

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday March 10, 2020

8:00 p.m.

MINUTES

CALL TO ORDER:

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 8:00 p.m. on Tuesday, March 10, 2020.

VERIFICATION:

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 10, 2020 in the annual meeting notice and on March 6, 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 Eagle Scout Curtis McCleish – Boy Scout Troop 59.

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, Township Manager James Brady and Municipal Clerk Kelly Lettera.

PRESENTATIONS & PROCLAMATIONS:

***EAGLE SCOUT PROJECT PRESENTATION BY CURTIS McCLEISH BOY SCOUT TROOP 59**

Curtis McCleish, Boy Scout Troop 59, presented his Eagle Scout project proposal. He proposed to design, build and install two freestanding picnic tables at the East Windsor Municipal Building. Curtis identified two potential locations for the picnic tables, one near the west outside the back of the municipal building and one near the east outside the back of the municipal building. Mayor Mironov stated further discussions will take place regarding the locations. She asked him to follow-up with her office when he finalizes the color choice and if the paint or the stain will be water-resistant. Curtis stated the paint will be resistant for 10 years. Mayor Mironov asked what made him choose this project. Curtis stated he narrowed it down with price and effectiveness and how it would benefit the community. Council Member Lippman asked how the hockey pucks will come into play on the bottom of the tables. Curtis stated the hockey pucks are waterproof and will prevent wear on the bottom of the tables. He further stated they will be holding car washes to raise \$500 to fund the project and the time frame to complete the project will be from April to September.

It was MOVED by Daniels, SECONDED by Lippman to endorse Curtis McCleish's Eagle Scout project to design, build and install two freestanding picnic tables at the East Windsor Municipal Building.

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

There being seven (7) ayes, and no (0) nays, Curtis McCleish's Eagle Scout project was endorsed, to design, build and install two freestanding picnic tables at the East Windsor Municipal Building. Mayor

Mironov also requested that Curtis follow-up with the exact locations of the picnic tables at the Municipal Building, a sample of the paint or stain color for the tables and how the picnic tables will be secured.

Eagle Scout: Brendan Reiss, Boy Scout Troop 59 (March 21, 2020)

Mayor Mironov stated Reiss's Eagle Scout ceremony is scheduled for March 21, 2020.

PUBLIC FORUM:

No one spoke from the public.

MINUTES:

July 23, 2019

Mayor Mironov stated there were several revisions on pages 1, 2, 3, 4 and 9. She stated these were minor revisions and she was willing approve the minutes subject to the changes.

It was MOVED by Zoller, SECONDED by Rosenberg to approve the July 23, 2019 Council meeting minutes subject to the changes.

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

There being five (5) ayes, no (0) nays and (2) abstentions, the July 23, 2019 minutes were approved subject to the changes.

October 15, 2019

Mayor Mironov stated there are changes on pages 2, 16, 17, 18 and 19. She stated she would be willing to vote on these minutes subject to the changes.

It was MOVED by Lippman, SECONDED by Daniels to approve the October 15, 2019 Council meeting minutes subject to the changes.

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

There being six (6) ayes, no (0) nays and (1) abstention, the October 15, 2019 minutes were approved subject to the changes.

October 29, 2019

It was MOVED by Yeager, SECONDED by Rosenberg to approve the October 29, 2019 Council meeting minutes.

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

There being six (6) ayes, no (0) nays and (1) abstention the October 29, 2019 minutes were approved.

November 6, 2019

It was MOVED by Zoller, SECONDED by Rosenberg to approve the November 6, 2019 Council meeting minutes.

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

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

January 1, 2020

Mayor Mironov stated there were revisions to who led the flag salute, the oaths of office, roll call and pages 2 and 3 need formatting and wording revisions.

It was MOVED by Yeager, SECONDED by Zoller to approve the January 1, 2020 Council meeting minutes with the revisions.

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

There being six (6) ayes, no (0) nays and (1) abstention the January 1, 2020 minutes were approved with the revisions.

February 24, 2020 Special Meeting Minutes

Mr. Zoller stated the title needs to be revised.

It was MOVED by Yeager, SECONDED by Daniels to approve the February 24, 2020 Special Meeting Minutes with the revision.

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

There being four (4) ayes, no (0) nays and (3) abstentions the February 24, 2020 minutes were approved with the revision.

February 25, 2020 Budget Minutes

Mayor Mironov stated the minutes need to end where it states Mayor Mironov adjourned the Budget Meeting at 7:30 PM due to the regularly scheduled meeting.

It was MOVED by Lippman, SECONDED by Zoller to approve the February 25, 2020 Budget meeting minutes with the revision.

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

There being seven (7) ayes and no (0) nays the February 25, 2020 minutes were approved with the revision.

November 26, 2019
February 19, 2020 Budget Minutes

The November 26, 2019 and February 19, 2020 minutes were held, due to several revisions, till the next regularly scheduled Council meeting.

December 17, 2019
January 14, 2020
January 28, 2020
February 11, 2020
February 25, 2020

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

RESOLUTIONS:

Mayor Mironov stated Resolution R2020-046 and Resolution R2020-047 will be voted on in bloc.

Resolution R2020-046 Approval of Agreement with Westfield Road Condominium Association for Reimbursement for Private Community Services for 2019

**RESOLUTION R2020-046
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Westfield Road Condominium Association wish to enter into an Agreement for private community services for the year 2019 in the amount of \$651.01, 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 \$651.01, as evidenced by the Chief Financial Officer's Certification No. B2020-013.

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 \$651.01 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 March 10, 2020.

Resolution R2020-047 Approval of Agreement with Windsor Meadows Homeowners Association for Reimbursement for Private Community Services for 2019

**RESOLUTION R2020-047
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Windsor Meadows Homeowners Association wish to enter into an Agreement for private community services for the year 2019 in the amount of \$1,833.73, 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 \$1,833.73, as evidenced by the Chief Financial Officer's Certification No. B2020-014.

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 \$1,833.73 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 March 10, 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, because the amounts are calculated by a uniform standard.

It was MOVED by Rosenberg, SECONDED by Lippman to approve Resolution R2020-046 and Resolution R2020-047.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-046 and Resolution R2020-047 were approved.

Resolution R2020-048 Approval of Professional Services Agreement for Affordable Housing Administrative Agent with Community Grants, Planning & Housing (CGPH)

**RESOLUTION R2020-048
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for Affordable Housing Administrative Agent Services in the Township of East Windsor, in the County of Mercer, State of New Jersey; and

WHEREAS, the Township posted/solicited proposals on December 9, 2019 and received one proposal for Affordable Housing Administrative Agent by the deadline of January 14, 2020; and

WHEREAS, the proposal received from Community Grants, Planning and Housing (CGP&H) was most responsive; 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 maximum amount of the contract is \$11,250 and funds are available in the Affordable Housing Fund Account No. A-22-56-852-852 entitled “Affordable Housing Trust,” as evidenced by the Chief Financial Officer’s Certification No. T2020-004.

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. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement with Community Grants, Planning and Housing, for a term commencing November 1, 2019 to October 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 March 10, 2020.

Mayor Mironov requested that the number be removed from the second paragraph of the Resolution for consistency.

It was MOVED by Yeager, SECONDED by Shapiro to approve Resolution R2020-048 with the revision.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-048 was approved with the revision.

Resolution R2020-049 Action on Request for Release of Performance Guarantee by Trammell Crow Company for Gateway Twin Rivers, LLC

**RESOLUTION R2020-049
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, Barry Henry, Senior Vice President of Trammell Crow Company, requested by letter dated January 7, 2020, a release of the performance guarantees being held by the Township for Gateway Twin Rivers, LLC located at 159 Milford Road; and

WHEREAS, Performance Bond No. #800007382 was issued by Atlantic Specialty Insurance Company, in the amount of \$4,636,240.20, which represented ninety percent (90%) of the entire performance guarantee amount. In addition, a cash guarantee was posted, in the amount of \$515,137.80, which represented ten percent (10%) of the entire performance guarantee amount to cover the installation of bituminous pavement, concrete curb, concrete sidewalk, storm drains, and the stormwater management basin, lighting and landscaping; and

WHEREAS, on June 5, 2018, by Resolution R2018-104, the Township Council reduced Bond No. #800007382 from \$4,636,240.20 to \$1,390,872.06 and the Cash Guarantee from \$515,137.80 to \$154,541.34, the Township retaining thirty percent (30%) of the total original performance guarantee as permitted in accordance with the Municipal Land Use Law; and

WHEREAS, on April 16, 2019, by Resolution R2019-067, the Township Council denied the request to release Performance Bond No. #800007382 issued by Atlantic Specialty Insurance Company in the amount of \$1,390,872.06 and cash guarantee in the amount of \$154,541.34; and

WHEREAS, on July 23, 2019, by Resolution R2019-138, the Township Council denied the request to release Performance Bond No. #800007382 issued by Atlantic Specialty Insurance Company in the amount of \$1,390.872.06 and cash guarantee in the amount of \$154,541.34; and

WHEREAS, the Township Engineer has inspected the site work for Gateway Twin Rivers, LLC located at 159 Milford Road and filed a written report with the Township Council dated February 6, 2020, which is attached hereto and made a part of this Resolution; and

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

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

1. The Township Council agrees to release Performance Bond No. #800007382 issued by Atlantic Specialty Insurance Company in the amount of \$1,390.872.06 and cash guarantee in the amount of \$154,541.34, upon the posting of a two (2) year maintenance bond in the amount of \$772,706.70 and inspection escrow of \$2,500.00 for maintenance bond release, in a form acceptable to the Township Attorney.
2. The Municipal Clerk is authorized and directed to forward a certified copy of this Resolution and a copy of the Township Engineer's report to Barry Henry, Trammell Crow 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 March 10, 2020.

Mayor Mironov stated a recommendation, dated February 6, was received from the Township Engineer and incorporated in the Resolution to release the performance bond. She stated the Township Manager and Finance Director certified all charges and fees have been satisfied.

It was MOVED by Zoller, SECONDED by Lippman to approve Resolution R2020-049.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-049 was approved.

Resolution R2020-050 Approving Amendments to 2020 Temporary Budget Appropriations

RESOLUTION R2020-050
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, by Resolution R2020-08, adopted on January 1, 2020, the Township Council established a Temporary Budget for 2020; and

WHEREAS, an emergent condition has arisen with respect to municipal operating expenses until the official budget is adopted and no adequate provision has been made in the 2020 temporary appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for emergency temporary appropriations for this purpose; and

WHEREAS, this appropriation increases the 2020 Temporary Budget for current fund in the amount of \$4,080,800.00 plus \$191,000.00 in garbage district No. 1 for a total of \$4,271,800.00, resulting in emergency temporary resolutions adopted in 2020, pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution, totaling \$9,598,350.00.

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 in accordance with the provisions of N.J.S.A. 40A:4-20:

1. One certified copy of this Resolution shall be filed with the Director of Local Government Services.
2. The attached Emergency Temporary Appropriations are hereby made in the total amount of \$4,080,800.00 garbage district No. 1 appropriations in the amount of \$191,000.00, totaling \$4,271,800.00.
3. These emergency temporary appropriations have been provided for in the 2020 budget.

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 March 10, 2020.

It was MOVED by Rosenberg, SECONDED by Yeager to approve Resolution R2020-050.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-050 was approved.

REPORTS BY COUNCIL AND STAFF:

Council Member Zoller stated the Economic Development Committee met on March 5 and discussed the Panel Speaker Event scheduled for May 21, from farms to pharma having experts in the community talking about developing businesses in the township, the Master Plan and the Route 130/33 art installation project.

Council Member Daniels stated the Community Gardens met on February 27 and discussed the Community Garden and all spots are filled at this point and they are looking forward to another successful year. Council Member Daniels added that the Complete Census Committee met on February 27 and discussed that they will be canvassing on March 12.

Council Member Shapiro stated the Planning Board met on March 9 to discuss approval of Modway Generator and Windsor Property Associates (Madadi Center) which is next to Joe Canal's liquor store to approve shops being proposed there.

Council Member Rosenberg stated the Clean Communities Advisory Committee met on February 27 to discuss the adopt a spot wrap up event, the next Recycling Day on April 18 from 10 AM – 2 PM at the senior center, the Mercer County Clean Fest on March 14 at Rider University and the water stream clean-up at Etra Park will be held on April 18 from 9 AM – 11 AM. Mr. Rosenberg reported the Commission on Aging met on February 27 to discuss a choir instructor approaching the senior center with an offer to form a choir and the review of the Commission on Aging pamphlet.

Mayor Mironov stated the dates for the clean-up at Etra Park and Recycling Day were supposed to be staggered and they are not so it is an issue that needs to be addressed.

APPOINTMENTS:

Mayor Mironov appointed as student members, East Windsor Regional School District, Hightstown High School student Sean Allear to the Economic Development Committee, East Windsor Regional School District, Hightstown High School student Raz Shenath to the Environmental Commission and the Green Team, and East Windsor Regional School District, Hightstown High School student Raul Handar to the Recreation Committee.

Mayor Mironov requested the Zoning Board of Adjustment appointments to be added to the next regularly scheduled Council meeting agenda.

APPROVAL OF BILLS:

Mayor Mironov stated a 2020 Current Bill list dated March 4, 2020, 2019 Current Bill list dated March 4, 2020, a Capital Bill List dated March 4, 2020 and other miscellaneous bill lists and trust accounts were provided.

It was MOVED by Lippman, SECONDED by Zoller to approve the Bill Lists.

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.

CORRESPONDENCE:

Mayor Mironov stated the following correspondence was received: a memo from East Windsor Fire Company No. 1 Chief Matorin regarding the receipt of their turn out gear that was previously approved; a memo from the Township Manager, dated February 26, regarding bill list questions from the meeting of February 25; a memo from the Director of Public Works, dated February 26, regarding bill list questions; a memo from the Director of Public Works, dated March 3, regarding one of the mowers; a memo, dated

March 3, from the Assistant Township Manager regarding the Union Transportation Trail bills; and a memo from the Zoning Board of Adjustment and Township Planner, dated March 3, for their 2019 annual report; a memo from the Principal Engineering Aid, dated March 5, for the PSE&G partial road closure on Oak Creek Road. The Township Manager, James Brady, confirmed the condition of approval and the residents are aware of the work being done.

MATTERS BY COUNCIL:

Mayor Mironov stated prior to the next meeting she is looking to have the assessments on the Bennett and Riegenbach properties.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. *Eagle Scout Project Presentation by Curtis McCleish, Boy Scout Troop.

Curtis McCleish presented his project at the beginning of the meeting.

2. Township Auction

Mayor Mironov stated a memo was provided to Mayor and Council, by the Business Ombudsman, recommending the Township hold an online and live auction this year. She asked if there was sufficient space at the public works garage to hold the live auction. The Township Manager stated there is plenty of space at the Township Garage to hold the live auction. Mayor Mironov stated three Resolutions are needed for the next Council meeting agenda on this topic. She stated one Resolution will be to declare the property surplus, the second will authorize what online auction system is being used and the third is to authorize the agreement with the live auction service.

3. East Windsor Reexamination Report

Mayor Mironov stated the recommendations in the reexamination report, section 6, page 42, provide a basis to review changes in zones for automobile service stations. She stated the service stations are no longer a vision for the community especially in the residential areas where homes are close by. She stated the Planning Board discussed new service stations and determined it is appropriate to limit new service stations to locations that are not near residential areas and that are near major commercial arteries. She stated the service stations are permitted in the Neighborhood Commercial Zone and Highway Commercial Zone so the idea would be to remove them from those zones and locate them only in the Highway Commercial Zones where they are intended. Mayor Mironov stated another area of interest is section 3, page 41 which has to do with Research Office zones. She stated when the Township was originally developing the zoning for Research Office the category was used throughout the town but that is not the intentions today. She stated the intention now is to create two Research Office zones, one would be to the west side of town and the other on the east side of town, which is more appropriate for warehousing distribution. Council Member Daniels stated the Township should look into automobile electric charging stations. Mayor Mironov stated that is something the Township can look into and there has been previous interest on this topic. Mayor and Council requested that the Township Planner provide something to them for consideration.

4. 2020 Municipal Budget Review

Mayor Mironov requested a breakdown of the actuals regarding the Garbage District Budget. Council Member Zoller asked what is the PERS account. Mayor Mironov stated that PERS is the Public Employee Retirement System and she stated some movement has occurred between the two accounts due to the Garbage District Budget declining fund balance numbers. Mayor Mironov requested further clarification under insurance.

Mayor Mironov stated a couple of memos from the Chief of Police, dated March 3, were received regarding questions that were raised during budget review. She stated a second memo from the Township Manager, dated March 4, was received regarding questions that were asked at the previous budget review session. Council Member Zoller questioned if the Economic Development Committee had anything in their budget. Mayor Mironov stated Economic Development Committee is given \$5,000 each year.

MATTERS BY PUBLIC: None.

ADJOURNMENT:

There being no further business Mayor Mironov declared the meeting adjourned at 9:20 p.m.

Next Meeting: Tuesday, March 24, 2020 at 7:30 p.m.

Kelly Lettera
Municipal Clerk

Janice S. Mironov
Mayor