

## **EAST WINDSOR TOWNSHIP COUNCIL**

Tuesday, May 18, 2021

5:30 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 5:30 p.m. on Tuesday, May 18, 2021.

### **VERIFICATION:**

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 11, 2021 in the annual meeting notice. On May 14, 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 Chief of Police James Geary.

### **ROLL CALL:**

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

### **PRESENTATIONS & PROCLAMATIONS:**

Mental Health Awareness Month – May 2021

Mayor Mironov proclaimed May as Mental Health Awareness Month and spoke to the importance of mental health and reducing the stigma and discrimination often associated with mental illness or seeking treatment for mental illness. Mayor Mironov introduced Julia Dare, the Director of Development for NAMI Mercer County, and stated NAMI is a great resource in the local region that provides support services and promotes public education to increase the understanding of mental health. Ms. Dare thanked Mayor Mironov for the recognition and spoke about the upcoming NAMI Walk fundraising event to be held on May 22 and introduced local resident Rob Dolnick, a NAMI Mercer volunteer and NAMI Walk Committee Member, to discuss the event further. Mr. Dolnick spoke to his personal experience with mental health and how residents could get involved with the NAMI Walk event to support their organization. Mayor Mironov thanked Ms. Dare and Mr. Dolnick for sharing their experiences and for the work of NAMI Mercer.

**EAST WINDSOR TOWNSHIP BUSINESS AWARDS 2019**

Diversified Rack and Shelving, Inc.

Windsor Castle Apartments

**EAST WINDSOR TOWNSHIP BUSINESS AWARDS 2020**

One Mile Self Storage

Novitium Pharma  
Kyle Family Farm  
Greenhill Pharmacy

Mayor Mironov presented the local businesses with awards for their contributions to the Township. David Longo, President and CEO, accepted the award for Diversified Rack and Shelving. Eli Kramer accepted the award on behalf of Windsor Castle Apartments. Michael McCloskey, owner, accepted the award on behalf of One Mile Storage. Chad Gassert, CEO, accepted the award for Novitium Pharma. Sharon Kyle, owner, accepted the award on behalf of Kyle Family Farm. Jay Patel, owner, accepted the award on behalf of Greenhill Pharmacy.

National Gun Violence Awareness Day – (June 4, 2021)

Older Americans Month – May 2021

#### **PUBLIC FORUM:**

Matt Kohut, 995 Windsor Perrineville Road, commented on Ordinance 2021-04 and expressed his support for allowing cannabis businesses in the Township. Mayor Mironov thanked Mr. Kohut for his comment and stated the Ordinance would be discussed in further detail at a later point in the meeting. Mayor Mironov stated the State took some time to pass legislation concerning legalized marijuana and they have yet to formulate the rule and regulations. The current legislation imposes all classes of use, including sales, growing and distribution, in all commercial zones within the municipality for a period of five years unless the municipality adopts an Ordinance prohibiting those uses. Mayor Mironov stated it is an odd approach and it is encouraging towns to opt out so this is not imposed on the municipality without any opportunity to review the subject and determine what the Township and its residents might be interested in for the future. Mayor Mironov stated the Ordinance as introduced tonight will allow for a thoughtful planning process, and is not a decision regarding marijuana use but as to the businesses themselves.

There being no other members of the public who wished to speak, Mayor Mironov closed the public forum.

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

Frank Vellucci was interviewed and expressed interest in the Economic Development Committee or the Recreation Commission.

#### **MINUTES:**

March 10, 2020  
June 2, 2020  
June 16, 2020  
August 4, 2020

August 18, 2020  
September 22, 2020  
October 6, 2020  
November 9, 2020 Special Meeting  
November 10, 2020  
November 24, 2020  
December 8, 2020  
December 22, 2020  
January 5, 2021 (Reorg)  
January 12, 2021  
January 26, 2021  
February 9, 2021  
February 23, 2021  
March 9, 2021  
March 23, 2021  
April 6, 2021  
April 20, 2021  
May 4, 2021

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

**ORDINANCE – PUBLIC HEARING:**

**ORDINANCE 2021-04**      An Ordinance Amending and Supplementing Chapter XX, “Zoning,” Section 20-4.0000 “General Provisions,” Subsection 20-4.0200, “Classes of Uses,” Adding New Paragraph 20-4.0201.c. “Cannabis Businesses Prohibited”, of the Revised General Ordinances of the Township of East Windsor, County of Mercer, State of New Jersey

**ORDINANCE NO. 2021-04  
TOWNSHIP OF EAST WINDSOR  
MERCER COUNTY  
NEW JERSEY**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XX, “ZONING,” SECTION 20-4.0000 “GENERAL PROVISIONS,” SUBSECTION 20-4.0200, “CLASSES OF USES,” ADDING NEW PARAGRAPH 20-4.0201.c. “CANNABIS BUSINESSES PROHIBITED”, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EAST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY**

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**WHEREAS**, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer

**WHEREAS**, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times of operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

**WHEREAS**, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

**WHEREAS**, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

**WHEREAS**, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

**WHEREAS**, the Township Council of the East Windsor Township (“Township”) has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Township in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Township residents and members of the public who visit, travel, or conduct business in the Township, to amend the Township’s zoning regulations to prohibit all manner of marijuana-related land use and development within the Township; and

**WHEREAS**, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act’s 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

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

**SECTION 1.** Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere

in the Township, except for the delivery of cannabis items and related supplies by a delivery service located outside of the Township.

**SECTION 2.** Section 20-4.000, “General Provisions”, Subsection 20-4.200, Classes of Uses”, is hereby amended and supplemented by the addition of new Paragraph 20-4.0201.c., “Cannabis Businesses Prohibited”, as follows:

**c. “Cannabis Businesses Prohibited”.** All classes of cannabis businesses, all classes of cannabis establishments or cannabis distributors or cannabis delivery services as these defined in section 3 of P.L. 2021, c. 16 are prohibited except for the delivery of cannabis items and related supplies by a delivery service located outside of the Township.

**SECTION 3. REPEALER.** All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4. SEVERABILITY.** If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall take effect 20 days after final passage and publication according to law and filing with the Mercer County Planning Board, and as otherwise provided for by law.

Mayor Mironov stated Ordinance 2021-04 had been introduced at the Council meeting on May 4, 2021 and public hearing was scheduled for this evening. Mayor Mironov opened the meeting to the public and asked for any comments, acknowledging that Mr. Kohut offered his comments earlier in the meeting. As no other members from the public asked to speak, Mayor Mironov closed the public forum.

Mayor Mironov asked for a motion to refer Ordinance 2021-04 to the Planning Board pursuant to the Municipal Land Use Law for their review and comment and to carry the public hearing on Ordinance 2021-04 to June 8, 2021.

It was MOVED by Yeager, SECONDED by Lippman to refer Ordinance 2021-04 to the Planning Board pursuant to the Municipal Land Use Law and carry the public hearing on Ordinance 2021-04 to June 8, 2021.

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

There being seven (7) ayes and no (0) nays, Ordinance 2021-04 was referred to the Planning Board pursuant to the Municipal Land Use Law and the public hearing on Ordinance 2021-04 was carried to June 8, 2021.

**ORDINANCE – INTRODUCTION:**

**RESOLUTIONS:**

Mayor Mironov stated Resolution R2021-079, Resolution R2021-080, Resolution R2021-081, Resolution R2021-082, Resolution R2021-083, Resolution R2021-084 and Resolution R2021-085 would be voted on as a block.

**Resolution R2021-079** Chapter 159 – Amending the 2021 Municipal Operating Budget Providing an Item of Revenue and Appropriation for 2021 UDrive. UText. UPay Distracted Driving Crackdown Program

**RESOLUTION R2021-079  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

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

**WHEREAS**, 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, in the County of Mercer, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the following:

1. The insertion of an item of revenue in the budget of the year 2021 in the sum of \$6,000.00, which item is now available as revenue from the 2021 Distracted Driving Crackdown. UDrive. UText. UPay. grant.
2. A like sum of \$6,000.00 is hereby appropriated under the caption of 2021 Distracted Driving Crackdown. UDrive. UText. UPay.

**Resolution R2021-080** Chapter 159 – Amending the 2021 Municipal Operating Budget Providing an Item of Revenue and Appropriation for the 2020 Body Armor Grant

**RESOLUTION R2021-080  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

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

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

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

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

1. The insertion of an item of revenue in the budget of the year 2021 in the sum of \$3,200.84, which item is now available as revenue from 2020 Body Armor Grant Replacement Fund Program.
2. A like sum of \$3,200.84 is hereby appropriated under the caption of 2021 Body Armor Grant.

**Resolution R2021-081** Chapter 159 – Amending the 2021 Municipal Operating Budget  
Providing an Item of Revenue and Appropriation for 2021 Child  
Safety Seat Program

**RESOLUTION R2021-081**  
**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, in the County of Mercer, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the following:



1. The insertion of an item of revenue in the budget of the year 2021 in the sum of \$6,000.00, which item is now available as revenue from the 2021 Child Passenger Safety Seat Program Grant.
2. A like sum of \$6,000.00 is hereby appropriated under the caption of 2021 Child Passenger Safety Seat Program Grant.

**Resolution R2021-082** Chapter 159 – Amending the 2021 Municipal Operating Budget  
Providing an Item of Revenue and Appropriation for 2020 Drunk  
Driving Enforcement Fund

**RESOLUTION R2021-082**  
**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.

**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 and appropriation in the budget of the year 2021 in the sum of \$7,958.70, which item is now available as revenue from the State of New Jersey Division of Motor Vehicles - Drunk Driving Enforcement Fund, pursuant to the provisions of the statute; and
2. A like sum of \$7,958.70 be and the same is hereby appropriated under the caption of State of New Jersey Division of Motor Vehicles - Drunk Driving Enforcement Fund Grant.

**Resolution R2021-083** Chapter 159 – Amending the 2021-2022 Municipal Budget  
Providing an Item of Revenue and Appropriation for the Municipal  
Alliance Grant

**RESOLUTION R2021-083  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

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

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

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

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

1. The insertion of an item of revenue in the budget of the year 2021-2022 in the sum of \$14,843.00, which item is now available as revenue from the July 1, 2021 through June 30, 2022 Municipal Alliance on Alcoholism and Drug Abuse Grant Program.
2. A like sum of \$14,843.00 is hereby appropriated under the caption of 2021-2022 Municipal Alliance on Alcoholism and Drug Abuse.

**Resolution R2021-084**      Chapter 159 – Amending the 2021 Municipal Operating Budget  
Providing an Item of Revenue and Appropriation for 2021 Walmart  
Community Grant

**RESOLUTION R2021-084  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

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

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

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

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

1. The insertion of an item of revenue in the budget of the year 2021 in the sum of \$1,000.00 which item is now available as revenue from 2021 Walmart for a Community Grant Program.
2. A like sum of \$1,000.00 is hereby appropriated under the caption of 2021 Walmart Community Grant.

**Resolution R2021-085** Chapter 159 – Amending the 2021 Municipal Operating Budget Providing an Item of Revenue and Appropriation for the New Jersey Department of Health Strengthening Local Public Health Capacity Program Operations

**RESOLUTION R2021-085  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

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

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

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

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

1. The insertion of an item of revenue in the budget of the year 2021 in the sum of \$142,236.00, which item is now available as revenue from The New Jersey Department of Health, Office of Local Public Health, Strengthening Local Public Health Capacity Program-Operations grant.
2. A like sum of \$142,236.00 is hereby appropriated under the caption of 2021 DOH Strengthening LPHCP-Operations.

It was MOVED by Rosenberg, SECONDED by Daniels to approve Resolution R2021-079, Resolution R2021-080, Resolution R2021-081, Resolution R2021-082, Resolution R2021-083, Resolution R2021-084 and Resolution R2021-085.

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

There being seven (7) ayes, no (0) nays, Resolution R2021-079, Resolution R2021-080, Resolution R2021-081, Resolution R2021-082, Resolution R2021-083, Resolution R2021-084 and Resolution R2021-085 were approved.

**Resolution R2021-086** Approval of Contract for Third Party Administrator Services with MagnaCare

**RESOLUTION R2021-086**  
**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 posted/solicited proposals on March 16, 2021 and received one proposal for Third Party Administrative (TPA) Services by the receipt date of April 29, 2021; 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 \$23,037.12 and funds are available in the Current Fund Account No. 1-01-23-220-109-249, entitled, “Group Insurance – Licensed Professional,” as evidenced by the Chief Financial Officer’s Certification No. B2021-024.

**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, 2021 to May 31, 2022, in an amount not to exceed \$23,037.12.
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.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2021-086.

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

There being seven (7) ayes, no (0) nays, Resolution R2021-086 was approved.

**Resolution R2021-087**      Approval of Maintenance Contract with Spillman Technologies for  
Computer Software for the Police Department

**RESOLUTION R2021-087**  
**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 \$23,327.76 and funds are available in the Current Fund Account No 1-01-25-240-305-245 entitled "Police Records Other Maintenance", as evidenced by the Chief Financial Officer's Certification No. B2021-025.

**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., 500 West Monroe, Chicago, IL, 60661, 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, 2021 through May 31, 2022, for the East Windsor Township Police Department, in an amount not to exceed \$23,327.76, in accordance with the attached quote.

It was MOVED by Yeager, SECONDED by Zoller to approve Resolution R2021-087.

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

There being seven (7) ayes, no (0) nays, Resolution R2021-087 was approved.

**Resolution R2021-088**      Approval of Award of Contract for the Collection of Recyclables in East Windsor Township Garbage District with Central Jersey Waste & Recycling

**RESOLUTION R2021-088**  
**EAST WINDSOR TOWNSHIP**  
**MERCER COUNTY**

**WHEREAS**, the Township’s current contract for the collection of comingled recyclables (glass, aluminum and ferrous cans, plastics, newspaper, mixed paper and cardboard) in the East Windsor Township Garbage District will expire on May 31, 2021; and

**WHEREAS**, there is a need to secure a new contract for the collection of comingled recyclables in the East Windsor Township Garbage District; and

**WHEREAS**, an invitation to bid for the collection of comingled recyclables in the East Windsor Township Garbage District was issued and posted/advertised on March 3, 2021, seeking alternative pricing for a one year contract (with and without options), a three year contract (with and without options) and a five year contract; and

**WHEREAS**, one bid was received by the East Windsor Municipal Clerk’s Office on May 4, 2021 from the Township’s current vendor, Central Jersey Waste & Recycling, Inc.; and

**WHEREAS**, the Township Council has reviewed the recommendations made by the Director of Public Works; and

**WHEREAS**, the total cost of the three year contract is \$726,385.74 with each year broken down as follows: Year 1: \$235,008.00; Year 2: \$242,058.25; Year 3: \$249,319.49; with the following options: Year 4: \$256,799.08; Year 5: \$264,503.06 and sufficient funds are available in the Municipal Solid Waste Collection District Budget Account No. 1-30-32-305-300-236 entitled “Contractual Services” in the amount of \$141,200.64; sufficient funds will be available for Year 2 in the Municipal Solid Waste Collection District Budget Account No. 2-30-26-305-300-236

entitled "Contractual Services" in the amount of \$239,120.64; sufficient funds will be available for Year 3 in the Municipal Solid Waste Collection District Budget Account No. 3-30-26-305-300-236 entitled "Contractual Services" in the amount of \$246,293.97; sufficient funds will be available for Year 4 in the Municipal Solid Waste Collection District Budget Account No. 4-30-26-305-300-236 entitled "Contractual Services" in the amount of \$103,883.12, contingent upon the adoption of the 2022, 2023 and 2024 Municipal Solid Waste Collection District Budget, as evidenced by the Chief Finance Officer's Certification No. G2021-002.

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

1. A three year contract with two one year options for the collection of comingled recyclables in the East Windsor Township Garbage District is hereby awarded to Central Jersey Waste & Recycling, Inc, 432 Stokes Avenue, Ewing, NJ 08638, for the period beginning June 1, 2021 and ending May 31, 2024, at the following annual costs: Year 1: \$235,008.00; Year 2: \$242,058.25; Year 3: \$249,319.49; with the two one year options as: Year 4: \$256,799.08; Year 5: \$264,503.06, for a total three year term not to exceed \$726,385.74.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the contract.
3. The Municipal Clerk is hereby authorized and directed to return the certified check or bid bond of the successful bidder upon the receipt of a fully executed contract.

Mayor Mironov stated a recommendation on this award had been received from the Public Works Director. She stated this is a significant award with a pricing increase from previous years. Mayor Mironov stated the contract operates on a per unit basis, so while it does have the potential of providing for an increased recycling tonnage grant award, it does not save the Township any money. The contract is for a three-year term with an option to renew for two years. Mayor Mironov asked if the contract allows for two separate one-year renewals, or just one two-year renewal, and if the renewals are at the option and discretion of the Township. Mr. Orron stated the contract allows for two one-year renewal options and does not require the consent of the vendor to renew.

Mr. Zoller stated that he is concerned that Central Jersey Waste and Recycling was the only bidder on this contract, and according to Mr. Askenstedt's memo, there is no expectation that there will be bidders for future recycling contracts. Mr. Askenstedt stated that all municipalities in the County have experienced this issue, as there has been a loss of markets overseas that no longer accept American recycling or residential recycling. Mayor Mironov asked what prospects or opportunities the Township may have for the future. Mr. Askenstedt stated he did not know if the situation would improve in the future nationally, but recommended locking in the contract at the current pricing for three years and exercising the renewal options. Mr. Zoller asked that reach out to other municipalities in Mercer County to get their suggestions to create a policy to protect the Township.

It was MOVED by Zoller, SECONDED by Lippman to approve Resolution R2021-088.

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

There being seven (7) ayes, no (0) nays, Resolution R2021-088 was approved.

**Resolution R2021-089** Approval of Developers Agreement with 219 Wyckoff Mills Road, LLC for the Property Located at 219 Wyckoff Mills Road (Block 12.01, Lot 1.01)

**RESOLUTION R2021-089  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, 219 Wyckoff Mill Road, LLC, the owners of property located at 219 Wyckoff Mills Road, East Windsor, New Jersey, Block 12.01, Lot 1.01, as shown on the official tax map of the Township of East Windsor, received Preliminary and Final Major Site Plan Approval with Bulk Variances from the Planning Board on January 13, 2020, bearing application No. PB18-006, for the approval of a 49,213 square foot warehouse with related parking and loading areas; and

**WHEREAS**, the developer is required to enter into a Developer's Agreement, pursuant to Planning Board Resolution 2020-07.

**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 to execute the Developer's Agreement with 219 Wyckoff Mill Road, LLC, in the attached form.
2. The Mayor, Township Attorney, Township Engineer, Finance Director, Construction Official and other Township Representatives are authorized to take any and all action necessary to carry out the terms and conditions of the Agreement.
3. A certified copy of this Resolution shall be forwarded to the Township Attorney, Engineer, Finance Director, Construction Official, and 219 Wyckoff Mill Road, LLC.

Mayor Mironov stated a memo from the Township Attorney dated May 6 was distributed, which outlines the provisions of the agreement. She asked what needed to be done to finalize the banked parking plan between the Developer and the Governing Body. Mr. Orron stated that was a condition of the Planning Board approval and the developer should submit a plan or sketch to the Township. She asked Mr. Orron to follow up on the matter with the Developer tomorrow, and asked in the future, any outstanding conditions be addressed at the outset of the developer agreement process.



It was MOVED by Zoller, SECONDED by Yeager to approve Resolution R2021-089.

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

There being seven (7) ayes, no (0) nays, Resolution R2021-089 was approved.

**Resolution R2021-090** Approval of Developers Agreement with Chipotle Mexican Grill of Colorado, LLC for 319 Route 130 (Block 9.01, Lot 1)

**RESOLUTION R2021-090  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, Chipotle Mexican Grill of Colorado, LLC, the owners of property located at 319 Route 130, East Windsor, New Jersey, Block 9.01, Lot 1, as shown on the official tax map of the Township of East Windsor, received Preliminary and Final Major Site Plan Approval with Bulk Variances from the Planning Board on February 22, 2021, bearing application No. PB20-005, for the conversion of an existing one story vacant structure into a Chipotle restaurant with mobile pickup window and appurtenant parking and signage; and

**WHEREAS**, the developer is required to enter into a Developer's Agreement, pursuant to Planning Board Resolution 2021-11.

**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 to execute the Developer's Agreement with Chipotle Mexican Grill of Colorado, LLC, in the attached form.
2. The Mayor, Township Attorney, Township Engineer, Finance Director, Construction Official and other Township Representatives are authorized to take any and all action necessary to carry out the terms and conditions of the Agreement.
3. A certified copy of this Resolution shall be forwarded to the Township Attorney, Engineer, Finance Director, Construction Official, and Chipotle Mexican Grill of Colorado.

Mayor Mironov stated a memo from the Township Attorney dated May 10 was distributed on this subject.

It was MOVED by Lippman, SECONDED by Daniels to approve Resolution R2021-090.

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

There being seven (7) ayes, no (0) nays, Resolution R2021-090 was approved.

**Resolution R2021-091** Authorizing Bidding for Lease for Farming of Township Property  
Located at 79 Disbrow Hill Road (Block 21, Lot 4)

**RESOLUTION R2021-091  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, East Windsor Township is the owner of an open space parcel at 79 Disbrow Hill Road designated as Block 21, Lot 4 (39 acres of which approximately 16.5 acres is farmable) on the Township Tax Map; and

**WHEREAS**, the Township Council believes that the purposes of recreation and conservation for open space will be advanced through the lease of a portion of the property for farming purposes, as identified on attached Schedule A; and

**WHEREAS**, it is in the best interests of the Township to advertise for the lease of the property to the highest bidder in accordance with N.J.S.A. 40A:12-14 of the Local Lands and Buildings Law and the Green Acres Program regulations, N.J.A.C. 7:36-1, et seq.

**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 16.5 farmable acres of the 39 acre property located at 79 Disbrow Hill Road and designated as Block 21, Lot 4 (see map as Schedule A attached) shall be advertised for lease pursuant to all requirements and procedures set forth in the Local Lands and Building Law N.J.S.A. 40A:12-1, et seq, subject to the following conditions:
  - (a) Sealed bids shall be received by the Municipal Clerk on June 22, 2021 by 10:00 a.m., at the Township Municipal Building, 16 Lanning Boulevard, East Windsor, New Jersey 08520, at which time and place bids will be opened and read in public.
  - (b) The minimum bid shall be \$65.00 per acre, for the 16.5 farmable acres, for a five year lease term, for the property shown on attached Schedule A, which is located at 79 Disbrow Hill Road and designated as Block 21, Lot 4. Each bid shall be accompanied by (i) a list of each property which the bidder currently farms, either as owner or tenant; (ii) a list setting forth the equipment, vehicles, etc. to be used in carrying out the terms of the lease; and (iii) the name, address and State registration number (issued pursuant to the Pesticide Control Code, N.J.A.C. 7:30-1 et seq.) of the person(s) who will be applying pesticides, herbicides or fertilizer on the leased premises.

- (c) This lease shall be subject to the terms of the attached Agreement entitled “*Lease of Township Owned Land for Farming, Property Located at 79 Disbrow Hill Road (Block 21, Lot 4)*”; and
- (d) All bids shall be referred to the Township Council for review and consideration pursuant to N.J.S.A. 40A:12-14; and
- (e) The Township reserves the right to reject all bids where the highest bid is not accepted and shall make its decisions known not later than at the second regular meeting of the Township Council following the receipt and opening of bids; and
- (f) Upon the close of bidding, the highest qualified bidder, as designated by the Municipal Clerk, shall submit cash or a certified check in the full amount of its bid for the initial year of the lease term. Said bid shall be irrevocable for sixty (60) days from the date of the close of bidding. Within ten (10) business days after the close of bidding, the highest qualified bidder shall submit to the Municipal Clerk a certificate of insurance in compliance with paragraph 4(d) of the attached lease.

Mayor Mironov stated a memo from the Manager’s Office on this subject was distributed. She stated the existing farmland lease for the property expired, so the recommendation is to go out to bid for a new lease. Mayor Mironov stated the Resolution needed to be corrected, as the memo indicates the property is 39 acres, but only 16.5 of those acres are farmable. The Resolution should also be corrected to properly reference and reflect Schedule A, which is a map of the subject site. The bid documents should also be updated to include the prorated fees for 2021.

It was MOVED by Yeager, SECONDED by Daniels to approve Resolution R2021-091.

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

There being seven (7) ayes, no (0) nays, Resolution R2021-091 was approved.

**Resolution R2021-092**      Approval of Certified List of Volunteer Members for Length of Service Award Program (LOSAP)

**RESOLUTION R2021-092  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, a Length of Service Award Program (LOSAP) for volunteer members serving East Windsor Volunteer Fire Company No. 1, East Windsor Volunteer Fire Company No. 2, East Windsor Rescue Squad District 1 and East Windsor Rescue Squad District 2, was authorized by

referendum of East Windsor Township voters on November 7, 2000 creating a Length of Service Award Program in accordance with Chapter 388 of the Laws of 1997; and

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

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

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

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

1. The Mayor and Township Council hereby approve the certified lists of volunteer members who have qualified for credit under the Length of Service Award Program (LOSAP) program for 2020, prepared by and submitted on behalf of East Windsor Volunteer Fire Company No. 1, East Windsor Volunteer Fire Company No. 2, East Windsor Rescue Squad District 1 and East Windsor Rescue Squad District 2, copies of which are attached hereto and made part of this Resolution.
2. The Municipal Clerk, East Windsor Volunteer Fire Company No. 1, East Windsor Volunteer Fire Company No. 2, East Windsor Rescue Squad District 1 and East Windsor Rescue Squad District 2 are hereby directed to post these certified lists for a period of 30 days as required by the governing State statutes.

It was MOVED by Lippman, SECONDED by Zoller to approve Resolution R2021-092.

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

There being seven (7) ayes, no (0) nays, Resolution R2021-092 was approved.

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

1. East Windsor Senior Center Expansion Project

Mayor Mironov requested that Council proceed to Discussion Item Number 1 regarding the Senior Center, as Charlene Kim from Settembrino Architects was present to discuss the matter. Council agreed to move forward to Discussion Item Number 1.

Mayor Mironov stated there are two topics that are pending right now for the project. The first is the site work proposals and recommendation, which Kevin Settembrino is working on, but she noted for the record that no information on the subject had yet been received by the Governing Body. Mayor Mironov stated the second topic pertains to design elements including materials and colors, and Council discussed the subject at a previous meeting with Ms. Kim. Ms. Kim has followed up and provided additional information to address questions raised during the last discussion. Mayor Mironov asked Ms. Kim to review the art room wall paint color, the multi-purpose room flooring and the gym flooring.

Ms. Kim stated she provided four more color options in the yellow/blue/green spectrum for the art room based on the feedback that the original color was too bold. Mayor Mironov stated photographs of the color swatches had been distributed, and the shades were named Bora Bora Shore, Tame Teal, Bluebell and Lemon Chiffon. Ms. Daniels stated she likes Bora Bora Shore and Tame Teal. Mayor Mironov asked how these shades compare to the original shade that was too bold. Ms. Kim stated the original shade was called Surfing, and was darker than all four of the new options presented tonight. Mr. Lippman stated he did not like Bluebell. Mayor Mironov stated she did not prefer Lemon Chiffon. Mr. Shapiro stated he liked Bora Bora Shore. Mayor Mironov asked for any further input. Mayor and Council unanimously agreed that while they are leaning toward Bora Bora Shore, Mayor Mironov and Ms. Daniels would follow up for input from the Commission on Aging.

Mayor Mironov asked Ms. Kim to review the multi-purpose room flooring. Ms. Kim stated that she spoke with many flooring manufactures and representatives and they concluded that because it is not known what equipment will be used in this room, the rubber tiled material is the best option for the space given its versatility of use. Mayor Mironov stated, based on the sample that was provided, she is concerned about the material and how it will look. She asked if the tiles are larger or smaller in size. Ms. Kim confirmed that this type of flooring would be tiles that interconnect with one another like a puzzle, but the specific size of the tiles would be between the contractor and the architect as that relates to installation. She stated the floor is a black material with tan colored specks. Mayor Mironov asked if the seams could cause a tripping hazard. Ms. Kim stated that was taken into consideration and the seams would not present any tripping hazard. Mayor Mironov asked if that stipulation could be put into writing. She also asked for more information as to how the flooring will be attached to the existing floor, how the tiles will interconnect, and the integrity of the linking pieces. Mr. Lippman stated he thinks these are significant questions that need to be answered before Council can agree to the material. Mr. Zoller asked if there were any other municipalities in the area that have used similar flooring that can share their thoughts and experiences. Mayor Mironov agreed with Mr. Zoller's suggestion and asked that be included with the other requested information pertaining to the flooring.

Ms. Kim moved on to discuss the laminate vinyl flooring to be installed in the multi-purpose room. Ms. Kim stated the specifications are for a wood grain laminate vinyl flooring. She presented a visual exhibit with different flooring color swatches. She stated the Council had previously indicated a preference for a medium wood tone, and she would make that recommendation because this will be a high traffic area. Ms. Daniels stated she preferred the color swatches as presented by Ms. Kim, as the distributed color swatches appeared more orange

in tone, whereas tonight's presentation shows true brown tones. Mr. Yeager and Mr. Shapiro agreed with Ms. Daniels. Mr. Zoller expressed that he would prefer a neutral tile floor instead of a wood grain floor, as it looks more traditional to the existing flooring in the Senior Center.

Mayor Mironov thanked Ms. Kim and stated that Council would provide further feedback and any additional requests for information in order to finalize the material choices.

**APPLICATIONS:**

**REPORTS BY COUNCIL AND STAFF:**

Mr. Shapiro reported the Planning Board met on May 17 and discussed a rooftop solar array for Home Depot and a pharmaceutical tenant proposing to occupy the last building in the SciPark development.

Mr. Yeager stated the Recreation Commission met on May 12 and discussed summer camp and other programs.

Ms. Daniels reported the Health Advisory Board met on May 13 and discussed upcoming events including a blood drive, the opening of the Community Garden, Yoga in the Park and some other possibilities for future programming.

Mr. Zoller stated the Economic Development Committee met on May 6 and discussed the Township Gateway signs and that renderings had been provided to Council. The Committee also discussed the Route 130 entrance art project and signage on the Public Works garage building fronting the Turnpike.

**CORRESPONDENCE:**

**APPOINTMENTS:**

**APPROVAL OF BILLS:**

Mayor Mironov stated a 2021 Current Bill list, 2020 Current Bill list, a Capital Bill List and other miscellaneous bill lists and trust accounts were provided.

Mr. Zoller asked for more information on the step compressor replacement invoice on page two of the Current bills list. Mr. Zoller also asked for more information for the invoice to True Green Lawn Service on page 8 of the Current bills list, including what work and period of time the invoice covers.

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

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

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

**MATTERS BY COUNCIL:**

Mayor Mironov stated the following correspondence had been received: a memo from the Department of Public Works dated April 20 regarding the bridge repair; a memo from the Chief of Police dated May 5 regarding desktop computer acquisition; a copy of a letter that was sent to the Housing and Community Development Director of Mercer County regarding the HOME program; a letter from T&M Associates dated April 16 regarding an update to the infrastructure improvement fund; a letter from Mercer County dated May 11 regarding truck sign and pedestrian improvements along Route 571, and a communication from Mercer County that resurfacing of Princeton Hightstown Road between Route 130 and One Mile Road will commence on or about May 20.

Mayor Mironov stated at a previous Planning Board meeting, the Board approved and memorialized a Resolution for OTR, a residential development along Old Trenton Road in the area of Windsor Center Drive. The development will consist of 186 units, and the developer applied to Mercer County for County Planning Board approval after receiving approval from the Township. Mercer County has imposed a condition on the developer, requiring they provide a vehicular cross easement with a project directly adjacent to the subject site in West Windsor. Mayor Mironov stated this was done without any communication of consultation with the Township. The developers have appealed the condition to the Board of County Commissioners. Mayor Mironov stated that at the Planning Board meeting on May 17, the Board approved a Resolution with the condition that no such easement is allowable unless it receives the express approval of the Planning Board. There was a motion and a unanimous vote by the Planning Board to authorize the Municipality's position that the Township supports the Developer's appeal and finds this to be an inappropriate condition. Mayor Mironov indicated she would like to write a letter to the County Commissioners and to speak briefly at their next meeting regarding the Township's position. She asked for input and comments from the other Council members. Mr. Yeager stated that he thinks Mayor Mironov has suggested an appropriate course of action and he would support it.

It was MOVED by Yeager, SECONDED by Rosenberg to support the appeal by OTR of this condition as imposed by the Mercer County Planning Board.

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

There being seven (7) ayes and no (0) nays, the Governing Body supports the appeal by OTR of this condition as imposed by the Mercer County Planning Board.

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

2. Redevelopment of 19 Probasco Road (Block 15, Lots 1.02 and 12)

Mayor Mironov stated that the tax map and property card for the site had been distributed to Council members. She stated this is a very visible property that is located close to Twin Rivers, and the current developers are in support of a redevelopment process. Mr. Zoller asked if the property is still an active truck terminal or if the property will be razed. Mayor Mironov stated she was not sure about the current status of the truck terminal, but stated that at some point the truck terminal will likely no longer be located on the property.

**Resolution R2021-093**      Approving Investigation of 19 Probasco Road  
(Block 15, Lots 1.02 and 12) for Designation as  
Area in Need of Redevelopment

**RESOLUTION R2021-093**  
**EAST WINDSOR TOWNSHIP**  
**MERCER COUNTY**  
**RESOLUTION AUTHORIZING THE EAST WINDSOR TOWNSHIP**  
**PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION**  
**TO ESTABLISH A NON-CONDEMNATION REDEVELOPMENT AREA WITHIN THE**  
**TOWNSHIP OF EAST WINDSOR**

**WHEREAS**, N.J.S.A. 40A:12A-6, authorizes the governing body of any municipality, by Resolution, to have its Planning Board conduct a preliminary investigation to determine whether any area of the municipality is a redevelopment area; and

**WHEREAS**, N.J.S.A. 40A:12A-4(b)(2) authorizes the planning board of any municipality to prepare a redevelopment plan for a proposed redevelopment area; and

**WHEREAS**, the Mayor and Council of the Township of East Windsor consider it to be in the best interest of the Township to have the Township Planning Board conduct such an investigation regarding those parcel of land known as 19 Probasco Road and designated on the official Tax Map of the Township as Block 15, Lot 1.02 and 12 (the "Property"); and

**WHEREAS**, a non-condemnation redevelopment area determination shall authorize the Township to use all those powers provided by the Legislature for use in a redevelopment area but



for the use of eminent domain (hereinafter referred to as a “Non-Condensation Redevelopment Area”); and

**WHEREAS**, the present buildings and improvements at the Property, by reason of obsolescence and/or general deterioration and/or design and obsolete layout, may be detrimental to the safety and welfare of the community, thereby requiring redevelopment to better serve the Township;

**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 East Windsor Township Planning Board is hereby directed to conduct a preliminary investigation to determine whether the Property is a Non-Condensation Redevelopment Area according to the criterion in N.J.S.A. 40A:12A-1 et seq.;
2. The East Windsor Township Planning Board is hereby directed to prepare a report of its findings and once completed, is hereby directed to transmit the report to the Mayor and Township Council for their review and approval in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A.

It was MOVED by Zoller, SECONDED by Lippman to approve Resolution R2021-093.

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

There being seven (7) ayes, no (0) nays, Resolution R2021-093 was approved.

Mayor Mironov requested to move ahead to Discussion Item #7 and Council agreed.

7. New Jersey Department of Community Affairs Local Recreation Improvement (LRIG) 2021 Grant Program

Mayor Mironov stated this matter was discussed at the last Council meeting, and Council had previously expressed interest in Anker Park. She stated a draft grant application and possible equipment options had been distributed, and the application deadline is May 24. Mayor Mironov stated she reviewed the equipment options and was not a fan of the sun shades, as they have the potential for extra maintenance issues. She asked for information on what programs the

Township currently has in place for regular maintenance of playground equipment. Mayor Mironov added that she would prefer to prioritize new playground equipment and the walking trail for Anker Park over some of the other suggest improvements, such as another pavilion. Mr. Zoller stated he agreed with Mayor Mironov. He asked about the condition of the existing pavilion at Anker Park and if it needs replacement. He added that while he appreciates the sun shades for UV protection, he would be concerned that they would get damaged or lost during a storm. Mayor Mironov stated that as for the pavilion, it is used frequently and could use some sprucing up but the Director of Public Works would have to advise further as to the condition of the pavilion. Mr. Yeager stated the pavilion is popular with families in the area, and while he would be in favor of fixing it up, he agreed with Mayor Mironov that the focus of this grant application should be for playground equipment. Mr. Brady stated the pavilion is well used and in good condition, and the project proposal was for a second pavilion, not the replacement of the first one. Mr. Lippman stated he agreed with Mr. Zoller’s concerns regarding the sun shades. Mr. Brady stated the sun shades would be removed from the application.

**Resolution R2021-094**      Approval of Filing of Application for the 2021 New Jersey Department of Community Affairs Local Recreation Improvement Grant (LRIG)

**RESOLUTION R2021-094  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, The New Jersey Department of Community Affairs, Division of Local Government Services, is soliciting grant applications under the 2021 Local Recreation Improvement Grant (LRIG) to support the funding for improvements and repairs of public recreation facilities including local parks, municipal recreation centers and local stadiums; and

**WHEREAS**, the LRIG funds cover one-time costs associated with updating community centers, playgrounds, pools, fields, walking or bicycle trails, rail trails, multi-sport courts, and recreational facilities; and

**WHEREAS**, East Windsor Township desires to submit an application for financial assistance to improve East Windsor Township’s Anker Park located at 200 Hickory Corner Road.

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

1. The Mayor is hereby authorized and directed to submit an electronic application identified as “Anker Park Improvements” to fund improvements to Anker Park for new playground equipment, a new rubberized playground surface, drainage remediation and an asphalt pathway on behalf of East Windsor Township to New Jersey Department of Community Affairs, Division of Local Government Services, 2021 Local Recreation Improvement Grant (LRIG).

2. The Mayor is hereby authorized to sign the grant agreement on behalf of East Windsor Township and her signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

It was MOVED by Yeager, SECONDED by Zoller to approve Resolution R2021-094.

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

There being seven (7) ayes, no (0) nays, Resolution R2021-094 was approved.

Mayor Mironov stated Wiltshire Park would be listed on the next agenda for further discussion, but many of the comments made tonight about the equipment for Anker Park could be applied to the proposal for Wiltshire Park.

#### 4. Township Summer Programs

Mayor Mironov stated the Recreation Department provided additional information on movie options for Family Night in the Park. Council agreed that full information on possible concerts and other summer events was necessary in order to evaluate everything and provide direction. Mayor Mironov asked Mr. Brady when Council could expect the full proposal. Mr. Brady stated that he received some additional information today, but was unable to distribute it prior to the meeting. Mayor Mironov stated that the two biggest items that needed to be decided tonight was if the Township would have a Independence Day firework display, and if the Township should move forwarding in soliciting sponsorships for the summer programs. Mayor Mironov asked Mr. Brady what dates in July are being considered for fireworks, and he replied Thursday, July 1, Friday, July 9 or Sunday, July 11. Mayor Mironov stated that regardless of the possibility of a fireworks display, in light of COVID-19 safety guidelines, she would like to still do something to honor and respect Independence Day. Mr. Rosenberg agreed with Mayor Mironov, and expressed that while things are trending in a positive direction, the Township should have contingencies in place in case stricter guidelines regarding gatherings and social distancing are put back into effect. Mr. Zoller stated that of the suggested dates, he would advocate for July 11 to allow for more time to solicit sponsors and make a final decision regarding COVID protocols. Ms. Daniels agreed with Mr. Zoller. Mayor Mironov stated she is also in support of July 11.

It was MOVED by Zoller SECONDED by Yeager to move forward with the Independence Day fireworks display for July 11.

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

There being seven (7) ayes, no (0) nays, Council agreed to move forward with the Independence Day fireworks display for July 11.

#### 1. 2021 Municipal Capital Program

Mayor Mironov and Council Members requested this matter be held until the next Council meeting.

2. New Jersey Department of Transportation FY2022 Grant Programs
  - a. Municipal Aid
  - b. Bikeway Projects
  - c. Safe Streets to Transit Projects

Mayor Mironov and Council Members requested this matter be held until the next Council meeting.

3. Municipal Roadway Projects

Mayor Mironov and Council Members requested this matter be held until the next Council meeting.

8. New Jersey Department of Environmental Protection Urban Parks 2021 Grant Program

Mayor Mironov and Council Members requested this matter be held until the next Council meeting.

**MATTERS BY PUBLIC:**

Marc Platizky, 783 Twin Rivers Drive North, raised issues with parking of vehicles along Probasco Road.

**ADJOURNMENT:**

Next Meeting: June 8, 2021

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Allison Quigley  
Municipal Clerk

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Janice S. Mironov  
Mayor