

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, January 11, 2022

5:00 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 5:00 p.m. on Tuesday, January 11, 2022.

VERIFICATION:

Municipal Clerk Allison Quigley certified that the meeting was noticed on January 7, 2022, 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 Council Member Zoller.

ROLL CALL:

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

PRESENTATIONS & PROCLAMATIONS:

Human Trafficking Awareness Month – January 2022

Mayor Mironov recognized January as Human Trafficking Awareness Month.

INTERVIEWS FOR BOARDS AND COMMISSIONS:

PUBLIC FORUM:

MINUTES:

December 8, 2020

March 9, 2021

March 23, 2021

April 6, 2021

April 20, 2021

May 4, 2021

May 18, 2021

June 8, 2021

June 22, 2021

July 20, 2021

August 3, 2021

August 17, 2021

September 21, 2021

October 5, 2021

October 19, 2021
November 2, 2021
November 23, 2021
December 7, 2021
December 21, 2021
January 5, 2022

Mayor Mironov held the minutes of March 9, 2021, March 23, 2021, April 6, 2021 pending revisions. Mayor Mironov stated a plan must be developed to address the minutes of April 20, 2021 thru September 21, 2021.

October 5, 2021

It was MOVED by Zoller, SECONDED by Rosenberg to approve the October 5, 2021 Council meeting minutes with revisions.

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

There being seven (7) ayes and no (0) nays the minutes were approved with revisions.

October 19, 2021

Mayor Mironov requested a revision to accurately reflect the full motion of the Eagle Scout Project Presentation by Alex Mudry, Boy Scout Troop 59.

It was MOVED by Lippman, SECONDED by Daniels to approve the October 19, 2021 Council meeting minutes with changes and revisions.

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

There being six (6) ayes, no (0) nays and one (1) abstention the minutes were approved with changes and revisions.

November 2, 2021

It was MOVED by Yeager, SECONDED by Rosenberg to approve the November 2, 2021 Council meeting minutes with revisions.

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

There being seven (7) ayes and no (0) nays the minutes were approved with revisions.

November 23, 2021

It was MOVED by Russell, SECONDED by Zoller to approve the November 23, 2021 Council meeting minutes with revisions.

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

There being six (6) ayes, no (0) nays and one (1) abstention the minutes were approved with revisions.

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

ORDINANCE – PUBLIC HEARING:

Ordinance No. 2021-11

An Ordinance Rescinding Ordinance 2015-08, Entitled “An Ordinance Amending Chapter XX “Zoning” Section 20-18, “R-O Research Office” Of The Revised General Ordinances Of The Township Of East Windsor Regarding Regulations For Height, Building Coverage, Floor Area Ratio And Proportion Of Space Devoted To Warehouse And Storage In Buildings In The R-O Research Office Zone”

**ORDINANCE NO. 2021-11
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

AN ORDINANCE RESCINDING ORDINANCE 2015-08, ENTITLED “AN ORDINANCE AMENDING CHAPTER XX “ZONING” SECTION 20-18, “R-O RESEARCH OFFICE” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EAST WINDSOR REGARDING REGULATIONS FOR HEIGHT, BUILDING COVERAGE, FLOOR AREA RATIO AND PROPORTION OF SPACE DEVOTED TO WAREHOUSE AND STORAGE IN BUILDINGS IN THE R-O RESEARCH OFFICE ZONE”

BE IT ORDAINED by the Township Council of the Township of East Windsor, County of Mercer and State of New Jersey as follows:

Ordinance 2015-08, adopted on July 21, 2015, which amended Chapter XX, “Zoning,” Section 20-18, “R-O Research Office”, is hereby repealed in its entirety.

**II
REPEAL**

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

**III
SEVERABILITY**

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.

**IV
EFFECTIVE DATE**

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

Mayor Mironov stated Ordinance No. 2021-11 was carried from the December 21, 2021 Council meeting. Mayor Mironov stated significant changes to the Ordinance are expected and requested clarification on proper procedures from Township Attorney David Orron. Mr. Orron stated a vote is not required at this time and recommended no action be taken. Mr. Orron stated noticing requirements must be met once a new Ordinance is drafted. On advice from the Township Attorney and with no objections from Council, Mayor Mironov did not call for action on Ordinance No. 2021-11.

ORDINANCE – INTRODUCTION:

RESOLUTIONS:

Resolution R2021-187 Approving Purchase of Software Maintenance Updates with Edmunds Associates, Inc. for Finance Department

**RESOLUTION R2021-187
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need to purchase a software maintenance system which includes enhancements and upgrades of the Edmunds payroll, finance and tax collection programs for the Finance Department; and

WHEREAS, Edmunds & Associates Inc. is the sole provider and has not authorized maintenance of their software by any other vendor; 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 Finance Director's recommendation on this purchase; and

WHEREAS, the maximum amount of the purchase is \$14,533.30 and funds are available in the 2022 Municipal Operating Temporary Budget Account No. 2-01-20-140-140-245 entitled "Edmunds and Associates Data Processing", pending the adoption of the 2022 Municipal Budget, as evidenced by the Chief Financial Officer's Certification No. B2022-001.

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 Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to Edmunds & Associates, Inc., Attn: Accounts Receivable, 301 A Tilton Road, Northfield, New Jersey 08225 for the purchase of 2022 Software Maintenance System for the East Windsor Township Finance Department, in an amount not to exceed \$14,533.30, all in accordance with the attached quote.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on January 11, 2022.

Mayor Mironov stated Resolution R2021-187 was carried from a previous meeting until a temporary budget could be adopted at the request of the Finance Director.

It was MOVED by Rosenberg, SECONDED by Lippman to approve Resolution R2021-187.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-187 was approved.

Resolution R2021-194 Approval of Professional Services Agreement for Pediatric Nurse Practitioner with Ann Willitts

**RESOLUTION R2021-194
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for Pediatric Nurse Practitioner Services, for the term of January 1, 2022 through December 31, 2022, in the Township of East Windsor, in the County of Mercer, State of New Jersey; and

WHEREAS, on October 6, 2021 the Township solicited proposals and on November 4, 2021 received two proposal for Pediatric Nurse Practitioner Services; and

WHEREAS, the lowest cost proposal was received from Ann Willitts; and

WHEREAS, a contract for this professional service may be awarded without public advertising for bids as the contract is for “Professional Services” pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Township Council has reviewed the Township Manager and the Township Public Health Nurse’s recommendation; and

WHEREAS, the maximum amount of the contract is \$3,960.00 and funds are available in the Current Fund Account No. 2-01-27-330-603-249 entitled “Licensed Professional,” pending the adoption of the 2022 Municipal Budget, as evidenced by the Chief Financial Officer’s Certification No. B2022-002.

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

1. The attached Agreement between the Township of East Windsor and Ann Willitts, APN, CPNP-PC is hereby approved.

2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement for a term of January 1, 2022 to December 31, 2022, with Ann Willitts, APN, CPNP-PC, 134 W. Millstream Road, Cream Ridge, NJ 08514.
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 service performed by persons authorized by law to practice a recognized profession that is required 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.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on December 7, 2021.

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

Mayor Mironov stated Resolution R2021-194 was carried from a previous meeting until a temporary budget could be adopted at the request of the Finance Director. Mayor Mironov stated a memo from the Township Manager was distributed.

It was MOVED by Zoller, SECONDED by Yeager to approve Resolution R2021-194 with changes.

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

There being seven (7) ayes and no (0) nays, Resolution R2021-194 was approved with changes.

Resolution R2022-009 Authorizing Refund of Tax Overpayments

**RESOLUTION R2022-009
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the East Windsor Tax Collector has certified that there have been overpayments for various reasons on certain properties; and

WHEREAS, the taxpayers are entitled to refunds.

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 the Chief Financial Officer is hereby

authorized and directed to make payments to the taxpayers for overpayments according to the attached Tax Collector's 2021 Refund of Taxes List Number 2 dated December 15, 2021.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on January 11, 2022.

Mayor Mironov stated a certified list by the Tax Collector was distributed.

It was MOVED by Daniels, SECONDED by Lippman to approve Resolution R2022-009.

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

There being seven (7) ayes and no (0) nays, Resolution R2022-009 was approved.

Resolution R2022-010 Approval of Mercer County Multi-Jurisdictional Hazard Mitigation Plan

RESOLUTION R2022-010
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, East Windsor Township has experienced natural hazards that result in public safety hazards and damage to private and public property; and

WHEREAS, a coalition of Mercer County municipalities has been formed to create consistent mitigation strategies within Mercer County and the coalition has completed a planning process that assess the risk and vulnerability to the impacts of natural hazards, developed a mitigation strategy consistent with a set of uniform goals and objectives, and created a plan for implementing, evaluating and revising this strategy; and

WHEREAS, adoption of a Hazard Mitigation Plan is a requirement of the Disaster Mitigation Act of 2000 and the multi-jurisdictional plan has been approved by the Federal Emergency Management Agency (FEMA), pending the adoption of the plan by each of the participating municipalities.

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 2021 Mercer County Multi-Jurisdictional Hazard Mitigation Plan Update is hereby adopted as an official plan of East Windsor Township.

2. East Windsor Township resolves to execute the actions identified in the Plan that pertain to the Township's jurisdiction and will coordinate the strategies identified in the Plan to guide pre and post disaster mitigation of the hazards identified.
3. East Windsor Township will continue its support of the Mitigation Planning Committee as described within the Plan, will help to promote and support the mitigation successes of all participants in this Plan, and will incorporate mitigation planning as an integral component of government and partner operations.
4. East Windsor Township will provide an update of the Plan in conjunction with Mercer County no less than every five years.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on January 11, 2022.

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

Mayor Mironov stated a memo from the Police Chief was distributed. Mayor Mironov stated that as a condition for approving the Mercer County Multi-Jurisdictional Hazard Mitigation Plan, East Windsor should not be obligated to any specific action or cost unless agreed to by the Township.

It was **MOVED** by Yeager, **SECONDED** by Rosenberg to conditionally approve Resolution R2022-010 with revisions.

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

There being seven (7) ayes and no (0) nays, Resolution R2022-010 was conditionally approved with revisions.

Resolution R2022-011 Approval of Professional Services Agreement for Township Attorney with David E. Orron of Huff, Moran and Orron

**RESOLUTION R2022-011
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for the services of an attorney-at-law, for the term of January 1, 2022 through December 31, 2022, for the Township; and

WHEREAS, the Township posted/solicited proposals on October 6, 2021 and received one proposal for Township Attorney by the receipt date of November 11, 2021; and

WHEREAS, the proposal received from David E. Orron, of the Law Firm of Huff, Moran and Orron is responsive; and

WHEREAS, a contract for this professional service may be awarded without public advertising for bids as the contract is for “Professional Services” 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-20.5, et seq.; and

WHEREAS, funds will be available in the Legal Services Account No. 2-01-20-155-105-249 entitled “Licensed Professional,” as per the temporary budget and pending the adoption of the 2022 Municipal Budget, as evidenced by the Chief Financial Officer’s Certification No. B2022-003.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement with David E. Orron, of the Law Firm of Huff, Moran and Orron, 1246 South River Road, Cranbury, New Jersey 08512.
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 service performed by persons authorized by law to practice a recognized profession that is required 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.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on January 11, 2022.

Mayor Mironov stated materials have been distributed and the appointment was made during the January 5, 2022 Reorganizational meeting.

It was MOVED by Lippman, SECONDED by Russell to approve Resolution R2022-011.

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

There being seven (7) ayes and no (0) nays, Resolution R2022-011 was approved.

Resolution R2022-012 Approval of Professional Services Agreement for Landscape Architect Services with Daniel Dobromilsky of Daniel Dobromilsky & Associates

**RESOLUTION R2022-012
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for the services of a Landscape Architect, for the term of January 1, 2022 through December 31, 2022, for the Township; and

WHEREAS, the Township posted/solicited proposals on October 25, 2021 and received two proposals for Landscape Architect by the receipt date of November 24, 2021; and

WHEREAS, the lowest cost and most responsive proposal was received from Daniel Dobromilsky & Associates; and

WHEREAS, a contract for this professional service may be awarded without public advertising for bids as the contract is for “Professional Services” 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-20.5, et seq.; and

WHEREAS, funds are available in various Escrow Accounts and various Trust Accounts.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement with Daniel Dobromilsky & Associates, 7 Hillside Avenue, Jamesburg, New Jersey 08831 for a term of January 1, 2022 to December 31, 2022.
2. This Contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law because the contract is for a service performed by person(s) 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.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on January 11, 2022.

Mayor Mironov stated a recommendation was distributed.

It was MOVED by Zoller, SECONDED by Yeager to approve Resolution R2022-012.

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

There being seven (7) ayes and no (0) nays, Resolution R2022-012 was approved.

Resolution R2022-213 Approval of Professional Services Agreement for Planning Services with Edward Snieckus of Burgis Associates, Inc.

**RESOLUTION R2022-013
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for the services of a Planning Consultant, for the term of January 1, 2022 through December 31, 2022, for the Township; and

WHEREAS, the Township posted/solicited proposals on October 8, 2021 and received one proposal for Planning Consultant by the receipt date of November 18, 2021; and

WHEREAS, the proposal received from Burgis Associates, Inc. is responsive; and

WHEREAS, a contract for this professional service may be awarded without public advertising for bids as the contract is for “Professional Services” 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-20.5, et seq.; and

WHEREAS, funds are available in various Escrow Accounts and various Trust Accounts.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement with Burgis Associates, Inc. 25 Westwood Avenue, Westwood, NJ 07675, for a term of January 1, 2022 to December 31, 2022.
2. This Contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law because the contract is for a service performed by person(s) 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.
4. 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.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on January 11, 2022.

Mayor Mironov stated a recommendation was distributed.

It was MOVED by Daniels, SECONDED by Rosenberg to approve Resolution R2022-013.

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

There being seven (7) ayes and no (0) nays, Resolution R2022-013 was approved.

Resolution R2022-014 Approval of Professional Services Agreement for Engineering Services with T&M Associates

**RESOLUTION R2022-014
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for the services of an Engineering Consultant, for the term of January 1, 2022 through December 31, 2022, for the Township; and

WHEREAS, the Township posted/solicited proposals on October 4, 2021 and received three proposals for Township Engineering Services by the receipt date of November 18, 2021; and

WHEREAS, the cost proposal received from T&M Associates, Inc. was most responsive based on the expertise, knowledge and history of professional engineering services previously provided to East Windsor Township; and

WHEREAS, a contract for this professional service may be awarded without public advertising for bids as the contract is for “Professional Services”, 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-20.5, et seq.; and

WHEREAS, funds are available in various Escrow Accounts and various Trust Accounts.

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:

2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement with T&M Associates, Inc., 200 Century Parkway, Suite B, Mt. Laurel, NJ 08054 for a term of January 1, 2022 to December 31, 2022.
3. This Contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law because the contract is for a service performed by person(s) 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.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on January 11, 2022.

Mayor Mironov stated a recommendation was distributed.

It was **MOVED** by Lippman, **SECONDED** by Rosenberg to approve Resolution R2022-014.

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

There being seven (7) ayes and no (0) nays, Resolution R2022-014 was approved.

APPLICATIONS:

Raffle License RL:2022-001 Millstone Township Foundation for Educational Excellence –
February 4, 2022, at Holiday Inn East Windsor, 399 Monmouth
Street, East Windsor – On Site Raffle

Mayor Mironov requested confirmation the application was deemed complete. The Township Clerk confirmed it was.

It was MOVED by Rosenberg, SECONDED by Russell to approve Raffle License RL:2022-001.

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

There being seven (7) ayes and no (0) nays, Raffle License RL:2022-001 was approved.

REPORTS BY COUNCIL AND STAFF:

Council Member Russell reported the Economic Development Committee discussed the gateway sign project and is currently finalizing the sign concept with the vendor. The Commission also discussed the Route 130/33 peninsula project and a project on the backside DPW lot facing the New Jersey Turnpike. Council Member Zoller reported the Planning Board discussed the Wells Fargo solar panel project, approved the Resolutions for Kaplan at Tacony on North Main Street and Innovation Park and approved the application for Primrose School child day care facility. Mayor Mironov added Primrose School was approved for the former Rite-Aid property and is a good fit for the transitional area.

CORRESPONDENCE:

Mayor Mironov stated correspondence will be discussed during Matters By Council.

APPOINTMENTS:

Mayor Mironov stated her intention to appoint Adam Palant as an auxiliary member of the Economic Development Committee or the Environmental Commission. Mayor Mironov requested the Clerk's office speak to Mr. Palant to ascertain his preference.

APPROVAL OF BILLS:

Mayor Mironov stated there were no bills to approve.

MATTERS BY COUNCIL:

Mr. Zoller requested Council Meeting packets be printed double-sided. Mayor Mironov reiterated her request that memos not be distributed more than once. Ms. Daniels thanked the Department of Public Works and Township Manager James Brady for reinstalling the speed limit sign located on the South side of Main Street by the Peddie School. Mr. Lippman inquired if information had been received regarding the July 4th celebration. Mayor Mironov stated she received a memo from the Recreation Director dated January 7th which indicated the fireworks vendor will make every effort to recruit and train staff to meet the high demand for their services on July 2nd. The vendor stated services will not be available for the potential rain date of July 9th but will inform the Township if the date becomes available. Mr. Yeager and Mr. Lippman expressed concerns regarding promotion and marketing without a confirmed rain date. Mayor Mironov and Council agreed to request July 2nd as the primary date and July 9th as a rain date. Mayor Mironov requested to review a copy of the contract prior to its execution.

Mayor Mironov stated the Tax Collection Percentage Report for 2021 reflected a tax collection rate of 99.97% and complimented the Tax Collector on her efforts. Mayor Mironov stated the Tax Collection report for the period ending December 31, 2021 was received. Mayor Mironov noted several maintenance bonds which are set to expire in the coming months and requested follow up by staff. Mayor Mironov listed the following projects with expiring maintenance bonds: the Brooktree Road/Wiltshire Drive maintenance bond will expire on April 1, 2022; the Gateway Twin Rivers/159 Milford Road maintenance bond will expire on April 15, 2022; and the Route 130/Hankins Road/Conover Road maintenance bond will expire on April 29, 2022. Mayor Mironov stated the Ward Street Recycling Center is open for drop offs on Tuesday and Thursday from 7:30am until 2:30pm. Mayor Mironov stated correspondence was received from the Department of Community Affairs informing the Township had been awarded the 2021 Local Recreation Improvement Grant in the amount of \$75,000. Mr. Yeager raised the issue of having a parks maintenance plan and Mayor Mironov stated the maintenance of municipal parks and is a top concern for residents. Mayor Mironov stated a memo from the Township Manager dated December 3, 2021 regarding the Mercer County Planning Incentive Grant was distributed. Mayor Mironov stated the property at 109 Disbrow Hill Road has been recommended to be added to the grant list. Mayor Mironov stated staff should ask Mercer County for an update regarding other farmland preservation sites in the Township. Mayor Mironov stated a memo from the Township Manager regarding new Statewide electric vehicle ordinance requirements dated November 30, 2021 was distributed to facilitate a future discussion. Mayor Mironov questioned if there were any additional comments from the Engineering Department, the Department of Public Works and/or the Police Department. Mayor Mironov further questioned if existing Township ordinances were consulted to ensure the new state requirements are being met and requested the Township think holistically about electric vehicles to ensure that any new ordinance addresses all the items the Township should be considering. Mr. Zoller suggested the Environmental Commission review and provide feedback on the memo and Mayor Mironov agreed. Mayor Mironov asked the Township

Attorney to take the lead on the Comcast Renewal of Consent. Mayor Mironov stated an extension of time until July 1 has been received however the Township is still waiting on information it requested from Comcast. Mayor Mironov requested staff set up a meeting between Comcast and Mayor Mironov, Mr. Zoller, Mr. Lippman, Mr. Orron, Mr. Brady and any Committee members the Chair feels will be helpful to discuss the renewal process and terms.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. 2021 Kelly Bill Reimbursements

Mayor Mironov stated materials from the Department of Public Works had been distributed. Mr. Yeager asked if the 2021 Kelly Bills and 2020 Kelly Bills were comparable and Mayor Mironov stated a summary comparison had been provided. Mayor Mironov directed staff to confirm the bills are accurate, mail to homeowners' associations and report to the Mayor that the mailing has been sent.

2. Township Stormwater Management Plan

Ordinance No. 2022-01 An Ordinance to Repeal and Replace a Portion of Chapter 22, "Technical Standards for the Construction of Improvements", and Chapter 19A, "Site Plan Review", of the Revised General Ordinances of the Township of East Windsor, to Incorporate New Jersey Stormwater Control Provisions

**ORDINANCE NO. 2021-11
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

**AN ORDINANCE RESCINDING ORDINANCE 2015-08, ENTITLED "AN
ORDINANCE AMENDING CHAPTER XX "ZONING" SECTION 20-18, "R-O
RESEARCH OFFICE" OF THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF EAST WINDSOR REGARDING REGULATIONS FOR HEIGHT,
BUILDING COVERAGE, FLOOR AREA RATIO AND PROPORTION OF SPACE
DEVOTED TO WAREHOUSE AND STORAGE IN BUILDINGS IN THE R-O
RESEARCH OFFICE ZONE"**

BE IT ORDAINED by the Township Council of the Township of East Windsor, County of Mercer and State of New Jersey as follows:

I

Ordinance 2015-08, adopted on July 21, 2015, which amended Chapter XX, "Zoning," Section 20-18, "R-O Research Office", is hereby repealed in its entirety.

**II
REPEAL**

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

**III
SEVERABILITY**

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.

**IV
EFFECTIVE DATE**

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

Mayor Mironov stated Mayor and Council had previously discussed Ordinance No. 2021-11 and had requested additional information back in September. Mayor Mironov stated a memo dated November 30, 2021 was distributed which included materials dated November 22, 2021 from the Township Engineer approving the draft Ordinance and an email dated December 15, 2021 from Andrew Lloyd, Senior Planner with the Mercer County Planning Department confirming that all edits required by the County Review Agency had been incorporated. Mr. Zoller asked to share the draft ordinance and corresponding memo with the Environmental Commission. Mayor Mironov requested future Mercer County Planning Board meeting agendas be provided to her for review.

It was MOVED by Zoller, SECONDED by Lippman to approve on introduction, schedule a public hearing for February 8th 2022, publish as necessary and refer to the Mercer County and East Windsor Township Planning Boards.

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

There being seven (7) ayes and no (0) nays, Ordinance No. 2021-11 was approved on introduction, schedule a public hearing for February 8th 2022, publish as necessary and refer to the Mercer County and East Windsor Township Planning Boards.

3. Union Transportation Trail Extension Project

Resolution R2022-015 Approval of Grant Agreement (Project No. 18-33-261 for \$227,888) with Delaware Valley Regional Planning Commission for Union Transportation Trail Extension Project for Final Design and Engineering

**RESOLUTION R2022-015
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Delaware Valley Regional Planning Commission has a competitive grant program through which East Windsor Township has applied to fund the final design and engineering of the Union Transportation Trail Extension between the Mercer/Monmouth County border and Airport Road just east of Route 33 in East Windsor Township; and

WHEREAS, the Delaware Valley Regional Planning Commission has approved a \$227,888 grant to East Windsor Township under the Regional Trails Phase VIII Program with funding from the William Penn Foundation for “Project No. 18-33-261 Union Transportation Trail Extension”.

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 attached Grant Agreement with the Delaware Valley Regional Planning Commission for the Regional Trails Phase VIII Program with funding from the William Penn Foundation “Project No. 18-33-261 Union Transportation Trail Extension” is hereby approved.
2. The Mayor is hereby authorized and directed to execute the attached Grant Agreement.
3. The Township agrees to perform services described in the grant application and comply with the conditions of the grant agreement.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on January 11, 2022.

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

Mayor Mironov requested changes to Resolution R2022-015 for clarity. Mayor Mironov stated Resolution R2022-015 is a grant agreement between Delaware Valley Regional Planning Commission and East Windsor Township for the Union Transportation Trail Extension Project and the Resolution reflects the Township’s second grant from Delaware Valley Regional Planning Commission for the project. Township Manager James Brady stated Mayor and Council had previously moved to award a contract to Hopewell Valley Engineering, who has begun engineering work on the project. Mr. Brady stated executing the grant agreement will allow the Township to finish the engineering work and begin

the Request for Proposals process for the construction portion of the project. Mr. Brady stated the grant requires a 20% match, which equates to approximately \$45,577 and is not required to be a cash match. Mr. Brady further stated the Township can use funds from other grants to satisfy the match requirement. Mr. Brady highlighted an error in the contract, which he assured would be corrected prior to execution. Mayor Mironov stated Hopewell Valley Engineering has been doing a good job, are good to work with and would like to see the positive partnership continue. Mayor Mironov requested any outstanding bills to Hopewell Engineering be paid. Mayor Mironov stated her intention to engage the public further on the project and requested an overview on the project status including an aggressive timeline and workplan.

It was MOVED by Zoller, SECONDED by Yeager to approve Resolution R2022-015 with changes.

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

There being seven (7) ayes and no (0) nays, Resolution R2022-015 was approved with changes.

4. Proposed Open Space Acquisition of 24 and 29 Old Trenton Road

Mayor Mironov stated a memo dated December 9, 2021 was distributed. Mayor Mironov stated Tim Brill, the Central Jersey Regional Manager for the New Jersey Conservation Foundation had initially reached out to the Township regarding the properties. Mayor Mironov stated the properties have a great location along the Millstone River and are currently being used as a canoe launch for local Boy Scouts. Mayor Mironov stated her vision to see the property turned into a nice area with parking and light amenities. Mr. Brill and the New Jersey Conservation Foundation offered to take the lead on price negotiation, enter into an agreement and make the results of the environmental assessments a condition of sale to the Township, which will allow the Township to reassess the purchase if negative environmental assessment results are received. Mayor Mironov stated the properties would not be acquired at market value and the Township can utilize New Jersey State Green Acres and Mercer County grants as funding sources. Mr. Zoller asked for clarification on the memo, specifically asking where the “future home of the Municipal Utility Authority waste treatment plant” was located. Mayor Mironov clarified that the Municipal Utility Authority is intending to build new facilities on a large sized property in the area which could be a benefit due to the fact that it is a publicly owned property with the ability to be buffered. Mr. Zoller raised a concern with potential odors coming from a waste treatment plant. Mr. Brady clarified that the purpose of sharing information on the Municipal Utility Authority property was to highlight that the municipality owns the property immediately next to the proposed acquisition site. Mr. Zoller requested clarification on the property owner and any plans for Lot 5 as shown on the map. Mayor Mironov requested Township staff provide that information at a future date. Mr. Yeager agreed a canoe launch is a unique feature for the community and asked for details on the historic building located on the property. Mayor Mironov stated her comments do not include the historic building and the home should not be included in the acquisition. Mayor Mironov stated she would entertain the idea of keeping the building if an organization or entity in town was interested in utilizing and maintaining it, however she does not see a municipal purpose for the building. Mayor Mironov further stated New Jersey Green Acres and Mercer County open space grant funds could not be

used for the purchase of the building. Mr. Yeager stated that if the building was found to have historic value and funding was available, the building could potentially be used as a cultural or historic site. Mr. Yeager further stated he felt the acquisition of these properties fit into the overall plan for green and open spaces within the municipality. Mr. Lippman asked for additional information regarding any potential insurance liabilities if the municipality were to purchase the building. Mayor Mironov concluded by saying the Township is interested, along with the New Jersey Conservation Foundation, in pursuing the potential acquisitions of the open properties and requested the Township draft a Request for Proposal for the property appraisal and to gather information on if the building located on site is historic, if there are any funding opportunities including historic preservation grants for the purchase of the building and to assess if there are any groups or organizations locally who, with logistical help from the Township, would want to purchase and maintain the property.

5. Stockton Street Sidewalk and Curbs Project

Resolution R2021-211 Approving Shared Service Agreement between Township of East Windsor and Borough of Hightstown for Stockton Street Sidewalk and Curbs Project

**RESOLUTION R2021-211
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need to install sidewalks and curbs along Stockton Street between the intersection of Route 130 in East Windsor Township and the intersection of Harron Avenue and Oak Lane in Hightstown Borough; and

WHEREAS, East Windsor Township and Hightstown Borough are desiring to enter into a Shared Services Agreement for the implementation of this joint project; and

WHEREAS, the Uniform Shared Services and Consolidation Act N.J.S.A. 40A:65-1 et seq. authorizes the approval of Shared Services Agreements by Resolution; and

WHEREAS, the Township Council has reviewed the Township Manager's recommendations on said agreement.

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

1. The attached Shared Services Agreement between East Windsor Township and Hightstown Borough for the Installation of Stockton Street Curbs and Sidewalks is hereby approved in accordance with the provisions of N.J.S.A. 40:65-1.

2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on February 22, 2022.

Mayor Mironov stated R2021-11 had been discussed at a prior meeting at which time, Mayor and Council expressed their desire to work with Hightstown Borough on the project. A Shared Services Agreement was drafted and sent to Hightstown Borough for review. After review, Hightstown Borough returned the Agreement with edits, which was distributed in a memo from the Township Manager dated January 4, 2022. Mayor Mironov requested information on why a construction administration cost was added to the project and asked for specifics on what services are associated with the additional fee. Mayor Mironov clarified she does not have an issue with the fee itself but would like a better understanding of its purpose before approving the agreement. Mayor Mironov requested the original language regarding East Windsor Township's right to review and provide input on bids be restored into the Agreement. Mr. Russell echoed the Mayor's comments and expressed strong concerns regarding the bid process as proposed. Mr. Yeager and Mr. Zoller expressed their agreement with the Mayor's comments regarding the construction administration fee. Mayor Mironov recommended the Township's concerns be communicated to Hightstown Borough in writing. Mayor Mironov did not call for action on Resolution R2021-211 until the Shared Services Agreement has been finalized.

6. Senior Center Expansion Project

Mayor Mironov stated her desire to have a brief discussion regarding the Senior Center Expansion Project. Mayor Mironov questioned if the Township had received an updated project schedule from Settembrino Architects and Mr. Brady indicated no. Mayor Mironov stated Mayor and Council do not have information regarding the additional access point and temporary certificate of occupancy and requested both matters be resolved on a Township staff level. Mr. Brady stated Construction Official Jason Gorski has been engaging with the contractors on site and will work with Mr. Brady to resolve both matters. Mayor Mironov asked if the winterization work was completed and Mr. Brady indicated that he did not know. Mr. Brady reported the clean results of the backfill soil tests to Mayor and Council.

A. Soil Testing

Mayor Mironov stated a proposal for soil testing work was received from Settembrino Architects for approximately \$2,000. Mayor Mironov requested assurances that there were no additional steps that must be taken and that upon receiving negative soil test results, the site work could move forward expeditiously.

B. Site Work

Mayor Mironov stated that a decision on site work must be reached tonight or at the next Council meeting. The two options relating to site work are to approve a change order or solicit a Request for Proposals. Mayor Mironov stated site work can not begin until the Spring due to weather and informed the Council Settembrino Architects recommended using Develop Builders to complete the site work as they are already contracted for work on site. Mr. Settembrino felt this would increase efficiency and offered to work with Develop Builders to ensure fair and reasonable pricing. Mayor Mironov stated she asked Mr. Settembrino who would be doing the actual work and he responded Develop Builders would subcontract the site work out. Mayor Mironov explained that if the Township decides to solicit a Request for Proposals for the site work, Mr. Settembrino's fee to advertise and review the received bids is \$9,500. Mayor Mironov stated the need to explore the application of liquidated damages to recover costs associated construction delays. Mr. Lippman requested confirmation that Mr. Settembrino's fee only applies if the Township solicits a Request for Proposals. Mayor Mironov confirmed. Mayor Mironov asked if a scope of work had been provided to the Township. Mr. Brady responded a basic plan was provided, but a more detailed scope of work including lighting and sidewalks has not been received by the Township. Mayor Mironov asked how progress metrics would be determined without a detailed scope of work and Mr. Brady responded that a detailed scope of work must be received before awarding a contract. Mayor Mironov stated that having a schedule is paramount and suggested Mr. Settembrino meet with Develop Builders to determine the price for project completion, including the site work. Mayor Mironov requested a timeline for the development of a detailed scope of work and the bid process. Mayor Mironov reiterated that according to Mr. Settembrino's prior appearance before Council, site work will take 2-3 months for completion. Mr. Rosenberg expressed his concern with Settembrino's performance. Mayor Mironov stated she is leaning toward soliciting a Request for Proposals for site work. Mayor Mironov stated the Construction Official should be consulted and Mr. Brady stated he will follow up. Mayor Mironov requested confirmation that Settembrino Architects has not been paid and will not be paid until the Township receives an updated project schedule and Mr. Brady confirmed. Mayor Mironov requested this issue be listed on the next Council meeting's agenda for a decision.

MATTERS BY PUBLIC:

ADJOURNMENT:

Mayor Mironov adjourned the meeting at 6:56 pm.

Next Meeting: January 25, 2022

Allison Quigley
Municipal Clerk

Janice S. Mironov
Mayor