

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday May 19, 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, May 19, 2020.

VERIFICATION:

The Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 10, 2020 in the annual meeting notice and on May 15, 2020, notices with the amended time were sent to the Trenton Times, filed in the office of the Municipal Clerk and posted in the East Windsor Municipal Building. All requirements of the open public meeting act have been satisfied.

FLAG SALUTE: Led virtually.

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:

National Gun Violence Awareness Day – (June 5, 2020)

Mayor Mironov stated she was personally asked by the local “Mom’s Against Gun Violence” group to create a Proclamation recognizing National Gun Violence Awareness Day and she will present it, with proper social distancing, later in the week.

INTERVIEWS FOR BOARDS AND COMMISSIONS:

PUBLIC FORUM:

No one spoke from the public.

MINUTES:

December 17, 2019

January 14, 2020

January 28, 2020

February 11, 2020

February 25, 2020

March 10, 2020

March 24, 2020

April 7, 2020
April 21, 2020
May 5, 2020

All minutes were rescheduled to the next regularly scheduled meeting.

ORDINANCE – PUBLIC HEARING:

Ordinance 2020-05 An Ordinance to Authorize Acquisition for Open Space of Property Located At 104 Disbrow Hill Road and Designated on the East Windsor Township Tax Map as Block 32, Lot 5

**TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

ORDINANCE NO. 2020-05

**AN ORDINANCE TO AUTHORIZE ACQUISITION FOR OPEN SPACE OF AN
APPROXIMATELY 3.64 ACRE SITE, LOCATED AT 104 DISBROW HILL
ROAD, AND DESIGNATED ON THE EAST WINDSOR TOWNSHIP TAX MAP
AS BLOCK 32, LOT 5**

WHEREAS, the Township Council of the Township of East Windsor has determined that it is in the best interests of the Township to acquire an approximately 3.64 acre parcel of land located at 104 Disbrow Hill Road, and designated on the East Windsor Township Tax Map as Block 32, Lot 5 (the "Property"), for use as open space; and

WHEREAS, the Property is presently owned by Henry S. Estenes (the "Owners"), residing at 21 Rockdale Avenue, Roosevelt, NJ 08555; and

WHEREAS, an Agreement of Sale, between East Windsor Township and the Owners, has been negotiated with a purchase price of \$84,000.00 for the Property; and

WHEREAS, the Township has been awarded New Jersey Green Acres Program grants and Mercer County Open Space grants to fund the purchase of the 3.64 acre Property.

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

I

The Mayor, Municipal Clerk, Township Manager, Township Engineer and Township Attorney be and are hereby authorized to take all necessary actions to acquire an approximately 3.64 acre parcel of land located at 104 Disbrow Hill Road, and designated on the East Windsor Township Tax Map as Block 32, Lot 5, for use as open space, pursuant to the Agreement of Sale between the Owners and the Township of East Windsor. This authorization includes, but is not limited to, the execution of an Agreement of Sale with a purchase price of \$84,000.00, payment of the contract purchase price, and the acceptance and recording of a Deed to the Property.

II

REPEAL

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

III SEVERABILITY

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

IV EFFECTIVE DATE

This Ordinance shall take effect 20 days after final passage and publication according to law.

Mayor Mironov stated Ordinance 2020-05 was introduced at the meeting of April 21 and the Public Hearing set for tonight. Mayor Mironov declared the public hearing open on Ordinance 2020-05. With no comment from the public being made, Mayor Mironov declared the public hearing closed.

Mayor Mironov stated that a signed agreement was not yet received from the seller which is necessary to proceed. She stated that the property assessment was authorized over a month ago and she is looking for a status. She also stated that once the property assessment is complete, the Township can proceed with the survey.

It was MOVED by Yeager, SECONDED by Rosenberg to adopt Ordinance 2020-05 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 2020-05 was adopted and publication authorized as required by law.

ORDINANCE – INTRODUCTION:

RESOLUTIONS:

Resolution R2020-079 Chapter 159 – Amending the 2019-2020 Municipal Budget
Providing an Item of Revenue and Appropriation for the Municipal
Alliance Grant

**RESOLUTION R2020-079
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

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

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

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

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

1. The insertion of an item of revenue in the budget of the year 2019-2020 in the sum of \$22,104, which item is now available as revenue from the July 1, 2019 through June 30, 2020 Municipal Alliance on Alcoholism and Drug Abuse grant year.
2. A like sum of \$22,104 is hereby appropriated under the caption of 2019-2020 Municipal Alliance on Alcoholism and Drug Abuse.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on May 19, 2020.

Mayor Mironov stated that a recommendation memo was provided from the Finance Director on these funds.

It was MOVED by Lippman, SECONDED by Yeager to approve Resolution R2020-079.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-079 was approved.

Resolution R2020-080 Chapter 159 – Amending the 2020 Municipal Operating Budget
Providing an Item of Revenue and Appropriation for the 2020 Body
Armor Grant

RESOLUTION R2020-080
EAST WINDSOR TOWNSHIP
MERCER COUNTY

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

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

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

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

1. The insertion of an item of revenue in the budget of the year 2020 in the sum of \$4,193.12, which item is now available as revenue from 2020 Body Armor Grant.
2. A like sum of \$4,193.12 is hereby appropriated under the caption of 2020 Body Armor Grant.

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 May 19, 2020.

Mayor Mironov stated that a recommendation memo was provided from the Finance Director on these funds.

It was MOVED by Rosenberg, SECONDED by Shapiro to approve Resolution R2020-080.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-080 was approved.

Resolution R2020-081 Approval of Shared Service Agreement with Mercer County for Health Officer Services

RESOLUTION R2020-081
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, the Township's longstanding shared services agreement was abruptly cancelled in January 2020 due to the retirement of the Health Officer; and

WHEREAS, pursuant to the provisions of the Local Health Services Act, N.J.S.A.36:3A2-1, shall be for the purpose of ensuring a public health program for the Township in accordance with N.J.A.C. 5:52-1.1 and any other applicable administrative rules and/or statutes promulgated by the State of New Jersey; and

WHEREAS, the Township and the County are responsible by law for the protection of public health and need to provide such services for their residents for 2020; and

WHEREAS, on January 10, 2020, the County of Mercer and the Township entered into an Emergency Agreement and filed an Emergency Procurement Report for Health Officer Services with New Jersey Division of Local Government Services, for a term of January 2, 2020 through March 31, 2020; and

WHEREAS, due to the Covid-19 pandemic, on March 24, 2020, the Township requested an additional two month Agreement extending the Health Officer Services term with the County of Mercer through May 30, 2020; and

WHEREAS, the Township of East Windsor desires to enter into a Shared Services Agreement with the County of Mercer for Health Officer Services for a term of June 1, 2020 through November 30, 2020; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. authorizes any municipality to enter into a contract with any other municipality for the joint provision of any service which either party is empowered to render within its own jurisdiction; and

WHEREAS, the maximum amount of the six month contract is \$17,286 (\$2,881 per month) and funds will be available in the Current Fund Account No. 0-01-27-330-601-249 entitled "Licensed Professional", as evidenced by the Chief Financial Officer's Certification No. B2020-022.

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

1. The attached Shared Services Agreement entitled "Shared Services Agreement between Township of East Windsor and County of Mercer" is hereby approved in accordance with the provisions of N.J.S.A. 40A:65-1, et seq. for a term of June 1, 2020 through November 30, 2020.
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 May 15, 2020.

Mayor Mironov stated that a memo was received from the Township Manager regarding the agreement which reflects a continuation of services with Mercer County. She stated that once the Hamilton Township agreement was no longer in effect they coordinated one month of service with Mercer County and have now proposed a six month agreement with specific hours and functions. She stated that upon review and based on current circumstances, both the Mayor and Manager recommend to proceed with the six month agreement.

It was MOVED by Lippman, SECONDED by Shapiro to approve Resolution R2020-081.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-081 was approved.

Resolution R2020-082

Approval of Interlocal Services Agreement with Borough of Hightstown for Senior Service/Center Agreement

**RESOLUTION R2020-082
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, by Resolution R2017-067, adopted on April 18, 2017, the Township Council entered into a successor Agreement, with the Borough of Hightstown to continue the provision of Senior Program/Center Services, commencing on March 1, 2017 through February 28, 2018; and

WHEREAS, the parties desire to enter into another successor Agreement, commencing on March 1, 2018 through February 28, 2019, to continue the provision of Senior Program/Center Services by the Township to the Borough of Hightstown; and

WHEREAS, the parties desire to enter into another successor Agreement, commencing on March 1, 2019 through February 29, 2020, to continue the provision of Senior Program/Center Services by the Township to the Borough of Hightstown; and

WHEREAS, the parties desire to enter into another successor Agreement, commencing on March 1, 2020 through February 28, 2021, to continue the provision of Senior Program/Center Services by the Township to the Borough of Hightstown; and

WHEREAS, the Uniform Shared Services and Consolidation Act N.J.S.A. 40A:65-1 et seq. authorizes the approval of Shared Services Agreements by Resolution; and

WHEREAS, the Township Council has reviewed the Township Manager's recommendations on this agreement.

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 attached Shared Services Agreement between East Windsor Township and Hightstown Borough for Senior Program/Center Services is hereby approved for the period March 1, 2020 through February 28, 2021, in accordance with the provisions of N.J.S.A. 40:65-1.
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 May 19, 2020.

Mayor Mironov stated the new agreement was previously reviewed by Mayor and Council prior to sending it out to the Borough of Hightstown.

It was MOVED by Yeager, SECONDED by Shapiro to approve Resolution R2020-082.

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

Nays – None

There being seven (7) ayes, and no (0) nays, Resolution R2020-082 was approved.

Resolution R2020-083 Approval of Agreement for Financial Advisory Services for
Continuing Disclosure Agent with Phoenix Advisors, LLC

Mayor Mironov held Resolution R2020-083 till the next regularly scheduled meeting pending clarification on the price and term and the Resolution reflecting those changes.

APPLICATIONS: N/A

REPORTS BY COUNCIL AND STAFF:

Council Member Shapiro reported that the Planning Board met on May 18, 2020. He stated the discussion primarily focused on a request made by Target for a sign to show where patrons could drive up to pick-up merchandise. He stated Target will need to return to the Planning Board due to pending questions that the members were not satisfied with the answers.

Council Member Daniels reported that the Commission on Aging met virtually on May 11 via Zoom. She stated that the members were very happy to reconnect and although most things are on hold, since senior center is not open for events and activities, available updates were provided to the seniors. She continued by stating that the Zoom platform worked well and the next tentative meeting is set for May 28. Mayor Mironov reinforced that meetings for any of the Township Boards or Committees, including Zoom, are to be conveyed to the Mayor and Clerk's Office for scheduling purposes.

Mayor Mironov reported that the Senior Center Expansion Committee had a Zoom meeting today, May 19, with the Civil and Environmental Engineers to discuss and focus on the external components of the project. Mayor Mironov stated the project is proceeding and documents will continue to be put together in the hopes that the project will be set by the end of the month.

CORRESPONDENCE:

Mayor Mironov reported that a memo, dated May 6, from the Township Manager was provided to Mayor and Council regarding questions from the May 5 Council meeting bill list. She further stated that if the information was provided in advance it would be more helpful. Mayor Mironov stated the Zoom subscription should be for only one year and Mayor and Council as well as all departments should have access to the Zoom platform.

Mayor Mironov noted that a personal thank you letter, dated April 24, was received from Robert Wood Johnson University Hospital, Hamilton (RWJUH), for the Mayor attending their event and thanking all their healthcare workers during these difficult times. Mayor Mironov also recognized that RWJUH has been good cooperative partners with the Township during the current health emergency. Mayor Mironov noted that a completed certification and a third quote was received from the Director of Public Works, for the purchase under Resolution R2020-071 satisfying the condition from the May 5 Council meeting. She also noted she is looking for a status update on an email that was received by the Clerk's office in March requesting a release of

performance bonds for Lightbridge Academy. Mayor Mironov noted that bids for Transportation Services were received and letters need to go out to Mercer County and the Borough of Highstown.

APPOINTMENTS:

Mayor Mironov stated that Mayor and Council received a letter, dated April 27, from the Prosecutor recommending Alternate Municipal Prosecutors in his absence. She further stated it was received a little late this year due to the halt in court sessions because of the health emergency.

It was MOVED by Yeager, SECONDED by Shapiro to appoint the four Alternate Municipal Prosecutors stated in the Prosecutors April 27 letter.

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

There being seven (7) ayes and no (0) nays, the four Alternate Municipal Prosecutors were appointed for 2020.

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 on the Current 2019 bills list, page 2, Buildings and Grounds for Fire Co. #1 in the amount of \$1,575 for a new hot water heater and if it is properly charged. He also questioned two additional bills, current 2020, with similar amounts with the same question regarding expense versus capital. Mayor Mironov questioned if the charges are reimbursements and requested that the Township Manager look into the bills and confirm. The Township Manager stated the bills were previously reviewed and were identified as 2019 budget expenses and a transfer is not required at this time. Mayor Mironov requested that the Township process be corrected. The Township Manager stated bills have never been submitted as a capital expense and that the tools broke and needed to be replacement. The Township Manager also stated he was not sure if either item would be a capital item and he is not familiar with the life expectancy of that particular equipment. Mayor Mironov further clarified the Township Manager's response stated "some items may not be bondable due to life expectancy", otherwise it would have gone in the Capital Ordinance. Council Member Zoller commented that he thought \$2,200 was a lot for a battery charger. The Township Manager stated that it is most likely a rack to charge multiple radios at same time. He further stated that he is not certain of the exact circumstances the portable radios, but they are utilized on a 24/7 basis and if a rack battery charger went down it would need to be replaced immediately and they are "pricey". Council Member Zoller responded that if the Township Manager is satisfied then so is he. Council Member Shapiro questioned the data processing expenses, on page 1 of the 2019 bills list. The Township Manager stated the extra visit and charges in April were to prepare the Township for off-site work due to the health emergency and to ensure that all the lap tops were converted in the

event that we had to shut down the Municipal Building. He stated it was an extra expense, but has also been identified for potential reimbursement from FEMA from the COVID 19 pandemic.

It was MOVED by Zoller, SECONDED by Lippman 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.

MATTERS BY COUNCIL:

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. 269 Wyckoff Mills Road (Block 12, Lot 2) Redevelopment

Mayor Mironov stated that this item was on last agenda and it is now on again because, as indicated, there were items that remained incomplete and a number of issues arose from that. She further stated that the Township has received the application from the Redeveloper and noted that there were some changes that were made to the financial agreement that is now attached to Ordinance 2020-06. Mayor Mironov stated the changes were minimal and did not substantially change the terms of the Agreement.

- A. **Ordinance 2020-06** An Ordinance of the Township of East Windsor, in the County of Mercer, State of New Jersey, Approving Application and Financial Agreement for Tax Exemption in Connection with the Redevelopment of 269 Wyckoff Mills Road (Block 12, Lot 2).

REVISED
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER

ORDINANCE NO. 2020-06

AN ORDINANCE OF THE TOWNSHIP OF EAST WINDSOR, IN THE COUNTY OF MERCER, STATE OF NEW JERSEY, APPROVING APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION IN CONNECTION WITH THE REDEVELOPMENT OF 269 WYCKOFF MILLS ROAD (BLOCK 12, LOT 2).

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), the Township Council (“Township Council”) of the Township of East Windsor (“Township”) adopted Resolution R2017-097 on May 16, 2017, authorizing the East Windsor Planning Board to conduct a Preliminary Investigation of the parcel located at 269 Wyckoff Mills Road and known as Block 12, Lot 2 on the Township tax map (the “Redevelopment Area”), to determine if the area is in need of Redevelopment; and

WHEREAS, on July 11, 2017, the Township Council adopted Resolution R2017-133, designating the Redevelopment Area, as a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, on September 12, 2017, the Township Council adopted Ordinance Number 2017-010, approving and adopting the redevelopment plan (“Redevelopment Plan”) for the Redevelopment Area; and

WHEREAS, on October 10, 2017, the Township Council adopted Resolution R2017-176, designating 269 Wyckoff Mills Road EW3 as the redeveloper of the Redevelopment Area; and

WHEREAS, subsequent to the adoption of Resolution R2017-176, the Redevelopment Area was sold by 269 Wyckoff Mills Road EW3 to 269 Wyckoff Mills Road Urban Renewal, LLC, subject to the terms of Resolution R2017-176;

WHEREAS, on May 5, 2020, the Township Council adopted Resolution R2020-078, designating 269 Wyckoff Mills Road Urban Renewal, LLC (the “Entity”) as the redeveloper of the Redevelopment Area and authorizing the execution of a Redevelopment Agreement (the “Redevelopment Agreement”) with the Entity; and

WHEREAS, pursuant to the Redevelopment Agreement, the Entity will redevelop the Redevelopment Area by constructing a project consisting of an approximately 159,974 square foot building, including approximately 120,326 square feet of warehouse space, approximately 9,174 square feet of office space and, potentially, approximately 30,474 square feet of mezzanine space in the Redevelopment Area, and the construction of utilities, roads, street lighting, landscaping, sidewalk and other on- and off-site improvements in accordance with the requirements of the Redevelopment Plan (collectively, the “Project”); and

WHEREAS, the Entity submitted to the Township an application (the “Application”) for tax exemption in connection with the Project, which application is on file with the Township Clerk, requesting an exemption from taxes for the improvements constituting the Project pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the “Long Term Tax Exemption Law”); and

WHEREAS, the Application includes a proposed form of financial agreement (the “Financial Agreement”); and

WHEREAS, the Mayor submitted the Application and Financial Agreement to the Township Council with her recommendation that the Application be favorably considered, provided that all legal requirements have been met, a copy of which recommendation is on file with the Township Clerk; and

WHEREAS, the Township Council has determined that the Project represents an undertaking permitted by the Long Term Tax Exemption Law; and

WHEREAS, in order to satisfy the requirements of the Long Term Tax Exemption Law and to set forth the terms and conditions under which the Parties shall carry out their respective obligations with respect to the payment of the Annual Service

Charge by 269 Wyckoff Mills Road Urban Renewal, LLC, in lieu of real property taxes, the Parties have determined to execute this Financial Agreement.

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, in consideration of the mutual covenants herein contained and for other good and valuable consideration, it is mutually covenanted and agreed as follows:

SECTION 1. The foregoing recitals are hereby incorporated by reference as if fully repeated herein.

SECTION 2. The Application and Financial Agreement are hereby approved.

SECTION 3. The Mayor is hereby authorized to execute the Financial Agreement in substantially the same form as the attached Exhibit A, subject to such minor additions, deletions, modifications or amendments deemed necessary by the Mayor in her discretion in consultation with counsel, which minor additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Financial Agreement.

SECTION 4. Repealer. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. 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.

SECTION 6. Effective Date. This Ordinance shall take effect twenty (20) days after the final passage and publication as required by law.

Mayor Mironov stated a new Ordinance and Financial Agreement has been provided to Mayor and Council with the revisions. She stated the revisions that took place on the Financial Agreement and substantial changes in the Ordinance required that the Ordinance be re-introduced since the Municipal Clerk published and advertised the previous version of the Ordinance. The Township Attorney agreed that the correct procedure would be to re-introduce the Ordinance and schedule a new public hearing for June 2, 2020. She stated during the June 2 public hearing, all required revised documents will be provided along with her recommendation.

Mayor Mironov requested a motion to amend Ordinance 2020-06 and authorize publication as required by law, and set public hearing for June 2, 2020.

It was MOVED by Rosenberg, SECONDED by Yeager to amend Ordinance 2020-06, authorize publication as required by law, and set public hearing for June 2, 2020.

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

There being seven (7) ayes, and no (0) nays, Ordinance 2020-06 was amended, publication authorized as required by law, and public hearing set for June 2, 2020.

The Township Attorney stated that the Developer's Agreement was sent to their attorney last week and the Township is awaiting the signed agreement.

- B. Resolution R2020-078** Designating 269 Wyckoff Mills Road Urban Renewal, L.L.C. as Redeveloper and Authorizing the Execution of a Redevelopment Agreement for 269 Wyckoff Mills Road (Block 12, Lot 2), Pursuant to the Local Redevelopment and Housing Law. *N.J.S.A. 40A:12A-1, et seq.*

REVISED
RESOLUTION R2020-078
TOWNSHIP OF EAST WINDSOR
MERCER COUNTY

**RESOLUTION OF THE TOWNSHIP OF EAST WINDSOR, COUNTY OF
MERCER, DESIGNATING 269 WYCKOFF MILLS ROAD URBAN RENEWAL,
LLC AS REDEVELOPER AND AUTHORIZING THE EXECUTION OF A
REDEVELOPMENT AGREEMENT FOR 269 WYCKOFF MILLS ROAD KNOWN
AS BLOCK 12, LOT 2, PURSUANT TO THE LOCAL REDEVELOPMENT AND
HOUSING LAW, *N.J.S.A. 40A:12A-1, ET SEQ.***

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, on May 16, 2017, the Township Council adopted Resolution R2017-097, authorizing the East Windsor Planning Board to conduct a Preliminary Investigation for the parcel located at 269 Wyckoff Mills Road and known as Block 12, Lot 2 on the Township tax map (the "Redevelopment Area"), to determine if the area is in need of Redevelopment; and

WHEREAS, on July 11, 2017, the Township Council adopted Resolution R2017-133, designating the Redevelopment Area, as a non-condemnation area in need of redevelopment under the Redevelopment Law; and

WHEREAS, on September 12, 2017, the Township Council adopted Ordinance Number 2017-010, approving and adopting a redevelopment plan ("Redevelopment Plan") for the Redevelopment Area; and

WHEREAS, on October 10, 2017, the Township Council adopted Resolution R2017-176, designating 269 Wyckoff Mills Road EW3 as the redeveloper of the Redevelopment Area; and

WHEREAS, subsequent to the adoption of Resolution R2017-176, the Redevelopment Area was sold by 269 Wyckoff Mills Road EW3 to 269 Wyckoff Mills Road Urban Renewal, LLC, subject to the terms of Resolution R2017-176; and

WHEREAS, 269 Wyckoff Mills Urban Renewal, LLC (the “Entity”) is the current owner of the Redevelopment Area; and

WHEREAS, the Entity will redevelop the Redevelopment Area by constructing a project consisting of an approximately 159,974 square foot building, including approximately 120,326 square feet of warehouse space, approximately 9,174 square feet of office space and, potentially, approximately 30,474 square feet of mezzanine space on the Redevelopment Area, and the construction of utilities, roads, street lighting, landscaping, sidewalk and other on- and off-site improvements in accordance with the requirements of the Redevelopment Plan (collectively, the “Project”) and the Entity desires to be designated by the Township as the “redeveloper” (as defined in the Redevelopment Law) for the Redevelopment Area; and

WHEREAS, the Township finds that the Entity’s proposal is in the best interests of the Township; and

WHEREAS, in order to set forth the terms and conditions under which the Entity will undertake the redevelopment of the Redevelopment Area, the Township and the Entity desire to enter into a redevelopment agreement; and

WHEREAS, the Township Council now desires to (i) designate the Entity as the redeveloper of the Redevelopment Area and (ii) authorize the execution of a redevelopment agreement (the “Redevelopment Agreement”) between the Township and the Entity in substantially the same form as the attached **Exhibit A**.

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

1. Upon execution of the Redevelopment Agreement, and so long as the Redevelopment Agreement remains in full force and effect, 269 Wyckoff Mills Urban Renewal, LLC is designated as the Redeveloper of the property located at 269 Wyckoff Mills Road and known as Block 12, Lot 2.
2. The Mayor is hereby authorized to execute the Redevelopment Agreement in substantially the same form as the attached **Exhibit A**, subject to such minor additions, deletions, modifications or amendments deemed necessary by the Mayor in her discretion in consultation with counsel, which minor additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Redevelopment Agreement.
3. This Resolution shall take effect immediately.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on May 19, 2020.

Mayor Mironov stated that the Resolution and Agreement provided to Mayor and Council has been revised and a motion needs to take place to rescind the prior Resolution and replace it with “Resolution R2020-78 REVISED”. The Township Attorney stated that in the motion the document itself is already marked revised. Mayor Mironov then stated that

the Motion is to rescind the May 4, 2020 Resolution R2020-078 and replace it in full with "Resolution R2020-078 REVISED". Mayor Mironov further indicated that Resolution R2020-078 REVISED should be certified with today's Council meeting date.

Mayor Mironov further stated that the revised agreement is more comprehensive and in the future all the definitions are not required.

It was MOVED by Yeager, SECONDED by Lippman to rescind Resolution R2020-078 and replace with Resolution R2020-078 REVISED.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-078 was rescinded and replaced with Resolution R2020-078 REVISED.

2. 2020 Municipal Capital Program

Ordinance 2020-07

Bond Ordinance Providing for Various Capital Improvements of the Township of East Windsor, in the County of Mercer, New Jersey, Appropriating the Aggregate Amount of \$7,075,476 Therefor and Authorizing the Issuance of \$3,083,700 Bonds or Notes of the Township to Finance Part of the Cost Thereof

[NOTE: Ordinance 2020-07 is not included in the minutes but is provided in full on the East Windsor Township website due to the size of the Ordinance.]

Mayor Mironov stated that the above Municipal Capital Program was discussed at the last couple of Council meetings and the Ordinance is the result of those discussions.

It was MOVED by Yeager, SECONDED by Rosenberg to approve Ordinance 2020-07 on introduction, authorize publication as required by law, and set public hearing for June 2, 2020.

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, publication authorized and required by law, and public hearing set for June 2, 2020.

3. New Jersey Urban & Community Forestry, New Jersey Department of Environmental Protection, Grant

Mayor Mironov stated that Council Members were provided a copy of a memo prepared by the Business Ombudsman regarding the grant award. She stated that the application was done by the

prior Director of Public Works and the tree inventory submitted was not considered to be qualified. She further stated New Jersey Department of Environmental Protection is allowing the Township to transform the \$30,000 grant into a \$10,000 grant for a tree inventory. She stated Council previously requested that the Township's Landscape Architect provide a tree inventory proposal for consideration. Mayor Mironov asked Council if they would like to give back the \$30,000 grant or transform the grant application to reflect the \$10,000. Mayor and Council unanimously agreed that the Township should transform the grant to reflect the appropriate tree inventory for \$10,000. Mironov Mironov requested clarification on the in-kind match and how that match will be fulfilled.

4. Open Space Acquisitions: Status

A. 104 Disbrow Hill Road (Block 32, Lot 5)

Mayor Mironov requested a status on the signed agreement, assessment report and when the Township can proceed with the survey.

B. 641 Etra Road (Block 32, Lot 13.01)

Mayor Mironov stated the clearance for the assessment report was received from Green Acres and the Township can proceed with the survey. Mayor Mironov requested to be notified of the status once the survey is received.

C. 949 Windsor-Perrineville Road (Block 31, Lot 21)

Mayor Mironov stated the clearance for the assessment report was received from Green Acres and the Township can proceed with the survey. Mayor Mironov requested to be notified of the status once the survey is received.

D. Additional Properties: 139 Woods Road (Block 44, Lot 1); 140 Woods Road (Block 46, Lot 26.03); 110 Woods Road (Block 46, Lot 25); 117 Woods Road (Block 44, Lot 1.07); Route 33 & Airport Road (Block 50.03, Lot 17); Old York Road (Block 42, Lot 13)

Mayor Mironov stated the properties referenced above were discussed during the last few Council meetings. She stated a memo, dated May 8, was provided to Mayor and Council with additional information in response to Council questions from the April 21 Council meeting. Mayor Mironov commented that she is unsure of what to do with the above properties at this point. She had thought that the purpose of the information was to try and position the Council to choose a direction regarding the properties, hoping that the information would be strategic in nature in order to make decisions.

Mayor Mironov she stated she is not sure what to do with the 699 Route 33 property and what the value of the property is to the Township. She also stated that on the two Thompson properties the Township needs to make them an offer or get an appraisal to see what the Township should offer. Council Member Daniels questioned the 139 Woods Road property and if the property is of value to the Township due to the easement and wetlands present. She further questioned if a house was

able to be built on the property and if the property was self-maintaining. Council Member Shapiro questioned who is presently clearing and maintaining the open field and wetlands. Mayor Mironov stated staff will need to check with JCP&L and see if they are clearing and maintaining the easement and if there would be any restrictions or if it would impact the value of the property to the Township. Mayor Mironov further stated that 140 Woods Road also has a JCP&L easement where a series of utility poles and tower structures are located to support electric transmission lines. She stated she again is not sure of the value or use of this property to the Township. Council Member Daniels questioned if 117 Woods Road is better value due to the 100 acres of Township owned land adjacent to it. Mayor Mironov stated that typically it is the philosophy and interest of the Township for the property to be an assemblage of open space or an “infill piece” for residents. Council Member Rosenberg stated he noticed more than half the acreage for the property located at 699 Route 33 is wetlands but the memo mentioned it may be of interest for the Union Transportation Trail Extension project. He asked if the property would be of interest for that specific reason. Mayor Mironov stated that the memo is unclear on whether the property is of value for the purpose of Union Transportation Trail Extension or some other purpose. She also questioned if that property has developable commercial value to the Township. Council Member Yeager questioned if the property could be an extension to the Union Transportation Trail or possibly linked. Council Member Zoller requested further clarification on the property in conjunction with the current 18.4 acres of Union Transportation Trail. Council Member Shapiro stated if the piece is stand alone and has no connection with other properties, the Township could possibly purchase the property for a lesser amount. Mayor Mironov questioned what investment the current owner has in the property. She further questioned if the owner knows he owns the property, owes taxes on the property, would consider donating the property or does the owners have any need for the property. Council Member Yeager questioned if there is a timeline to use the Green Acres money. Mayor Mironov stated she does not think so especially considering the current health emergency. She further requested more information on the properties along with attached maps in order to better clarify all of Council’s questions. Mayor Mironov stated the properties need to be listed on the next regularly scheduled agenda.

5. New Jersey Department of Transportation FY2021 Grant Programs

- a. Municipal Aid
- b. Transit Village
- c. Bikeway
- d. Safe Streets to Transit

Mayor Mironov stated that a letter was received from the Department of Transportation (DOT), dated April 13, indicating that grant programs were open with a filing deadline of July 1. She requested staff to look into the various programs and provide recommendations on how to proceed. Mayor Mironov stated a memo, dated May 8, was received from the Assistant Township Manager reiterating the April 13 letter from DOT, but the second page solely speaks on the Union Transportation Trail Extension rather than the various programs and how we could use them. She stated that the memo indicated the Safe Street to School program would not qualify for the Union Transportation Trail Extension Project but the Township previously did a joint Safe Streets to School project with Hightstown Borough on Morrison Avenue and Dutch Neck Road. She requested staff to do research and see if there is another project idea that the Safe Streets to School grant could apply too. She also asked staff to look into if the Safe Streets to School program was Federal or State money.

Mayor Mironov stated that the memo also indicated that the Bikeway grant program could apply for the Union Transportation Trail Extension Project as a priority and an old application was attached. She stated she agrees that the application for UTT extension project is a priority but the application is a re-run of a previous application. Mayor Mironov stated if the Township is looking to receive the additional money to fund the project then a new updated legitimate application needs to be done stating what has been done and what the Township would like to do for the future. She further asked for clarity on how the DOT funds can be used, since it was not included in the memo. Council Member Zoller stated he thought that using the bikeways grant for the Union Transportation Trail Extension would be a great idea and good avenue to pursue. Mayor Mironov again reiterated if the Township is submitting a second application on the project and it needs more information and details on how the Township has progressed with the project. Mayor Mironov requested that the item be listed on the next regularly scheduled Council meeting agenda. Mayor Mironov also asked Council if they would like to obtain information for the Safe Streets to Schools grant program and if they would like to possibly file an application. She again suggested maybe something joint with Highstown that would apply to the schools. Mayor Mironov stated the Township is not eligible for the Transit grant program.

Mayor Mironov stated that a memo, dated April 22, from the Director of Public Works was provided regarding Roadway Municipal Aid grant opportunities. She stated in previous years, two applications were submitted for roadway projects and she is looking to possibly do the same again this year. Mayor Mironov stated that Cranbury Manor was submitted last year as a secondary application and was not accepted. She stated the memo is proposing to submit a new application as first priority for Cranbury Manor but the submission needs to be much different. She stated that the second priority suggested is for Oak Branch Road, Pinehurst Drive, Pineybranch Road, Warren Drive and Greenbrook Drive, but the current numbers do not add up. So she suggested looking at the numbers and the various roads again. Council Member Yeager stated that he also noticed the numbers did not add up to the last application amount that was done for these streets. Mayor Mironov stated she would like the application to mirror the same streets as the last application versus what was suggested this time in the memo. Council Member Yeager commented that he is in favor of the past proposal and felt it accomplished more streets with less expense. Council Member Zoller stated he drove to the proposed roadways and agreed that he also preferred last year's application, designated streets and the corresponding cost estimates. Mayor Mironov commented that on option 1, which included Beechcroft Drive, Hawthorne Lane, Holly Drive, Iris Drive and part of Brooklawn Drive, is in much need of work. Council Members unanimously were in agreement with pursuing option 1 as the second application. Mayor Mironov stated that this item will be tentatively listed on next agenda with revisions to the application and Resolution. She stated the Cranbury Manor project also needs to be reviewed and revisions made to reflect the previous application.

6. Union Transportation Trail Extension: Status

Mayor Mironov stated that the Township continues to have conference calls with the engineer on this project. She further stated that notices were sent out to approximately thirty stakeholders in the project and she was looking for confirmation they all received the letters on the Township moving forward with the Union Transportation Trail Extension project. She stated a Special Informational Session will take place on Wednesday, June 3 at 6:00 p.m. via Zoom with the Township Council and Engineer to provide the community with information on the location of the project in hopes for the Township to move forward with the final engineering, permits and a construction schedule. She stated the Township Council will be sent a Zoom invite for participation and the public will also be notified.

MATTERS BY PUBLIC: None.

ADJOURNMENT:

There being no further business Mayor Mironov declared the meeting adjourned at 7:01 p.m.

Next Meeting: June 2, 2020

Kelly Lettera
Municipal Clerk

Janice S. Mironov
Mayor

