

**EAST WINDSOR TOWNSHIP COUNCIL**

Tuesday, August 17, 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, August 17, 2021.

**VERIFICATION:**

Deputy Municipal Clerk Allison Quigley certified that the meeting was noticed on January 11, 2021 in the annual meeting notice. On August 13, 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 Township Manager James Brady.

**ROLL CALL:**

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

**PRESENTATIONS & PROCLAMATIONS:**

Eagle Scout Court of Honor: Joshua Dugdale, Boy Scout Troop 5700 (August 15, 2021)

Eagle Scout Court of Honor: Joseph Kecskes, Boy Scout Troop 5700 (August 15, 2021)

Eagle Scout Court of Honor: Evan Lesser, Boy Scout Troop 5700 (August 15, 2021)

Eagle Scout Court of Honor: Reese Mascoll, Boy Scout Troop 5700 (August 15, 2021)

Eagle Scout Court of Honor: Shailen Savur, Boy Scout Troop 5700 (August 15, 2021)

**PUBLIC FORUM:**

Ghanshyam Sharma of 9 Shoreham Court spoke regarding conditions at several Township parks. Mayor Mironov requested the Township Manager and the Director of Public Works follow up with Mr. Sharma to address his concerns.

**MINUTES:**

**January 5, 2021**

It was MOVED by Lippman, SECONDED by Rosenberg to approve the January 5, 2021 minutes.

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

There being six (6) ayes and no (0) nays, the January 5, 2021 minutes were approved.

**January 12, 2021**

It was MOVED by Yeager, SECONDED by Daniels to approve the January 12, 2021 minutes.

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

There being six (6) ayes and no (0) nays, the January 12, 2021 minutes were approved.

The remaining minutes were held until the next regularly scheduled Council meeting.

**RESOLUTIONS:**

**Resolution R2021-145** Approval of Change Order #1 to Contract for the Resurfacing and Associated Repairs for the Police/Municipal Court Building Parking Lot with Richard T. Barrett Paving Company, Inc.

**RESOLUTION R2021-145  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, on May 4, 2021, by Resolution R2021-073 the Township Council authorized a contract with Richard T. Barrett Paving Company Inc., in the amount of \$99,150.00 for the Resurfacing and Associated Repairs for the East Windsor Township Police/Municipal Court Building Parking Lot; and

**WHEREAS**, Change Order #1 has been requested to increase the contract amount by \$5,010.81 to reflect the actual as built cost; and

**WHEREAS**, the Director of Public Works has reviewed and approved the need for change order #1; and

**WHEREAS**, the maximum amount of the change order is \$5,010.81 and the Chief Finance Officer has determined that sufficient funds are available in Capital Account No. C-04-55-980-924-43 entitled Ordinance 2007-02 “Police Parking Lot Project” to increase the contract amount by \$5,010.81 for a total amount not to exceed \$104,160.81, as evidenced by the Chief Finance Officer’s Certification No. C2021-016.

**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 Change Order No. 1 to the contract with Richard T. Barrett Paving Company Inc., 400 Prospect Street, Trenton, NJ 08618, to increase the contract amount by \$5,010.81 from \$99,150.00 to \$104,160.81 is approved.
2. The Township Manager and the Finance Director are hereby authorized and directed to execute the necessary documents to effect Change Order # 1.
3. The funding source for the entire contract amount of \$104,160.81, is amended to Capital Account No. C-04-55-980-924-43 entitled Ordinance 2007-02 “Police Parking Lot Project”.

Mayor Mironov requested staff review the change order process and revise the template Change Order form for future use.

It was MOVED by Zoller, SECONDED by Yeager to approve Resolution R2021-145.

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

There being six (6) ayes and no (0) nays, Resolution R2021-145 was approved.

**Resolution R2021-146** Authorizing Purchase of Leaf Equipment from Old Dominion  
Brush Company for the Department of Public Works

**RESOLUTION R2021-146  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, there is a need to purchase various replacement leaf collection equipment for the Public Works Department; and

**WHEREAS**, Old Dominion Brush Company is the sole provider and only local vendor authorized to sell this equipment; and

**WHEREAS**, since the purchase is under \$17,500.00, 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 \$17,500.00; and

**WHEREAS**, the Township Council has reviewed the Director of Public Works recommendation on these purchases; and

**WHEREAS**, the maximum amount of the purchase is \$12,350.00 and funds are available in the Capital Fund Account No. C-04-55-980-924-635 entitled Ordinance 2020-07 entitled “DPW Leaf Vacuum Equipment Acq” as evidenced by the Chief Financial Officer’s Certification No. C2021-017.

**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 Old Dominion Brush Company, 5118 Glen Alden Drive, Richmond, Va. 23231, for the purchase of two Impeller Fans in the amount of \$1,100 each, two PTO Clutch Kits in the amount of \$2,100 each, one blower housing face in the amount of \$1,500, one blower housing back in the amount of \$4,200, and an additional shipping charge in the amount of \$250.00, for a total amount not to exceed \$12,350.00, all in accordance with the attached quote.

Mayor Mironov requested the quote from the vendor, including their address and contact information, be attached to the Resolution.

It was MOVED by Zoller, SECONDED by Rosenberg to approve Resolution R2021-146 with revisions.

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

There being six (6) ayes and no (0) nays, Resolution R2021-146 was approved with revisions.

**Resolution R2021-147** Approving Application for Fireworks Permit for The Peddie School at 201 South Main Street for September 5, 2021

**RESOLUTION R2021-147**  
**EAST WINDSOR TOWNSHIP**  
**MERCER COUNTY**

**WHEREAS**, The Peddie School has filed an application to display fireworks on the property located at 322 Ward Street (The Peddie School Field) on September 5, 2021, at approximately 9:00 p.m. for one-half hour; and

**WHEREAS**, the required certificate of insurance has been filed with the application; and

**WHEREAS**, the Fire Official has reviewed the application and conducted a site inspection and determines them to be complete and in compliance with all requirements.

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

1. Permission is granted to The Peddie School to display fireworks on their property on 322 Ward Street (The Peddie School Field) on September 5, 2021, at approximately 9:00 p.m. for one-half hour.
2. The Peddie School is hereby required to provide written notice to all surrounding neighbors indicating the date, time, duration of the fireworks displays, including any rain dates at least three days prior to the event, with copies to Mayor, Chief of Police and Township Clerk.
3. The Fire Official is authorized and directed to issue a permit pursuant to the Uniform Fire Code of the State of New Jersey, and to enforce all requirements including the time limit on discharge of fireworks.

Mayor Mironov requested the Resolution be revised by attaching the application and transmittals to the Resolution.

It was MOVED by Lippman, SECONDED by Yeager to approve Resolution R2021-147 with revisions.

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

There being six (6) ayes and no (0) nays, Resolution R2021-147 was approved with revisions.

**Resolution R2021-148** Authorizing Closed Session: (Collective Negotiations: Communications Workers of America Local 1032; Teamsters Local 469; Police Benevolent Association Local 191; Superior Officers Association)

**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: (Collective Negotiations: Communications Workers of America Local 1032; Teamsters Local 469; Police Benevolent Association Local 191; Superior Officers Association)
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 Yeager, **SECONDED** by Lippman to approve Resolution R2021-148.

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

There being six (6) ayes and no (0) nays, Resolution R2021-148.

**APPLICATIONS:**

Raffle License RL: 2021-005                      Hightstown Elks Lodge #1955 – Every Friday beginning  
January 7, 2022 through March 25, 2022, at 110 Hickory  
Corner Road, East Windsor– 12 Week Calendar Raffle

Mayor Mironov asked the Deputy Clerk if the application was in order, and Ms. Quigley confirmed it was.

It was **MOVED** by Rosenberg, **SECONDED** by Daniels to approve Raffle License RL2021-005.

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

There being six (6) ayes and no (0) nays, Raffle License RL2021-005 was approved.

New Jersey Fireman's Association Membership Application for Presley M. Gordon

It was MOVED by Lippman, SECONDED by Zoller to approve the New Jersey Fireman's Association Membership Application for Presley M. Gordon.

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

There being six (6) ayes and no (0) nays, the New Jersey Fireman's Association Membership Application for Presley M. Gordon was approved.

**APPOINTMENTS:**

Mayor Mironov appointed East Windsor Regional School District high school students Anna Zappola and Renee Titicula as Student Members of the Clean Communities Advisory Committee.

**REPORTS BY COUNCIL AND STAFF:**

Mr. Zoller reported the Green Team met on August 4 and discussed the Township's Sustainable Jersey recertification application. The target submission date is September 10.

Mayor Mironov reported the Planning Board met on August 16 and discussed three topics, including an extension of time for a residential project called The Place at East Windsor, the redevelopment process for 200 Milford Road and continued the public hearing for a residential development on North Main Street.

**CORRESPONDENCE:**

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

**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.

It was MOVED by Lippman, SECONDED by Zoller to approve the Bills lists.

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

There being six (6) ayes and no (0) nays, the various Bills lists were approved.

**MATTERS BY COUNCIL:**

Mayor Mironov stated the following correspondence had been received: a letter dated August 6 from the Department of Community Affairs regarding a \$100,000 grant award for the joint application filed with Hightstown; a memo dated July 23 from the Director of Public Works on the HVAC systems, and she directed staff to begin preparing the bid documents, and a July 23 memo from the Director of Public Works regarding park maintenance.

Mayor Mironov indicated information had been received from the Chairperson of the Economic Development Committee, David Russell, regarding the Township gateway signs project and asked for staff to look into how to move forward with the purchase of the signs. She also indicated the final sign renderings will come back to the Governing Body for review and approval.

Mayor Mironov indicated Council is still waiting on additional information as requested at the last Council meeting regarding the American Rescue Plan funds, as the Township has to file a report by August 31. She also requested the Chief of Police to review the Federal Emergency Management Agency (FEMA) funds and advise Council as to how the funds are being handled.

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

1. Redevelopment of 200 Milford Road (Block 22.02, Lots 2.02, 8.01, 11.01)

Mayor Mironov requested the redevelopment report be distributed to Council members. She stated this matter was presented to the Planning Board on August 16, and the Board passed a Resolution recommending the property receive this designation.

**Resolution R2021-144** Designating 200 Milford Road (Block 22.02, Lots 2.02, 8.01, 11.01) as a Non-Condemnation Area in Need of Redevelopment Pursuant to the New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1, et seq.)

**RESOLUTION R2021-144  
TOWNSHIP OF EAST WINDSOR  
MERCER COUNTY**

**RESOLUTION DESIGNATING “200 MILFORD ROAD” (BLOCK 22.02, LOTS 2.02, 8.01 AND 11.01) AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A: 12 A-1 et seq.)**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the “Redevelopment Law”) authorizes municipalities to determine whether certain parcels of land located within the municipality constitute an area in need of redevelopment; and

**WHEREAS**, to determine whether certain parcels of land constitute an area in need of redevelopment, the Township Council of the Township of East Windsor, pursuant to Resolution R2021-036 adopted February 9, 2021, authorized and directed the East Windsor Planning Board (“Board”) to conduct a preliminary investigation to determine whether the area consisting of Block 22.02, Lots 2.02, 8.01 and 11.01, and commonly referred to as the “200 Milford Road” site (the “Study Area”) met the criteria set forth in *N.J.S.A. 40A:12A-5* and should be designated as an area in need of redevelopment; and

**WHEREAS**, the Planning Board, by Resolution 2021-14, adopted on April 5, 2021, authorized and directed its planning consultants Burgis Associates, Inc. to conduct a preliminary investigation to determine whether the Study Area should be designated an area in need of redevelopment and to prepare a report on the Board’s behalf regarding the results of that investigation; and

**WHEREAS**, Burgis Associates, Inc. prepared a map depicting the Study Area as well as a report entitled “BLOCK 22.02, LOTS 2.02, 8.01 AND 11.01 AREA IN NEED OF REDEVELOPMENT STUDY,” dated June 7, 2021 (the “Report”), regarding the determination of the Study Area as an area in need of redevelopment; and

**WHEREAS**, the Redevelopment Law requires the Board to conduct a public hearing prior to making its determination whether the Study Area should be designated as an area in need of redevelopment, at which hearing the Board shall hear all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area; and

**WHEREAS**, the Board conducted its public hearing on August 16, 2021, at which it heard the testimony of its planning consultant, Edward Snieckus, Jr. PP, ASLA; reviewed Exhibit PB-1, consisting of the above-referenced Report and took comments and questions from members of the public; and

**WHEREAS**, the meeting and public hearing were duly noticed in accordance with the requirements of the Open Public Meetings Act and the Redevelopment Law; and

**WHEREAS**, members of the general public were provided an opportunity to present evidence concerning the potential designation of the Study Area as a non-condemnation area in need of redevelopment, and an opportunity to cross-examine the Board’s consultants and to address questions to the Board and its representatives concerning the potential designation of the Study Area as a non-condemnation area in need of redevelopment; and

**WHEREAS**, the Planning Consultant concluded in the Report and testified to the Planning Board on August 16, 2021 that there was evidence to support the following findings:

(i) the **200 Milford Road Property** satisfies the criteria for redevelopment area designation set forth in *N.J.S.A. 40A:12A-5c* (Block 22.02, Lots 2.02, 8.01 and 11.01); and



**WHEREAS**, after the conclusion of the public hearing described above, the Planning Board adopted a Resolution (the “Board Resolution”) finding and concluding that the Study Area qualified as an area in need of redevelopment pursuant to *N.J.S.A. 40A:12A-5c*; and

**WHEREAS**, the Planning Board, by Resolution 2021-18, adopted on August 16, 2021, recommended that the East Windsor Township Council designate the Study Area as a non-condemnation redevelopment area pursuant to the Local Redevelopment and Housing Law; and

**WHEREAS**, the Township Council agrees with the conclusion of the Planning Board that the Study Area meets the criteria for redevelopment area designation, and the Township Council finds that such conclusion is supported by substantial evidence; and

**WHEREAS**, the Township Council now desires to designate the Study Area as a non-condemnation area in need of redevelopment, pursuant to *N.J.S.A. 40A:12A-6*; and

**WHEREAS**, the Township Council further desires to authorize and direct the Planning Board to cause a redevelopment plan to be prepared for the Study Area and present same to the Township Council pursuant to *N.J.S.A. 40A:12A-7f*.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Township Council hereby designates the **200 Milford Road** (Block 22.02, Lots 2.02, 8.01 and 11.01) property, referred to as the “Study Area,” as a non-condemnation area in need of redevelopment, pursuant to *N.J.S.A. 40A:12A-6*.
3. The Planning Board is hereby authorized and directed to cause a redevelopment plan to be prepared for the Redevelopment Area and to present same to the Township Council pursuant to *N.J.S.A. 40A:12A-7f*.
4. This Resolution shall be forwarded to the Commissioner of Community Affairs pursuant to *N.J.S.A. 40A:12A-6(b)(5)(c)* and shall be served on all persons entitled to notice pursuant to *N.J.S.A. 40A:12A-6(b)(5)(d)*.

It was **MOVED** by Yeager, **SECONDED** by Zoller to approve Resolution R2021-144.

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

There being six (6) ayes and no (0) nays, Resolution R2021-144 was approved.

2. Senate Bill S-3810 /Assembly Bill A-5862, “Responsible Collective Negotiations Act”

Mayor Mironov stated a copy of the proposed bill was distributed to Council members, along with information on this matter from the New Jersey League of Municipalities.

**Resolution R2021-149**      Opposing Senate Bill S-3810/Assembly Bill A-5862, “Responsible Collective Negotiations Act”

**RESOLUTION R2021-149  
TOWNSHIP OF EAST WINDSOR  
MERCER COUNTY**

**WHEREAS**, legislation which may again be considered by the State Legislature, S-3810 and A-5862, would substantially expand the power and influence of public sector labor unions in collective bargaining negotiations with county and municipal governments across the State; and

**WHEREAS**, this legislation would empower organized labor to negotiate previously non-negotiable items such as performance evaluations, transfers, assignments, disciplinary procedures, and more; and,

**WHEREAS**, local governing bodies negotiate with property taxpayer dollars and the public's vested interest in limiting the scope of labor negotiations; and,

**WHEREAS**, this legislation would eliminate long-established precedent in public sector labor negotiations by creating permissive issues of negotiations that would broaden the category to include all collective bargaining units, eliminate the category's temporary nature, and subject previously non-negotiable items to binding arbitration; and,

**WHEREAS**, this legislation would provide broad privileged communication protections in legal matters, with no exceptions, for labor but no such protections for management; and,

**WHEREAS**, this legislation would create a disincentive for labor to negotiate what controls remain in place when an existing contract expires and where the parties have failed to reach an agreement on a successor contract; and,

**WHEREAS**, this legislation would place the burden of proof on management in grievance proceedings subject to binding arbitration even where labor is the moving party; and,

**WHEREAS**, this legislation would impose a significant administrative burden on human resource departments by requiring management to share detailed information on non-union members with union representatives and by expanding the date certain when employees may opt-out of a collective bargaining unit under the "Workplace Democracy Enhancement Act"; and

**WHEREAS**, East Windsor Township strongly believes that S-3810/A-5862 will not only infringe upon the ability of public sector management to manage it will drive up costs borne by local government and, ultimately, taxpayers.

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

1. The East Windsor Township Council strongly opposes S-3810/A-5862 and urges the Legislature to vote no on S-3810/A-5862.

2. A copy of this Resolution shall be forwarded to Senator Linda R. Greenstein, Assemblyman Daniel R. Benson, and Assemblyman Wayne P. DeAngelo, Senate President Nicolas P. Scutari, Assembly Speaker Craig J. Coughlin, Governor Phillip Murphy, and the League of Municipalities.

It was MOVED by Zoller, SECONDED by Lippman to approve Resolution R2021-149.

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

Nays – None

There being six (6) ayes and no (0) nays, Resolution R2021-149 was approved.

**MATTERS BY PUBLIC:**

No one from the public spoke.

**ADJOURNMENT:**

Next Meeting: September 21, 2021

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Allison Quigley  
Municipal Clerk

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Janice S. Mironov  
Mayor