

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, June 8, 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, June 8, 2021.

VERIFICATION:

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 11, 2021 in the annual meeting notice. On June 4, 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 virtually by Council Member John Zoller.

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:

6 P.M. – PUBLIC HEARING: New Jersey Department of Environmental Protection Urban Parks 2021 Grant Program Application

Mayor Mironov stated that Council would return to this item at 6 P.M.

PUBLIC FORUM:

No one spoke from the public.

MINUTES:

March 10, 2020

It was MOVED by Lippman, SECONDED by Daniels to approve the March 10, 2020 minutes.

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

There being seven (7) ayes and no (0) nays, the March 10, 2020 minutes were approved.

October 6, 2020

It was MOVED by Yeager, SECONDED by Rosenberg to approve the October 6, 2020 minutes.

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

There being six (6) ayes and one (1) nays, the October 6, 2020 minutes were approved.

Mayor Mironov stated that in the future, she would ask that the minutes list any changes requested to listed documents by the Governing Body.

November 9, 2020 Special Meeting

It was MOVED by Lippman, SECONDED by Zoller to approve the November 9, 2020 Special Meeting minutes.

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

There being seven (7) ayes and no (0) nays, the November 9, 2020 Special Meeting minutes were approved.

The remaining minutes were held until the next Council 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 on May 4 and the Public Hearing, which had been originally scheduled for May 18, had been held until this evening. Mayor Mironov declared the public hearing open. As no one from the public spoke, Mayor Mironov declared the public hearing closed. She noted the Ordinance was discussed at the Planning Board meeting on June 7 and the Board had a unanimous vote that the Ordinance was not inconsistent with the Master Plan and should be adopted.

It was **MOVED** by Yeager, **SECONDED** by Rosenberg to adopt Ordinance 2021-04 and authorize publication as required by law.

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

There being seven (7) ayes, and no (0) nays, Ordinance 2021-04 was adopted and publication authorized as required by law.

RESOLUTIONS:

Resolution R2021-096 Chapter 159 – Amending the 2021 Municipal Operating Budget Providing an Item of Revenue and Appropriation for DVRC Union Transportation Trail Extension Phase VIII

**RESOLUTION R2021-096
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 \$227,888.00 which item is now available as revenue from Delaware Valley Regional Planning Commission (DVRPC) Union Transportation Trail Extension Phase VIII Grant Program.
2. A like sum of \$227,888.00 is hereby appropriated under the caption of 2021 Delaware Valley Regional Planning Commission (DVRPC) Union Transportation Trail Extension Phase VIII Grant Program.

It was **MOVED** by Zoller, **SECONDED** by Rosenberg to approve Resolution R2021-096.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-096 was approved.

Resolution R2021-097 Action on Award of Contract for Appraisal Services for Four Green Acres Open Space Funded Property Acquisition Projects: 139 Woods Road (Block 44, Lot 1); 140 Woods Road (Block 46, Lot 26.03); 117 Woods Road (Block 44, Lot 1.07); 110 Woods Road (Block 46, Lot 25)

**RESOLUTION R2021-097
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, East Windsor Township is considering acquisition of approximately 28.76 acres of land at 139 Woods Road (Block 44, Lot 1), 140 Woods Road (Block 46, Lo 26.03), 117 Woods Road (Block 44, Lot 1.07), and 110 Woods Road (Block 46, Lot 25) to preserve as open space; and

WHEREAS, the Township posted/solicited proposals on March 30, 2021 and received four proposals by the receipt date of April 29, 2021; and

WHEREAS, the lowest cost proposal was received from Sockler Realty Services Group, Inc.; and

WHEREAS, a contract for this purchase may be awarded without public advertising for bids, pursuant to N.J.S.A. 40A:11-3, as the purchase does not exceed \$17,500 in the aggregate for the contract year, and as the purchase is for “Professional Services” which are further excluded from the requirements of the public advertising for bids, pursuant to N.J.S.A.. 40A:11-5(1)(a)(i); and

WHEREAS, this contract is awarded in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5et seq.; and

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

WHEREAS, the maximum amount of the contract is \$6,000.00 and funds are available in the Account No. T-13-56-857-802, entitled Reserve for Open Space, as evidenced by the Chief Financial Officer's Certification No. T2021-001.

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 Mayor and Municipal Clerk are hereby authorized and directed to enter into the attached Agreement with Sockler Realty Services Group, Inc., 299 Ward Street, Suite C, Hightstown, NJ 08520 to prepare an appraisal report for the above referenced properties in an amount not to exceed \$6,000.00.
2. This Contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law because the contract is for services performed by persons authorized by law to practice a recognized profession that is regulated by law, but in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5 et seq.
3. The Municipal Clerk shall cause to be printed once, in the Trenton Times, a brief notice stating the nature, duration, service and amount of this contract, and that the resolution and contract are on file and available for public inspection in the office of the Municipal Clerk.

It was **MOVED** by Zoller, **SECONDED** by Rosenberg to approve Resolution R2021-097.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-097 was approved.

Resolution R2020-098 Approval of East Windsor Township Application to Mercer County for Grant Funding for FY22 (July 1, 2021 to June 30, 2022) for East Windsor Municipal Alliance for the Prevention of Substance Abuse

RESOLUTION R2021-098
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, East Windsor Township Council recognizes that the abuse of alcohol and drugs is a serious problem in our society among persons of all ages, and therefore has established a Municipal Alliance Committee; and

WHEREAS, the Township of East Windsor desires to receive a grant from the County of Mercer for the East Windsor Municipal Alliance for the Prevention of Substance Abuse; and

WHEREAS, East Windsor Township has been approved for a Municipal Alliance Grant for the July 1, 2021 through June 30, 2022 grant term; and

WHEREAS, funding has been made available to East Windsor Municipal Alliance in the amount of \$14,843.00 for the period of July 1, 2021 to June 30, 2022, contingent upon meeting the 25% Cash Match amount of \$3,710.75 and the 75% In-Kind Match amount of \$11,132.25, which is a grant requirement for the funding.

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 and Municipal Clerk are hereby authorized and directed to execute and file a grant application on behalf of East Windsor Township to Mercer County for the East Windsor Municipal Alliance for the Prevention of Substance Abuse, in the amount of \$14,843.00, for the grant term of July 1, 2021 through June 30, 2022.

It was **MOVED** by Yeager, **SECONDED** by Rosenberg to approve Resolution R2021-098.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-098 was approved.

Resolution R2021-099 Authorizing Purchase of Ammunition from Eagle Point Gun/T.J. Morris & Son for Police Department

**RESOLUTION R2021-099
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need to purchase ammunition and ammunition related supplies for the Police Department; and

WHEREAS, three written quotes were obtained to provide this equipment; 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, the lowest responsive quote was submitted by Eagle Point Gun/T.J. Morris & Son through State Contract No. 17-FLEET-00721 which is valid through May 14, 2023; and

WHEREAS, the Township Council has reviewed the recommendation made by the Chief of Police; and

WHEREAS, the maximum amount of the purchase is \$22,129.70 and funds are available in Account No. 1-01-25-240-307-208 entitled “Emergency and Safety Equipment”, as evidenced by the Chief Financial Officer’s Certification No. B2021-026.

NOW, THEREFORE, BE IT RESOVED 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. 17-FLEET-00721, to Eagle Point Gun/T.J. Morris & Son, 1707 Third Street, Thorofare, NJ 08086, for the purchase of ammunition and ammunition related supplies, in an amount not to exceed \$22,129.70, as set forth in the attached quote.

It was **MOVED** by Yeager, **SECONDED** by Lippman to approve Resolution R2021-099.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-099 was approved.

Resolution R2021-100 Action on Reappointment of Municipal Clerk

**RESOLUTION R2021-100
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, on April 24, 2018, by Resolution R2018-078, Kelly Lettera was appointed as Municipal Clerk for a three-year term that expired on April 17, 2021; and

WHEREAS, it is the desire of the Mayor and Council to reappoint Kelly Lettera to the position of Municipal Clerk; and

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:9-133.7(a), a Municipal Clerk may not be reappointed unless he or she holds a Registered Municipal Clerk certificate and having served as Municipal Clerk or performed the duties of Municipal Clerk for not less than three consecutive years immediately prior to such reappointment; and

WHEREAS, Kelly Lettera received her certification as a Registered Municipal Clerk on October 11, 2017 and holds Certificate No. C-1917; and

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:9-133.7 (b), Kelly Lettera shall achieve tenure in the office of Municipal Clerk effective as of April 17, 2021.

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 Kelly Lettera, R.M.C., is hereby re-appointed as Municipal Clerk.

It was **MOVED** by Yeager, **SECONDED** by Zoller to approve Resolution R2021-100.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-100 was approved.

Mayor Mironov recommended a motion be made to amend the meeting agenda to add a Resolution which would be numbered Resolution R2021-102 and would be considered in conjunction with Resolution R2021-101 during Discussion Items. This is in regards to the Urban Parks grant application that had already been listed on the meeting agenda.

It was MOVED by Lippman, SECONDED by Daniels to amend the June 8, 2021 Council meeting agenda to add Resolution R2021-102.

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

There being seven (7) ayes and no (0) nays, the June 8, 2021 Council meeting agenda was amended to add Resolution R2021-102.

REPORTS BY COUNCIL AND STAFF:

Mr. Rosenberg reported the Clean Communities Committee met on May 27 and discussed the Litter Free business award. He also reported the Commission on Aging also met on May 27 and discussed programming for the Senior Center and the Senior Services Directory.

Mr. Shapiro reported the Planning Board met on June 7 and heard the first presentation for a new housing development called Camelot and Amaranth at East Windsor. He stated they would be returning to the Planning Board to continue their presentation.

Mr. Zoller stated the Economic Development Committee mt on June 3 and discussed the Township gateway signs and possible concepts for an art display at the Town entrance at the intersection of Route 130 and Route 33.

CORRESPONDENCE:

APPOINTMENTS:

Mayor Mironov appointed Dave Bahniuk to the Environmental Commission as an Auxiliary Member. Mayor Mironov appointed Frank Vellucci to the Economic Development Committee as an Auxiliary Member.

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 with the holds and clarifications.

Mayor Mironov noted the bills regarding postage and asked that those expenditures stop, as there is already a postage fund. Mayor Mironov also requested to hold the invoices to French and Parrello for the Cranbury Manor project until the project goes out to bid.

It was MOVED by Zoller, SECONDED by Lippman to approve the Bill Lists with the discussed holds.

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 holds.

MATTERS BY COUNCIL:

Mayor Mironov stated the following correspondence had been received: a letter from Steve Copeland dated May 29 regarding his membership on EWMAPSA; a memo from the Public Works Director dated May 24 regarding questions from the May 18 Council meeting; a memo from Chief Geary dated May 26 regarding KML Technology; a memo from the Public Works Director dated June 2 regarding payment to the contractor for Exeter Road; a report of receipts and disbursements from the Tax Collector for the period ending April 30 and one for the period ending May 31, and a May 25 letter from NJDOT regarding Safe Routes to Schools grant program.

Mayor Mironov requested an updated from the Township Attorney regarding Magnolia Ridge. She also requested an update from the Township Manager as to the outstanding invoices relating to the permanent financing process the Township underwent, the no smoking signs in the local parks, and the Rescue Plan funds.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

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

Mayor Mironov stated that this is a public hearing on the State of New Jersey Department of Environmental Protection Urban Parks 2021 Grant Program application. She asked the Municipal Clerk to verify the required 15 day public notice was published. The Municipal Clerk verified the public hearing was noticed in the Trenton Times on May 18, 2021. Mayor Mironov stated that this is a formal process pursuant to the requirements of the grant that the municipality noticed the public hearing fifteen days in advance of the matter being heard. Mayor Mironov stated that notice indicated that this public hearing would be conducted by electronic means, via Zoom, and the public hearing is regarding the submission of a grant application for funding through the State of New Jersey Department of Environmental Protection Urban Parks initiative and Green Acres programs for the Wiltshire Park Improvements project, located at 23 Wiltshire Drive, Block 85, Lot 41. She stated that a draft application was included with Resolution R2021-101 in Council Member packets and was available for public inspection pursuant to this process. Mayor Mironov stated that there are a few items that need to be discussed, but generally the Urban Parks Initiative program provides the opportunity to submit a grant application for a maximum of \$500,000. This grant application is for Improvements to Wiltshire Park, including the resurfacing of the existing basketball court, the replacement of the existing playground equipment, the installation of rubber play surface for the playground, as well as potentially replacement of

walking paths, sidewalks, and the walking bridge over Bear Brook that connects Wiltshire Park to Hickory Corner Road.

Mayor Mironov opened the meeting up to the public for comments on the proposed application. With no public comment being made, Mayor Mironov declared the public hearing closed.

Mayor Mironov stated that Council still had some decisions to make regarding the application and she indicated she received an email today that the application deadline had been extended to June 30, 2021. Assistant Manager, Christopher Jackson verified the application deadline has been extended by the state until June 30, 2021. Mayor Mironov stated that Council was provided the draft application and felt under the rules of the program, the application should adhere to the maximum \$500,000 and a few items would need to be removed. She stated one item that is still included that she thought Council had previously discussed removing were the shade structures over the playground equipment. Mayor and Council agreed to include the playground equipment, basketball courts and play surface but some trimming needs to be done on the walking bridge or scale back the sidewalk work. Mayor Mironov indicated the draft application is currently \$41,717 over the \$500,000 threshold. Council Member Yeager asked if there were any structural issues with the existing bridge. Mayor Mironov stated she also asked the question before the meeting because that would be the basis for including it in the application, and the answer is that at some point it should be addressed. Mayor Mironov stated the cost for the bridge replacement is \$65,000. Council Member Daniels asked if the pathways need to be repaved in response to a safety issue. She further stated that if safety does not come into play with the sidewalks, there are alternative ways to repair the area without totally repaving the path, and suggested adjusting the playground equipment if the pathways are a safety concern. Mayor Mironov stated alternatively Council will be discussing the Capital budget later this evening and that may address her question. Mayor Mironov stated she would not be inclined to change the playground equipment for this grant application, as it would seem to do best to leave the playground equipment, the basketball courts, and the play surface material and make a decision on the walking paths, sidewalks and bridge, and address any remaining issues regarding a different funding source.

Mayor Mironov stated that her feeling is to remove the bridge, keep the walking paths and the sidewalks, and maybe add an additional \$10,000 to playground equipment or additional pathways. Council Member Yeager agreed with Mayor Mironov, stating that if the bridge is structurally sound, he would rather see the walking paths be done in whole. Mayor Mironov asked Council Members for any other questions or input. Mr. Zoller questioned the safety of the bridge. Mayor Mironov stated that matter would need to be followed up on at a later time.

Mayor Mironov stated the removal of the shade structures will need to be changed from the narrative of the grant application. She asked if there was anything else that needed to be addressed at this point there was no other comments made by Council Members. Mayor Mironov stated Resolution R2021-101 and Resolution R2021-102 would enable the Township to be qualified under both grant programs. She further stated that both Resolutions need to remove the shade structures and include the new project costs. In addition, she requested that after the Resolution have been revised copies of the revised Resolution and sample Resolutions from the grant application need to be provided to her for review.

Mayor Mironov stated Resolution R2021-101 and Resolution R2021-102 will be voted on as a block.

Resolution R2021-101 Approval of Filing of Application for the 2021 New Jersey Department of Environmental Protection Urban Parks Program

**RESOLUTION R2021-101
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program is soliciting grant applications under the Urban Parks Initiative Program to provide funding for land acquisition, park development, and historic preservation projects; and

WHEREAS, East Windsor Township desires to further the public interest by obtaining grant funding in the amount of \$497,377.00 from the state to fund the following project: Improvements to Wiltshire Park including the resurfacing of the existing basketball court, replacement of the playground equipment, installation of a rubber play surface for the playground, replacement of the walking paths and sidewalks within Wiltshire Park and the replacement of the walking bridge over Bear Brook that connects Wiltshire Park to Hickory Corner Road at a project cost of \$497,377.00; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Urban Parks initiative, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with applicable policies and laws, and is willing to enter into an agreement with the State for Improvements to Wiltshire Park project.

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

1. The Mayor is hereby authorized and directed to submit an electronic application and any additional information and documents required, followed by one original copy via regular mail submission, on behalf of East Windsor Township to the New Jersey Department of Environmental Protection Green Acres Program, Mail Code 501-01, PO box 420, Trenton, NJ 08625-0420 for the Improvements to Wiltshire Park.
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 with all applicable federal, state and local laws, rules and regulations in the performance of the project.

Resolution R2021-102 Approval of Filing of Application for the 2021 New Jersey Department of Environmental Protection Urban Parks Program under the Green Acres Program

**RESOLUTION R2021-102
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, East Windsor Township desires to further the public interest by obtaining grant funding in the amount of \$497,377.00, in a form of a \$497,377.00 matching grant and, if available, \$497,377.00 loan, from the State to fund the following projects: Improvements to Wiltshire Park including the resurfacing of the existing basketball court, replacement of the playground equipment, installation of a rubber play surface for the playground, replacement of the walking paths and sidewalks within Wiltshire Park and the replacement of the walking bridge over Bear Brook that connects Wiltshire Park to Hickory Corner Road at a cost of \$497,377.00; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable states, and is willing to enter into an agreement with the State for Improvements to Wiltshire Park project.

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

1. The Mayor is hereby authorized and directed to submit an electronic application and any additional information and documents required, followed by one original copy via regular mail submission, on behalf of East Windsor Township to the New Jersey Department of Environmental Protection Green Acres Program, Mail Code 501-01, PO box 420, Trenton, NJ 08625-0420 for the Improvements to Wiltshire Park.
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 with all applicable federal, state and local laws, rules and regulations in the performance of the project.

[NOTE: The changes requested are reflected in Resolution R2021-101 and Resolution R2021-102.]

It was **MOVED** by Daniels, **SECONDED** by Rosenberg to approve Resolution R2021-101 and Resolution R2021-102 subject to the revisions.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-101 and Resolution R2021-102 were approved subject to the revisions.

2. New Jersey Department of Transportation FY2022 Grant Programs
 - a. Municipal Aid

- b. Bikeway Projects
- c. Safe Streets to Transit Projects

Mayor and Council requested additional options for Municipal Aid projects, along with a proposal for Cranbury Manor and for the streets in the area of Beechcroft Drive. Mayor Mironov asked that these Resolutions be listed on the next Council meeting agenda. Mayor and Council requested the Township Manager follow up with NJDOT to get information on how to strengthen any of the proposed Bikeway applications for discussion at the next Council meeting. Mayor and Council requested staff to look into the Planning Board application for 641 North Main Street and what possibilities there are for projects for the Safe Streets to Transit grant program.

3. Municipal Roadway Projects

Mayor and Council requested the Township Manager and the Director of Public Works move forward on Cranbury Manor and provide an updated project timeline. Staff should also begin to prepare to go out to bid for roads near Brooktree Road, including Lynnfield, Maple Stream, Edwards and Poplar.

4. 2021 Municipal Capital Program

Mayor and Council directed staff to provide the following information: final numbers and current balance for the Annual Road Program; an inventory of the park equipment, including age, condition, and any past upgrades; additional information on the Foreman house and its cost; information on active DPW vehicles; additional information on the telephone system for the municipal building, police/court building, and the Senior Center; current balance of the Drunk Driving Enforcement Fund; current balance of the Capital Improvement fund, and what grants will be included in the capital program. Mayor Mironov and Council Members agreed this matter would be relisted once new information is available.

5. "No Engine Breaking" Ordinance

Mayor Mironov stated this item would be held until the next Council meeting.

6. Union Transportation Trail

Resolution R2021-XXX Amending Resolution R2018-033 Awarding Contract for Engineering Services for Union Transportation Trail with Hopewell Valley Engineering, PC

Mayor Mironov stated this item would be held until the next Council meeting. She asked staff to pin down the required match amount.

7. East Windsor Senior Center Expansion Project

Mayor Mironov stated this item would be held until the next Council meeting, and that project architect Kevin Settembrino would provide more information on change order options and procedures.

8. Township Summer Programs

Mayor and Council agreed to host the Independence Day celebration on July 4, with a rain date the following weekend. Staff should provide information on themed bands, patriotic music, food trucks, entertainment, and a Family Night in the park.

9. East Windsor Health Department Covid 19 Vaccination Plan, Information, Outreach, Clinics

Mayor and Council requested additional information and a detailed plan from the Health Department.

MATTERS BY PUBLIC: No one from the public spoke.

ADJOURNMENT:

Next Meeting: April 6, 2021

Allison Quigley
Municipal Clerk

Janice S. Mironov
Mayor