the items are for sterilizing the ambulances it will most likely be added under FEMA reimbursements. Mayor Mironov stated there are two bills under grants from Settembrino Architects that will not be pulled but she would like the work on the senior center to begin prior to sending out any more money. She also requested that they stop “nickeling and diming” the Township for printing and planning costs and overnight fed-ex fees. She stated that Settembrino Architects is being paid a hefty sum and the petty fees should have been included in the submitted bid award amount.

It was MOVED by Lippman, SECONDED by Yeager to approve the Bill Lists with the various holds and clarifications.

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

There being six (6) ayes, and no (0) nays, the various presented Bill Lists were approved with the holds and clarifications.

MATTERS BY COUNCIL:

Mayor Mironov stated that Resolution R2020-163 was adopted at the October 6 Council meeting for the Bus Grant and that New Jersey Transit has requested that the second paragraph of the Resolution be altered to reflect the accurate funding source. Mayor Mironov requested that the corrected Resolution be noted in the minutes and that Council Members had no objection to revising the second paragraph. Mayor Mironov stated that a memo, dated October 7, was received from the Director of Public Works regarding numerous subjects from the last Council meeting including the Exeter Road project. She stated the project seems to have died and requested that information be provided to her or move forward with the project. She further stated that the Shagbark project needs additional work and she would like a punch list of all the outstanding items. She further stated that no bills will be paid on the project until the items are

taken care of. Mayor Mironov stated Council Member Zoller brought up a question from a prior Council meeting regarding the stripping on Hickory Corner Road. She asked the Township Manager if the Department of Public Works had a machine to do the stripping. The Township Manager stated he believes the Department of Public Works has a paint machine but unsure if it is able to do road stripping but he will look into it and let Mayor and Council know. Mayor Mironov requested an update on the Shoppes at East Windsor and Magnolia Ridge. The Township Attorney stated a Magnolia Ridge site meeting took place on October 13 with the Municipal Utilities Authority and Hovnanian regarding the proposal for mediation of the issues of the interior roadways. She stated that the Township Manager, Department of Public Works and the Municipal Utilities Authority are reviewing the proposal to see if the issues are resolved or if a more extensive review is needed. Mayor Mironov stated she previously requested tuition costs from the Police Department and is still awaiting that information.

Mayor Mironov stated the Township has the potential to apply for the Local Government Emergency Fund Grant Application with Department of Community Affairs, Division of Local Government Services, for grant funding in the amount of \$567,000 through an allocation of the State of New Jersey's CARES Act Coronavirus Relief Fund. She stated the deadline for this grant application is November 10 and staff is working hard on the application with the tight deadline. Mayor Mironov also stated a special meeting will take place prior to the November 10 application deadline and details of the date and time will be provided to Mayor and Council relatively soon. She also stated that staff should also follow-up on the FEMA application status and the eligibility of the items that can be submitted. Mayor Mironov questioned the status of the Delaware Valley Regional Planning Commission (DVRPC) 2020 Congestion Mitigation and Air Quality Improvement Program (CMAQ) application submitted for the "Probasco Road Bypass" grant application. She stated that DVRPC sent an email on October 5 then a follow-up email on October 19 requesting more information that must be provided by the October 30, 2020 deadline or the Township's application will be deemed ineligible. She also stated if assistance is needed for the additional information staff can reach out to John Kainer or Mazur Engineering for recommendations in order to salvage the application for grant funding. Mayor Mironov also noted that the DVRPC Regional Trails Grant Application Program is due Friday, November 13 for all phases of trail development through the DVRPC Regional Trails Program. She requested that staff look into this grant opportunity to see if the Township is eligible and what project ideas could be used considering the tight timeline. Mayor Mironov also stated that the Sustainable Jersey Grant Application for the Arboretum has an October deadline and she is looking for staff to provide a report and look into if an extension is needed. Mayor Mironov also requested, during this down time, staff assist the Clerk's office with the Council meeting minutes to get them completed.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

- *1. 2019 Municipal Audit

Resolution R2020-178

Acknowledging the Receipt of Audit and Signing of Group Affidavit

**RESOLUTION R2020-178
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 2019 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 that 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 October 20, 2020.

* The Township Auditor spoke during the beginning part of the meeting prior to the Resolution section.

It was MOVED by Yeager, SECONDED by Zoller to approve Resolution R2020-178.

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

There being six (6) ayes, and no (0) nays, Resolution R2020-178 was approved.

2. New Jersey Local Government Services CY 2020 Best Practices Inventory

Mayor Mironov stated the Township Manager and Finance Director prepared a memo which was received and distributed to Mayor and Council regarding the CY 2020 Best Practices Inventory. She stated it is a state requirement that the Best Practices Inventory is listed on an agenda and questions are reviewed by Mayor and Council and noted in the minutes. Council Member Zoller stated the answers to all questions looked great but was looking for a better approach with COVID question. He indicated that the answer regarding the Municipal Building being limited to the public should be reworded. Mayor Mironov suggested it state that the Township will provide alternate means to staff and residents to continue to conduct business such as drop boxes, enhancing the website and other various internet options. Mayor Mironov also asked for further clarification on the answer to question 42. She stated that a vote is not required but everything stated must be noted in the minutes.

3. New Jersey Department of Transportation Alternatives Set Aside Grant Program (deadline is November 24)

Mayor Mironov stated that a memo was prepared by the Assistant Township Manager which was received and distributed to Mayor and Council but none of the projects were well developed, construction ready or qualified for any of the seven categories, but could be potential ideas for other projects. The Assistant Township Manager stated he spoke with the Director of Public Works and decided that due to the strict timeline they felt that the Union Transportation Trail would be the best option for the program. Mayor Mironov stated for the future, a running tabulation of potential projects should be assembled that could possibly be used for other projects or grants that may fit a particular category. Council Member Yeager stated he agreed that the Union Transportation Trail seemed to be the best match for the grant program. Mayor Mironov agreed and stated the application needs to move forward and that a Resolution needs to be listed on an upcoming agenda.

4. 2020 Township Vacant and Abandoned Property Ordinance Listings

Mayor Mironov stated that a memo, prepared by the Township Business Ombudsman, was distributed to Mayor and Council regarding the Township vacant and abandoned properties. She stated that the memo indicated that prior to the health emergency the Township was down in revenue for the months of January through March. She stated that follow-up from staff is needed to determine why revenue is down and what needs to be done to collect the necessary past due money that is required.

MATTERS BY PUBLIC: None

ADJOURNMENT:

There being no further business Mayor Mironov declared the meeting adjourned at 7:05 p.m.

Next Meeting: November 10, 2020

Kelly Lettera
Municipal Clerk

Janice S. Mironov
Mayor