

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, January 25, 2022

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 5:00 p.m. on Tuesday, January 25, 2022.

VERIFICATION:

Municipal Clerk Allison Quigley certified that the meeting was noticed on January 14, 2022 in the annual meeting notice. On January 21, 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 virtually by Council Member John 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:

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

December 7, 2021

December 21, 2021

January 5, 2022

January 11, 2022

March 9 and March 23, 2022 minutes were held until the next meeting. All remaining minutes were rescheduled to the next regularly scheduled meeting.

ORDINANCE – PUBLIC HEARING:

There were no Ordinances for public hearing.

ORDINANCE – INTRODUCTION:

Ordinance No. 2022-02 An Ordinance Amending Chapter XX “Zoning” Section 20-18, “R-O Research Office” and Section 20-19 “I-O Industrial Office” of the Revised General Ordinances of the Township of East Windsor to Delete Principal Use of Retail Self-Storage Facilities

**ORDINANCE NO. 2022-02
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER
AN ORDINANCE AMENDING CHAPTER XX “ZONING” SECTION 20-18, “R-O RESEARCH OFFICE” AND SECTION 20-19 “I-O INDUSTRIAL OFFICE” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EAST WINDSOR TO DELETE PRINCIPAL USE OF RETAIL SELF-STORAGE FACILITIES**

BE IT ORDAINED by the Township Council of the Township of East Windsor, County of Mercer and State of New Jersey that Chapter XX, “Zoning”, Section 20-18, “Research Office” and Section 20-19, “Industrial Office”, be amended as follows (new language is denoted by underlining):as follows:

I

1. Section 20-18.1 “Principal Uses”, subsection (c) is hereby amended as follows:
 - c. The warehousing or storage of products within a completely enclosed building, excluding retail self-storage facilities, and provided that no retail sales or motor freight facilities shall be permitted except as incidental and accessory to a permitted or conditional use.
2. Section 20-18.2 “Accessory Uses”, subsection (a) is hereby amended as follows:
 - a. Uses on the same lot which are customarily incidental to any of the above permitted uses which may include but shall not be limited to storage within a completely enclosed building, which is utilized by an occupant of an existing permitted use on the lot.
3. Section 20-19.1 “Principal Uses”, subsection (c) is hereby amended as follows:
 - c. The warehousing or storage of products within a completely enclosed building, excluding retail self-storage facilities, and provided that no retail sales or motor freight facilities shall be permitted except as incidental and accessory to a permitted or conditional use.
4. Section 20-19.2 “Accessory Uses”, subsection (a) is hereby amended as follows:
 - a. Uses on the same lot which are customarily incidental to any of the above permitted uses which may include but shall not be limited to storage within a completely enclosed building, which is utilized by an occupant of an existing permitted use on the lot.

**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.

It was MOVED by Rosenberg, SECONDED by Lippman to approve Ordinance 2022-02 on introduction, authorize publication as required by law, refer to the Planning Board for comment, and set a public hearing for February 22, 2022.

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

There being seven (7) ayes, and no (0) nays, Ordinance 2022-02 was approved on introduction, authorized publication as required by law, referred to the Planning Board for comment, and public hearing set for February 22, 2022.

RESOLUTIONS:

Resolution R2022-016 Approval of Professional Services Agreement for Affordable Housing Administrative Agent with Community Grants, Planning and Housing

**RESOLUTION R2022-016
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for Affordable Housing Administrative Agent Services, 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 one proposal for Affordable Housing Administrative Agent by the deadline of November 24, 2021; and

WHEREAS, the proposal received from Community Grants, Planning and Housing (CGP&H) was 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, the maximum amount of the contract is \$11,250 and funds are available in the Affordable Housing Fund Account No. A-22-56-852-852 entitled “Affordable Housing Trust,” as evidenced by the Chief Financial Officer’s Certification No. A2022-001.

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 attached Agreement between the Township of East Windsor and Community Grants, Planning and Housing is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement with Community Grants, Planning and Housing, 1010 Interchange Plaza, Suite 301, Cranbury NJ 08512, for a term commencing 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
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.

It was MOVED by Yeager, SECONDED by Zoller to approve Resolution R2022-016.

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

There being seven (7) ayes, and no (0) nays, Resolution 2022-016 was approved.

Resolution R2022-017 Approval of Professional Services Agreement for Special Tax Counsel Services with James L. Esposito of Inglesino Webster Wyciskala Taylor, LLC

Resolution R2022-017 was held until the next regularly scheduled Council meeting.

Resolution R2022-018 Approval of New Jersey Urban & Community Forestry Stewardship Grant Agreement between the Township of East Windsor and the New Jersey Department of Environmental Protection for Resiliency Planning – Tree Inventory Project

**RESOLUTION R2022-018
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the New Jersey Urban & Community Forestry Stewardship Grant is administered through the New Jersey Urban & Community Forestry Division of The Department of Environmental Protection; and

WHEREAS, East Windsor Township desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$10,000 to fund the Resiliency Planning – Tree Inventory project; and

WHEREAS, the Township was notified that an award was made for a 2021 New Jersey Urban & Community Forestry Stewardship Grant UCF-2021-East Windsor Township-00013-RP; and

WHEREAS, the Governing Body of East Windsor Township resolves that Mayor Janice S. Mironov, (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the state for a grant in the amount not less than \$0 and not more than \$10,000 and (c) to execute any amendments thereto which do not increase the Grantee's obligations; and

WHEREAS, the Township Council authorizes and hereby agrees to match 100% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property is hereby certified up to exactly 100% of the match will be made up of in-kind services of \$2,500 in volunteer time from the Environmental Commission "Green Team" members and \$9,263 in local government salaries dedicated to the grant project.

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

1. East Windsor Township does hereby accept the award of \$10,000.00, to fund Resiliency Planning – Tree Inventory project.
2. The Mayor and Municipal Clerk are hereby authorized to execute a Grant Agreement with the State of New Jersey and The Department of Environmental Protection for grant UCF-2021-East Windsor Township-00013-RP.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2022-018.

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

There being seven (7) ayes, and no (0) nays, Resolution 2022-018 was approved.

Resolution R2022-019 Approval of Professional Services Agreement with Daniel Dobromilsky of Daniel Dobromilsky and Associates for Resiliency Planning – Tree Inventory Project

RESOLUTION R2022-019
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, East Windsor Township received a 2021 New Jersey Urban & Community Forestry (NJUCF) Stewardship Grant to fund a Tree Inventory Project in the amount of \$10,000; and

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

WHEREAS, on January 11, 2022 by Resolution R2022-012, Mayor and Council approved the contract for Landscape Architectural Services with Daniel Dobromilsky of 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, the maximum amount of the contract is \$10,000.00 and funds are available in the Grant Fund Account G02-40-950-990-021, entitled “2021 NJUCF Stewardship Grant” as evidenced by the Chief Financial Officer’s Certification No. G2022-001.

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 attached Agreement between the Township of East Windsor and Daniel Dobromilsky is hereby approved.
2. 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.
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.
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.

It was MOVED by Zoller, SECONDED by Russell to approve Resolution R2022-019.

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

There being seven (7) ayes, and no (0) nays, Resolution 2022-019 was approved.

Resolution R2022-020 Authorizing Transfers of 2021 Budget Appropriation Reserves

RESOLUTION R2022-020
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, N.J.S.A. 40A:4-59 provides for appropriation transfers during the first (3) months of any fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore, and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

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

no less than two-thirds of the full majority concurring, that the Chief Financial Officer is hereby authorized to make transfers among the 2021 municipal budget appropriation reserves in accordance with the following:

CURRENT FUND	FROM	TO
Group Insurance for Employees	\$20,459.55	
Full Time – Police S&W	\$35,598.45	
Full Time – Finance S&W		\$1,720.84
Full Time – Engineering S&W		\$2,619.36
Full Time – PW Administration S&W		\$1,807.15
Full Time – Vehicle Maintenance S&W		\$3,150.33
Full Time – Animal Control S&W		\$3,189.86
Full Time – Public Assistance S&W		\$1,240.50
Full Time – Recreation S&W		\$2,731.57
Full Time – Senior Center S&W		\$3,999.94
Licensed Professional – Police Admin		\$33,479.45
Other Building Services – Police Bldg.		\$2,119.00
Total Current Fund	\$56,058.00	\$56,058.00

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

Mayor Mironov stated the first transfer amount in the Resolution had a typographical error and asked it be corrected.

It was MOVED by Rosenberg, SECONDED by Zoller to approve Resolution R2022-020 with revisions.

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

There being seven (7) ayes, and no (0) nays, Resolution 2022-020 was approved with revisions.

Resolution R2022-021 Approval of Change Order #3 to Contract for Resurfacing and Associated Repairs to Oak Branch Road, Pinehurst Drive, Piney Branch Road and Warren Drive with Meco, Inc.

RESOLUTION R2022-021
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, on August 3, 2021, by Resolution R2021-138 the Township Council authorized a contract with Meco Inc. in the amount of \$731,699.50 for the Resurfacing and Associated Repairs to Oak Branch Road, Pinehurst Drive, Piney Branch Road and Warren Road; and

WHEREAS, on October 19, 2021, the Township Council authorized payment #1 to Meco Inc. in the amount of \$158,164.16; and

WHEREAS, on December 7, 2021, the Township Council authorized payment #2 to Meco Inc. in the amount of \$304,835.86; and

WHEREAS, the Director of Public Works has reviewed and recommended approval of Payment #3; and

WHEREAS, the maximum amount of the contract is \$731,699.50 and sufficient funds are available in Grant Fund Account No. G-02-40-950-900-299 entitled "DOT Grant-Oak Branch Road", in the amount of \$530,000, Capital Account, C-04-55-953-913-890 entitled Ordinance 2013-04 "Annual Road Program", in the amount of \$4,070.07, Capital Account C-04-55-980-920-890, entitled Ordinance 2017-02 "Annual Road Program", in the amount of \$24,980.91 and in Capital Account C-04-55-980-921-890, entitled Ordinance 2017-15 "Annual Road Program", in the amount of \$172,648.52 for a total amount not to exceed \$731,699.50, as evidenced by the Chief Finance Officer's Certification No. C2021-015 and G2021-003.

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 Township Council approves payment #3 in the amount of \$192,993.28 to Meco, Inc. and will retain \$13,387.62 until submission of a two year maintenance bond is received.

It was MOVED by Lippman, SECONDED by Yeager to approve Resolution R2022-021 with changes.

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

There being seven (7) ayes, and no (0) nays, Resolution 2022-021 was approved with changes.

Resolution R2022-022 Approval of Purchase of 2022 Police Interceptor Utility Vehicle
from Winner Ford for Health Department

**RESOLUTION R2022-022
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need to purchase a 2022 Police Interceptor Utility all-wheel drive base vehicle for the Health Department; and

WHEREAS, five written quotes were obtained for the vehicle; and

WHEREAS, public bids are not required when the purchase is under a State Contract in accordance with N.J.S.A. 40A:11-12 of the Local Public Contracts Law; and

WHEREAS, the lowest responsive quote for the purchase of a new 2022 Police Interceptor Utility vehicle was submitted by Winner Ford through State Contract No. 20-Fleet-01189, which is valid through June 17, 2022, in the amount of \$30,263.00; and

WHEREAS, the Township Council has reviewed the recommendation made by the Township Manager; and

WHEREAS, the maximum amount of the purchase is \$30,263.00 and funds are available in Account No. C-04-55-980-919-943 entitled Ordinance 2016-08, and Account No. C-04-55-980-924-920 entitled Ordinance 2020-01, entitled “Police SUV Vehicles Acq.”, as evidenced by the Chief Financial Officer’s Certification No. C2022-001.

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

1. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition under State Contract No. 20-Fleet-01189, to Chas S Winner, Inc. dba Winner Ford of Cherry Hill, NJ, 250 Haddonfield-Berlin Road, Cherry Hill, NJ 08034, for the purchase and delivery of a new 2022 Police Interceptor Utility vehicle, in an amount not to exceed \$30,263.00, as set forth in the attached quote.

It was MOVED by Yeager, SECONDED by Rosenberg to approve Resolution R2022-022.

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

There being seven (7) ayes, and no (0) nays, Resolution 2022-022 was approved.

Resolution R2022-023 Approval of Assignment of Developer’s Agreement for 330
Wyckoff Mills Road (Block 15, Lot 1) from 330 WMR, LLC to
Park 330 Wyckoff Mills Road Owner LLC

RESOLUTION R2022-023
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, by Resolution R2021-048, adopted on March 23,2021, the Township Council authorized the execution of a Developer’s Agreement between the Township and 330 WMR, LLC, the owner of property located at 330 Wyckoff Mills Road, East Windsor, New Jersey, designated on the official tax map of the Township as Block 15, Lot 1 (“the Property”); and

WHEREAS, by Resolution R2021-181 adopted on November 2,2021, the Township Council authorized the execution of an Amendment to the Developer’s Agreement; and

WHEREAS, 330 WMR, LLC has contracted to sell the Property to Park 330 Wyckoff Mills Road Owner LLC and wishes to assign the Developer’s Agreement to the buyer; and

WHEREAS, under the terms of paragraph 25 of the Developer’s Agreement, the assignment requires the written consent of the Township.

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 hereby consents to the assignment of the Developer’s Agreement for the Property from 330 WMR, LLC, with offices at 154 First Avenue, Manasquan, NJ 08736, to Park 330

Wyckoff Mills Road Owner LLC, with offices at 100 Wilshire Boulevard, 14th Floor, Santa Monica, CA 90401.

2. The Mayor and Municipal Clerk are authorized and directed to execute the attached Assignment of Developer's Agreement.
3. This consent is conditioned upon the posting of proper Performance Guarantees by Park 330 Wyckoff Mills Road Owner LLC, as required under the terms of the Developer's Agreement, in a form acceptable to the Township Attorney.

Mayor Mironov asked the Township Manager to call the Twin Rivers Trust President to provide an update on this project and to facilitate communication on future projects in the Twin Rivers area. She also asked that in the future, the Planning Department send a full copy of any applications filed to the Trust for any proposed projects in their area.

It was MOVED by Lippman, SECONDED by Zoller to approve Resolution R2022-023.

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

There being seven (7) ayes, and no (0) nays, Resolution 2022-023 was approved.

Resolution R2022-024 Actions on Payments Made to Standard and Poors, to Phoenix Advisors, and Remaining Outstanding Invoices for McManimon, Scotland and Bauman and Nisivoccia Accounting from Township Capital Funds for Permanent Financing Process

**RESOLUTION R2022-024
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, East Windsor Township participated in a review and analysis of the Township's credit rating in 2020 in order to permanently refinance existing short term debt; and

WHEREAS, on June 2, 2020, by Resolution R2020-083 Mayor and Council authorized the contract for Financial Advisory Services with Phoenix Advisors, LLC; and

WHEREAS, Phoenix Advisors, LLC submitted an invoice in the amount of \$15,275.00 for work performed in conjunction the permanent financing process, and payment of the invoice was authorized on January 26, 2021; and

WHEREAS, Standard and Poors also assisted in the review and analysis of the Township's credit rating in conjunction with the permanent financing process and submitted an invoice for the work in the amount of \$17,100.00, and payment of the invoice was authorized on January 13, 2021; and

WHEREAS, on April 21, 2020, by Resolution R2020-073 the Township authorized the contract for Auditing Services with Nisivoccia and Company, LLP; and

WHEREAS, Nisivoccia and Company, LLP submitted an invoice in the amount of \$20,000.00 for work performed in conjunction the permanent financing process; and

WHEREAS, on January 14, 2020, by Resolution R2020-011 the Township authorized the contract for Bond Counsel Services with McManimon, Scotland and Bauman; and

WHEREAS, McManimon, Scotland and Bauman submitted an invoice in the amount of \$16,046.60 for work performed in conjunction the permanent financing process; and

WHEREAS, the Township Council has reviewed the Finance Director's recommendations; and

WHEREAS, the maximum amount of the contract with Nisivoccia and Company, LLP is \$20,000.00 and the maximum amount of the contract with McManimon, Scotland and Bauman is \$16,046.60, and funds are available in Account No. C-04-55-970-917-253 entitled "Bonding and Engineering Costs", as evidenced by the Chief Financial Officer's Certification No. C2022-003.

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

1. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to Nisivoccia and Company, LLP, Mount Arlington Corporate Center, 200 Valley Road, Suite 300, Mount Arlington, New Jersey 07856-1320 for services rendered in connection with the permanent financing process in an amount not to exceed \$20,000.00.
2. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to McManimon, Scotland and Bauman, 75 Livingston Ave # 201, Roseland, NJ 07068 for services rendered in connection with the permanent financing process in an amount not to exceed \$16,046.60.

Mayor Mironov asked the Township Manager to reaffirm with all staff the Township's policy regarding capital funds, which are not available for expenditure without review and approval by the Governing Body. She also stated staff should be aware it is the desire of the Council that if there is a proposed project, the entirety of the project be presented as a capital project to Mayor and Council.

It was MOVED by Yeager, SECONDED by Russell to approve Resolution R2022-024.

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

There being six (6) ayes, and one (1) nays, Resolution 2022-024 was approved.

APPLICATIONS:

REPORTS BY COUNCIL AND STAFF:

CORRESPONDENCE:

APPOINTMENTS:

2022 Local Emergency Management Planning Committee

Mayor Mironov provided a list to Council appointing the 2022 Local Emergency Management Planning Committee.

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. She noted she did not receive the Bill Lists.

It was MOVED by Zoller, SECONDED by Lippman to conditionally approve the Bill Lists pending the Mayor's review and approval.

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

There being six (6) ayes, no (0) nays, and one (1) abstention, the various presented Bill Lists were conditionally approved pending review and approval by the Mayor.

MATTERS BY COUNCIL:

Mr. Rosenberg asked staff for an update on the Handy Helpers program proposed by the Commission on Aging. Ms. Daniels stated the yellow line along the curb at the intersection of Twin Rivers Drive and Edison Drive has faded, and when cars park too close to the intersection it causes issues with the line of sight. Mayor Mironov asked staff to look into the matter.

Mayor Mironov asked staff to provide proposed locations for “no engine braking” signage at the Turnpike exiting leading to Route 133, as well as along Route 571 near Innovation Park. Mayor Mironov stated that the Township Attorney is working on setting up a meeting between the Township and Comcast regarding their franchise renewal application. Mayor Mironov stated the Department of Public Works could begin sending out letters pertaining to the Kelly Bill reimbursements and asked for a copy of the letters once they are mailed. Mayor Mironov announced that the League of Municipalities is offering a scholarship opportunity for high school students through the annual Louis Bay 2nd Municipal Leaders essay competition and a press release would be going this week with further details.

Mayor Mironov stated that Thompson Properties has offered to donate two properties to the Township, located at 139 and 140 Woods Road. She stated the Township Attorney would begin preparing the contracts and would send them to the Clerk's Office once done. She asked staff to be preparing a request for proposals for appraisal services on the properties.

Mayor Mironov requested the Director of Public Works review the proposals that came in for engineering work for Hawthorne Lane and provide a recommendation for the next Council meeting.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. Senior Center Expansion Project
 - A. **Ordinance No. 2022-02** Bond Ordinance Providing a Supplemental Appropriation of \$550,000 for the Senior Center Expansion Project in and by the Township of East Windsor, in the County of Mercer, New Jersey, and Authorizing the Issuance of \$550,000 Bonds or Notes of the Township to Finance the Cost Thereof
 - B. Building Completion: Schedule, Delays, Costs
 - C. Soil Testing
 - D. Site Work

Ordinance 2022-03 was carried to the next regularly scheduled Council meeting, along with the related discussion items.

2. 2022 Independence Day Celebration
 - A. **Resolution R2022-025** Action on Award of Contract for Township Independence Day Fireworks

**RESOLUTION R2022-025
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, on January 28, 2020, by Resolution R2020-028, Mayor and Council awarded a contract to D & M Fireworks for the 2020 Independence Day fireworks display, for an amount not to exceed \$13,000.00; and

WHEREAS, due to the COVID-19 health situation, the 2020 Independence Day fireworks display was postponed, and D & M Fireworks retained the 50% deposit in the amount of \$6,500.00 with the understanding the deposit would be applied to a future fireworks display; and

WHEREAS, there is a desire to award a contract for the Independence Day fireworks display scheduled on Saturday, July 2, 2022 with a rain date scheduled for July 9, 2022, to be held at Etra Lake Park in the Township of East Windsor; and

WHEREAS, D & M Fireworks have submitted a responsive proposal for the 2022 Independence Day fireworks display, incorporating the previously paid deposit, for a total contract amount not to exceed \$13,975.00; 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 Township Recreation Director's recommendation on this service; and

WHEREAS, the maximum amount of the contract is \$13,975.00 and funds are available in the Recreation Trust Account No. R-14-20-370-800-000 entitled "Recreation Events", pending adoption of the 2022 budget, as evidenced by the Chief Financial Officer's Certification No. T2022-001.

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 attached Contract between the Township of East Windsor and D & M Fireworks is hereby approved.
2. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to: D & M Fireworks, LLC, P.O. Box 503, Bally, Pa. 19503, for the Independence Day fireworks display scheduled for Saturday, July 2, 2022, with a rain date scheduled for July 9, 2022, in an amount not to exceed \$13,975.00.
2. The Fire Official is authorized subject to compliance with all applicable regulations to issue said permit pursuant to section 5:18-2.7(a) 5.iii. of the Uniform Fire Code of the State of New Jersey, and to enforce the time limit on discharge of fireworks.

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

Mayor Mironov and Council Members discussed potential dates for the Independence Day celebration, and agreed to schedule the event on Saturday, July 2, with a rain date of Saturday, July 9. Mayor Mironov requested the Resolution be revised to reflect the agreed upon dates.

It was MOVED by Zoller, SECONDED by Lippman to approve Resolution R2022-025 with changes.

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

There being seven (7) ayes, and no (0) nays, Resolution 2022-025 was approved with changes.

3. 2022 Summer Concerts and Events

Mayor Mironov and Council Members requested that this item be listed on the next Council agenda and requested additional information from the Recreation Department regarding all for bands, including pricing, past performances, reception and available dates. They also requested additional information on Satisfaction, Tusk and any Jimmy Buffet tribute acts.

4. Stockton Street Sidewalk and Curbs Project

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

Resolution R2021-211 was held until the next regularly scheduled Council meeting.

5. Corner of Route 130 South and Old Cranbury Road (Block 8, Lot 11) Former “State Police Barracks Property”

A. Ordinance No. 2022-04 An Ordinance Amending And Supplementing Chapter XX, “Zoning”, Section 20.20002, "Zoning Map", to Rezone Block 8, Lot 11 Located at Route 130 South and Old Cranbury Road (approximately 3.32 acres) from “R-1” Residential District to “NC” Neighborhood Commercial District and Section 20-15, "NC Neighborhood Commercial" Zoning District of the Revised General Ordinances of the Township of East Windsor

**ORDINANCE NO. 2022-04
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XX,
“ZONING”, SECTION 20.20002, "ZONING MAP", TO REZONE BLOCK 8, LOTS 11 AND 12.01
LOCATED AT ROUTE 130 SOUTH AND OLD CRANBURY ROAD (APPROXIMATELY 8.94
ACRES) FROM “R-1” RESIDENTIAL DISTRICT TO “NC” NEIGHBORHOOD COMMERCIAL
DISTRICT AND SECTION 20-15, "NC NEIGHBORHOOD COMMERCIAL" ZONING DISTRICT
OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EAST WINDSOR**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST WINDSOR in the County of Mercer and the State of New Jersey, that Chapter XX, "Zoning", of the Revised General Ordinances of the Township of East Windsor is hereby amended and supplemented as follows:

SECTION 1. Subsection 20-2.0002, "Zoning Map", is hereby amended as follows:

"20-2.0002 ZONING MAP. The map entitled "East Windsor Township Zoning Map", adopted July 28, 1976, together with all notations thereto and with the revisions and amendments to said map up to and including January 25, 2022, is adopted as the zoning map of the Township of East Windsor, a copy of which is attached hereto and made a part hereof by reference, and which is on file in the office of the municipal clerk."

Note: The "Zoning Map" is attached at the end of this ordinance. For informational purposes, Block 8, Lots 11 and 12.01 on the Township Tax Map, approximately 8.94 acres situated at the northwest corner of Route 130/Old Cranbury Road intersection, is rezoned into the "NC" Neighborhood Commercial zoning district. A map of the subject portion of East Windsor Township also is attached at the end of this ordinance.

SECTION 2. Subsection 20-15.3, “Conditional Uses,” paragraph a. “houses of worship” is deleted.

SECTION 3. Subsection 20-15.4, “Bulk and Area Requirements,” “NC Neighborhood Commercial,” is amended as follows: See “Schedule of District Regulations” table of this Chapter.

Zoning District and Permitted Uses	Minimum Lot Area (Acres or Sq. Feet)	Minimum Dimensions in Feet									Maximum Allowed				
		Lot Width	Principal Bldg Yards				Acc’y Bldg Setbacks From				% Bldg. Covrg.	% Imprvmt. Covrg.	Bldg. Height in Feet	Bldg. Height Stories	Floor Area Ratio
			Front Yard	Side Yard	Both Side Yards	Rear Yard	Street Line	Side Line	Rear Line	Pri n. Bld g					

NC Nbrhood Commercial All Permitted Uses	<u>40,000</u>	125	60	10	20	30	75	10	10	10	<u>25</u>	<u>70</u>	30	NA	<u>.35</u>
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SECTION 4. Add a new Subsection 20-15.5, entitled “Other Requirements,” as follows:

20-15.5 Other Requirements.

- a. A minimum 15 foot landscaped strip shall be provided along any street.
- b. A minimum 25 foot landscaped buffer shall be provided along any property line which abuts a residential district or any existing residential use.
- c. Driveways shall not be wider than 25 feet at any point and must be at least 10 feet from any side lot line and 100 feet from intersecting street lines.
- d. All buildings shall have a dual pitched, single ridge roof (such as gable, hip, gambrel or mansard roof) with a minimum pitch of one foot (1’) vertical to eight feet (8’) horizontal, and no flat roof shall be permitted; provided, however, that where roof mounted equipment is necessary and/or preferable for the operation of the building, a faced roof treatment exhibiting the appearance of such a dual pitched, single ridge roof may be permitted if specifically approved by the Board as part of a submitted site plan application for development.

SECTION 3. Repealer. All ordinances or resolutions or parts thereof inconsistent with this ordinance are repealed to the extent of such inconsistency.

SECTION 4. 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.

SECTION 5. Effective Date. This Ordinance shall take effect upon final adoption, publication as required by law and filing with the Mercer County Planning Board, and as provided for by law.

Mr. Zoller requested clarification as to which properties are located in the NC Neighborhood Commercial zone. Mayor Mironov requested the Subject Map of the parcels be attached to the Ordinance, and the attached Zoning Map be revised with the proper revision date.

It was MOVED by Zoller, SECONDED by Russell to approve Ordinance 2022-03 on introduction, authorize publication as required by law, refer to the Planning Board for comment, and set a public hearing for February 22, 2022.

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

There being seven (7) ayes, and no (0) nays, Ordinance 2022-03 was approved on introduction, authorized publication as required by law, referred to the Planning Board for comment, and public hearing set for February 22, 2022.

6. Union Transportation Trail Extension Project – Status

Mayor Mironov asked the Township Manager to call Hopewell Valley Engineering as soon as possible to follow up on the timeline for the project.

7. “No Parking” on Probasco Road

Mayor Mironov and Council Members reviewed a memorandum on this matter from Chief Geary and indicated the 100 foot recommendation in the memo is without basis. Any possible improvements must be shared with the Twin Rivers Trust for the feedback before any action.

MATTERS BY PUBLIC:

Marc Platizky, 783 Twin Rivers Drive North, spoke in favor of the no parking initiative along Probasco Road.

ADJOURNMENT:

Next Meeting: February 8, 2022