

## **EAST WINDSOR TOWNSHIP COUNCIL**

Tuesday, December 7, 2021

5:00 p.m.

via ZOOM

### **MINUTES**

#### **CALL TO ORDER:**

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 5:00 p.m. on Tuesday, December 7, 2021.

#### **VERIFICATION:**

Municipal Clerk Allison Quigley certified that the meeting was noticed on January 11, 2021 in the annual meeting notice. On December 3, 2021, 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 Council Member Daniels.

#### **ROLL CALL:**

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

#### **PRESENTATIONS & PROCLAMATIONS:**

#### **INTERVIEWS FOR BOARDS AND COMMISSIONS:**

Tamar Lopez was interviewed and is interested in volunteering for the Recreation Board.

Kevin Redding was interviewed and is interested in volunteering for the Recreation Board.

#### **PUBLIC FORUM:**

#### **MINUTES:**

December 8, 2020

March 9, 2021

March 23, 2021

April 6, 2021

April 20, 2021

May 4, 2021

May 18, 2021

June 8, 2021

June 22, 2021

July 20, 2021

August 3, 2021

August 17, 2021

September 21, 2021

October 5, 2021  
October 19, 2021  
November 2, 2021  
November 23, 2021

Mayor Mironov held the minutes of March 9, 2021, March 23, 2021, and April 6, 2021 pending revisions. All remaining minutes were rescheduled to the next regularly scheduled meeting.

**ORDINANCE – PUBLIC HEARING:**

**Ordinance No. 2021-10**                      An Ordinance to Authorize the Acquisition of Right-of-Way for Road Widening Purposes on Property Located at 330 Wyckoff Mills Road and Designated on the East Windsor Township Map as Block 15, Lot 1

**ORDINANCE NO. 2021-10  
TOWNSHIP OF EAST WINDSOR  
COUNTY OF MERCER**

**AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF RIGHT-OF-WAY FOR ROAD WIDENING PURPOSES ON PROPERTY LOCATED AT 330 WYCKOFF MILLS ROAD AND DESIGNATED ON THE EAST WINDSOR TOWNSHIP MAP AS BLOCK 15, LOT 1**

**WHEREAS**, 330 WMR, LLC, the owners of property located at 330 Wyckoff Mills Road, East Windsor, New Jersey, designated as Block 15, Lot 1 on the Tax map of the Township of East Windsor, received Preliminary and Final Major Site Plan Approval with Bulk Variances from the Planning Board on November 25, 2019, bearing application No. PB18-002, for the construction of a 160,462 square foot facility with related parking and loading areas; and

**WHEREAS**, on March 23, 2021, by Resolution R2021-048, the Township Council approved a Developer's Agreement with 330 WMR, LLC for the above referenced project; and

**WHEREAS**, 330 WMR, LLC has agreed to donate the attached right-of-way to the Township at no cost to the Township for road widening purposes.

**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:

**SECTION 1.** The Township of East Windsor hereby accepts the attached Right-of-Way Deed dated April 30, 2021 from 330 WMR, LLC, 154 First Avenue, Manasquan, New Jersey 08736, for an approximately 10 foot right-of-way from the property located at 330 Wyckoff Mills Road, and designated on the East Windsor Township Tax Map as Block 15, Lot 1, all as fully described in the attached Deed.

**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 stated Ordinance No. 2021-10 was introduced at the meeting of November 23<sup>rd</sup>, 2021 however public notice requirements had not been met. Mayor Mironov asked the Township Attorney to confirm the proper procedure. Mr. Orron advised Mayor and Council to carry the ordinance to the next regularly scheduled meeting and stated no motion was required. Mayor Mironov requested Ordinance No. 2021-10 be carried to the next regularly scheduled meeting on December 21<sup>st</sup>, 2021.

**Ordinance No. 2021-11**

An Ordinance Rescinding Ordinance 2015-08, Entitled “An Ordinance Amending Chapter XX “Zoning” Section 20-18, “R-O Research Office” Of The Revised General Ordinances Of The Township Of East Windsor Regarding Regulations For Height, Building Coverage, Floor Area Ratio And Proportion Of Space Devoted To Warehouse And Storage In Buildings In The R-O Research Office Zone”

**ORDINANCE NO. 2021-11  
TOWNSHIP OF EAST WINDSOR  
COUNTY OF MERCER**

**AN ORDINANCE RESCINDING ORDINANCE 2015-08, ENTITLED “AN  
ORDINANCE AMENDING CHAPTER XX “ZONING” SECTION 20-18, “R-O  
RESEARCH OFFICE” OF THE REVISED GENERAL ORDINANCES OF THE  
TOWNSHIP OF EAST WINDSOR REGARDING REGULATIONS FOR HEIGHT,  
BUILDING COVERAGE, FLOOR AREA RATIO AND PROPORTION OF SPACE  
DEVOTED TO WAREHOUSE AND STORAGE IN BUILDINGS IN THE R-O  
RESEARCH OFFICE ZONE”**

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

**I**

Ordinance 2015-08, adopted on July 21, 2015, which amended Chapter XX, “Zoning,” Section 20-18, “R-O Research Office”, is hereby repealed in its entirety.

## **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 No. 2021-11 was introduced at the meeting of November 23<sup>rd</sup>, 2021 however Mayor and Council are not in a position to act on this agenda item. Barring any objections, Mayor Mironov requested the ordinance be carried to the next regularly scheduled meeting.

### **ORDINANCE – INTRODUCTION:**

### **RESOLUTIONS:**

**Resolution R2021-186**      Authorizing Cancellation of Portion of Ordinance 2012-6

### **RESOLUTION R2021-186 EAST WINDSOR TOWNSHIP MERCER COUNTY**

**WHEREAS**, Ordinance 2012-6, which was adopted on May 1, 2012, provided for an alternate funding source for the acquisition of open space in and by the Township of East Windsor for a ten year period and authorized the issuance of \$2,690,000 in bonds or notes for this purpose; and

**WHEREAS**, during the year ended December 31, 2021, no debt was issued by the Township pursuant to this ordinance; and

**WHEREAS**, it is necessary to formally cancel the 2021 portion of debt of \$166,422.27.

**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 the unissued debt authorized in Ordinance 2012-6 of \$166,422.27 be canceled.

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 December 21, 2021.

Mayor Mironov requested confirmation from the Finance Director on the accuracy of the \$166,422.27 balance and that ten years had passed since the introduction of Ordinance 2012-6. Barring any objections, Mayor Mironov requested that until all outstanding questions could be answered, Resolution R2021-186 be carried to the next regularly scheduled meeting.

**Resolution R2021-188**      Authorizing Cancellation of Grant Receivable and Reserve Balances

**RESOLUTION R2021-188  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, grant receivable and reserve balances of \$113,163.71 remain on the Capital Fund balance sheet have expired; and

**WHEREAS**, it is necessary to formally cancel the receivable and reserve balances from the balance sheet;

**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 the following grant receivable and reserve balances be cancelled:

<b>Receivable:</b>		
	2016 Small Cities Grant	\$38,445.00
	2020/2021 LPHCP COVID 19 Health Grant	\$7,536.00
	2019/2020 Child Passenger Safety Seat Program	\$6,000.00
<b>Total Receivable</b>		\$51,981.00
<b>Reserve:</b>		
	2016 Small Cities Grant	\$38,445.00
	2020/2021 LPHCP COVID 19 Health Grant	\$7,536.00
	2019/2020 Child Passenger Safety Seat Program	\$6,000.00
	2015 Bulletproof Vest Partnership Grant	\$9,201.71
<b>Total Reserve</b>		\$61,182.71

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 December 21, 2021.

Mayor Mironov requested additional information on the 2016 Small Cities Grant and suggested speaking with Randy Gottesman to confirm if the grant is able to be utilized and the expiration of funding. Mayor Mironov stated the Township had a trust fund with a revolving use of funds and a Rehabilitation Program that may be employed in addition to the Small Cities Grant. Mayor Mironov requested confirmation the 2020/2021 LPHCP COVID 19 Health Grant and the 2019/2020 Child Passenger Safety Seat Program had expired and can no longer be utilized. Additionally, Mayor Mironov requested confirmation on the grant amounts. Mayor Mironov stated the 2015 Bulletproof Vest Partnership Grant is a technicality. Barring any objections, Mayor Mironov requested Resolution R2021-188 be carried over to the next regularly scheduled meeting.

**Resolution R2021-189**      Authorizing Cancellation of Grant Receivable and Reserve Balances

**RESOLUTION R2021-189  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, N.J.S.A 40A:4-60 provides that any unexpended balances of appropriations may be cancelled prior to the end of the fiscal year; and

**WHEREAS**, it is necessary that Current Fund budget appropriation balances which remain unexpended be formally cancelled so that the unexpended balances may be credited to fund balance.

**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 the attached listed unexpended balances of the Current Fund be cancelled.

Tax Collector S&W (Second Clerk position unfilled)	\$35,000.00
Municipal Court S&W (position unfilled)	\$48,270.00
Group Insurance for Employees (unused)	\$240,000.00
Police Training – Training and Tuition (same as prior year)	\$45,000.00
<b>Total</b>	<b>\$368,270.00</b>

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 December 21, 2021.

Barring any objection, Mayor Mironov requested R2021-189 be held until the next regularly scheduled meeting to allow Mayor and Council additional time to review materials and recommendations from the Finance Director.

**Resolution R2021-190**      Authorizing Cancellation Among Frozen 2021 Budget Appropriations

**RESOLUTION R2021-190  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, N.J.S.A 40A:4-60 provides that any unexpended balances of appropriations may be cancelled prior to the end of the fiscal year; and

**WHEREAS**, it is necessary that Current Fund budget appropriation balances which remain frozen be formally cancelled so that the unexpended balances may be credited to fund balance.

**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 the attached listed frozen balances of the Current Fund be cancelled.

Tax Collector S&W (Second Clerk – Additional Monies)	\$21,412.00
Police S&W (Records Vacancy)	\$24,876.00
Police S&W (Chief's Secretary)	\$15,476.00
Police S&W (2 Police Officers)	\$297,312.00
Police S&W (Additional Monies – Legal Expenses)	\$100,000.00
Police S&W (Overtime)	\$20,000.00
Police Training	\$5,000
Police Tuition	\$25,000.00
DPW – Road S&W (Police Repairs to A/C)	\$9,769.50
Mechanics Police Vehicles – Other Contractual Services	\$10,000.00
Health – Overtime	\$5,000.00
Manager - Postage	\$3,000.00
Police Uniform Svc – Crossing Guards	\$10,000.00
Police Uniform Svc – Motor Vehicles	\$7,500.00
Criminal Div. – Office Supplies	\$4,600.00
Police General Admin – Uniforms and Clothing	\$15,000.00
Police Training – Personal Expenses	\$15,000.00
Court – Postage	\$5,000.00
Police Bldg – Other Building Services	\$1,000.00
PW Senior Center – Overtime	\$2,000.00
Senior Center – Janitorial Supplies	\$1,000.00
Mechanics Police Vehicles – Motor Vehicle Supplies	\$7,000.00
<b>Total</b>	<b>\$604,945.50</b>

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 December 21, 2021.

Barring any objection, Mayor Mironov requested R2021-189 be held until the next regularly scheduled meeting to allow Mayor and Council additional time to review materials and recommendations from the Finance Director.

**Resolution R2021-191** Chapter 159 – Amending the 2021 Municipal Budget Providing an Item of Revenue and Appropriation for the American Rescue Plan Act

Mayor Mironov stated that in order to spend American Rescue Plan Act funding, a Chapter 159 must be passed and Resolution R2021-191 will be discussed with Discussion Items and Council Action Where Appropriate.

**Resolution R2021-192** Chapter 159 – Amending the 2021 Municipal Budget Providing an Item of Revenue and Appropriation for the 2021 Drive Sober or Get Pulled Over Year End Holiday Enforcement

**RESOLUTION R2021-192**  
**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**, said 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, 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 2021 in the sum of \$6,000 which item is now available as revenue from the 2021 Drive Sober or Get Pulled Over Year End Holiday Crackdown grant, pursuant to the provisions of the statute.



2. A like sum of \$6,000 is hereby appropriated under the caption of 2021 Drive Sober or Get Pulled Over Year End Holiday Crackdown.

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 December 7, 2021.

Mayor Mironov stated a memo from the Finance Director was distributed.

It was MOVED by Lippman, SECONDED by Zoller to approve Resolution R2021-192.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-192 was approved.

**Resolution R2021-193** Chapter 159 – Amending the 2021 Municipal Budget Providing an Item of Revenue and Appropriation for the 2021/2022 Local Efficiency Achievement Program

**RESOLUTION R2021-193  
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**, said 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, 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 2021 in the sum of \$100,000 which item is now available as revenue from the 2021/2022 Local Efficiency Achievement Program, pursuant to the provisions of the statute.
2. A like sum of \$100,000 is hereby appropriated under the caption of 2021/2022 Local Efficiency Achievement Program.

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 December 7, 2021.

Mayor Mironov stated a memo from the Finance Director was distributed.

It was MOVED by Rosenberg, SECONDED by Yeager to approve Resolution R2021-193.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-193 was approved.

**Resolution R2021-194**      Approval of Professional Services Agreement for Pediatric Nurse Practitioner with Ann Willitts

**RESOLUTION R2021-194**  
**EAST WINDSOR TOWNSHIP**  
**MERCER COUNTY**

**WHEREAS**, there exists a need for Pediatric Nurse Practitioner Services, for the term of January 1, 2022 through December 31, 2022, in the Township of East Windsor, in the County of Mercer, State of New Jersey; and

**WHEREAS**, on October 6, 2021 the Township solicited proposals and on November 4, 2021 received two (2) proposal for Pediatric Nurse Practitioner Services; and

**WHEREAS**, the lowest cost proposal was received from Ann Willitts; and

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

**WHEREAS**, the Township Council has reviewed the Township Manager and the Township Public Health Nurse’s recommendation; and

**WHEREAS**, the maximum amount of the contract is \$3,960.00 and funds are available in the Current Fund Account No. 2-01-27-330-603-249 entitled “Licensed Professional,” pending the adoption of the 2022 Municipal Budget, as evidenced by the Chief Financial Officer’s Certification No. \_\_\_\_\_.

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

1. The attached Agreement between the Township of East Windsor and Ann Willitts, APN, CPNP-PC is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement for a term of January 1, 2022 to December 31, 2022, with Ann Willitts, APN, CPNP-PC, 134 W. Millstream Road, Cream Ridge, NJ 08514.
2. This Contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5 (1)(a) of the Local Public Contracts Law because the contract is for service performed by persons authorized by law to practice a recognized profession that is required by law, but in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5, et seq.
3. The Municipal Clerk shall cause to be printed once, in the Trenton Times, a brief notice stating the nature, duration, service and amount of this contract, and that the resolution and contract are on file and available for public inspection in the office of the Municipal Clerk.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on December 7, 2021.

Mayor Mironov stated the Finance Director requested Mayor and Council hold Resolution R2021-194 until 2022. Mayor Mironov requested information on the process for conditionally approving Resolution R2021-194 as the contract commences on January 1, 2022.

**Resolution R2021-195**      Approval of Lease Agreement with Mercer County for the Nutrition Program at the East Windsor Senior Center

**RESOLUTION R2021-195  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, the property designated as the East Windsor Senior Center, in the County of Mercer, State of New Jersey, was built for the purpose of providing a center for Senior Citizen activities; and

**WHEREAS**, the County of Mercer is desirous of using such premises for the purpose of conducting the Senior Citizen Nutrition Program between the hours of 8:00 A.M. and 1:00 P.M., Monday through Friday; and

**WHEREAS**, the program will further benefit the nutritional health of Senior Citizens; and

**WHEREAS**, N.J.S.A. 40A:12-14(b) of the Local Lands and Buildings Law provides that the governing body of a municipality may authorize a lease to a public body without competitive bidding and upon such terms and conditions and for nominal or other consideration as shall be determined.

**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 the Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Lease Agreement with the County of Mercer for two years commencing January 1, 2022 through December 31, 2023.

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 December 7, 2021.

Mayor Mironov stated a memo and agreement have been distributed and the terms of the agreement are the same as in prior years. Mayor Mironov requested a revision to the Lease Agreement for clarity.

It was **MOVED** by Zoller, **SECONDED** by Lippman to approve Resolution R2021-195 with revisions to the Lease Agreement.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-195 was approved with revisions to the Lease Agreement.

**Resolution R2021-196**      Authorizing Purchase of Computer Server from SHI International Corp.  
for Municipal Building

**RESOLUTION R2021-196**  
**EAST WINDSOR TOWNSHIP**  
**MERCER COUNTY**

**WHEREAS**, on November 2, 2021, Mayor and Council approved the purchase of a Hewlett Packer Enterprise ProLiant DL380 Gen 10 SMB Networking Choice server for the Municipal Building, in the amount of \$5,112.29; and

**WHEREAS**, there is a need to purchase required hardware and software for the new computer server for the Municipal Building.; and

**WHEREAS**, three written quotes were obtained to purchase this equipment; and

**WHEREAS**, the lowest most responsive quote was submitted by SHI International Corp through State Contract # 081419-SHI, which is valid through October 30, 2023; and

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

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

**WHEREAS**, the maximum amount of the service is \$16,949.62 for the purchase of the computer server and funds are available in Capital Fund Account No. C-04-55-953-913-700, Ordinance 2013-04 entitled "Acquisition of Computer", and in Capital Fund Account No. C-04-55-970-915-700, Ordinance 2014-08 entitled "Gen Admin Acquisition Desktop Computer", as evidenced by the Chief Financial Officer's Certification No. C2021-032;

**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 SHI International Corp., 290 Davidson Drive, Somerset, NJ 08873, for the purchase of the required hardware, in the amount of \$10,633.30, and software in the amount of \$6,316.32, for a total purchase amount not to exceed \$16,949.62, all in accordance with the attached quote.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on December 7, 2021.

Mayor Mironov stated a memo from the Township Manager had been distributed and Resolution R2021-196 is a capital item that was provided for. Mayor Mironov stated three quotes had been solicited, however two of the quotes do not contain company addresses and requested the missing information be provided for the file. Mayor Mironov noted that the quote provided by SHI International Corp. does contain a company address.

It was MOVED by Yeager, SECONDED by Rosenberg to approve Resolution R2021-196.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-196 was approved.

**Resolution R2021-197**      Establishing Date, Time and Place for East Windsor Township 2022  
Reorganization Meeting

**RESOLUTION R2021-197**  
**EAST WINDSOR TOWNSHIP**  
**MERCER COUNTY**

**WHEREAS**, Section 2-2.2 of the Administrative Code of the Township of East Windsor directs that at the annual organization meeting the members of the Township Council will assemble at a place designated in December of each year by Resolution of the governing body and organize and elect one of the members of the Council as Mayor.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of East Windsor, County of Mercer, State of New Jersey, that the annual reorganizational meeting for the year 2022 shall be held on Tuesday, January 6, 2021 at 6:00 p.m. via electronic means only, in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq, with electronic public access instructions posted and on the Township website.

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 December 21, 2021.

Mayor Mironov stated there is an interest in holding the annual reorganizational meeting in person the afternoon of Sunday, January 2<sup>nd</sup> and noted the annual reorganizational meeting is traditionally held in the Senior Center, however that setting is not an option for 2022. Mayor Mironov suggested the Municipal Building should not be considered as a venue, due to its inability to allow for proper safety protocols. Mayor Mironov suggested the American Legion or one of the schools as possible locations for the meeting. Mr. Yeager added the American Legion has the necessary accommodations including ample space to ensure the proper adherence of safety protocols, a refreshment area and stage. Mr. Rosenberg declared he supported the idea of an in-person community event and January 2<sup>nd</sup> worked for his schedule. Mr. Lippman stated he is available January 2<sup>nd</sup> and in the evening during the week. Mr. Russell declared January 2<sup>nd</sup> worked for his schedule and was open to options during the week. Mr. Zoller stated he preferred January 2<sup>nd</sup> around lunchtime. Ms. Daniels stated January 2<sup>nd</sup> in the early afternoon or during the week works with her schedule. Mr. Yeager declared he did not have a preference on date or time. Mayor Mironov stated her intention is to set the meeting for Sunday, January 2<sup>nd</sup> at

12:45pm with the location yet to be determined but is open to an evening meeting during the week if a suitable location cannot be found. Mayor Mironov requested that until a venue was determined, Resolution R2021-197 be carried until the next regularly scheduled meeting.

### **APPLICATIONS:**

Raffle License RL:2021-007                      New Jersey Elks Association – July 31, 2022, at Hightstown Elks #1955 B.P.O.E., 110 Hickory Corner road, East Windsor – Off Site Raffle

Mayor Mironov requested confirmation the application was deemed complete. The Township Clerk confirmed it was.

It was MOVED by Zoller, SECONDED by Rosenberg to approve Hightstown Elks #1955 B.P.O.E. Application for Raffle License RL:2021-007.

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

There being six (6) ayes, no (0) nays and one (1) abstention Hightstown Elks #1955 B.P.O.E. Application for Raffle License RL:2021-007 was approved.

Raffle License RL:2021-008                      Millstone Township Foundation for Educational Excellence – February 4, 2022, at Holiday Inn East Windsor, 399 Monmouth Street, East Windsor – On Site 50/50 Raffle

Raffle License RL:2021-009                      Millstone Township Foundation for Educational Excellence – February 4, 2022, at Holiday Inn East Windsor, 399 Monmouth Street, East Windsor – On Site Raffle

Raffle License RL:2021-010                      Millstone Township Foundation for Educational Excellence – February 4, 2022, at Holiday Inn East Windsor, 399 Monmouth Street, East Windsor – On Site Tricky Tray Raffle

Mayor Mironov stated Raffle License RL:2021-008, Raffle License RL:2021-009 and Raffle License RL:2021-010 have the same applicant and event date and therefore will be considered for approval together. Mayor Mironov requested confirmation that the applications were deemed complete and the Township Clerk confirmed they were.

It was MOVED by Rosenberg, SECONDED by Lippman to approve Millstone Township Foundation for Educational Excellence Applications for Raffle License RL:2021-008, Raffle License RL:2021-009 and Raffle License RL:2021-010.

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

There being seven (7) ayes and no (0) nays Millstone Township Foundation for Educational Excellence Applications for Raffle License RL:2021-008, Raffle License RL:2021-009 and Raffle License RL:2021-010 were approved.

### **REPORTS BY COUNCIL AND STAFF:**

Mr. Zoller reported the Planning Board discussed Ordinance No. 2021-11 and the Wells Fargo rooftop solar installation. Additionally, the Board heard an application for the Shoppes at East Windsor and approved an application to correct stormwater controls and trash collectors.

### **CORRESPONDENCE:**

Mayor Mironov stated correspondence will be discussed during Matters By Council.

### **APPOINTMENTS:**

### **APPROVAL OF BILLS:**

Mayor Mironov stated a 2021 Current Bill list, a Grant Bill List, a Capital Bill List and other miscellaneous bill lists and trust accounts were provided.

Mayor Mironov requested clarification regarding the Campbell Supply, Inc. bill for fire equipment maintenance. Mr. Brady responded the charge stemmed from a flooded fire truck and was a pass thru payment covered by insurance. Mayor Mironov expressed concern that the disbursement was initiated from the operating account as opposed to an insurance reserve account. Mr. Brady stated he would ensure the proper accounts were utilized. Mayor Mironov stated that all bills appearing on the capital bill list should include a Resolution number therefore the bills for Settembrino Architects will be held until a Resolution can be drafted. Mayor Mironov requested additional information on the use of 2019 Mercer At Play grant funding to pay for architectural services at the Senior Center and the bills should be held until information is provided. Mr. Zoller requested clarification on two bills payable to the Cranbury Service Center, Inc. for automotive supplies. Mr. Brady stated he will look into the matter. Mr. Zoller noted bills for mulch and tree removal are listed under janitorial supplies and offered charges should be changed to a different description heading to ensure proper budgeting in the coming year.



It was MOVED by Yeager, SECONDED by Lippman to approve the Bill Lists with exceptions.

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

There being seven (7) ayes and no (0) nays, the various presented Bill Lists were approved with exceptions.

### **MATTERS BY COUNCIL:**

Mayor Mironov reported two memos were received from the Public Works Director. The first, dated November 15<sup>th</sup>, 2021, regarded a payment on the Cranbury Manor road project and the second dated November 29<sup>th</sup>, 2021 indicated the snow plow had been received. A memo from the Township Manager dated November 24<sup>th</sup>, 2021 responded to questions raised by Mayor and Council during the bill list discussion at the November 23<sup>rd</sup>, 2021 meeting. Mayor Mironov and Deputy Mayor Yeager received a letter dated November 16<sup>th</sup>, 2021 from Mercer County regarding East Windsor Municipal Alliance for the Prevention of Substance Abuse funding for the 7/1/22-6/30/23 grant cycle. Mayor Mironov requested Mr. Yeager keep her apprised of any necessary actions. A letter from T&M Associates dated December 1<sup>st</sup>, 2021 regarding the maintenance bond release recommendation for the stormwater monitoring period for the McGraw Hill solar array facility on Princeton Hightstown Road. A memo from the Township Manager dated November 29<sup>th</sup>, 2021 regarding payments #6 and #7 to Develop Builders was received. Mayor Mironov expressed her concern with a lack of construction schedule and/or progress reports despite the payment of invoices. Mayor Mironov stated future invoices should reflect the work completed on the Senior Center project, as is standard business operating procedure, to better give Mayor and Council a timeline for project completion.

Mayor Mironov relayed a desire and need for the community to have access to the Township Public Works facility located on Ward Street. Mayor Mironov stated she understands the concern with reopening the facility full time but a window of time should be made available to residents. Mayor Mironov stated a recommendation was received from Mark Liss of the Department of Public Works regarding work on Mercer County Route 571. Mayor Mironov requested the recommendation not move forward due to the lack of a plan to mitigate the disruption of the roadway in addition to vague standards for restoration of the roadway. Mayor Mironov stated she had hoped to have information regarding the Independence Day Celebration available for discussion tonight and requested the information be provided as soon as possible so dates can be secured with vendors. Mayor Mironov noted the easement agreement and Ordinance No. 2021-06 for the PSE&G underground distribution gas line, which had been discussed at a previous Council Meeting, had been signed. Mayor Mironov thanked the Governing Body and staff for their work on the ordinance. Mayor Mironov stated an offer had been made on the property located at 64 Woodside Avenue and requested updated information on the process.

**DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:**

1. East Windsor Welfare Department

Mayor Mironov stated a memo was distributed from the Township Manager dated November 10<sup>th</sup> recommending that in light of current Welfare Director Merrill Werkman's retirement, services be considered for transition to Mercer County effective February 1, 2022. Mr. Yeager stated his disappointment to see Ms. Werkman leave and agrees the services should be transitioned. Mr. Lippman stated he will miss Ms. Werkman and agrees with Mr. Yeager and the Township Manager's recommendation. Mayor Mironov stated the Council is in unanimous agreement and requested a Resolution be prepared for the December 21, 2021 or January 11, 2022 Council Meeting.

2. 2022 Watershed Stream Clean-up

Mayor Mironov stated East Windsor participated in the Watershed Institute's event last year and hearing no objection would like to pick a date for 2022. Mayor Mironov suggested April 23<sup>rd</sup> or 24<sup>th</sup>. Mr. Yeager recommended a Saturday to increase participation. Ms. Daniels agreed with Mr. Yeager and stated holding the event on the 23<sup>rd</sup> would coincide with Earth Day. Mayor and Council unanimously agreed to hold the event on April 23<sup>rd</sup> from 9 A.M. to 11 A.M.

3. Senior Center Interlocal Services Agreement with Hightstown Borough

Mayor Mironov stated the Senior Center Interlocal Services Agreement with Hightstown Borough expired earlier in 2021 and had concerns regarding unreceived revenue and the absence of verification payments were made by Hightstown. Mayor Mironov wanted to ensure Hightstown was aware of East Windsor's desire to continue the agreement and requested Township Manager Jim Brady confirm a clear understanding, timeline and proposal from Hightstown. Mayor Mironov stated East Windsor is still making expenditures towards the Senior Center and an agreement should be reached prior to the end of the calendar year for budget purposes.

4. American Rescue Plan Funds and 2021/2022 Municipal Budgets

Mayor Mironov stated memos had been distributed on this matter and would like to have a discussion to provide guidance. Mayor Mironov preferred to have an agreed upon process regarding Chapter 159 funding designation prior to adopting a Resolution and noted the memos reflected two areas of budget designation for funding, revenue replacement and offsetting expenditures that qualify under the American Rescue Plan. Mayor Mironov questioned if there are time constraints for utilizing funding to offset qualifying expenditures and stated the options for the money that is offset are to cancel or roll over to 2023 fund balance. Mayor Mironov requested the Finance Director provide answers as soon as possible, as Resolutions authorizing cancellations need to be adopted prior to the end of the calendar year. Regarding revenue replacement, Mayor Mironov requested confirmation that the calculation is accurate, the process and any constraints for utilizing the funding. Mayor Mironov stated Mayor and

Council would need to adopt a Resolution directing the funding. Finance Director Scott Frueh declared offsets are not eligible to be included in the 2021 budget but are permitted for inclusion in the 2022 and subsequent budgets. Revenue replacement is able to stay in an unappropriated reserve account however the deadline for Chapter 159 submission, which is required for expenditures, is December 17<sup>th</sup>, 2021. Mayor Mironov questioned if funding allocated as revenue replacement in the 2022 budget needed to be included in the 2021 Chapter 159. Mr. Frueh responded it did not and would be handled under the appropriation reserve. Mayor Mironov asked if there are any restrictions on expenditures if a Chapter 159 is submitted. Mr. Frueh responded no. Mayor Mironov requested clarification that a Chapter 159 must be adopted by December 17<sup>th</sup> for expenditure offsets to be included in the 2021 or 2020 budget but any other uses, including revenue replacement, does not have to be included. Mr. Frueh confirms Mayor Mironov's understanding is correct. Mayor Mironov requested Mr. Frueh detail the process and deadline for expenditure offsets. Mr. Frueh stated expenditure offsets can be made in 2021 and/or 2022. Mayor Mironov stated a strategy must be in place and suggested a Resolution be adopted at the next Council meeting to agree on a plan for qualifying 2020 and 2021 expenditure offsets. This would allow the Township the option to include the offsets as cancellations, which would permit the funds to be made immediately available in fund balance, or have the funding roll over into the 2023 budget as unexpended appropriated budget money. Mr. Frueh confirmed that the strategy is an acceptable use of funds. Mayor Mironov asked for clarification on what is included in Section 10 of the budget. Mr. Frueh responded Section 10 includes revenues with local government official approval without an offsetting appropriation and is not dissimilar from general revenues. Mayor Mironov questioned if the revenue loss calculations were based on 2021 and prior years budgets and if they must be utilized at the same time. Mr. Frueh responded no. Mayor Mironov further questioned if funding is allowed to be allocated in any of the budgets until 2026 and Mr. Frueh responded the Township is limited to 2022, 2023 or 2024. He further clarified that funding must be utilized toward COVID-19 related expenditures or as revenue replacement towards accounts which suffered pandemic related revenue loss and cited hotel taxes as an example. Mayor Mironov questioned if the revenue loss calculation could be appropriated in a budget as a general revenue to support the budget and if yes, does it all have to be utilized at one time or may it be divided up amongst the three year's budgets. Mr. Frueh responded the funds can be appropriated in the budget as a general revenue and funding can be allocated in the 2022, 2023 and 2024 budgets. Mayor Mironov asks for clarification on the timeline and process if a Chapter 159 was submitted before December 17<sup>th</sup>. Mr. Frueh responded the process is to transfer the grant funds and apply it to eligible line items. Mr. Brady cautioned the Township must show revenue shortfalls in order for funding to be eligible for revenue replacement in future budgets and suggested using revenue replacement as early as possible. Mr. Frueh confirmed Mr. Brady's statement. Mayor Mironov requested a Resolution for the next Council meeting directing the expenditure of half the grant monies towards expenditure offsets and revenue replacement in the 2022 budget. Mayor Mironov requested a memo from Mr. Frueh further clarifying how funds can be used towards revenue shortfalls and any flexibility on appropriating funds in 2023 and 2024 without the concern of future performance.

**Resolution R2021-191**

Chapter 159 – Amending the 2021 Municipal Budget Providing an Item of Revenue and Appropriation for the American Rescue Plan Act

**RESOLUTION R2021-191  
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**, said 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, 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 2021 in the sum of \$1,428,097.76 which item is now available as revenue from the American Rescue Plan Act, pursuant to the provisions of the statute.
2. A like sum of \$1,428,097.76 is hereby appropriated under the caption of American Rescue Plan Act.

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 December 7, 2021.

It was **MOVED** by Yeager, **SECONDED** by Lippman to approve Resolution R2021-191 with revisions and conditioned upon discussions and decisions made at the next Council meeting.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-191 was approved with revisions and conditioned upon discussions and decisions made at the next Council meeting.

5. Stockton Street Sidewalk and Curbs Project

Mayor Mironov stated the Township Manager prepared and provided a shared service agreement to Hightstown with the expectation the agreement will be signed soon. This item will appear on the next Council meeting agenda in anticipation of the signed agreement.

6. Comcast Franchise Renewal Committee Report

Mayor Mironov thanked Mr. Zoller, Mr. Lippman and the Committee for their comments on this issue. Mayor Mironov asked Mr. Orron to review their input, obtain sign off for additional time so negotiations can take place in 2022 and recommend next steps, whether that be a meeting with representatives from Comcast or to pursue a different strategy. Mayor Mironov stated that information requested by the Mayor and Council from Comcast representative Mr. Clifton was not received.

7. Senior Center Expansion Project

Mayor Mironov stated an email from Kevin Settembrino was received with a proposal for soil testing. Mayor Mironov requested clarification on the funding source, process, and additionally requested Mr. Settembrino respond to concerns raised at the November 23<sup>rd</sup> Council meeting. These concerns included the receipt of a change order for winterization, assurances on required building egresses and a schedule for project completion. Mayor Mironov stated a discussion was necessary to address the process of the site work including whether to invoke change order bidding and the funding source. Mayor Mironov declared Mr. Settembrino and Develop Builders requested payment but did not provide project status updates which also needs to be addressed.

**MATTERS BY PUBLIC:**

**ADJOURNMENT:**

Next Meeting: December 21, 2021

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Allison Quigley  
Municipal Clerk

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Janice S. Mironov  
Mayor