

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday June 2, 2020

5:30 p.m.

via Teleconference

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, June 2, 2020.

VERIFICATION:

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 10, 2020 in the annual meeting notice and on May 29, 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 Mayor Janice S. Mironov.

Mayor Mironov stated that prior to proceeding with the distributed agenda, she requested to add two items. The first addition is a Resolution, concerning the death of George Floyd in Minneapolis. The second addition is a possible Ordinance for introduction regarding the possibility of amending Zoning Definitions. She stated both additions will be read in full.

It was **MOVED** by Yeager, **SECONDED** by Rosenberg to amend the agenda adding a Resolution on the death of George Floyd and the Introduction of a Zoning Ordinance.

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

There being six (6) ayes, and no (0) nays, amending the agenda was approved.

ROLL CALL:

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

PRESENTATIONS & PROCLAMATIONS:

Mayor Mironov stated Deputy Mayor Yeager and herself spoke prior to the meeting and thought that it would be appropriate that the governing body address the circumstances regarding the death of George Floyd in some public and formal fashion. She further noted that there was a march earlier today in the community, initiated by an East Windsor High School student, through social media to march to and from the EWRSD Hightstown High School. She stated the march was peaceful and drew a good crowd of high school students and their families. Mayor Mironov stated she applauds the students for their active and public interests on important issues in our nation, for coordinating the event and for honoring the purpose of conducting the march. Mayor Mironov stated in recognition of the tragic event it is the responsibility

as elected officials to address these issues. Mayor Mironov requested that the Township Attorney read the proposed Resolution aloud in full for consideration.

The Township Attorney read the proposed Resolution:

WHEREAS, the Township of East Windsor, a community of ethnic, economic and educational diversity, takes great pride in its diversity and maintains an atmosphere of honor, respect and opportunity for every resident and visitor regardless of age, race, creed, religion, origin, sexual orientation, or gender identification; and

WHEREAS, the Township makes great efforts to reach out and work to ensure that everyone has the opportunity to be involved and considered in all of our actions and activities, so as to best reflect the entire fabric of our community at large and to hear from the many voices that make up the one East Windsor Township; and

WHEREAS, recent demonstrations and protests across the United States, sparked by the video of the tragic death of George Floyd at the hands of Minneapolis, Minnesota police officers, challenge public safety organizations and elected leadership across the country to respond honestly and effectively as concerns are raised by residents within our communities.

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

1. East Windsor Mayor and Council are deeply saddened by and strongly condemn the actions that led to the senseless and unacceptable death of George Floyd, and the underlying systematic failures which it again so dramatically surfaces.
2. East Windsor Mayor and Council remain committed to the morally, ethically and lawfully fair and just treatment of all Township residents and visitors.
3. East Windsor Mayor and Council and all Township departmental leadership will continue to take necessary steps, to maintain policies and procedures to ensure that all residents and visitors have effective channels of communication and processes, so as to be able bring to us all matters that call into question the fair, impartial and just treatment of anyone and without fear of retribution or reprisal.

It was MOVED by Rosenberg, SECONDED by Lippman to approve Resolution R2020-203.

Deputy Mayor Yeager thanked Mayor Mironov for speaking with him earlier today and moving so quickly on this Resolution and important topic. He further thanked the student organizers for the peaceful and well received protest. He stated it is up to today's young people to help solve this problem and that previous generations have tried and have made some progress but based on what has recently occurred there is obviously more work that needs to be done. He further stated that he encourages students and everyone to speak out in whatever fashion or form they feel comfortable in doing whatever it might be.

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

There being six (6) ayes, and no (0) nays, Resolution R2020-203 was approved.

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
May 19, 2020

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

ORDINANCE – PUBLIC HEARING:

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 that the Ordinance was introduced on May 5, 2020 and the public hearing was set for this evening. She declared Ordinance 2020-06 open to the public and seeing no one spoke, Mayor Mironov declared the public hearing closed. Mayor Mironov stated since the Township has the executed redevelopment agreement and the financial agreement, she is able to file her recommendation regarding the Redevelopment of 269 Wyckoff Mills Road. She stated the project is a positive business addition and great financial asset for the Township and is in compliance to all the Municipal Redevelopment and Master Plan requirements. Mayor Mironov recommended that the application for 269 Wyckoff Mills Road Urban Renewal LLC be favorably considered and that all legal requirements have been met.

It was MOVED by Yeager, SECONDED by Lippman to adopt Ordinance 2020-06 and authorize publication as required by law.

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

There being six (6) ayes, and no (0) nays, Ordinance 2020-06 was adopted and publication authorized as required by law.

ORDINANCE – INTRODUCTION:

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 \$7,049,476 Therefor and Authorizing the Issuance of \$3,059,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof

[NOTE: Due to the size of the Ordinance, Ordinance 2020-07 is not included in the minutes but a copy is available on the Township website.]

Mayor Mironov stated a revised Ordinance was included in Council packets for the meeting with revisions to the final numbers. She noted that there is no difference in the projects that are being agreed to, just the arithmetic in the title and body of the Ordinance needed to be revised. She further stated that the aggregate amount listed on the last Ordinance was \$7,075,476 which has changed to \$7,049,476 and the amount of bonds to be financed is \$3,059,000 not the initial \$3,083,700 that was provided. Mayor Mironov further indicated that the Ordinance needs to be amended due to the strict technicalities but a new public hearing is not necessary.

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 16, 2021, 2020.

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

There being six (6) ayes and no (0) nays, Ordinance 2020-07 was approved on introduction, authorize publication as required by law and set public hearing for June 16, 2020.

Ordinance 2020-08 An Ordinance Amending and Supplementing Chapter XX, “Zoning,” Section 20-3, Definitions,” Subsection 20-3.0261 “Restaurant,” and Adding Definitions for “Restaurant Curbside Pickup” and Motor Freight Facility,” of the Revised general Ordinances of the Township of East Windsor

**ORDINANCE NO. 2020-08
TOWNSHIP OF EAST WINDSOR
MERCER COUNTY
NEW JERSEY**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XX, "ZONING," SECTION 20-3, "DEFINITIONS," SUBSECTION 20-3.0261 "RESTAURANT," AND ADDING DEFINITIONS FOR "RESTAURANT CURBSIDE PICKUP" AND "MOTOR FREIGHT FACILITY," OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EAST WINDSOR

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST WINDSOR in the County of Mercer, State of New Jersey, that Chapter XX, "Zoning," Section, 20-3, "Definitions," of the Revised General Ordinances of the Township of East Windsor is amended and supplemented as follows:

SECTION 1. Chapter XX, "Zoning," Section 20-3, "Definitions," is amended and supplemented as follows:

A. Subsection 20-3.0261 is amended to delete the words, "or Restaurant, Fast Food."

B. A new Subsection 20-3.0262B is added, "RESTAURANT, CURBSIDE PICKUP: An accessory activity wherein a restaurant establishment provides for pickup of food prepared by the establishment, to the curbside or parking area on-site at the establishment."

C. A new Subsection 20-3.02441 is added, "MOTOR FREIGHT FACILITY: A facility serving truck and delivery vehicles as a fulfillment center, cross-dock terminal or shipping depot."

SECTION 2. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. 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 4. This Ordinance shall take effect 20 days after final passage and publication according to law.

Mayor Mironov read the entire Ordinance 2020-08 in full. Mayor Mironov stated this is an ongoing issue that she has been discussing with the Township Planner and the Deputy Mayor and she decided to list the item for tonight's meeting. She further noted that due to changing times there have been some changes in business practices that are different but have not been addressed in our Ordinances. Mayor Mironov explained that the proposed new Ordinance does not require any Planning Board or Zoning Board of Adjustment approval. She stated the Ordinance impacts Chapter XX "Definitions". She stated the first change is to section 20-3.261, eliminating the reference of "restaurant or restaurant/fast food" and replacing with "or restaurant/fast food" in the restaurant definitions. She stated the second change is to add "curbside restaurant pick up" to the definitions due to the increased restaurant take out activity. Mayor Mironov noted that she is in receipt of a brief memo from the Township Planner clarifying how important it is due to the COVID pandemic that the Township has this definition added to the Township's Ordinances. She stated the third change is to add the "Motor Freight Facility" definition to "A facility serving truck and delivery vehicles as a fulfillment center, cross-dock terminal or shipping depot."

It was MOVED by Yeager, SECONDED by Rosenberg to approve Ordinance 2020-08 on introduction, authorize publication as required by law and set a public hearing for June 16, 2020.

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

There being six (6) ayes, and no (0) nays, Ordinance 2020-08 was approved on introduction, authorize publication as required by law and set a public hearing for June 16, 2020.

RESOLUTIONS:

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

RESOLUTION R2020-083
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, on March 19, 2019, Mayor and Council approved Resolution R2019-051 for Financial Advisory Services; and

WHEREAS, the Township has a need for a Continuing Disclosure Agent for Financial Advisory Services; and

WHEREAS, the Financial Advisory Services were awarded in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5, et seq.; and

WHEREAS, the Township Council has reviewed the recommendation of the Chief Financial Officer; and

WHEREAS, the maximum amount of the contract is \$1,050 and funds are available in the Capital Fund Account No. C-04-55-942-702-253 entitled Ordinance 2007-02 "Bonding & Engineering", as evidenced by the Chief Financial Officer's Certification No. C2020-012.

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 is hereby authorized and directed to execute the attached Agreement for Continuing Disclosure Agent for Financial Advisory Services with Phoenix Advisors, LLC, 625 Farnsworth Avenue, Bordentown, NJ 08505, in a maximum amount of \$1,050, for a term of January 1, 2020 through December 31, 2020.
2. This Contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5 (1)(a) of the Local Public Contracts Law because the contract is for service performed by persons authorized by law to practice a recognized profession that is required by law, but in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5, et seq.

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 noted that Resolution R2020-083 was held at the last Council meeting due to questions that were raised regarding the time period and services that are provided. The Township Manager provided information on this as well as stating the time period of contract reflects January 1, 2020 through December 31, 2020 and the maximum amount of contract is \$1,050.00. He further stated that the \$1,050.00 covers the following: work already completed,

the filing of the Township Annual Debt Statement, the filing of Township Annual Financial Statement, and the 2020 Municipal Budget. He further stated that additional required work that is to be completed in 2020 includes filing of the annual audit once it is completed, current financing of the Township's outstanding bond payments and posting the renewal of the bond once it is awarded including any remaining work that involves Phoenix Advisors and the posting in the Electronic Municipal Market Asset system. Mayor Mironov stated she is satisfied with the explanation and requested that in the future a memo be provided to Mayor and Council with an explanation. Mayor Mironov also requested a small change in paragraph two of the Resolution to reflect the word "maximum" to be added to the final "Whereas".

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

It was MOVED by Lippman, SECONDED by Zoller to approve Resolution R2020-083 with revision.

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

There being six (6) ayes, and no (0) nays, Resolution R2020-083 was approved with the revision.

Resolution R2020-084 Approval of Maintenance Contract with Spillman Technologies for Computer Software for the Police Department

RESOLUTION R2020-084
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, there is a need to purchase police software enhancements and maintenance of the Records Management system, including computer aided dispatch, 9-1-1 interface, as well as general updates, telephone support, dial-in software modifications and repairs for the computer software for the Police Department; and

WHEREAS, Motorola Solutions, Inc., formerly Spillman Technologies, Inc., is the sole provider and has not authorized maintenance of their software by any other vendor; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5, any contract which exceeds the bid threshold may be negotiated and awarded by the governing body without publicly advertising for bids if the subject matter consists of the provision or performance of goods and services for the support or maintenance of proprietary computer hardware and software; and

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

WHEREAS, the maximum amount of the purchase is \$22,060.01 and funds are available in the Current Fund Account No 0-01-25-240-305-245 entitled "Police Records

Other Maintenance”, as evidenced by the Chief Financial Officer’s Certification No. B2020-023.

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 Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to Motorola Solutions, Inc., 4625 West Lake Park Boulevard, Salt Lake City, Utah 84120, for the purchase of police software enhancements, maintenance of the Records Management system, including computer aided dispatch, 9-1-1 interface, as well as general updates, telephone support, dial-in software modifications and repairs for the computer software for the period of June 1, 2020 through May 31, 2021, for the East Windsor Township Police Department, in an amount not to exceed \$22,060.01, 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 June 2, 2020.

Mayor Mironov stated that a recommendation memo was received from the Chief of Police. Mayor Mironov requested that attachment on the second page of the memo, be included with the Resolution.

It was MOVED by Rosenberg, SECONDED by Daniels to approve Resolution R2020-084 with the attachment.

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

There being six (6) ayes, and no (0) nays, Resolution R2020-084 was approved with the attachment.

Resolution R2020-085 Approval of Contract for Third Party Administrator Services with MagnaCare

RESOLUTION R2020-085
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, there exists a need for Third Party Administrative (TPA) Services for the administration and processing of health insurance benefits for the Township;

WHEREAS, the Township solicited proposals on March 13, 2020 and received one proposal for Third Party Administrative (TPA) Services; and

WHEREAS, the Township Council has reviewed the Township Manager’s recommendations; and

WHEREAS, this contract may be awarded without public advertising for bids as the contract is for “Extraordinary Unspecifiable Services” pursuant to N.J.S.A. 40A:11-5(1)(a)(ii); and

WHEREAS, the maximum amount of the contract is \$22,759.00 and funds are available in the Current Fund Account No. 0-01-23-220-109-249, entitled, “Group Insurance – Licensed Professional,” as evidenced by the Chief Financial Officer’s Certification No. B2020-024.

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 Agreement with MagnaCare, One Penn Plaza, New York, New York 10119, for a term of June 1, 2020 to May 31, 2021, in an amount not to exceed \$22,759.00.
2. This Contract is awarded without competitive bidding as a “Extraordinary Unspecifiable Services” in accordance with N.J.S.A. 40A:11-5(1)(a)(ii) of the Local Public Contracts Law because the contract is for services which are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor and which is not susceptible to competitive bidding, 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 June 2, 2020.

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

Mayor Mironov stated a recommendation memo was provided to Mayor and Council from the Township Manager. He further stated that the Township has been using Magnacare for years and they have agreed to not raise their rates for 2021. Mayor Mironov requested that the parentheses be removed after the numbers from the Resolution.

It was **MOVED** by Yeager, **SECONDED** by Zoller to approve Resolution R2020-085 with the revisions.

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

There being six (6) ayes, and no (0) nays, Resolution R2020-085 was approved with the revisions.

APPLICATIONS: None

REPORTS BY COUNCIL AND STAFF:

Council Member Zoller reported that the Economic Development Committee met via Zoom on Thursday, May 21 and topics discussed included the Etra Lake Park Arboretum, Target signage, the Wyckoff Mills Road Project, the Route 33 Art Installation Project and Young Entrepreneurship Day. Mayor Mironov also stated the next Economic Development Committee meeting will be held on Thursday, June 4 via Zoom.

CORRESPONDENCE:

Mayor Mironov reported the following information was received and distributed to Mayor and Council: a Tax Collector report for the period ending April 30, 2020; a memo from the Public Works Director, dated May 6, regarding Probasco Road; a memo from the Public Works Director, dated May 18, regarding final payment for ACT Engineers; a memo from the Township Manager regarding summer events and the arrangements of funds; a memo dated, May 20, from the Director of Public Works regarding the energy savings "Bulb Savings" Program; and a letter, dated May 11, from Mayor Mironov to the Mayor of Hightstown Borough regarding Dispatch Communication Services.

Mayor Mironov requested that the summer events be referenced during this time. She stated that she and the Township Manager have had discussions regarding the funding for Independence Day and other summer concerts and events. She stated there needs to be a funding plan in place whether the Township decides to have the events or cancel them due to the health emergency. She noted it is a major concern as far as sponsorships for the Township. She requested staff reach out to local businesses that are doing well and could potentially participate. She also raised concerns that she has regarding summer camps. Mayor Mironov stated Governor Murphy made a few new announcements but was not sure the utility of them and she is waiting on two important issues that have not yet been addressed. She stated that the first is liability is in terms of Municipal Government and the opening of the municipal buildings are sponsoring activities and local businesses. The second concern is regarding activity protocols and what will be permitted in terms of academic testing and programs and what the effects will be on children and senior citizens.

APPOINTMENTS: None

APPROVAL OF BILLS:

Mayor Mironov stated a 2020 Current Bill list dated May 28, 2019 Current Bill list, a Capital Bill List dated May 28, and other miscellaneous bill lists and trust accounts were provided.

Council Member Zoller stated on page five, current 2020, bill list there are two bills with identical amounts and identical descriptions with different invoice numbers that were charged to the Police Department. The Township Manager explained they are two identical laptops for the same amount related to COVID-19.

Mayor Mironov questioned a series of Rescue Squad 1 bills on page six, 2020 current bills list, and if they are related to COVID-19. She requested to hold those bills pending clarification if they are COVID related. The Township Manager stated if the volunteers do not add the bills in as a COVID related expenses it is difficult to change it in the Township system. Mayor Mironov also questioned the TIP bill list and requested to hold the bills until further clarification. She questioned the status of the Mercer at Play grant. She also questioned the Recreation Trust Fund regarding health-related expenditures versus COVID/FEMA use and requested clarification on if any additional monies are coming out of the Recreation Trust Fund.

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

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

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

MATTERS BY COUNCIL:

Mayor Mironov requested a status update on the Dutch Neck/Morrison Road project and the pre-bid meeting that the Director of Public Works is trying to set up. The Township Manager stated he spoke with the Director of Public Works and the State of New Jersey gave him permission to move forward with the pre-construction meeting. The Township Manager stated himself and the Director of Public Works will set up the Zoom meeting sometime early next week and will provide the Mayor and Council with those details. She requested a status update on the Exeter Road Project in order for the Township to go out to bid. She reminded staff that she is looking for electricity updates and that there will not be a transfer of money. Mayor Mironov stated a resident called to complain about the truck traffic on Old Cranbury Road between Route 130 and North Main Street. She stated that the police have yet to track anything down, but are looking into adding a no turning sign at that location and she would like staff to draft a letter for her signature to Mercer County. The Township Council agreed. Mayor Mironov reminded Council that the Union Transportation Trail extension meeting is scheduled for tomorrow, June 3 at 6:00 p.m. and the notice with the Zoom information was sent via email. She further stated that Hopewell Valley Engineering will be doing a PowerPoint presentation at the meeting, which will be open for comments and suggestions from anyone who logs in. She further stated that the presentation will be made available on the website after.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. New Jersey Department of Transportation FY2021 Grant Programs

a. Municipal Aid (Roadway Resurfacing Improvement Projects)

Mayor Mironov stated the FY2021 New Jersey Department of Transportation (NJDOT) grant programs were discussed at a previous Council meeting. She stated that the Director of Public Works provided information on various streets that Council brought up to possibly include in the applications. She stated Oak Branch, Piney Branch, Pinehurst and Warren Drive are to be included in the application with the over costs reflecting \$967,378.00. She stated that at this time the Township is going to hold off on Rocky Brook and hopefully do the entire road at a later date. The Township Council agreed to hold off on Rocky Brook Road. Mayor Mironov stated the second option could be Hawthorne Lane, Holly Drive, Iris Drive and part of Brooklawn Drive for the estimated cost of \$1,012,476. The Township Council were all in agreeance. Mayor Mironov requested that the two Resolutions be listed on the next Council meeting agenda. Mayor Mironov stated that Cranbury Manor will be the top priority.

b. Bikeway Projects

Mayor Mironov stated that a memo, dated May 27, was provided to Mayor and Council from the Assistant Manager with an updated draft application. She further noted that the Township will take advantage of the Commissioners invitation for the Union Transportation Trail (UTT) extension and apply for the rest of the construction funding with this application. Mayor and Council unanimously agreed that the application does support the UTT extension. She further requested that a Resolution is to be listed on the next Council meeting agenda with an application for the Union Transportation Trail Extension project. Mayor Mironov stated that the scope of work on the application does need to be revised in the second paragraph as well as the last paragraph. Council Member Yeager agreed that if the application is revised then the Township will be able to move forward with the project.

c. Safe Streets to Transit Projects

Mayor Mironov requested feedback from Township Manager on this topic. He stated staff is still working on identifying projects and that information will be provided for the next Council meeting. Mayor Mironov noted that the next Council meeting will be the last time the application can be discussed and needs to be approved prior to the July 1, deadline.

2. Delaware Valley Regional Planning Commission FY2020 Congestion Management Air Quality Funding Program

Mayor Mironov stated at the beginning of the year the Assistant Township Manager identified the funding program and the Township Manager has followed up on the program to provide Mayor and Council with project ideas, criteria, construction, and planning. She stated more than one application can be filed but requested that staff reach out to the previously used Mercer County planning contact to see if there are any upcoming programs with Delaware Valley Regional Planning Commission that may be a better fit for the Union Transportation Trail (UTT) extension project. She stated that the Mercer County Planner has been a real asset to the Township in terms of assisting staff with upcoming opportunities. Mayor Mironov stated she likes option two and option three that were suggested in the memo. She stated option three is something that the Township has been trying to get New Jersey Department of Transportation's attention on for some time. Council Member Rosenberg was in agreement and Council Member Zoller commented

that he feels the priorities are correct but he is curious about the proposed application amounts. The Township Manager stated he will look into the amounts and get back to Mayor and Council with that information, the Township's interest and more specifics on some possible projects. She stated the deadline is August 21 so staff has time on this to review, get ideas and share thoughts on the best options. All Council Members were all in agreement with the plan and timeline discussed.

3. Open Space Acquisitions: Status

- A. 104 Disbrow Hill Road (Block 32, Lot 5): Preliminary Assessment Report
- B. 641 Etra Road (Block 32, Lot 13.01): Survey
- C. 949 Windsor-Perrineville Road (Block 31, Lot 21): Survey
- 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); Other Properties

Mayor Mironov stated she received a voicemail from the Assistant Township Manager, but has nothing in writing to confirm the voicemail information left is accurate, but then had the Township Manager go into further details. The Township Manager stated the surveyor is submitting the Bennett property survey directly to Green Acres for review this week. The Township Attorney stated he thought that the survey was already sent to Green Acres for review and the Township was awaiting approval. Mayor Mironov stated she is not aware of receiving the survey or submitting it to Green Acres and hoped that neither was accurate since the Township was not included in the submission. Mayor Mironov requested that the Assistant Township Manager provide information to the Mayor first thing in the next morning regarding the submission of the survey and the process.

The Township Manager stated the Riggensbach property survey is expected to be complete by June 10 due to additional mapping from the Environmental Site Investigation which was required by Green Acres. He further stated everything should be ready to be submitted to Green Acres by June 19.

Mayor Mironov questioned the status on the Estenes property assessment. The Township Manager stated staff expects to receive the preliminary assessment report by June 23. Mayor Mironov requested information on why it has taken so long to receive the report since it was approved by Mayor and Council almost two months ago. The Township Manager stated he will find out and get back to Mayor and Council with the answers to those questions. Mayor Mironov requested written information on the three properties discussed with full clear details to Mayor and Council that can be followed and understood.

Mayor Mironov stated a memo, dated May 22, was distributed to Mayor and Council regarding possible additional open space properties. The Township Manager stated properties A and B have maps that are attached which show the value to the Union Transportation Trail. He stated that properties A, B and C connect to the Union Transportation Trail and a JCP&L easement. He stated if the Township were to utilize the JCP&L easement, the Township could possibly get the rights to extend the trail all the way to Route 130. He further stated the properties are wooded and would not require much maintenance and possibly gain rights to extend the trail from Airport Road to and across Route 130 and into Robbinsville Township and potentially connect with trails on the West side of East Windsor. The Township Manager stated the next step at this point is to make contact with the property owners and determine how much

they are looking to receive for the properties. Mayor Mironov stated she has been in contact with the property owners and she is looking to determine what the Township should offer them based on the value of the properties to the Township. Mayor Mironov requested for staff to be conscious with the properties and the price due to the size. She further questioned if the properties should be sent together as a single property or multiple for appraisal purposes. The Township Manager stated he feels there is no value in property D but property C is the same owner and the owner is looking to sell the properties as a package. He further stated there was a previous deal on the two properties but due to the amount of wetlands on those properties the deal fell through. He stated if the owner is looking to only sell the properties as a package it is up to the Township to determine if there is any real value based on the pricing. Council Member Zoller questioned the reference in the narrative of the preserved farmland that is adjacent to property D. The Township Manager stated the preserved farmland is directly next to the Woods Road property. Deputy Mayor Yeager commented that the maps are very helpful in understanding where the priorities should be and he is in agreement that if we can go without Property D that would be great, but it does not seem to appear that the Township can complete the Trail without A, B & C. He further stated that if property D has to be included and can be obtained at a decently low price, he would be ok with that to complete the trail. Mayor Mironov commented that if the Township considers getting both of them, it would be simple to strategically make one of them a donation and the process would be easier because the Township would not have to go through Green Acres for two different properties. All Council Members agreed to move forward with acquiring Properties A, B, & C and figure out what needs to be done with property D.

The Township Manager stated the property located on Old York Road, Block 42, Lot 13 is a 2.6 acre landlocked property on the border of Robbinsville Township. He stated that the property went into a tax sale and was purchased by Thompson Land for \$300.00 from the Township and then was sold a number of years later to the current owner David Saltman for \$300.00. He stated the current taxes on the property are \$933.00 per year and the Tax Assessor stated current value is probably between \$10,000 and \$15,000. He stated the property is heavily wooded, has significant wetlands, but the value to the Township would be that it has 650 feet of frontage on the proposed Union Transportation Trail. He stated that since the property is landlocked there is some value to the Township but is not worth the estimated Tax Assessors cost. He suggested reaching out to the owner regarding a possible donation to the Township. Mayor Mironov requested that a letter be drafted for her signature to the property owner asking if he would like to donate the property to the Township to benefit the trail. Council Member Zoller requested that staff look further into what benefits the property has to the Township and the trail as far as grade, accessibility and drainage. Mayor Mironov requested more information on the value, use and if we can obtain the property as a donation.

Mayor Mironov stated the 699 Route 33 property is the last property listed for discussion tonight. She stated the property is owned by Princeton Research Lands. The Township Manager stated that the property is located on the east side of Mercer Street near Airport Road, has 580 feet of frontage on the proposed Union Transportation Trail and after further research, it was also identified that on the other side of the property is eighteen and half acres of Township owned land which would service as a trail head for the Union Transportation Trail in addition to four additional acres of buildable land located in the Route 33 Corridor Revitalization zoning district. She stated the property has 300 feet of frontage on Mercer Street which for development purposes adds great value to the Township.

She stated if the property is commercially developed the Township would receive tax rateables rather than maintaining the property as open space and removing the property from the tax rolls. She stated the current value according to the Tax Assessor is estimated to be around \$490,000 to \$585,000, which is very costly and not worth the money for only a trail head for the Union Transportation Trail. The Township Manager stated the property is expensive but could be beneficial for future development. Township Council was in agreement with the Township Managers comment.

4. New Jersey Department of Transportation Route 130 Bridge over Millstone River Repairs Project

Resolution R2020-086 Support of Route 130 Bridge over Millstone River Repairs
Project by the New Jersey Department of Transportation

**RESOLUTION R2020-086
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Millstone River serves as the border between East Windsor and Cranbury Township and the Millstone River Bridge and is a single span concrete encased steel girder bridge that was originally built in 1936 and then widened in 1947 to accommodate this Urban Principal Arterial roadway that carries more than 32,000 vehicles per day; and

WHEREAS, NJDOT Bridge Management System reported, the existing Millstone River Bridge is structurally deficient with low inventory ratings, has a substructure that is in critical condition and is in need of replacement; and

WHEREAS, the purpose of the US Route 130 Bridge over Millstone River Bridge Replacement Project is to improve safety, correct the structural deficiencies and address the scour issues that are required to conform to current standards; and

WHEREAS, New Jersey Department of Transportation (NJDOT) conducted an investigation and prepared a concept redevelopment report for the Millstone River Bridge Replacement Project occurring in East Windsor Township and Cranbury Township; and

WHEREAS, over the past two years, Township officials have met with NJDOT representatives to discuss the bridge replacement proposal and construction and traffic phasing plans; and

WHEREAS, more recently, NJDOT representatives have agreed that traffic counts and statistics support maintaining two lanes of travel, in both directions, Route 130 North and Route 130 South during the entirety of the construction project.

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

1. The Township Council supports the necessary replacement of the Route 130 Bridge over Millstone River Project, by the New Jersey Department of Transportation, upon the condition that the New Jersey Department of

Transportation will maintain two lanes of travel, in both directions for Route 130 North and Route 130 South, during the entirety of the construction project.

2. A certified copy of this Resolution shall be forwarded to New Jersey Department of Transportation.

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 June 2, 2020.

Mayor Mironov stated a call was received on May 22 from the New Jersey Department of Transportation (NJDOT) because they were in need of a Resolution of approval for the Millstone River Bridge Replacement Project that will be occurring in East Windsor Township and Cranbury Township. Mayor Mironov stated DOT stated the project includes the replacement of the Millstone River Bridge with paving along Route 130. She further stated NJDOT stated the Resolution needs to be submitted prior to June 30, which is when their fiscal year ends. Mayor Mironov stated that she spoke with the NJDOT project engineer and he stated that nothing has changed since the initial report that was sent on January 7, 2020 and there will be two open lanes for traffic during construction. She stated several meetings have taken place in the last two years on this project between NJDOT, herself, and East Windsor's Chief of Police. Mayor Mironov explained that NJDOT is looking to replace the Millstone River Bridge that is on the border of East Windsor Township and Cranbury Township, which is in much need of repair. She stated that NJDOT was going to keep two lanes of traffic southbound and one lane north bound open during the entirety of the project. She further explained after further review from the Township and an outside source, NJDOT then determined it was necessary to have two lanes of traffic open in each direction for the entirety of the project replacement. Mayor Mironov stated the bridge is in need of replacement and now that NJDOT agreed to the two lanes of traffic in both directions she sees no reason why the Township should not support the Resolution. She did request for the Municipal Clerk to rework the Resolution thoroughly including the meetings with NJDOT and the need for the Resolution. Deputy Mayor Yeager commented that he thinks the Township should take advantage of the offer and the work and move quickly on the Resolution. Council Member Zoller inquired if the NJDOT provided an estimate on the duration of the project. Mayor Mironov responded that they did and noted that it is a significant timeline but she did not have that information currently to refer to and she would get back to Council with that information.

It was MOVED by Yeager, SECONDED by Daniels to approve Resolution R2020-086.

ROLL CALL: Ayes – Daniels, Lippman, Yeager, Mironov
Nays – Zoller
Abstain- Rosenberg

There being four (4) ayes, one (1) nay and one (1) abstention, Resolution R2020-086 was approved.

MATTERS BY PUBLIC: None.

ADJOURNMENT:

There being no further business Mayor Mironov declared the meeting adjourned at 7:23 p.m.

Next Meeting: June 16, 2020

Kelly Lettera
Municipal Clerk

Janice S. Mironov
Mayor