

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, February 11, 2020

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 7:48 p.m. on Tuesday, February 11, 2020.

VERIFICATION:

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 10, 2020 in the annual meeting notice and on February 7, 2020, 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 Matorin, East Windsor Volunteer Fire Company 1.

ROLL CALL:

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

PRESENTATIONS & PROCLAMATIONS:

Employees of the Year Awards

- Administration
- Public Works
- Law and Public Safety

Mayor Janice S. Mironov recognized 2019 East Windsor Township *Employees of the Year*: Laurie Finger, Finance Director; Jose Jaramillo, Public Works Custodian and Laborer, and Randi Gruntzel, Secretary to the Chief of Police. Mayor Mironov presented the three employees with Proclamations at a public ceremony, stating, “We are very proud of the outstanding service, excellent positive attributes and demonstrated commitment of our 2019 Employees of the Year, who are tremendous assets to the municipal government and to our entire community.”

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Rahul Iyengar, was interviewed and is interested in volunteering for the Economic Development Committee and the Recreation Board.

PUBLIC FORUM:

MINUTES:

July 23, 2019

Mayor Mironov requested that the July 23, 2019 minutes to be held.

October 15, 2019
October 29, 2019
November 6, 2019
November 26, 2019
December 17, 2019
January 1, 2020
January 14, 2020
January 28, 2020

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

ORDINANCE – PUBLIC HEARING:

ORDINANCE – INTRODUCTION:

RESOLUTIONS:

Resolution R2020-029 Support for the Celebration of the 100th Anniversary of Women's Suffrage

**RESOLUTION R2020-029
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, on June 4, 1919 Congress passed the 19th Amendment guaranteeing all American women the right to vote; and

WHEREAS, the year 2020 marks the 100th anniversary of the ratification of the 19th Amendment to the United States Constitution, guaranteeing and protecting women's right to vote; and

WHEREAS, the introduction, passage, and ultimate ratification of the 19th Amendment was decades of work and struggle by advocates for the rights of women across the United States; and

WHEREAS, the 19th Amendment ensured that women were able to fully participate in our democracy and that fundamentally changed the role of women in the civic life of our Nation; and

WHEREAS, New Jersey has had a long, storied history in the suffrage movement with many New Jersey women playing a crucial role in pursuing the rights of women to vote by organizing the New Jersey Women Suffrage Association (NJWSA), holding open air suffrage rallies to collect signatures in support of the federal amendment guaranteeing and protecting women's constitutional rights to vote; and

WHEREAS, on February 9, 1920, New Jersey became the 29th state to ratify the 19th Amendment granting women the right to vote; and

WHEREAS, in 1921, Margaret Laird and Jennie Van Ness were the first two women elected to the New Jersey Assembly; and

WHEREAS, in 1925 Rebecca Estelle Bourgeois Winston of Estell Manor was elected as New Jersey's first woman Mayor; and

WHEREAS, the 19th Amendment represents a historical milestone changing the role of women in the civic life of our Nation.

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

1. East Windsor Township honors the 100th Anniversary of the Ratification of the 19th Amendment and will light the Municipal Building in purple for the week of February 10 to celebrate this historic anniversary.
2. East Windsor Township supports the efforts of New Jersey's Suffrage Centennial NJ Women Vote and strongly encourages local celebrations of this historic milestone.
3. A copy of this resolution will be forwarded to the Governor, Secretary of State and New Jersey League of Municipalities.

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 February 11, 2020.

It was **MOVED** by Rosenberg, **SECONDED** by Lippman to approve Resolution R2020-029.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-029 was approved.

Mayor Mironov stated Resolution R2020-030, Resolution 2020-031 and Resolution R2020-032 will be voted on in bloc format.

Resolution R2020-030 Approval of Agreement with Twin Rivers Homeowners Association for Reimbursement for Private Community Services for 2019

**RESOLUTION R2020-030
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Twin Rivers Homeowners Association wish to enter into an Agreement for private community services for the year 2019 in the amount of \$18,891.15 pursuant to N.J.S.A. 40:67-23.2 et seq.; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in the Current Fund Account No. 0-01-26-325-802-253 entitled "Condo Services", in the amount of \$18,891.15, as evidenced by the Chief Financial Officer's Certification No. B2020-008.

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

1. The attached Agreement for the year 2019 in the amount of \$18,891.15 is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on February 11, 2020.

Resolution R2020-031 Approval of Agreement with Riviera Homeowners Association for Reimbursement for Private Community Services for 2019

**RESOLUTION R2020-031
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Riviera at East Windsor Homeowners Association wish to enter into an Agreement for private community services for the year 2019 in the amount of \$12,287.17, pursuant to N.J.S.A. 40:67-23.2 et seq.; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in the Current Fund Account No. 0-01-26-325-802-253 entitled "Condo Services", in the amount of \$12,287.17, as evidenced by the Chief Financial Officer's Certification No. B2020-009.

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

1. The attached Agreement for the year 2019 in the amount of \$12,287.17 is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on February 11, 2020.

Resolution R2020-032 Approval of Agreement with Windsor Regency Condominium Association for Reimbursement for Private Community Services for 2019

**RESOLUTION R2020-032
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Windsor Regency Condominium Association wish to enter into an Agreement for private community services for the year 2019 in the amount of \$1,824.62, pursuant to N.J.S.A. 40:67-23.2 et seq.; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in the Current Fund Account No. 0-01-26-325-802-253 entitled "Condo Services", in the amount of \$1,824.62, as evidenced by the Chief Financial Officer's Certification No. B2020-010.

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

1. The attached Agreement for the year 2019 in the amount of \$1,824.62 is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on February 11, 2020.

Mayor Mironov requested that Township Attorney, David Orron indicate for the record if anyone has a conflict of interest to vote on the above resolutions. He responded that members who may reside at any of these communities are not a conflict.

It was MOVED by Yeager, SECONDED by Zoller to approve Resolution R2020-030, Resolution R2020-031 and Resolution R2020-032.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-030, Resolution R2020-031 and Resolution R2020-032 were approved.

Resolution R2020-033 Amending Resolution R2017-081 Awarding Resurfacing and Associated Repairs for Cypress Drive between Spruce Road and Oak Creek Circle and

Woodland Drive between Oak Creek Road and Cypress Drive to Earle Asphalt Company

RESOLUTION R2020-033
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, on April 18, 2017, by Resolution R2017-081, the East Windsor Township Council approved an award of bid to perform roadway improvements to Cypress Drive, between Spruce Road and Oak Creek Circle, and Woodland Drive between Oak Creek Road and Cypress Drive to Earle Asphalt Company in an amount of \$365,213.13; and

WHEREAS, based upon the final work and material quantities, the Township needs to amend the total contract amount by a reduction of \$55,447.05, from \$365,213.13 to \$309,766.08; and

WHEREAS, the Township retained \$30,439.72 of the 2017 invoice amount of \$304,397.28 pending final project completion and submission of a two year maintenance bond; and

WHEREAS, the Director of Public Works has reviewed and approved the need for the contract reduction and payment of the remaining contract price.

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 R2017-081 to reduce the contact amount by \$55,447.05, from \$365,213.13 to \$309,766.08 for roadway improvements to Cypress Drive, between Spruce Road and Oak Creek Circle, and Woodland Drive between Oak Creek Road and Cypress Drive to Earle Asphalt Company.
2. The Township Council approves payment of the remaining contract amount, consisting of \$5,368.80 and the final retainage in the amount of \$30,439.72, for a total amount not to exceed \$35,808.52, to Earle Asphalt Company, upon the receipt and approval of a two year maintenance bond.
3. The Municipal Clerk is authorized and directed to forward a certified copy of this Resolution to Earle Asphalt Company.

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 February 11, 2020.

Mayor Mironov stated a recommendation was provided to Mayor and Council from the Director of Public Works on the project. She further requested a few minor changes in the Resolution, inclusive of incorporating the monetary amounts, reasons why there was a reduction in contract amount and also deletion of original paragraph four.

[NOTE: Revisions are reflected in the above Resolution.]

It was MOVED by Lippman, SECONDED by Daniels to approve Resolution R2020-033 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 R2020-033 was approved with the revisions.

Resolution R2020-034 Amending Resolution R2017-108 Awarding Resurfacing and Associated Repairs for Brooktree Road between Amy Drive and Oak Creek Road, all of Amy Drive, all of Lindenbrook Way, and Maple Stream Road between Amy Drive and Route 130 to Earle Asphalt Company

**RESOLUTION R2020-034
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, on June 27, 2017, by Resolution R2017-108, the East Windsor Township Council approved an award of bid to perform roadway improvements to Brooktree Road, between Amy Drive and Oak Creek Road, all of Amy Drive, all of Lindenbrook Way, and Maple Stream Road, between Amy Drive and US Route 130 to Earle Asphalt Company in an amount of \$405,613.13; and

WHEREAS, based upon the final work and material quantities, the Township needs to amend the total contract amount by a reduction of \$30,385.68, from \$405,613.13 to \$375,227.45; and

WHEREAS, the Township retained \$36,188.73 of the 2017 invoice amount of \$361,887.45 pending final project completion and submission of a two year maintenance bond; and

WHEREAS, the Director of Public Works has reviewed and approved the need for the contract reduction and payment of the remaining contract amount.

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 R2017-108 to reduce the contract amount by \$30,385.68, from \$405,613.13 to \$375,227.45 for roadway improvements to Brooktree Road, between Amy Drive and Oak Creek Road, all

of Amy Drive, all of Lindenbrook Way, and Maple Stream Road, between Amy Drive and US Route 130, to Earle Asphalt Company.

2. The Township Council approves payment of the remaining contract amount, consisting of \$13,340.00 and the final retainage in the amount of \$36,188.73, for a total amount not to exceed \$49,528.73, to Earle Asphalt Company, upon the receipt and approval of a two year maintenance bond.
3. The Municipal Clerk is authorized and directed to forward a certified copy of this Resolution to Earle Asphalt Company.

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 February 11, 2020.

Mayor Mironov stated a recommendation was provided to Mayor and Council from the Director of Public Works on the project. She further requested a few minor changes in the Resolution, inclusive of incorporating the monetary amounts, reasons why there was a reduction in contract amount and also deletion of original paragraph four.

[NOTE: Revisions are reflected in the above Resolution.]

It was MOVED by Zoller, SECONDED by Rosenberg to approve Resolution R2020-034 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 R2020-034 was approved with the revisions.

Resolution R2020-035 Support of Establishment of No Passing Zone on Route 33 in the Airport Road Intersection Area by the New Jersey Department of Transportation

**RESOLUTION R2020-035
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, on April 2, 2019, the Township approved Resolution R2019-062, providing Municipal Consent to New Jersey Department of Transportation for Installation of a Traffic Signal to enhance safety and facilitate traffic flow at the intersection of New Jersey Route 33 and Airport Road; and

WHEREAS, the New Jersey Department of Transportation (NJDOT) has conducted an investigation of the area in connection with the installation of the traffic signal and recommended that the centerline pavement markings along NJ Route 33 between Hickory Corner Road in East Windsor Township and Summit Street in the Borough of Hightstown be revised to designate a “No Passing Zone”; and

WHEREAS, the NJDOT requires a Resolution of support from the Municipal Governing Body to revise the existing Passing Zone along NJ Route 33 between Hickory Corner Road in East Windsor Township and Summit Street in the Borough of Hightstown; and

WHEREAS, NJDOT will implement the “No Passing Zone” markings along NJ Route 33 between Hickory Corner Road in East Windsor Township and Summit Street in the Borough of Hightstown.

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:

1. The Township Council supports the establishment of a “No Passing Zone” along NJ Route 33 between Hickory Corner Road in East Windsor Township and Summit Street in the Borough of Hightstown as recommended by NJDOT, in connection with the installation of a traffic signal at the intersection of Route 33 and Airport Road.
2. A certified copy of this Resolution shall be forwarded to NJDOT as requested.

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 February 11, 2020.

Mayor Mironov requested a few minor revisions and additions to the Resolution stating the township supports this Resolution only with the inclusion of the installation of a traffic signal at the intersection of Route 33 and Airport Road. She further stated that a letter, dated January 14, was received from the Department of Transportation in response to a request from the Township 10 months prior for a traffic signal at the intersection of Route 33 and Airport Road. She stated the letter indicated that during the investigation it was determined that a “No Passing Zone” would have to be established in that area and that a Resolution of support from the Township is required.

[NOTE: Revisions are reflected in the above Resolution.]

It was MOVED by Yeager, SECONDED by Shapiro to approve Resolution R2020-035 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 R2020-035 was approved with the revisions.

Resolution R2020-036 Approval of Professional Services Agreement for Special Tax Services with Harry Haushalter

RESOLUTION R2020-036
EAST WINDSOR TOWNSHIP

MERCER COUNTY

WHEREAS, there exists a need for Legal Services for Special Tax Counsel, for the term of January 1, 2020 through December 31, 2020, in the Township of East Windsor, in the County of Mercer, State of New Jersey; and

WHEREAS, the Township solicited proposals on October 15, 2019, and received two (2) proposals for Special Tax Counsel by the receipt date of November 14, 2019; and

WHEREAS, the most cost effective proposal was received from Harry Haushalter; 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-20.5, et seq.; and

WHEREAS, the Township Council has reviewed the recommendation of the Tax Assessor and related information; and

WHEREAS, the maximum amount of the contract is \$20,000.00 and funds are available in the Current Fund Account No. 0-01-20-155-105-249 entitled "Legal Services-Licensed Professional", pending adoption of the 2020 Municipal Budget, as evidenced by the Chief Financial Officer's Certification No. B2020-011.

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 execute the attached Agreement for Special Tax Counsel with Harry Haushalter, Lexington Square Commons, 2119 Route 33, Suite A, Hamilton Square, New Jersey, 08690, for a term of January 1, 2020 through December 31, 2020.
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 service performed by persons authorized by law to practice a recognized profession that is required 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 February 11, 2020.

The Mayor requested that all reference to "esq." throughout the Resolution be removed and that paragraph six be revised to reflect that the Township Council has reviewed the recommendation of the Tax Assessor on the related information.

[NOTE: Revisions are reflected in the above Resolution.]

It was MOVED by Daniels, SECONDED by Lippman to approve Resolution R2020-036 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 R2020-036 was approved with the revisions.

Resolution R2020-037 Approval of Professional Services Agreement for Engineering Services with
T & M Associates

**RESOLUTION R2020-037
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for the services of an Engineering Consultant, for the term of January 1, 2020 through December 31, 2020, in the Township of East Windsor, in the County of Mercer, State of New Jersey; and

WHEREAS, the Township solicited proposals on October 15, 2019 and received five (5) proposals for Township Engineering Services by the receipt date of November 14, 2019; and

WHEREAS, the most responsive proposal was received from T&M Associates, 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-20.5, et seq.; and

WHEREAS, funds are available in various Escrow Accounts and various Trust Accounts.

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 execute the attached Agreement with T&M Associates, Inc., 200 Century Parkway, Suite B, Mt. Laurel, NJ 08054 for a term of January 1, 2020 to December 31, 2020.
2. This Contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law because the contract is for a service performed by person(s) 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 February 11, 2020.

Mayor Mironov stated a recommendation memo was provided from the Township Manager on these services.

It was MOVED by Shapiro, SECONDED by Rosenberg to approve Resolution R2020-037.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-037 was approved with revisions.

Resolution R2020-038 Approval of Purchase of 2020 Chevrolet Tahoe SSV from Mall Chevrolet for East Windsor Volunteer Fire Company No. 1

**RESOLUTION R2020-038
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, on November 6, 2019, Mayor and Council approved Resolution R2019-177 approving the purchase of a 2020 Chevrolet Tahoe SUV from Hertrich Fleet Services, Inc. through State Contract No. A88729 for East Windsor Volunteer Fire Company No. 1, in the amount of \$35,906.56; and

WHEREAS, on January 10, 2020, Hertrich Fleet Services Inc. cancelled the order due a labor strike which impacted production and delivery of orders that were placed prior to September 30, 2019; and

WHEREAS, other options have been investigated and the vehicle can be purchased from Mall Chevrolet pursuant to Educational Services Commission of New Jersey (E.S.C.N.J.) Co-op #65MCESCCPS; and

WHEREAS, East Windsor Township is a member of the Educational Services Commission of New Jersey (E.S.C.N.J.) Cooperative Pricing System and, in accordance with N.J.S.A. 40A:11-10 and N.J.A.C. 5:34-7.11, the Township can purchase goods and services through an approved cooperative pricing system recognized by the State of New Jersey without public bidding when the vendor is an approved state contractor or part of an approved cooperative; and

WHEREAS, this vehicle can and will be purchased through Educational Services Commission of New Jersey (E.S.C.N.J.) contract “ESCNJ 17/18-44” under “Vehicles,” valid through May 21, 2022; and

WHEREAS, the Township Council has reviewed the Chief of Police’s recommendations on this purchase; and

WHEREAS, the maximum amount of the purchase is \$39,716.17 and funds are available in Account No. C-04-55-980-923-927 entitled Ordinance 2019-01 entitled “FC#1 Sport Utility Vehicle Acquisition” as evidenced by the Chief Financial Officer’s Certification No. C2020-004.

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. Resolution R2019-177 is hereby rescinded.
2. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to Mall Chevrolet, 75 Haddonfield Road, Cherry Hill, NJ 08002, for the purchase of one 2019 or newer Chevrolet Tahoe LS 4WD, for a total amount not to exceed \$39,716.17, 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 February 11, 2020.

Mayor Mironov requested the Resolution to be revised to remove paragraph three and four, insert the agency and contract number following “purchased from Mall Chevrolet” and that Number 1 should indicate that “Resolution R2019-17 is hereby rescinded”. Mayor further stated that this had been previously awarded to purchase a vehicle in October of 2019 but the Fire Chief indicated due to production issues with the vendor the vehicle was no longer available and other options were investigated by the Fire Company in conjunction with Township staff and this is the outcome for the recommended purchase for the vehicle at this point. The Mayor indicated that we do have sufficient cash and capital and the price difference is not major and she would like to move forward.

Mayor Mironov stated that a recommendation was provided from the Chief of Police for this purchase.

[NOTE: Revisions are reflected in the above Resolution.]

It was **MOVED** by Lippman, **SECONDED** by Yeager to approve Resolution R2020-038 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 R2020-038 was approved with the revisions.

Resolution R2020-039 Rescinding Resolution R2019-110 and Approving New Right of Way Use Agreement with Lockheed Martin Corporation for Access to Public Right of Way for Installation of Monitoring Wells on One Mile Road

RESOLUTION R2020-039
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, under the order of the New Jersey Department of Environmental Protection (NJDEP), Lockheed Martin Corporation is undertaking investigation and remediation of groundwater impacts at its former facility located at 50 Millstone Road, Block 5, Lot 11, in East Windsor Township; and

WHEREAS, to meet the requirements of the NJDEP, Lockheed Martin Corporation has requested the permission of the Township to install and maintain three groundwater monitoring wells in the public right-of-way along One Mile Road at the locations indicated in the attached Right-of-Way Use Agreement; and

WHEREAS, the Township Council has reviewed the January 21, 2020 recommendation of the Township Manager;

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

1. Resolution R2019-110 is hereby rescinded.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Right-of-Way Use Agreement between the Township and Lockheed Martin Corporation, the terms of which are incorporated herein by reference.
3. The Municipal Clerk is authorized and directed to forward a certified copy of this Resolution and the executed Right-of-Way Use Agreement to Lockheed Martin Corporation.

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 February 11, 2020.

The Mayor requested 2 minor edits to the Resolution; one in reference to formatting of numbers and the second was for number 1 to clearly indicate that Resolution R2019-110 is hereby rescinded.

[NOTE: Revisions are reflected in the above Resolution.]

Mayor Mironov stated that she had conversations with the Township Attorney prior to tonight's meeting and would like to share a few comments. She stated that the approved location had been identified and reviewed through an internal process, which involved significant time from staff,

but the locations were determined not viable because of utility presence. She continued stating additional staff time was then expended as new locations were identified; two of which encroach on East Windsor open space and if the agreement is accepted small monitoring marker caps would be on those grassy areas. Mayor Mironov recommended that it would be appropriate that there be some consideration incorporated in the exchange that recognizes the previous comments.

Township Attorney, David Orron, followed up by stating an update from prior conversations need to take place with Lockheed Martin confirming that they agree to pay a compensation in the amount of \$5,000 to install the equipment in the new location. He further recommended that there be one minor change in agreement and also one minor change that the Manager had previously pointed out in the resolution in reference to the curb and sidewalk and the original location. With respect to compensation, Mr. Orron recommended adding a new sentence stating "On execution of this agreement Lockheed Martin shall pay the sum of \$5,000 to the Township as the agreed compensation for license granted herein".

He further stated the sum of \$5,000 is still in escrow and it is still intact and it is suggested that Lockheed Martin submit a letter authorizing the Township to withdraw that escrow and apply it to the payment. Mayor Mironov stated that is fair and satisfactory in recognition of the above stated factors and changes and that the 20 year term on agreement coincides with the period of time that Lockheed Martin is required to conduct testing.

It was MOVED by Lippman, SECONDED by Shapiro to approve Resolution R2020-039 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 R2020-039 was approved with the revisions.

APPLICATIONS:

Raffle License RL: 2020-002 Federation of Jewish Mens Club - Northern NJ Region – June 10, 2020
at Beth El Synagogue, 50 Maple Stream Road, East Windsor, NJ –
50/50 Off Premise Raffle

It was MOVED by Rosenberg, SECONDED by Zoller to approve Raffle License RL: 2020-002.

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

There being seven (6) ayes, and no (0) nays, and one (1) abstention, Raffle License RL: 2020-002 was approved.

REPORTS BY COUNCIL AND STAFF

Council Member Zoller reported that the Economic Development Committee met on February 6 and discussion topics included the Route 33/130 art installation project; a business card exchange; a breakfast or lunch with Princeton Chamber and also Young Entrepreneurship Day which the high school students are very anxious to plan and offer again. Mayor Mironov reported that she and a few council members attended the East Windsor Volunteer Fire Company No. 1 installation dinner on February 1. She also reported that she, along with Council Member Rosenberg and Council Member Daniels, attended the 5th Grade D.A.R.E graduation at the Rogers School earlier that day.

CORRESPONDENCE:

APPOINTMENTS:

APPROVAL OF BILLS:

Mayor Mironov stated a 2020 Current Bill list dated February 6, 2019 Current Bill list dated February 6, a Capital Bill List also dated February 6 and other miscellaneous bill lists and trust accounts were provided.

Mayor Mironov requested clarification on items on page 7 of the 2019 current bills list related to vaccine costs totaling over \$5,000.

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

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 clarification requested.

MATTERS BY COUNCIL:

Mayor Mironov indicated that in Council folders was complete information on the Sustainable Jersey Arboretum Project and a notice of a joint meeting that is being held on February 24 at 5:30 pm. She stated the Landscape Architect would be present and that invitations went out to all Council Members, Environmental Committee and Planning Board members. She also noted notices were provided to Mayor and Council for the budget review meetings set for February 19 at 5:30 P.M. and Tuesday, February 25 at 5:30 P.M. Mayor also noted the following was received: a letter, dated January 21, to Mayor and Council acknowledging the \$450,000 grant award for the Union Transportation Trail Extension; and an email, dated January 17, from the Lieutenant Governor, who is also the Commissioner of Department of Community Affairs,

awarding the Township \$400,000 toward the expansion of the Senior Center. The Mayor noted that after the last meeting there were many questions regarding the schedule for roadway improvements in the Exeter Road area. The Township Manager did clarify and confirm that the August date on the schedule marked the end of the project completion and did not refer to the end of completion of plans. Mayor Mironov reported the following correspondence was received: a memo, dated February 4, 2020, from the Recreation Department regarding summer concerts and events, she requested the subject be added to the next meeting agenda; a memo, dated January 30, from the Chief of Police regarding questions raised to Mayor from residents of Meadow Lakes regarding parking; a memo, dated January 30, from the Chief of Police in response to questions from Council Member Daniels regarding the marking and signage on Conover Road; and a letter, dated January 24, from the Department of Transportation to Twin Rivers Administrator regarding the underpass and their review; a memo from Township Manager, dated January 29, addressing questions on the bills list from the January 28 Council meeting. Mayor Mironov also shared with Council a copy of a letter from a Riviera resident and a letter from ANJEC regarding activity in Trenton about the banning of plastic bags. Mayor Mironov inquired if there were any updates on the status of the Shoppes at East Windsor. The Township Manager responded that he met with the Zoning Officer earlier in the week and has requested that a complete status update be provided in writing to Mayor and Council on the status.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. Energy Savings Proposal for Municipal Buildings

Mayor Mironov stated that a memo was received from the Director of Public Works regarding a program he investigated in order to provide for more energy efficient lightbulbs which will provide a greater degree of lighting at a lesser cost. She stated the Director of Public Works has an avenue to get all of the bulbs paid for and made suggestions for the installation in that memo indicating that although there is no cost to this project it is a major change to all the municipal buildings he wanted to provide the information to see if there were any questions on the change out or if Mayor and Council is in support of it.

Council Member Zoller questioned if the existing ballasts had to be removed for the new bulbs to be installed. Township Manager, Jim Brady replied that the old ballasts will not be used and that adds to the cost efficiency as they were often replaced periodically. He further stated he will inquire and provide further clarification as to whether the old ballasts will be removed or not and did again note that they will not be used as part of the new energy efficient bulb installation. Council Member Zoller further commented that if the old ballasts are hardwired, the removal should be done by a trained licensed electrician.

Mayor Mironov further stated the bulbs have since been installed as a trial in the Senior Center building and requested Kelly Roman to provide feedback and clarification on comfort level and performance of the new bulbs.

It was **MOVED** by Zoller, **SECONDED** by Yeager to support and approve the project with the condition that it be done safely.

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

There being seven (7) ayes, and no (0) nays, the project is approved with the two clarifications as requested.

2. Open Space Acquisition Proposed Projects: Status and Required Actions

Mayor Mironov indicated that there is a concern that the first two properties are not moving forward at a pace that is acceptable to bring them to completion. She stated there is a deadline to use the money and Department of Environmental Protection has already extended the deadline as a courtesy.

- A.** Bennett Property: 641 Etra Road, Block 32, Lot 13.01 (11.328 acres)
- B.** Rigenbach Property: 949 Windsor-Perrineville Road, Block 31, Lot 21 (15.70 acres)
- C.** Estenes Property: 104 Disbrow Hill Road, Block 32, Lot 5 (3.64 acres)
- D.** Ward Property: 820 Windsor-Perrineville Road, Block 35, Lots 4 and 4.01 (31.22 acres)
- E.** Other Recommended Properties

Mayor Mironov stated the Bennett and Rigenbach properties are under contract and set to move forward. She stated the Estenes Property was held up for 5 weeks—approval and appraisal was done in Mid-December and there was a disconnect with the owner. She continued by stating that the appraisal has finally just moved forward.

Mayor Mironov commented that although the Ward Property will not move forward there are questions that need to be answered to make a determination. She noted that Mercer County has made inquiries and would be willing to participate with us.

Township Manager, Jim Brady, commented that the he is in agreement that the first three properties need to move forward and he will address concerns and report back to Mayor and Council. Mayor Mironov requested that the first two properties be added to the next meeting agenda inclusive of any and all actions items needed to be taken by Mayor and Council to move it forward.

3. New Jersey Urban Community Forestry Stewardship Grant

Mayor Mironov stated that there is a memo in folder from Business Ombudsman Robert Goodman regarding the grant. She stated a meeting will be held tomorrow regarding more detailed information that he will be attending. Mayor Mironov questioned the amount of the required match.

Mayor Mironov stated that the Township was awarded \$30,000 to plant at least 100 trees. This provides an opportunity to provide a street tree program and the homeowner accepts the responsibility of the shade trees.

Several Council Members commented on the consideration of what trees will be most suitable based off the size, kind, location etc. They further stated the trees need to be disease resistant and appropriate for a long future without impacting any immediate surroundings.

Mayor Mironov stated more information addressing concerns will be forthcoming following the meeting tomorrow.

4. Anker Park Improvements- Mercer at Play Grant Program – Status Report

Mayor Mironov acknowledged that the Director of Public Work has been out of office and she has requested a status report with timeline upon his return on this program. The Township Manager, Jim Brady, indicated that the Director of Public Works returned this morning and is currently working on the request.

5. 2020 Municipal Budget Review Schedule

Mayor Mironov stated the budget review schedule dates are scheduled for February 19 at 5:30 p.m. and Tuesday, February 25 at 5:30 p.m.

MATTERS BY PUBLIC:

No one from the public spoke.

ADJOURNMENT:

There being no further business Mayor Mironov declared the meeting adjourned at 9:07 p.m.

Next Meeting: February 25, 2020

Kelly Lettera
Municipal Clerk

Janice S. Mironov
Mayor