

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, May 4, 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 4, 2022.

VERIFICATION:

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 11, 2021 in the annual meeting notice. On April 30, 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 Marc Platizky.

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:

Eagle Scout Court of Honor: Tyler Mutchnick, Boy Scout Troop 59 (May 16, 2021)

Eagle Scout Court of Honor: Aidan Sharpe, Boy Scout Troop 59 (May 16, 2021)

Eagle Scout Court of Honor: Joel Simon, Boy Scout Troop 59 (May 16, 2021)

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Anna Zappola, an East Windsor Regional School District high school student, was interviewed and is interested in volunteering for the Green Team or the Recreation Commission.

PUBLIC FORUM:

Marc Platizky, 783 Twin Rivers Drive North, commented on some issues residents have been experiencing while utilizing Zoom for virtual programs at the Senior Center. Mayor Mironov directed staff to look into any issues and troubleshooting solutions.

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

March 10, 2020 and November 9, 2020 minutes were held until the next meeting. All remaining minutes were rescheduled to the next regularly scheduled meeting.

ORDINANCE – INTRODUCTION:

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 Business 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 this subject was previously discussed and it was the determination of the governing body, in light of the many uncertainties and defective regulations, the Township wanted to ensure ample time to review the subject so at this time will be opting out of the legislation. Mayor Mironov stated municipalities have 180 days until August 21, 2021 to determine if they would like to opt out of the legislation. If the municipality does not opt out or adopt regulations within that time frame, the state has taken it upon itself to impose the use as a permitted use in all commercial zones of that municipality. To avoid that imposition, East Windsor has decided to opt out so a path forward can be discussed for the future.

Mayor Mironov stated there was one typographical error on page three of the Ordinance, and Paragraph 20-4.021 should be removed under Section II.

It was MOVED by Rosenberg, SECONDED by Lippman to approve Ordinance 2021-04 with revisions on introduction, authorize publication as required by law, and set a public hearing for May 18, 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 with revisions was approved on introduction, authorized publication as required by law, and public hearing set for May 18, 2021.

RESOLUTIONS:

Resolution R2021-051 Adoption of the 2021 Municipal Budget

[NOTE: The East Windsor 2021 Municipal Budget is located on the Township website and due to the size of the document is not included in the minutes.]

Mayor Mironov stated the municipal budget was introduced on April 6 and public hearing was set for this evening. She shared an email received by the Finance Director from the New Jersey Department of Community Affairs, indicating the state review of the budget has been completed and the municipal budget can be adopted. Mayor Mironov indicated the Township Auditor, Bud Jones, is present this evening and asked him for any comments. Mr. Jones stated this is a good budget for a challenging year and he was very impressed with the planning that went into the budget with minimal increases.

Mayor Mironov declared the public hearing open on Resolution R2021-051. Marc Platizky, 783 Twin Rivers Drive North, asked if there was any increase in the municipal tax rate for 2021. Mayor Mironov stated that there will be no municipal tax rate increase for 2021. With no further comments from the public, Mayor Mironov declared the public hearing closed.

Mayor Mironov stated the total appropriations for the 2021 municipal budget are \$22,190,324.00, so while there is an increase in appropriations, the budget represents a no municipal tax rate increase for 2021, with the municipal tax rate remaining at 43¢ per \$100 in assessed valuation. This marks the ninth consecutive year that East Windsor Township has had no increase in the municipal tax rate. Mayor Mironov stated there were several reasons for that, including that the Governing Body and staff were very proactive in monitoring revenues and take steps with respect to spending to ensure we ended 2020 in a healthy fiscal position. She would also note with respect to the budget, we are well below the property tax cap because of our fiscal responsibility, but we do have sufficient room to increase the budget by over 7¢, which we are not doing due to the financial responsibility of the Township. Mayor Mironov stated the Township incorporated spending into the budget to address pandemic, while being proactive in seeking any grants or reimbursable funds to underwrite as many of those expenses as possible. She also noted the Township went out for permanent financing of our debt, which was a very positive decision for 2021 and years to come, as the Township experienced a very low rate due to our high standing with Standard and Poors, leading the Township to save a great amount of tax-payer money over the coming years. The largest increase in the budget relates to the pension numbers from the State. Mayor Mironov stated the budget reflects a great deal of hard work by the Township Council and staff over the course of the past year, careful monitoring and attentiveness to our revenues and expenditures throughout the year, and the proposed budget is a very responsible but conservative budget that will meet the needs of the community while showing great respect to the tax-payers.

Mayor Mironov asked if there were any other comments or questions on this subject. Mr. Rosenberg stated he would like to thank the Mayor, the Township Manager, the Clerk, and all of the Department Heads for their work on this budget.

It was **MOVED** by Yeager, **SECONDED** by Lippman to adopt Resolution R2021-051 and authorize publication as required by law.

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

There being seven (7) ayes, and no (0) nays, Resolution R2021-051 was adopted and authorized publication as required by law.

Resolution R2021-052 Adoption of the 2021 Garbage District No. 1 Budget

[NOTE: The East Windsor 2019 Garbage District Budget is located on the Township website and due to the size of the document is not included in the minutes.]

Mayor Mironov stated the 2021 Garbage District budget was introduced at the April 6 Council meeting and public hearing was set for tonight. Mayor Mironov declared the public hearing open on Resolution R2021-052. With no comment from the public being made, Mayor Mironov declared the public hearing closed.

It was MOVED by Rosenberg, SECONDED by Daniels to adopt Resolution R2021-052 and authorize publication as required by law.

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

There being seven (7) ayes, and no (0) nays, Resolution R2021-052 was adopted and authorized publication as required by law.

Resolution R2021-068 Approval of Award of Contract for Leaf Disposal with Mendies Farm LLC for the Public Works Department

**RESOLUTION R2021-068
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need for a site for leaf disposal for 2021; and

WHEREAS, a Notice to Bidders was issued and posted/advertised on March 3, 2021 and two bids were received for the disposal of leaves by the Municipal Clerk's Office on April 6, 2021; and

WHEREAS, the lowest bid received factoring in the much closer location reducing travel time and related expenses was from Mendies Farm LLC, at \$3.00 per cubic yard; and

WHEREAS, the Township Council has reviewed the recommendation of the Director of Public Works on the bids; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are available in the Budget line item appropriation account specified as 1-30-32-305-300-237, as per the 2021 temporary budget and pending adoption of the 2021 budget, entitled "Disposal Fees," in the amount of \$45,000, as evidenced by the Chief Financial Officer's Certification No. G2021-001.

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 contract for the disposal of leaves collected by East Windsor Township is awarded to Mendies Farm LLC, 65 North Rochdale Avenue, Roosevelt, New Jersey 08555, disposal of not to exceed 15,000 cubic yards of leaves at \$3.00 per cubic yard, in an amount not to exceed \$45,000, upon receipt of a fully executed contract and all other required documents.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the contract for same.

It was MOVED by Lippman, SECONDED by Zoller to approve Resolution R2021-068.

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

There being seven (7) ayes, and no (0) nays, Resolution R2021-068 was approved.

Resolution R2021-072 Approving the Certification of Compliance with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964”

RESOLUTION R2021-072
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

It was MOVED by Zoller, SECONDED by Shapiro to approve Resolution R2021-072.

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

There being seven (7) ayes, and no (0) nays, Resolution R2021-072 was approved.

Resolution R2021-073 Approval of Award of Contract for Resurfacing and Associated Repairs to the Police/Court Building Parking Lot with Richard T. Barrett Paving Company, Inc.

RESOLUTION R2021-073
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, there is a need for the Resurfacing and Associated Repairs for the East Windsor Township Police/Municipal Court Building Parking Lot; and

WHEREAS, a Notice to Bidders was issued and posted/advertised on March 9, 2021 and eight bids for the Resurfacing and Associated Repairs for the East Windsor Township Police/Municipal Court Building Parking Lot were received by the Municipal Clerk’s Office on April 13, 2021; and

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

WHEREAS, the lowest responsible bid was submitted by Richard T. Barrett Paving Company Inc.; and

WHEREAS, the maximum amount of the purchase is \$99,150.00 and sufficient funds are available in Capital Account No. C-04-55-942-702-433 entitled Ordinance 2007-02 “Police Parking Lot Resurfacing” in the amount of \$53,800.00 and in Capital Account No. C-04-55-980-924-433 entitles Ordinance 2020-07 “Police Parking Lot Project” in the amount of \$45,350.00, for a total amount not to exceed \$99,150.00, as evidenced by the Chief Finance Officer’s Certification No. C2021-009.

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 contract for the Resurfacing and Associated Repairs for the East Windsor Township Police/Municipal Court Building Parking Lot is awarded to Richard T. Barrett Paving Company Inc., in an amount not to exceed \$99,150.00.
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 checks or bid bonds of the successful bidder and the next lowest bidder, upon the receipt of a fully executed contract.

4. The Municipal Clerk is hereby authorized and directed to return the certified check and bid bond of the following unsuccessful bidders: Top Line Construction Corp., 22 Fifth Street, Somerville, NJ 08876; Earle Companies, PO Drawer 556, Farmingdale, NJ 07727; PM Construction Corp., 1310 Central Avenue, Hillside, NJ 07205; Black Rock Enterprises LLC, 1316 Englishtown Road, Old Bridge, NJ 08857; Protective Paving, LLC, 12 Kearney Drive, Milltown, NJ 08850; and Gordan State Sealing, 300 Commerce Drive, Tinton Falls, NJ 07753.

Mayor Mironov requested additional information regarding this project, including the anticipated work start date, the timeframe for the project and how it aligns with the Exeter Road project. She stated that there must be full access to the election ballot drop box and throughout the project.

It was MOVED by Yeager, SECONDED by Rosenberg to approve Resolution R2021-073.

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

There being seven (7) ayes, and no (0) nays, Resolution R2021-073 was approved.

Resolution R2021-074 Authorizing Purchase to Repair Anker Park Merry Go Round from Marturano Recreation Company for the Public Works Department

**RESOLUTION R2021-074
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need to purchase parts for repairs to the merry-go-round equipment at Anker Park; and

WHEREAS, Gametime c/o Marturano Recreation Company is the sole provider for this equipment; 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, public bids are not required when the purchase is under a State Contract in accordance with N.J.S.A. 40A:11-12 of the Local Public Contracts Law; and

WHEREAS, this equipment will and can be submitted by Gametime c/o Marturano Recreation Company through State Contract No. 16-FLEET-00120 which is valid through May 30, 2022; and

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

WHEREAS, the maximum amount of the purchase is \$3,604.89 and funds are available in Capital Account No. C-04-55-980-919-870 entitled Ordinance 2016-08 “Park and Playground Improvements.” as evidenced by the Chief Financial Officer’s Certification No. C2021-010.

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 Township Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition under State Contract No. 16-FLEET-00120, to Marturano Recreation Co. (MRC), 2130 Route 35, Building B, Suite 222, Sea Girt, NJ 08750, for the purchase of replacement Gametime merry-go-round all base equipment, in an amount not to exceed \$3,604.89, as set forth in the attached quote.

It was **MOVED** by Lippman, **SECONDED** by Yeager to approve Resolution R2021-074.

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

There being seven (7) ayes, and no (0) nays, Resolution R2021-074 was approved.

Resolution R2021-075 Approving Certification to Comply with Requirements of N.J.A.C. 7:26A-11 for the Filing of 2020 Recycling Tonnage Grant Application and Expenditure Report

RESOLUTION R2021-075
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of East Windsor

Township to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling requirements; and

WHEREAS, such a resolution should designate the individual authorized to ensure the certification to comply with requirements in N.J.A.C. 7:26A-11 is properly completed and timely filed.

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. East Windsor Township hereby endorses the submission of the 2020 recycling tonnage grant certification to comply with the requirements in N.J.A.C. 7:26A-11 and New Jersey Department of Environmental Protection and designates certified Recycling Coordinator, Richard Brand to ensure that the requirements are properly filed.
2. The monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.
3. The Mayor is hereby authorized and directed to execute the attached Certification.

Mayor Mironov stated an updated recycling tonnage report was provided by the Department of Public Works. She asked if the Township could get credit for other projects, including community recycling and shredding events. Mayor Mironov requested DPW provide concrete amounts for 2019 versus 2020.

It was **MOVED** by Zoller, **SECONDED** by Daniels to approve Resolution R2021-075.

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

There being seven (7) ayes, and no (0) nays, Resolution R2021-075 was approved.

Resolution R2021-076 Approval of Communication Services Maintenance Agreement with KML Technology, Inc. for the Police Communications Center

RESOLUTION R2021-076
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, there exists a need for support and maintenance services for the Emergency 911 terminals in the Communications Center at the Police/Court Building; and

WHEREAS, KML Technology, Inc. is the sole provider for the Emergency 911 support and maintenance services; 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 Chief of Police’s recommendation on these services; and

WHEREAS, the maximum amount of the contract is \$5,250.00 and the Chief Financial Officer has determined funds are available in the Current Fund Account No. 0-01-25-250-308-254 entitled “Police Communication Contracts,” as evidenced by the Chief Financial Officer’s Certification No. B2021-022.

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 KML Technology, Inc., 696 S. Broadway, Unit B-333, Pennsville, NJ 08070, for support and maintenance services for the Emergency 911 terminals in the Police Communications Center at the Police/Court Building for the term commencing April 13, 2021 through April 12, 2022, in an amount not to exceed \$5,250.00, in accordance with the attached quote.

It was MOVED by Lippman, SECONDED by Yeager to approve Resolution R2021-076.

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

There being seven (7) ayes, and no (0) nays, Resolution R2021-076 was approved.

Resolution R2021-077 Approval of Agreement with Windsor Mill Condominium Association for Reimbursement for Private Community Services for 2020

RESOLUTION R2021-077

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Windsor Mill Condominium Association wish to enter into an Agreement for private community services for the year 2020 in the amount of \$12,003.21, pursuant to N.J.S.A. 40:67-23.2 et seq.; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in the Current Fund Account No. 0-01-26-325-802-253 entitled “Condo Services”, in the amount of \$12,003.21, as evidenced by the Chief Financial Officer’s Certification No. B2021-023.

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

1. The attached Agreement for the year 2020 in the amount of \$12,003.21 is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

It was MOVED by Shapiro, SECONDED by Zoller to approve Resolution R2021-077.

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

There being seven (7) ayes, and no (0) nays, Resolution R2021-077 was approved.

Resolution R2021-078 Approval of Right of Way Agreement between the Township of East Windsor and County of Mercer for the Union Transportation Trail Extension Project

RESOLUTION R2021-078
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, the Township applied for and received grant funds from the Delaware Valley Regional Planning Commission Regional Trails Phase V Program to fund the study and design of the Union Transportation Trail (UTT) multi-use trail Extension between the Mercer/Monmouth County border and Airport Road; and

WHEREAS, Mercer County owns the property located at 539 Windsor Perrineville Road, designated as Block 44, Lot 6 on the East Windsor Township Tax Maps that runs through the UTT extension project; and

WHEREAS, there is a need for the Township to gain access through the property from Mercer County to conduct non-invasive investigative work for the construction and maintenance of the Union Transportation Trail Extension project; and

WHEREAS, East Windsor Township and the Mercer County agree to enter into a Right of Entry agreement providing the Township access through the property located at 539 Windsor Perrineville Road, Block 44, Lot 6, for a term commencing ninety days after a fully executed Right of Entry Agreement is received.

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 attached Right of Entry agreement between the County of Mercer and the Township of East Windsor for access through the property located at 539 Windsor Perrineville Road, designated as

Block 44, Lot 6, is hereby approved for a term commencing ninety days after a fully executed agreement is received by the Township.

2. The Mayor is hereby authorized and directed to execute the Right of Entry agreement.

Mayor Mironov requested a letter be drafted to Mercer County from her office inquiring what other steps, documents, or agreements might be needed to proceed with the engineering work to begin construction.

It was MOVED by Shapiro, SECONDED by Zoller to approve Resolution R2021-078.

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

There being seven (7) ayes, and no (0) nays, Resolution R2021-078 was approved.

APPLICATIONS:

REPORTS BY COUNCIL AND STAFF

Mr. Zoller reported the Environmental Commission met on April 21 and discussed the annual seedling giveaway for Arbor Day, the status of the Etra Park Arboretum project and the possibility of electric car charging stations in the Township. Mr. Zoller also reported the Green Team met on April 27 to discuss the Township's application for Sustainable Jersey certification, and stated they currently have received 375 action points towards the required 350 action points to achieve recertification.

Mr. Rosenberg reported the Clean Communities Committee met on April 22 and discussed the recent stream cleanup event, upcoming recycling events, and the annual adopt-a-spot and poster contest programs. Mr. Rosenberg also reported the Commission on Aging met on April 22 and discussed possible zoom classes and programs for the Senior Center and vaccination opportunities. Mayor Mironov added that the stream clean-up event was a success with over 80 volunteers collecting 706 pounds of recycling.

CORRESPONDENCE:

APPOINTMENTS:

Alternate Municipal Prosecutors

It was MOVED by Yeager, SECONDED by Rosenberg to appoint Lorraine Nielsen, Diane Mecurio, Bob Syzanski and Ellen Fisher as Alternate Municipal Prosecutors.

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

There being seven (7) ayes, and no (0) nays, Lorraine Nielsen, Diane Mecurio, Bob Syzanski and Ellen Fisher were appointed as Alternate Municipal Prosecutors.

Mayor Mironov appointed Linda Feldstein as an Auxiliary Member of the Commission Aging for a term expiring December 31, 2021.

APPROVAL OF BILLS:

Mayor Mironov requested clarification regarding the invoices labeled “Police Training Robbinsville” on page two of the Current 2020 bills list.

It was MOVED by Lippman, SECONDED by Shapiro to approve the Bill Lists with the requested clarifications.

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

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

MATTERS BY COUNCIL:

Mayor Mironov stated the following correspondence had been received: a quarterly review report from the Tax Collector dated April 13; a memo from DPW dated April 26 regarding payment #2 for the Exeter Road project; a letter dated April 26 from NJDOT soliciting applications for Municipal Aid for 2022; a letter dated April 16 from T&M Associates regarding an update to the transportation improvement fund formula, and a letter dated April 23 from the Delaware Valley Regional Planning Commission indicating the Township has been awarded a grant of \$227,888 for Phase VIII of the Regional Trails Program.

Mayor Mironov requested an update regarding the child safety seat inspection program, including a proposed schedule, draft flyer and press release for 2021 dates. Mayor Mironov stated the Operation Medicine Cabinet event took place on April 24 and the Township, in addition to the permanent drop box at the Police/court building, collected an additional 31.5 pounds of undesired and expired medication, for a total of 257 pounds of medication collected for proper disposal. Mayor Mironov requested an update from staff regarding the installation of “no smoking” signage in the Township parks per the recently adopted Ordinance.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. New Jersey Department of Health, Office of Local Public Health, COVID-19 Vaccination Supplemental Funding Program 2022/2023

Mayor Mironov stated a memorandum from the Township Manager on this subject had been distributed. Mr. Brady stated this is a non-competitive grant for \$50,000 that could be spent over fiscal years 2022 and 2023. The grant aims to encourage partnerships between local health departments and community organizations in providing vaccinations to vulnerable populations, with an overall objective to increase

vaccine confidence through educational programs. Mr. Brady stated the grant requires a lot of reporting and certain benchmarks would need to be met, but it would not be overly burdensome. The grant would enable the Township to contract for services for educational or outreach activities or be used for expenses such as equipment to store and transport vaccines or personal protection equipment. Mr. Brady stated the application deadline was May 10. He stated this grant could potentially be used in conjunction with other grants received by the Township for similar objectives, including to hire a Vulnerable Population Outreach Coordinator that works to identifying vulnerable or underserved populations within the community, educating them on vaccines, answering any questions or concerns and assisting in scheduling vaccination appointments. Mr. Brady stated the Township has participated in larger vaccination clinics held by Mercer County, but the Health Department has also held local clinics weekly at both local firehouses, vaccinating up to 80 people per week. These efforts are successful but labor intensive. Mr. Brady stated he met with the Health Officer, the Vulnerable Population Coordinator and several other staff members to discuss what specific and they intend on narrowing down the exact proposed expenses for this grant application.

Mr. Yeager stated the second paragraph of Mr. Brady's memo mentions the grant program allows for eligible costs for be reimbursed through a retroactive date of March 1st, but under funding restrictions, it reads that grant awardees may not make purchases until approved by the New Jersey Department of Health (NJDOH). Mr. Brady clarified that any purchases under this grant would require preapproval by NJDOH. They could also submit previous purchases for approval for reimbursement under the grant award.

Resolution R2021-079 Approval of Filing of Application for the 2022/2023 New Jersey Department of Health COVID-19 Vaccination Supplemental Funding Program

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

WHEREAS, New Jersey Department of Health (NJDOH) is soliciting grant applications under the Office of Local Public Health's (OLPH) COVID-19 Vaccination Supplemental Funding Program 2022/2023 to fund local health departments in sustaining vaccination operations and increase COVID-19 vaccination among high-risk, underserved and vulnerable populations; and

WHEREAS, East Windsor Township desires to submit an application for financial assistance for off-site vaccination clinics to provide vaccinations throughout our community.

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 on behalf of East Windsor Township to the New Jersey Department of Health, Office of Local Public Health's (OLPH) COVID-19 Vaccination Supplemental Funding Program 2022/2023 for financial assistance for off-site vaccination clinics to provide vaccinations throughout the

Township.

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 Rosenberg to approve Resolution R2021-079.

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

There being seven (7) ayes, and no (0) nays, Resolution R2021-079 was approved.

2. New Jersey Department of Community Affairs Local Recreation Improvement (LRIG) 2021 Grant Program
3. New Jersey Department of Environmental Protection Urban Parks 2021 Grant Program

Mayor Mironov stated there are two grant opportunities available for public recreation facilities as set forth in the memo from the Community Development Director, which also incorporates some possible ideas, including Anker Park, Westfield Road Veterans Park, or Wiltshire Park. Mayor Mironov stated she would like as much information on this as possible to consider in conjunction with the upcoming capital budget. She asked if there was a listing of Township parks with information on the equipment, when it had been purchased and installed, and current maintenance programs. She stated Council had raised comments about possible improvements to Anker Park and Wiltshire Park in the past, and she felt those parks were in particular need. She added that if Council were considering Westfield Road Park, she wouldn't limit it to the tennis courts but would consider the basketball courts as well. Mayor Mironov asked if the grant application required specific proposed purchases or a general proposal. Mr. Brady stated the Urban Parks grant application does require quotes for specific equipment purchases, and staff has been working on getting more definitive quotes from some vendors used in the past.

Mr. Yeager asked if the Township could submit more than one grant application. Ms. Cronin, Community Development Director, stated the Local Recreation Improvement grant is a competitive grant, with a maximum grant award of \$500,000. She stated the Township could submit one grant application with multiple projects but they should be prioritized.

Mayor Mironov stated the only park that falls within the designated area under the Urban Parks grant application is Wiltshire Park. Mayor Mironov stated her preference would be Anker Park, but questioned if these are competitive grants, Wiltshire Park might be more justifiable. She stated as an overall comment that Public Works should create a park inventory and assess equipment on a regular basis. Mr. Yeager agreed with Mayor Mironov that if Wiltshire Park is the only park within the designated area for the Urban Parks grant, then that should be the focus of the application. Mr. Zoller also agreed that Wiltshire Park should be the focus of the Urban Parks grant application.

Mayor Mironov asked for clarification regarding the bridge being referenced on page six of the memo. Ms. Cronin stated the bridge is right next to the park and connects to Hickory Corner Road. Both the bridge and the concrete walkways leading up to it are in poor condition. Mayor Mironov requested more specific details as to the proposed equipment and costs for Wiltshire Park, and what options there might be. She requested a Resolution be listed on the next Council agenda regarding the Urban Parks grant application.

Mayor Mironov stated the Governing Body needs to choose one location to focus on for the Local Improvement Grant Program. She stated she is considering either Westfield Road Park or Anker Park. The playground equipment at Westfield Road Park is in good condition, but the tennis courts and basketball courts need to be restored. Anker Park needs improvements to the walking path and the playground equipment and play surface. Mr. Yeager stated Anker Park seems to be a good opportunity and agreed with Mayor Mironov regarding her comments about Westfield Road Park. Mr. Shapiro agreed with Mr. Yeager and expressed he gets a lot of comments about Anker Park. Mayor Mironov requested as much information as possible as to costs and different equipment options for Anker Park to be considered at the next Council meeting.

4. Municipal Roadway Projects

Mayor Mironov requested to hold this discussion item until the next Council meeting, as the Public Works Director is preparing potential application ideas for consideration by the Governing Body. She added that Council had discussed this subject in the past, and had indicated some potential roadway projects included Abbington Road and Old Cranbury Road between Route 130 and North Main Street. She requested the Public Works Director include information as to the last two municipal aid applications and the costs that were submitted.

5. East Windsor Senior Center Expansion Project

Mayor Mironov stated there are two outstanding topics relating to this matter. The first is a potential change order from the architect, Kevin Settembrino, as it applies to the site work. She indicated she has not received anything from Mr. Settembrino, even though he indicated he would provide that information over a month ago. The second outstanding topic is relating to the discussion of colors and flooring options with the designer on the project, Charlene Kim. No new information had been provided for Council's review or input. Mayor Mironov stated it is her assumption that the project schedule has not changed, as the Governing Body has done everything they have been asked to do by the project architect. She asked if any Council Members had any questions, but they did not.

6. Township Recreation Department Programs and Costs

Mayor Mironov asked Mr. Brady for an update regarding spring virtual programming. Mr. Brady stated after the last Council meeting, the Recreation Department has put out flyers and begun advertising for two virtual after school programs, including Mad Science and Junior Chefs, both of which are set to start on May 8th. Mr. Brady said they would follow up and provide Mayor and Council with the number students participating in the program. Mr. Lippman asked Mr. Brady how the finances are handled for these virtual programs, as they are handled through an outside agency and the Township only oversees registration.

Mr. Brady stated the Township receives 18% of each registration fee for the Mad Science program, and 15% of each registration fee for Junior Chefs. Mr. Rosenberg asked if there was any evaluation or feedback process where they could hear how the programs work for the community. Mr. Brady stated these are vendors the Township has utilized for after-school programming for years, but he would follow up regarding exactly how feedback is handled. Mayor Mironov asked what other types of programs could the Township offer. Mr. Brady stated in the past, the Township has offered sports-related programs and other options, but the Mad Science and Junior Chef programs are the only ones that have flipped to virtual format.

Mayor Mironov turned to summer camp planning for 2021. She asked if there were other options the Township was considering to provide a longer camp day for families with working parents. Mr. Brady stated that he spoke with the Recreation Director and the camp day could be extended past 3 PM if that was the consensus. He stated initially there was no intention on providing pre-care or after-care, but as things have begun to open back up, the option could be considered for feasibility. Mayor Mironov stated she would like to see those considered as they were always popular in previous years. Mr. Yeager and Mr. Lippman agreed with Mayor Mironov. Ms. Daniels asked if there are any local pools that the campers will be able to visit. Mr. Brady stated at this point there are no pools that are open that the campers could utilize, but if any facilities opened they would certainly offer that for the campers. Mr. Yeager asked what the turn around time would be to finalize the camp program and begin advertising to the community. Mr. Brady stated the Recreation Department, depending on any direction provided tonight by the Council, was prepared to put information out as soon as tomorrow. Mayor Mironov stated it is the sentiment of the Council that they want to see a summer camp program move forward for this year.

Mayor Mironov stated information on the Independence Day celebration and summer events was also provided by the Recreation Director. She stated she would agree with the Recreation Director's suggestion of holding off on scheduling any July 4th fireworks display, and rather look to September to try and do a big, in-person event. Mr. Yeager agreed and stated the turnout would probably be better in the fall. Mayor Mironov stated she still would like to do something for Independence Day on July 4th. She asked Mr. Brady what the Township would need to commit to if they wanted to host a fireworks display in September. Mr. Brady stated the Township would have to commit to a date and a rain date with the vendor, and any cancellation policies would be outlined in the contract. Mayor Mironov requested this matter be listed on the next Council agenda and asked staff to provide more details as to possible September dates, cancellation policies, and any restrictions on the event by the State. She also requested suggestions from staff for an alternate way to recognize Independence Day. Mayor Mironov asked Council Members if they had any questions or comments about the proposed summer concert series. Mr. Yeager stated the crowd turn out at the concert events is smaller and could likely comply with social distancing standards easily. Mr. Rosenberg agreed. Ms. Daniels also agreed and stated there might be ways to encourage social distancing by using cones or other barriers to create sections for people to sit in. Mayor Mironov requested staff follow up with the different bands to provide available dates for consideration.

MATTERS BY PUBLIC:

ADJOURNMENT:

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May 4, 2021
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Mayor Mironov adjourned the meeting at 7:07 P.M.

Next Meeting: May 18, 2021

Allison Quigley
Municipal Clerk

Janice S. Mironov
Mayor