

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday April 7, 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, April 7, 2020.

VERIFICATION:

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 10, 2020 in the annual meeting notice and on April 3, 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: Virtual flag salute and moment of silence was led by Mayor Janice S. Mironov.

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:

INTERVIEWS FOR BOARDS AND COMMISSIONS:

PUBLIC FORUM:

No one spoke from the public.

MINUTES:

November 26, 2019

December 17, 2019

January 14, 2020

January 28, 2020

February 11, 2020

February 19, 2020 Budget Minutes

February 25, 2020

March 10, 2020

March 24, 2020

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

ORDINANCE – PUBLIC HEARING:

Ordinance 2020-02

An Ordinance to Exceed the Municipal Budget Appropriation Limits to Establish a Cap Bank

**TOWNSHIP OF EAST WINDSOR
MERCER COUNTY, NEW JERSEY
ORDINANCE NO. 2020-02**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Council of the Township of East Windsor in the County of Mercer finds it advisable to permit an increase of its CY 2020 budget by up to 3.5%, if necessary, over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Council hereby determines that a an increase of up to 1.0 % increase in the budget for said year, amounting to \$187,203.89 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Township Council hereby determines that any amount authorized herein that is not appropriated as part of the final CY 2020 budget shall be retained as an exception to final appropriations in either of the next two succeeding years.

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

I

1. In the CY 2020 budget year, the final appropriations of the Township of East Windsor shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$655,213.62 and that the CY 2020 municipal budget for the Township of East Windsor be approved and adopted in accordance with this ordinance; and,

2. Any amount authorized herein that is not appropriated as part of the final CY 2020 budget shall be retained as an exception to final appropriations in either of the next two succeeding years.

3. A certified copy of this ordinance as introduced shall be filed with the Director of the Division of Local Government Services within 5 days of introduction.

4. A certified copy of this ordinance upon adoption, with the recorded vote included thereon, shall be filed with said Director within 5 days after such adoption.

II

REPEAL

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

III

SEVERABILITY

If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

IV

EFFECTIVE DATE

This ordinance shall take effect twenty (20) days after the final passage and publication as required by law.

Mayor Mironov stated the Ordinance was introduced at the meeting of March 24, 2020 and the Public Hearing set for tonight. Mayor Mironov declared the public hearing open on Ordinance 2020-02. With no comment from the public being made, Mayor Mironov declared the public hearing closed.

It was MOVED by Lippman, SECONDED by Rosenberg to adopt Ordinance 2020-02 and authorize publication as required by law.

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

There being seven (7) ayes, and no (0) nays, Ordinance 2020-02 was adopted and publication authorized as required by law.

ORDINANCE – INTRODUCTION:

Ordinance 2020-03 An Ordinance Amending Chapter XX, “Zoning” Section 20-16 “HC Highway Commercial,” and Creating a New HC-2, “Highway Commercial 2 District,” of the Revised General Ordinances of the Township of East Windsor

**ORDINANCE NO. 2020-03
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

AN ORDINANCE AMENDING CHAPTER XX, “ZONING,” SECTION 20-16, “HC HIGHWAY COMMERCIAL,” AND CREATING A NEW HC-2, HIGHWAY COMMERCIAL 2 DISTRICT, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EAST WINDSOR.

WHEREAS, the 2019 Master Plan Re-examination Report was prepared by the East Windsor Township Planning Board and adopted on July 25, 2019 in accordance with New Jersey Municipal Land Use Law (MLUL); and

WHEREAS, pursuant to N.J.S.A. 40:55D-89D of the MLUL, the Planning Board identified in Section 6 Item 6 of the 2019 Master Plan Re-examination Report, that “Automobile Service Stations have evolved from smaller facilities providing fuel and vehicle services to the larger contemporary facilities featuring multiple high-volume pump islands with integrated convenience stores,” and further that “such modern Automobile Service Stations can have significantly greater vehicular activity than former stations, along with increased

deliveries and potentially increased impacts to the surrounding environs that can intensify when a facility operates 24 hours, 7 days a week;" and

WHEREAS, therefore, the 2019 Master Plan Re-examination Report "recommended to limit new Automobile Service Stations to locations near major highway interchanges and arterial collector intersections along Route 130;" and

WHEREAS, to implement this recommendation, the current HC Zone is to be modified and separated into two highway commercial districts.

NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST WINDSOR, in the County of Mercer and the State of New Jersey, as follows:

SECTION 1. Chapter XX, "Zoning," is amended and supplemented to add a new Section 20-16A, "HC-2 Highway Commercial 2," to read as follows:

20.16A HC-2 Highway Commercial 2.

20-16A.1 Principal Uses. All of the following uses require frontage on Route 130 or on a street which intersects with Route 130. Lots which do not fall in either category shall be limited to the uses in paragraphs d. and g. below.

- a. Retail sales of goods. Preparation, processing, storage, warehousing or manufacturing shall be permitted only if accessory to the retail sale of goods on the premises.
- b. Business establishments having as their primary function the rendering of personal services within a building. Preparation, processing, storage, warehousing or manufacturing shall be permitted only if accessory to the services rendered on the premises.
- c. Restaurants, including cocktail lounges and taverns.
- d. Offices and office buildings, including medical professional.
- e. Hotels and motels.
- f. Banks and financial institutions.
- g. Mortuaries and funeral homes.
- h. Lumber yard.
- i. Movie theater, bowling alley and similar recreation or cultural facilities within a fully enclosed building.
- j. Commuter parking facilities.
- k. Day care centers, childcare centers, and nursery schools.

20-16A.2 Accessory Uses.

- a. Off-street parking and loading facilities.
- b. Private garages or storage buildings.

20-16A.3 Conditional Uses.

- a. Houses of worship on lots of two acres or larger with a minimum of one parking space for each three seats, with the parking areas located in the side or rear yard only and adequately buffered from adjoining residential properties.
- b. Motor vehicle sales and other uses having as their primary function the sale or rental of retail goods displayed outdoors, provided no goods shall be displayed, stored or sold within 50 feet of a front lot line. No goods shall be displayed in a manner which will impede access by fire-fighting or other emergency equipment to any structure or other goods on the premises. No goods shall be displayed, stored or sold within 20 feet of a rear or side lot line. A landscape strip or a landscape buffer at least 15 feet wide shall be provided along each lot line.
- c. Carwash establishments shall be permitted provided all washing activities are conducted within a fully enclosed building. All vehicle entrances to the building shall be from the rear or side of the building and all parked and waiting vehicles shall be accommodated on the lot. All of the area, yard, building coverage and height requirements of the HC district shall be met.
- d. Auto body shops and other automotive repair shops which do not sell gasoline shall be permitted provided all repair activities are conducted within a fully enclosed building. Any motor vehicle awaiting repair may be located on the premises provided that said vehicle is located in the rear or side yard and is screened from view such that no stored vehicle is visible from the front of the premises or from any adjacent premises. No motor vehicle shall be displayed for sale on the site. No motor vehicle shall be stored on the site for a period longer than 90 days. All of the area, yard, building coverage and height requirements of the HC district shall be met.

20-16A.4 Bulk and Area Requirements.

- a. Notwithstanding any provision of this Chapter to the contrary, the following minimum front yard setbacks shall be provided for development within the HC-2 Highway Commercial 2 zoning district: when parking is excluded from the front yard, a minimum 50-foot front yard principal building setback shall be provided, and when parking is included in the front yard, a minimum 80-foot front yard setback shall be provided.
- b. See the "Schedule of District Regulations" table of this Chapter for additional requirements.

20-16A.5 Other Requirements.

- a. Notwithstanding any provision of this chapter to the contrary, the following minimum front yard landscaped buffer setback areas shall be provided for developments within the HC-2 zoning district in order to mitigate against the appearance of buildings and paved areas from the street and from abutting residential properties. A minimum 25-foot landscaped buffer setback shall be provided along any property line which abuts a residential zoning district or any existing residential use.
- b. Driveways shall not be wider than 36 feet at any point and must be at least ten feet from any side lot line and 100 feet from intersecting street lines.

- c. Efforts shall be made to secure cross-access easements between adjoining commercial properties to provide convenient access.

SECTION 2. The Schedule of District Regulations of Chapter XX, “Zoning,” is amended and supplemented to add HC-2 Highway Commercial 2.

HC-2 Highway Commercial 2														
Minimum Lot Area (Acres or Sq. Ft.)	Minimum Dimensions in Feet									Maximum Allowed				
	Lot width	Principle Building Yards				Accessory Bldg. Setbacks From				% Bldg. Covrg.	% Imprvmt . Covrg.	Bldg. Height in Feet.	Bldg. Height Stories	Floor Area Ratio
		Front Yard	Side Yard	Both Side Yard	Rear Yard	Street Line	Side Line	Rear Line	Princ. Bldg.					
60,000	250	50	20	40	35	100	20	20	20	20	80	40	NA	.30

SECTION 3. Section 20-4.0100, “DISTRICTS CREATED” will be amended and supplemented to add HC-2 Highway Commercial 2:

20-4.0100 DISTRICTS CREATED. The following districts are hereby created:

R-A Rural Agricultural
R-E Rural Estate
R-1 Residential Low Density
R-2 Residential Low Density
R-3 Residential Medium Density
R-M Residential Multifamily
R-M AH Residential Multifamily Affordable Housing
R-M1 Residential Multifamily 1
R-M2 Residential Multifamily 2
S-L Residential Small Lot
PRC Planned Retirement Communities
PAC Planned Adult Community
PUD Planned Unit Development
MH Manufactured Housing
NC Neighborhood Commercial
HC Highway Commercial
HC-2 Highway Commercial 2
TC Turnpike Commercial
R-O Research Office
I-O Industrial Office
ARH Age-Restricted Housing
CC Community Commercial
CR Corridor Revitalization

SECTION 4. The map entitled “Zoning Map, East Windsor Township, Mercer County, NJ,” dated February 3, 2017, is revised to amend the HC-Highway Commercial District, as follows:

The following properties as designated on the Township of East Windsor tax maps, currently located in the HC Highway Commercial Zone, are to be rezoned to the HC-2 Highway Commercial 2 Zone District. The remaining properties currently in the HC Highway Commercial Zone not listed below shall remain in the HC Zone:

Properties to be rezoned to the HC-2 Highway Commercial 2 Zone are as follows:

Block	Lots
46.00	1, 2, 3
50.00	1, 2, 3, 4, 5, 6 (the portion currently zoned HC), 6.01, 7, 7.01
50.01	1
50.02	1
50.03	1
53.04	10, 11, 12.02, 13.02, 13.03, 14, 15, 16, 16.01, 17, 17.01, 18
56.00	1, 2, 3, 8, 9, 17, 38, 41
58.00	11, 11.01, 12, 13.01, 14.02, 15
58.12	17, 21 (the portion currently zoned HC), 22, 23, 24, 27, 43.01, 45
63.01	12, 13, 14, 16.01

SECTION 5. **Repealer.** All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

SECTION 6. **Severability.** If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

SECTION 7. **Effective Date.** This Ordinance shall take effect upon its passage, publication and filing with the Mercer County Planning Board, and as provided for by law.

Mayor Mironov stated two meetings ago discussions took place regarding the recommendations from the 2019 Master Plan Re-examination report and they recommended to move forward with number 6, which is refining where service stations will be located within the municipality. She further stated a memo was provided from the Township Planner, Edward Snieckus, recommending the creation of two separate districts, HC and HC2 districts with maps attached.

It was MOVED by Yeager, SECONDED by Zoller to approve Ordinance 2020-03 on introduction, authorize publication as required by law and set public hearing for May 5, 2020 and refer to the Planning Board for comment.

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

There being seven (7) ayes and no (0) nays, Ordinance 2020-03 was approved on introduction, authorize publication as required by law and set public hearing for May 5, 2020 and refer to the Planning Board for comment.

Ordinance 2020-04 An Ordinance Amending Chapter XX, "Zoning," Section 20-15 "NC Neighborhood Commercial," of the Revised General Ordinances of the Township of East Windsor

**ORDINANCE NO. 2020-04
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

AN ORDINANCE AMENDING CHAPTER XX, "ZONING," SECTION 20-15, "NC NEIGHBORHOOD COMMERCIAL," OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EAST WINDSOR.

WHEREAS, the 2019 Master Plan Re-examination Report was prepared by the East Windsor Township Planning Board and adopted on July 25, 2019 in accordance with New Jersey Municipal Land Use Law (MLUL); and

WHEREAS, pursuant to N.J.S.A. 40:55D-89D of the MLUL, the Planning Board identified in Section 6 Item 6 of the 2019 Master Plan Re-examination Report, that "Automobile Service Stations have evolved from smaller facilities providing fuel and vehicle services to the larger contemporary facilities featuring multiple high-volume pump islands with integrated convenience stores," and further that "such modern Automobile Service Stations can have significantly greater vehicular activity then former stations, along with increased deliveries and potentially increased impacts to the surrounding environs that can intensify when a facility operates 24 hours, 7 days a week;" and

WHEREAS, therefore, the 2019 Master Plan Re-examination Report "recommended to limit new Automobile Service Stations to locations near major highway interchanges and arterial collector intersections along Route 130;" and

WHEREAS, to implement this recommendation, the NC neighborhood Commercial Zone is to be amended to remove automobile service stations as a conditional use.

NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST WINDSOR, in the County of Mercer and the State of New Jersey, as follows:

SECTION 1. Section 20-15.3 b. is deleted in its entirety.

SECTION 2. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

SECTION 3. Severability. If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

SECTION 4. Effective Date. This Ordinance shall take effect upon its passage, publication and filing with the Mercer County Planning Board, and as provided for by law.

Mayor Mironov stated Ordinance 2020-04 is in regards to the Neighborhood Commercial zone. She stated this Ordinance is to eliminate service stations completely in this specific zone.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Ordinance 2020-04 on introduction, authorize publication as required by law and set public hearing for May 5, 2020 and refer to the Planning Board for comment.

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

There being seven (7) ayes and no (0) nays, Ordinance 2020-04 was approved on introduction, authorize publication as required by law and set public hearing for May 5, 2020, and referred to the Planning Board for comment.

RESOLUTIONS:

Resolution R2020-061 Approval of Agreement with Georgetowne Homeowners Association for Reimbursement for Private Community Services for 2019

**RESOLUTION R2020-061
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Georgetown Homeowners Association wish to enter into an Agreement for private community services for the year 2019 in the amount of \$5,529.11, 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”, for an amount not to exceed \$5,529.11, as evidenced by the Chief Financial Officer’s Certification No. B2020-18.

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 \$5,529.11 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 April 7, 2020.

Mayor Mironov stated this was discussed in January and she believes Georgetown is the last of the agreements the Township was waiting to receive for 2019 services.

It was MOVED by Rosenberg, SECONDED by Lippman to approve Resolution R2020-061.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-061 was approved.

Resolution R2020-062 Approving Amendments to 2020 Temporary Budget Appropriations

**RESOLUTION R2020-062
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, by Resolution R2020-050, adopted on March 10, 2020, the Township Council approved an increase to the 2020 Temporary Budget for current fund for a total of \$4,271,800.00; 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 for a total of \$4,296,800.00, 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 \$9,623,350.00.

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. The attached Emergency Temporary Appropriations are hereby made in the total amount of \$4,296,800.00.
2. These emergency temporary appropriations have been provided for in the 2020 budget.
3. One certified copy of this Resolution shall be filed with the Director of Local Government Services.

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 April 7, 2020.

Mayor Mironov stated a memo was provided from the Finance Director regarding the expenditures in regards to the health emergency in order to supplement the accounts by a small amount all of which is consistent with the budget that East Windsor introduced.

It was MOVED by Yeager, SECONDED by Shapiro to approve Resolution R2020-062.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-062 was approved.

Resolution R2020-063 Approval of Certified List of Volunteer Members for Length of Service Award Program (LOSAP)

**RESOLUTION R2020-063
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, a Length of Service Award Program (LOSAP) for volunteer members serving East Windsor Volunteer Fire Company No. 1, East Windsor Volunteer Fire Company No. 2, East Windsor Rescue Squad District 1 and East Windsor Rescue Squad District 2, was authorized by referendum of East Windsor Township voters on November 7, 2000 creating a Length of Service Award Program in accordance with Chapter 388 of the Laws of 1997; and

WHEREAS, pursuant to N.J.S.A. 40A:14-191, emergency service organizations participating in a LOSAP shall annually certify to the sponsoring agency a list of all volunteer members who have qualified for credit under the LOSAP program for the previous year; and

WHEREAS, upon receipt of the certified list from the emergency service organizations, the sponsoring agency shall review the list and upon finding that the list is accurate, approval shall be made by resolution of the governing body; and

WHEREAS, the Manager has reviewed the attached certified lists of qualified volunteer members submitted by East Windsor Volunteer Fire Company No. 1, East Windsor Volunteer Fire Company No. 2, East Windsor Rescue Squad District 1 and East Windsor Rescue Squad District 2 and recommends approval by the Township Council.

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 Township Council hereby approve the certified lists of volunteer members who have qualified for credit under the Length of Service Award Program (LOSAP) program for 2019, prepared by and submitted on behalf of East Windsor Volunteer Fire Company No. 1, East Windsor Volunteer Fire Company No. 2, East

Windsor Rescue Squad District 1 and East Windsor Rescue Squad District 2, copies of which are attached hereto and made part of this Resolution.

2. The Municipal Clerk, East Windsor Volunteer Fire Company No. 1, East Windsor Volunteer Fire Company No. 2, East Windsor Rescue Squad District 1 and East Windsor Rescue Squad District 2 are hereby directed to post these certified lists for a period of 30 days as required by the governing State statutes.

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 April 7, 2020.

Mayor Mironov stated the lists were provided by the agencies and a memo was provided from the Township Manager on this.

It was MOVED by Rosenberg, SECONDED by Zoller to approve Resolution R2020-063.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-063 was approved.

Resolution R2020-064 Affirming Resolution for Filing of New Jersey Department of Community Affairs Small Cities Community Development Block Grant Application for the East Windsor Senior Center Expansion Project

**RESOLUTION R2020-064
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the New Jersey Department of Community Affairs (NJDC), Division of Housing and Community Resources, Small Cities Community Development Block Grant (CDBG), provides direct assistance to eligible municipalities and counties for housing rehabilitation, public facilities, community revitalization and economic development; and

WHEREAS, the Township of East Windsor desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$400,000.00 for the expansion of the East Windsor Senior Center; and

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 Mayor is hereby authorized and directed to submit an application on behalf of East Windsor Township, to the New Jersey Department of Community Affairs, Division of Housing and Community Resources, Small Cities Community Development Block Grant (CDBG) for the expansion of the East Winsor Senior Center.

2. The Mayor and Township Council do hereby approve the execution of the Small Cities Community Development Block Grant 2020 Agreement from the New Jersey Department of Community Affairs.
3. The Mayor and Township Council do hereby authorize the expenditure of the funds pursuant to the terms of the 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 April 7, 2020.

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

Mayor Mironov requested that a few edits be made to the Resolution and a copy of the Resolution and agreement that was previously approved. She further stated she received communication from the Department of Community Affairs indicating that an additional Resolution is required for the specific grant amount. She further stated this is the grant that the Township received under the Community Block in the amount of \$400,000 for the expansion of the senior center.

It was MOVED by Lippman, SECONDED by Daniels to approve Resolution R2020-064.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-064 was approved.

Resolution R2020-065 Authorizing Purchase of Compressor with SG Heating and Air Conditioning for the Police/Court Building

**RESOLUTION R2020-065
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need for installation and replacement of the HVAC Air Compressor for the Police/Court Building; and

WHEREAS, due to the emergent need and the limitation of vendors during the ongoing health emergency, only one quote was obtained to purchase and install the HVAC Air Compressor; and

WHEREAS, the cost proposal was submitted by SG Heating and Air Conditioning; and

WHEREAS, since the purchase is under \$17,500, public bids are not required as set forth in N.J.S.A. 40A:11-4 requiring public advertising and bidding for contracts for a sum exceeding the aggregate amount as calculated periodically by the Governor, pursuant to N.J.S.A. 40A:11-3 which amount is \$17,500; and

WHEREAS, the Township Council has reviewed the Township Manager's recommendations on this purchase; and

WHEREAS, the maximum amount for the installation and replacement of the HVAC Air Compressor for the Police/Court Building is \$3,450.00 and funds are available in Capital Fund Account No. C-04-55-970-918-424 entitled Ordinance 2015-09 "HVAC Improvements", as evidenced by the Chief Financial Officer's Certification No. C2020-007.

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

1. The Manager and Chief Finance Officer are hereby authorized and directed to approve and forward a purchase requisition to SG Heating & Air Conditioning LLC, 50 Cunningham Avenue, Hamilton, NJ 08610, for the installation and replacement of the HVAC Air Compressor for the Police/Court Building, in an amount not to exceed \$3,450.00, all in accordance with the attached quote.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on April 7, 2020.

Mayor Mironov requested a few changes in the Resolution in the first and second paragraph and in the Now Therefore section. A memo recommending the purchase was provided to Mayor and Council from the Township Manager.

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

It was MOVED by Shapiro, SECONDED by Rosenberg to approve Resolution R2020-065 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 R2020-065 was approved with the revisions.

APPLICATIONS:

New Jersey Fireman's Association Membership Application for Ryan W. Thurkauf

It was MOVED by Rosenberg, SECONDED by Lippman to approve New Jersey Fireman's Association Membership Application for Ryan W. Thurkauf.

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

There being seven (7) ayes, and no (0) nays, New Jersey Fireman's Association Membership Application for Ryan W. Thurkauf was approved.

REPORTS BY COUNCIL AND STAFF:

Mayor Mironov reported that an emergency water main break occurred early Sunday morning of which at this time they are unable to determine where the break is in the water line. She continued by stating that water is provided into the Municipal Building by isolating that specific area and closing off the water supply to the fire suppression system. She stated Municipal Utilities Authority Director, Richard Brand, recommended the installation of a new suppression line. She further stated the job will be costly but the Township will determine the appropriate place to pull the funds from.

Mayor Mironov stated in the Enews was the announcement regarding changes in garbage collection during this time and updates are provided to the community during these trying times.

CORRESPONDENCE:

Mayor Mironov stated a letter, dated April 2, from T&M Associates was received regarding the updating of the 2020 infrastructure improvement fund voluntary contribution formulas for the Township Improvement Program.

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 emergency light bar repairs bill on current 2020, page 4. He stated that bill with the February bill brings the total to over \$11,000 and he would like to know what these charges are for and will there be more bills of this kind.

It was MOVED by Lippman, SECONDED by Zoller 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.

MATTERS BY COUNCIL:

No Matters by Council.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. 2020 Summer Concerts and Events

Mayor Mironov stated this topic was discussed at the prior Council meeting. She stated that a memo, dated March 26, was provided by the Recreation Director with comments from the last meeting and also a proposed concert schedule. She stated all four bands would agree to a full refund based off the current health emergency, but deposits would need to be made no later than first week of June. Mayor Mironov suggested that an agreement be prepared by her, the Township Attorney and Township Manager to ensure the Township is protected and will receive a full refund. All of Council was in agreeance, subject to putting the calendar together and plan to ensure safety for the funds and the Township.

2. Open Space Acquisitions: Status

- a. 641 Etra Road (Block 32, Lot 13.01)
- b. 929 Windsor Perrineville Road (Block 31, Lot 21)
- c. 605 Etra Road (Block 32, Lots 11 and 12)
- d. 104 Disbrow Hill Road (Block 32, Lot 5)

Mayor Mironov stated she heard from the Assistant Township Manager today on the Bennett and Riegenbach projects and he stated that the companies that are handling the assessments will have a report to the Township by the end of the week, which should satisfy the Green Acres issues. Mayor Mironov stated hopefully that will happen this week and the project will continue to move forward to the next stages. Mayor Mironov requested the status on the survey work on both properties.

Mayor Mironov stated that the 605 Etra Road property was owned by the Horowitz family and she is looking for an update on if they still have interest in selling or donating the property to the Township.

Mayor Mironov stated that the owners of the Estenes property, located at 104 Disbrow Hill Road and the Township have just come to a financial agreement, which is favorable to the Township. She further stated the contracts will be sent out by the Township Clerk tomorrow and then the steps for the assessment will proceed. Mayor Mironov requested that an Ordinance be added to the next agenda for the sale of the property. She stated the last step of the process is the survey. The Assistant Township Manager provided a memo, dated April 2, to Mayor and Council on the recommendation for professional services to be awarded to Control Pointe Associates for property survey services.

Resolution R2020-066

Award of Professional Services Agreement with Control Point Associates for Property Survey Services for Green Acres Funded Open Space Property Acquisitions for 104 Disbrow Hill Road (Block 32, Lot 5)

RESOLUTION R2020-066
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, East Windsor Township is considering acquisition of the property located at 104 Disbrow Hill Road (Block 32, Lot 5) to preserve as open space; and

WHEREAS, on February 24, 2020, the Township solicited and posted a request for proposals notice and on March 18, 2020, received four (4) proposals for Professional Services for Property Survey Services for the Green Acres funded acquisition of property located at 104 Disbrow Hill Road (Block 32, Lot 5); and

WHEREAS, the lowest responsible proposal was received from Control Point Associates; 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 Assistant Township Manager's recommendation; and

WHEREAS, the maximum amount of the contract is \$6,700.00 and funds are available in the Account No. T-13-56-857-802, entitled "Reserve for Open Space," as evidenced by the Chief Financial Officer's Certification No. T2020-006.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to enter into the attached Agreement with Control Point Associates, 305 Fellowship Road, Suite 210, Mount Laurel, NJ 08054 to prepare a property survey for the property located at 104 Disbrow Hill Road (Block 32, Lot 5), in an amount not to exceed \$6,700.00.

2. This Contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law because the contract is for services performed by persons authorized by law to practice a recognized profession that is regulated by law, but in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5 et seq.

3. The Municipal Clerk shall cause to be printed once, in the Trenton Times, a brief notice stating the nature, duration, service and amount of this contract, and that the resolution and contract are on file and available for public inspection in the office of the Municipal Clerk.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on April 7, 2020.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2020-066.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-066 was approved.

e. Other Potential Properties

No comment was made pertaining to other potential properties.

MATTERS BY PUBLIC:

No Matters by Public.

ADJOURNMENT:

Next Meeting: April 21, 2020 at 5:30 p.m.

Kelly Lettera
Municipal Clerk

Janice S. Mironov
Mayor