

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, July 20, 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, July 20, 2021.

VERIFICATION:

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 11, 2021 in the annual meeting notice. On July 16, 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 Marc Lippman.

ROLL CALL:

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

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Valeryia Koleshikova was interviewed and expressed interest in the Recreation Commission or the Health Advisory Board.

Renee Titicula, an East Windsor Regional School District high school student, was interviewed and expressed interest in the Recreation Commission or the Commission on Aging.

PUBLIC FORUM:

No one spoke from the public.

MINUTES:

June 2, 2020

It was MOVED by Zoller, SECONDED by Rosenberg to approve the June 2, 2020 minutes.

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

There being five (5) ayes and no (0) nays, the June 2, 2020 minutes were approved.

June 16, 2020

It was MOVED by Zoller, SECONDED by Lippman to approve the June 16, 2020 minutes.

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

There being five (5) ayes and no (0) nays, the June 16, 2020 minutes were approved.

August 4, 2020

It was MOVED by Lippman, SECONDED by Rosenberg to approve the August 4, 2020 minutes.

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

There being five (5) ayes and no (0) nays, the August 4, 2020 minutes were approved.

August 18, 2020

It was MOVED by Lippman, SECONDED by Rosenberg to approve the August 18, 2020 minutes.

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

There being five (5) ayes and no (0) nays, the August 18, 2020 minutes were approved.

November 10, 2020

It was MOVED by Zoller, SECONDED by Lippman to approve the November 10, 2020 minutes with revisions.

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

There being five (5) ayes and no (0) nays, the November 10, 2020 minutes were approved with revisions.

November 24, 2020

It was MOVED by Lippman, SECONDED by Rosenberg to approve the November 24, 2020 minutes.

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

There being five (5) ayes and no (0) nays, the November 4, 2020 minutes were approved.

The September 22, January 5 and January 12 minutes were held. The remaining minutes were rescheduled until the next regularly scheduled Council meeting.

ORDINANCES – PUBLIC HEARING:

Ordinance 2021-05 An Ordinance Amending and Supplementing Chapter V, “General Police Regulations,” Section 5-2 “Noise Disturbances,” Subsection 5-2.3., “Prohibited Acts,” Subsection 5-2.3.2. “Specific Prohibitions,” to Add New Subsection 5-2.3.2.13., “Engine Braking,” and Subsection 5-2.5.3 “General Exclusions” to Add New Paragraph 5-2.5.3(h) of the Revised General Ordinances of the Township of East Windsor, County of Mercer, State of New Jersey

**ORDINANCE NO. 2021-05
TOWNSHIP OF EAST WINDSOR
MERCER COUNTY
NEW JERSEY**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER V, “GENERAL POLICE REGULATIONS,” SECTION 5-2 “NOISE DISTURBANCES,” SUBSECTION 5-2.3, “PROHIBITED ACTS,” SUBSECTION 5-2.3.2 “SPECIFIC PROHIBITIONS,” TO ADD NEW SUBSECTION 5-2.3.2.13, “ENGINE BRAKING,” AND SUBSECTION 5-2.5.3. “GENERAL EXCLUSIONS” TO ADD NEW PARAGRAPH 5-2.5.3(h) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EAST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST WINDSOR in the County of Mercer, State of New Jersey, that Chapter V, “General Police Regulations,” Subsection, 5-2, “Noise Disturbances,” of the Revised General Ordinances of the Township of East Windsor is amended and supplemented as follows:

SECTION 1. Chapter V, "General Police Regulations," Section 5-2, “Noise Disturbances,” Subsection 5-2.3, “Prohibited Acts,” Subsection 5-2.3.2 “Specific Prohibitions,” is amended and supplemented by the addition of new Subsection 5-3.2.3.2.13, “Engine Braking,” and Subsection 5-2.5.3, “General Exclusions” by the addition of new Paragraph 5-2.5.3(h) as follows:

5-2.3.2.13. Engine Braking Prohibited.

No person shall use or operate a mechanical exhaust device designed to aid in the braking, decompression, or deceleration of any motor vehicle that results in excessive, loud, unusual, or explosive noise from such vehicle. Engine Braking shall be prohibited in all of East Windsor Township by the driver of any motor vehicle, at any time and on any road, with any mechanical exhaust or decompression device.

5-2.5.3(h). Noise created by applying engine compression brakes, otherwise known as “engine braking”, which is effectively muffled or if the application is necessary for the health, safety, and

welfare of the community, is exempt from the provisions of this section. Sounds created by emergency equipment for emergency purposes are also exempt. The provisions of this subsection, shall not apply to the application of unmuffled compression brakes where necessary for the protection of persons and/or property that cannot be avoided by application of an alternative braking system.

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

SECTION 3. If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

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

Mayor Mironov stated Ordinance No. 2021-05 was introduced at the June 22, 2021 Council meeting and the public hearing was scheduled for this evening. Mayor Mironov declared the public hearing open. No public commented and Mayor Mironov declared the public hearing closed.

Mayor Mironov asked staff to provide a list of locations for “no engine braking” signage along One Mile Road and the Route 133 area.

It was **MOVED** by Zoller, **SECONDED** by Rosenberg to adopt Ordinance 2021-05 and authorize publication as required by law.

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

There being five (5) ayes, and no (0) nays, Ordinance 2021-05 was adopted and publication authorized as required by law.

RESOLUTIONS:

Resolution R2021-125 Authorizing Closed Session: (Personnel)

**RESOLUTION R2021-148
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, Section 8 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Council is of the opinion that such circumstances exist.

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 public shall be excluded from the closed session at close of tonight's open session.
2. The general nature of the subject matter to be discussed is as follows:

Closed Session: (Personnel)

3. It is anticipated at this time that the above stated subject matter will be made public when these matters are resolved or as soon thereafter as it is deemed to be in the public interest to do so.
4. This Resolution shall take effect immediately.

It was **MOVED** by Rosenberg, **SECONDED** by Lippman to approved Resolution R2021-125.

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

There being five (5) ayes, and no (0) nays, Resolution R2021-125 was approved.

Resolution R2021-132 Approval of Supplemental Agreement No. 15-44-357A with Delaware Valley Regional Planning Commission for Union Transportation Trail Additional Scope and Funding

RESOLUTION R2021-132
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, on May 22, 2018, by Resolution R2018-096, the Township Council approved the Grant Agreement with the Delaware Valley Regional Planning Commission for Regional Trails Phase V program grant funding of \$95,000 for the Union Transportation Trail Concept Development and Preliminary Engineering Plan as "Project No. 15-44-357, Union Transportation Trail"; and

WHEREAS, on April 6, 2021, by Resolution R2021-060, the Township Council approved Change Order #1, in the amount of \$8,250.00, for the final trail alignment control surveying and aerial photographs of the UTT Extension project; and

WHEREAS, this Supplemental Agreement with Delaware Valley Regional Planning Commission would modify the Union Transportation Trail Project No. 15-44-357 Agreement, to include the \$8,250 for the final trail alignment, control surveying and aerial photographs, incorporate the additional \$40,000 for \$135,000 total project amount in grant funds and provide a project completion date of December 31, 2021.

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

1. The Council hereby approves the attached Supplemental Agreement No. 15-44-357A, Union Transportation Trail, Additional Scope and Funding to modify the June 1, 2021 Project No. 15-44-357 Agreement.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Supplemental Agreement No. 15-44-357A, Union Transportation Trail, Additional Scope and

Funding, between the Delaware Valley Regional Planning Commission and East Windsor Township.

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

Mayor Mironov requested the Resolution be revised to include the name of the project agreement and the grant amount. She also asked the Resolution be restricted so paragraph one is clearly approving the agreement and the second paragraph is authorization for execution.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2021-132 with revisions.

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

There being five (5) ayes, and no (0) nays, Resolution R2021-132 was approved with revisions.

Mayor Mironov stated the agreement indicates this must be completed by December 31, 2021. She requested staff to ensure all funding requirements are being complied with. Staff must develop a plan for the balance of the funds and receive approval from Delaware Valley Regional Planning Commission. Mayor Mironov also requested staff continue to work on the executed easements with JCP&L, Mercer County and the Meirs farm.

Resolution R2021-133 Action on Award of Bid for Farm Lease for Property located at 79 Disbrow Hill Road (Block 21, Lot 4)

**RESOLUTION R2021-133
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, on May 4, 2021, Sandy Acres Farms notified the Township they are no longer interested in farming the 16.5 acres of the Township owned 39 acre property located at 79 Disbrow Hill Road and designated as Block 21, Lot 4 and will cancel the lease prior to the December 31, 2021 expiration; and

WHEREAS, by Resolution R2021-091, approved on May 18, 2021, the Mayor and Council authorized the bidding for the lease of the 16.5 acres of the Township owned 39 acre property located at 79 Disbrow Hill Road and designated as Block 21, Lot 4; and

WHEREAS, one bid was received by the Municipal Clerk’s Office on June 22, 2021 for the lease of the 16.5 farmable acres of the Township owned 39 acre property located at 79 Disbrow Hill Road and designated as Block 21, Lot 4; and

WHEREAS, the bid submitted was by Kevin and Sharon Kyle for \$75.00 per acre per year, for a total of \$1,237.50 per year, for an initial lease term of five years, commencing July 20, 2021 through December 31, 2025, with the option to renew for an additional five-year period; and

WHEREAS, the Township Council has reviewed the recommendations made by the Township Manager on this bid.

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 lease of 16.5 farmable acres of the Township owned 39 acre property located at 79 Disbrow Hill Road and designated as designated as Block 21, Lot 4, is hereby awarded to Kevin and Sharon Kyle, 230 Cedarville Road, East Windsor, NJ 08520, on the bid of \$75.00 per acre per year for total of \$1,237.50 per year, for an initial five year lease term, commencing July 20, 2021 through December 31, 2025, with the option to renew for an additional five year period.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached lease for the same.
3. The Municipal Clerk is hereby authorized and directed to forward a copy of the Resolution to the successful bidder.

It was **MOVED** by Rosenberg, **SECONDED** by Shapiro to approve Resolution R2021-133.

ROLL CALL: Ayes – Lippman, Rosenberg, Shapiro, Zoller, Mironov

Nays – None

There being five (5) ayes, and no (0) nays, Resolution R2021-133 was approved.

Resolution R2021-134 Action on Request for Release of Performance Guarantee by Gateway Community Action Partnership for Gateway Head Start Education Childcare Facility

**RESOLUTION R2021-134
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, Albert Kelly, President of Gateway Community Action Partnership, requested by letter dated May 13, 2021, a release of the performance guarantees being held by the Township for the property located at 569 Abbington Drive, Block 20.02, Lot 571, for the renovation of the existing building to occupy 4,150 square foot of vacant space, installation of a 5,016 square foot play area to the west of the building, handicapped parking improvements and sidewalk improvements; and

WHEREAS, the Township Engineer has inspected the site work for the Gateway Head Start Site Improvements and filed a written report with the Township Council dated June 7, 2021, which is attached hereto and made a part of this Resolution; and

WHEREAS, the Township Manager and Director of Finance have certified that all required charges and fees have been paid and satisfied; and

WHEREAS, the Township Council has reviewed the report and recommendations of the Township Engineer.

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 Council agrees to release Performance Bond Number PAIFSU0565265 issued by International Fidelity Insurance Company in the amount of \$69,918.10 and the cash guarantee of \$7,768.68, upon the posting of a two-year maintenance bond in the amount of \$11,653.02 and inspection escrow of \$1,500.00 for maintenance bond release, in a form acceptable to the Township Attorney.
2. The Municipal Clerk is authorized and directed to forward a certified copy of this Resolution and a copy of the Township Engineer's report to Albert Kelly, President of Gateway Community Action Partnership.

It was MOVED by Zoller, SECONDED by Lippman to approve Resolution R2021-134.

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

There being five (5) ayes, and no (0) nays, Resolution R2021-134 was approved.

Resolution R2021-135 Chapter 159 – Amending the 2021 Municipal Operating Budget Providing an Item of Revenue and Appropriation for the State of New Jersey Department of Transportation Municipal Aid program for Oak Branch Road and Various Roads

**RESOLUTION R2021-135
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

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

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

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

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

1. The insertion of an item of revenue in the budget of the year 2021 in the sum of \$530,000.00 which item is now available as revenue from 2021 NJDOT Municipal Aid Program Oak Branch Road & Various Roads, pursuant to the provisions of the statute.

2. A like sum of \$530,000.00 is hereby appropriated under the caption of 2021 NJDOT Municipal Aid Program Oak Branch Road & Various Roads.

It was MOVED by Zoller, SECONDED by Rosenberg to approve Resolution R2021-135.

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

There being five (5) ayes, and no (0) nays, Resolution R2021-135 was approved.

APPLICATIONS:

Mayor Mironov stated the following applications would be voted on as a block.

New Jersey Fireman’s Association Membership Application for Mario Batista

New Jersey Fireman’s Association Membership Application for Luis Vivar, Jr.

It was MOVED by Rosenberg, SECONDED by Shapiro to approve the New Jersey Fireman’s Association Membership Application for Mario Batista and the New Jersey Fireman’s Association Membership Application for Luis Vivar, Jr.

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

There being five (5) ayes and no (0) nays, the New Jersey Fireman’s Association Membership Application for Mario Batista and the New Jersey Fireman’s Association Membership Application for Luis Vivar, Jr. were approved.

REPORTS BY COUNCIL AND STAFF:

Mr. Rosenberg reported the Clean Communities Committee met on June 24 and discussed the annual Litter Free Business award, which was presented to Panera on July 14. Mr. Rosenberg also reported the Commission on Aging met on June 24 and discussed long term health care options for seniors and the upcoming National Night Out event.

Mr. Zoller reported the Economic Development Committee met on July 1 and discussed the Township gateway signs, the Route 130 and Route 33 art installation project, and the upcoming Business Awards.

CORRESPONDENCE:

Mayor Mironov stated she would review correspondence during Matters by Council.

APPOINTMENTS:

Mayor Mironov made the following appointments to the Comcast Advisory Committee: Council Member John Zoller as Chairperson; Council Member Marc Lippman; John Donnelley; Beth Dohm; Jennifer Worringer; Skip Berman; David Russell, and Dick Cunningham as Technical Assistant. She directed the Committee to provide Mayor and Council with a plan with any thoughts, desires, or questions regarding the draft agreement provided by Comcast.

Mayor Mironov made the following appointments to the East Windsor Cannabis Business Committee: Council Member Denise Daniels; Council Member Marc Lippman; Skip Berman, and Walt Schmidlin. She directed the committee to explore what other local communities are doing in terms of cannabis businesses and what, if any, benefits there may be for East Windsor.

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 requested additional information on the IXP invoices and if Hightstown has paid East Windsor for dispatch services.

It was MOVED by Zoller, SECONDED by Shapiro to approve the Bill Lists.

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

There being five (5) ayes and no (0) nays, the various presented Bill Lists were approved.

MATTERS BY COUNCIL:

Mr. Rosenberg stated the timing for the left hand turn signal on Route 130 from Princeton Hightstown Road is brief and traffic tends to back up in the area. Mayor Mironov stated the matter would be looked into.

Mr. Shapiro stated there is a big yellow truck parked at the intersection of Route 133 and Route 130 South and requested staff to look into the matter.

Mr. Zoller stated the tot lot at Anker Park needs maintenance. Mayor Mironov added that the Woods Road parking area is holding rain water and needs to be addressed. She also requested a inventory of the play equipment across all of the Township parks.

Mayor Mironov noted the following correspondence had been received: a report from the Tax Collector for the period ending June 30; a memo from the Director of Public Works dated July 7 regarding the new vehicle; a memo from the Manager dated July 8 addressing questions on the bills list from the June 8 meeting; a letter from NJDOT regarding a grant award of \$495,000, and a letter from NJDOT dated May 25 regarding the Safe Routes to Schools program.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. American Rescue Plan Funds to East Windsor Township

Mayor Mironov stated the Township Manager is putting together additional information on this item and requested the matter be listed on the next meeting agenda. She requested staff look into options to utilize some of the funds internally in the Township budget,

2. East Windsor Senior Center Expansion Project

Mayor Mironov requested Council Members Alan Rosenberg and John Zoller review the color options for the new doors and select a color as close to the existing doors as possible. Mayor Mironov noted that there are still outstanding issues with the current project schedule and there has been no further communication received from the project architect, Kevin Settembrino.

MATTERS BY PUBLIC:

No one from the public spoke.

ADJOURNMENT:

Next Meeting: August 3, 2021

Allison Quigley
Municipal Clerk

Janice S. Mironov
Mayor