

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, October 17, 2023

5:30 p.m.

MINUTES

CALL TO ORDER:

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 5:38 p.m. on Tuesday, October 17, 2023 at the East Windsor Municipal Building.

VERIFICATION:

Municipal Clerk Allison Quigley certified that the meeting was noticed on February 1, 2023 in the annual meeting notice. On October 13, 2023, 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 Anthony Katawick.

ROLL CALL:

Present were Council Members Denise Daniels, Anthony Katawick, Marc Lippman, David Russell, Johnnie Whittington, John Zoller and Mayor Janice S. Mironov. Also present were Township Attorney David Orron, Township Manager James Brady and Municipal Clerk Allison Quigley.

PRESENTATIONS & PROCLAMATIONS:

Domestic Violence Awareness Month – October 2023

Mayor Janice Mironov, joined by Womanspace Chief Operating Officer, Client and Community Services Susan Victor and Chief of Police Jason Hart, proclaimed October as Domestic Violence Awareness Month. Mayor Mironov and Township officials further kicked off East Windsor Township's participation in Womanspace December 4 "Communities of Light" encouraging residents and local groups to join in and support this event, geared to raise funds and awareness of domestic violence and services available to victims.

Reverend James Egan St. Paul's Lutheran Church, Retirement (October 15, 2023)

Mayor Mironov delivered a Mayoral Proclamation honoring Reverend Egan to his final sermon at St. Paul's Church this past Sunday.

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Antoniette Holder was interviewed and is interested in the Health Advisory Board or the Economic Development Committee. Prasad Tata was interviewed and is interested in the Health Advisory Board or the Planning Board. Richard Eland was interviewed and is interested in the Economic Development Committee, the Planning Board, or the Environmental Commission.

PUBLIC FORUM:

Ryan Ramola of Wickham Road spoke to oppose the development at 200 Milford Road due to the concerns regarding the impact on eagle habitats and wetlands in the area. Prasad Tata of Pierce Road spoke and was concerned about the number of vultures near his street. Mayor Mironov asked staff to connect with Mr. Tata and follow up.

MINUTES:

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

ORDINANCE – PUBLIC HEARING:

There were no Ordinances for Public Hearing.

Mayor Mironov asked Council Members if there was any objection to moving ahead to Resolution R2023-154, and there was none.

RESOLUTIONS:

Resolution R2023-154 Designating PVP Exit 8, LLC as Redeveloper and Authorizing the Execution of a Redevelopment Agreement for Block 22.02, Lots 2.02, 8.01 and 11.01, Pursuant to the Local Redevelopment and Housing Law. N.J.S.A. 40A:12A-1, et seq.

RESOLUTION R2023-154

RESOLUTION OF THE TOWNSHIP OF EAST WINDSOR, COUNTY OF MERCER, DESIGNATING PVP EXIT 8 URBAN RENEWAL, LLC AS REDEVELOPER AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT FOR 200 MILFORD ROAD (BLOCK 22.02, LOTS 2.02, 8.01 AND 11.01)

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 therein constitute areas in need of redevelopment; and

WHEREAS, the Township Council (“**Township Council**”) of the Township of East Windsor (“**Township**”) on August 17, 2021 adopted Resolution R2021-144 designating the area consisting of the parcels known as 200 Milford Road (Block 22.02, Lots 2.02, 8.01 and 11.01) on the Township’s tax map (the “**Redevelopment Area**”), as an area in need of redevelopment under the Redevelopment Law; and

WHEREAS, on August 15, 2022, the Township Council adopted Ordinance Number 2022-010, approving and adopting a redevelopment plan for the Redevelopment Area (the “**Redevelopment Plan**”); and

WHEREAS, PVP Exit 8 Urban Renewal, LLC (the “**Entity**”) proposes to redevelop the Redevelopment Area by constructing a project thereon consisting of an approximately 1,081,159 square foot warehouse and distribution facility, containing approximately 721,548 square feet of first story warehouse space, approximately 300,503 square feet of second story mezzanine space, approximately 59,108 square feet of second story office space, 773 parking stalls, 87 loading stalls, and 38 trailer stalls, together with certain on-site and off-site improvements in accordance with the requirements of the Redevelopment Plan (collectively, the “**Project**”) and the Entity desires to be designated by the Township as the “redeveloper” (as defined in the Redevelopment Law) for the Redevelopment Area; and

WHEREAS, the Township finds that the Entity's proposal is in the best interests of the Township; and

WHEREAS, in order to set forth the terms and conditions under which the Entity will undertake the redevelopment of the Redevelopment Area, the Township and the Entity desire to enter into a redevelopment agreement; and

WHEREAS, the Township Council now desires to (i) designate the Entity as the redeveloper of the Redevelopment Area and (ii) authorize the execution of a redevelopment agreement (the "**Redevelopment Agreement**") between the Township and the Entity in substantially the same form as that attached hereto as **Exhibit A**.

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:

Section 1. The foregoing recitals are hereby incorporated by reference as if fully repeated herein.

Section 2. The Mayor is hereby authorized to execute the Redevelopment Agreement in substantially the same form as that attached hereto as Exhibit A, subject to such minor additions, deletions, modifications or amendments deemed necessary by the Mayor in her discretion in consultation with counsel, which minor additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Redevelopment Agreement.

Section 3. Upon execution of the Redevelopment Agreement, and so long as the Redevelopment Agreement remains in full force and effect, the Entity is hereby designated as "redeveloper" (as defined in the Redevelopment Law) of the Redevelopment Area.

Section 4. This Resolution shall take effect immediately.

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

Mayor Mironov requested the Resolution be revised, as this is just approving the financial agreement, and the redeveloper must still go through the Planning Board for any development projects for the property. Mr. Zoller mentioned two typographical errors in the Resolution that need to be corrected.

It was MOVED by Lippman, SECONDED by Zoller, to approve Resolution R2023-154 with revisions.

ROLL CALL: Ayes – Daniels, Katawick, Lippman, Russell, Whittington, Zoller, Mironov
Nays – None

There being seven (7) ayes and no (0) nays, Resolution R2023-154 approved with revisions.

ORDINANCE – INTRODUCTION:

Ordinance No. 2023-12 An Ordinance of the Township of East Windsor, County of Mercer, Approving the Application and Financial Agreement for Tax Exemption in Connection with the Redevelopment of 200 Milford Road (Block 22.02, Lots 2.02, 8.01 and 11.01)

**ORDINANCE NO. 2023-12
TOWNSHIP OF EAST WINDSOR**

COUNTY OF MERCER

**AN ORDINANCE OF THE TOWNSHIP OF EAST WINDSOR, COUNTY OF MERCER,
APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR TAX EXEMPTION
IN CONNECTION WITH THE REDEVELOPMENT OF 200 MILFORD ROAD (BLOCK 22.02,
LOTS 2.02, 8.01 AND 11.01)**

WHEREAS, pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), the Township Council (“**Township Council**”) of the Township of East Windsor (“**Township**”) adopted Resolution R2021-144 on August 17, 2021 designating the area consisting of the parcels known as Block 22.02, Lots 2.02, 8.01 and 11.01 on the Township’s tax map (the “**Redevelopment Area**”), as an area in need of redevelopment under the Redevelopment Law; and

WHEREAS, on August 15, 2022, the Township Council adopted Ordinance Number 2022-010, approving and adopting a redevelopment plan for the Redevelopment Area (the “**Redevelopment Plan**”); and

WHEREAS, the Township Council adopted Resolution R2023-154 on October 17, 2023 (i) designating PVP Exit 8 Urban Renewal, LLC (the “**Entity**”) as the redeveloper of the Redevelopment Area and (ii) authorizing the execution of a redevelopment agreement (the “**Redevelopment Agreement**”) with the Entity; and

WHEREAS, pursuant to the Redevelopment Agreement, the Entity will redevelop the Redevelopment Area by constructing a project thereon consisting of an approximately 1,081,159 square foot warehouse and distribution facility, containing approximately 721,548 square feet of first story warehouse space, approximately 300,503 square feet of second story mezzanine space, approximately 59,108 square feet of second story office space, 773 parking stalls, 87 loading stalls, and 38 trailer stalls, together with certain on-site and off-site improvements in accordance with the requirements of the Redevelopment Plan (collectively, the “**Project**”); and

WHEREAS, the Entity submitted to the Township an application (the “**Application**”) for tax exemption in connection with the Project, which application is on file with the Township Clerk, requesting an exemption from taxes for the improvements constituting the Project pursuant to the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the “**Long Term Tax Exemption Law**”); and

WHEREAS, the Application includes a proposed form of financial agreement (the “**Financial Agreement**”); and

WHEREAS, the Mayor submitted the Application and Financial Agreement to the Township Council with her recommendation for approval, a copy of which recommendation is on file with the Township Clerk; and

WHEREAS, the Township Council has determined that the Project represents an undertaking permitted by the Long Term Tax Exemption Law.

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

Section 1. The foregoing recitals are hereby incorporated by reference as if fully repeated herein.

Section 2. The Application and Financial Agreement are hereby approved.

Section 3. The Mayor is hereby authorized to execute the Financial Agreement in substantially the same form as that attached hereto as **Exhibit A**, subject to such minor additions, deletions, modifications or amendments deemed necessary by the Mayor in her discretion in consultation with counsel, which minor additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto, and to take all other necessary and appropriate action to effectuate the Financial Agreement.

Section 4. This Resolution shall take effect in accordance with applicable law.

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

Mayor Mironov asked the Clerk to revise the Ordinance to include the Council Resolutions and adoption dates in paragraphs one and three.

It was MOVED by Zoller, SECONDED by Lippman, to approve Ordinance 2023-12 with revisions on introduction, authorize publication as required by law, and set Public Hearing for November 21, 2023.

ROLL CALL: Ayes – Daniels, Katawick, Lippman, Russell, Whittington, Zoller, Mironov
Nays – None

There being seven (7) ayes and no (0) nays, Ordinance 2023-12 was approved with revisions on introduction, publication authorized as required by law, and Public Hearing set for November 21, 2023.

RESOLUTIONS:

Resolution R2023-083 Approval of Award of Contract for Disposal of Leaves with Mendies Farm

**RESOLUTION R2023-083
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need for a site for leaf disposal for 2023; and

WHEREAS, a Notice to Bidders was issued and posted/advertised on April 24, 2023 and two bids were received for the disposal of leaves by the Municipal Clerk's Office on May 23, 2023; and

WHEREAS, the lowest bid received was from Mendies Farm LLC, at \$3.50 per cubic yard; and

WHEREAS, the Township Council has reviewed the recommendation of the Director of Public Works on the bids; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are available in the Garbage District Budget, Account No. 3-30-32-305-300-237, entitled "Disposal Fees," for the disposal of up to 12,500 cubic yards of leaves at \$3.50 per cubic yard, in a total contract amount not to exceed \$43,750.00, pending adoption of the 2023 Garbage District Budget, as evidenced by the Chief Financial Officer's Certification No. G2023-002.

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 contract for the disposal of leaves collected by East Windsor Township is awarded to Mendies Farm LLC, 65 North Rochdale Avenue, Roosevelt, New Jersey 08555, for the disposal of up to 12,500 cubic yards of leaves at \$3.50 per cubic yard, for a total contract amount not to exceed \$43,750.00.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the contract.

Mayor Mironov stated the Public Works Director's memo says this contract was done by the Fair and Open process, but it was done by bid, so the memo should be corrected for the record. She asked what

happened to previous process to dispose of leaves for free at local farms, and why did Mendies' prices drop then go back up in previous years?

It was MOVED by Zoller, SECONDED by Russell to approve Resolution R2023-083.

ROLL CALL: Ayes – Daniels, Katawick, Lippman, Russell, Whittington, Zoller, Mironov
Nays – None

There being seven (7) ayes and no (0) nays, Resolution R2023-083 approved.

Resolution R2023-155 Authorizing Purchase of Uniforms from Professional Service wear for the Department of Public Works

**RESOLUTION R2023-155
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need to purchase uniforms for the Public Works Department; and

WHEREAS, quotes were solicited from three vendors and three price quotes were received to provide uniforms for the Department of Public Works; and

WHEREAS, the lowest cost proposal was submitted by Professional Servicewear, Inc.; 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 Director of Public Work's recommendation on this purchase; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are available in Current and Garbage Fund Accounts in the following 2023-line-item appropriation accounts:

2-01-26-290-401-204 Uniforms and Clothing \$4,464.00; 2-01-26-315-403-204 Uniforms and Clothing \$1,476.00; 2-01-26-300-405-204 Uniforms and Clothing \$350.00; 2-01-26-310-409-204 Uniforms and Clothing \$1,476.00; 2-01-28-375-412-204 Uniforms and Clothing \$2,232.00; and 2-30-26-305-150-204 Uniforms and Clothing \$7,452.00, for a total not to exceed \$17,450.00, as evidenced by the Chief Financial Officer's Certification No. B2023-029.

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 Professional Servicewear, Inc., 3800 Quakerbridge Road, Hamilton, NJ 08619, for the purchase of uniforms for the Public Works Department, in an amount not to exceed \$17,450 .00, all in accordance with the attached quote.

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

Mayor Mironov asked that the Resolution and the financial certification should both be revised to read clearly what is be awarded.

It was MOVED by Russell, SECONDED by Katawick to approve Resolution R2023-155 with revisions.

ROLL CALL: Ayes – Daniels, Katawick, Lippman, Russell, Whittington, Zoller, Mironov
Nays – None

There being seven (7) ayes and no (0) nays, Resolution R2023-155 was approved with revisions.

Resolution R2023-156 Approval of Grant Agreement (Project No. 22-33-360 for \$46,870) with Delaware Valley Regional Planning Commission for Union Transportation Trail Extension Project – Additional Work

**RESOLUTION R2023-156
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 \$46,870 grant to East Windsor Township with funding from the William Penn Foundation for “Project No. 22-33-360 Union Transportation Trail Extension – Additional Work”.

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 for \$46,870 with the Delaware Valley Regional Planning Commission for funding from the William Penn Foundation “Project No. 22-33-360 Union Transportation Trail Extension – Additional Work” 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.

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

Mayor Mironov asked that the Resolution be revised to include the grant agreement amount in the fourth paragraph. She stated the grant agreement was signed electronically by the Clerk and herself, and was sent back to the Delaware Valley Regional Planning Commission for execution.

It was MOVED by Russell, SECONDED by Katawick to approve Resolution R2023-156 with revisions.

ROLL CALL: Ayes – Daniels, Katawick, Lippman, Russell, Whittington, Zoller, Mironov
Nays – None

There being seven (7) ayes and no (0) nays, Resolution R2023-156 was approved with revisions.

Resolution R2023-157 Action on Award of Contract for Township Independence Day Fireworks

**RESOLUTION R2023-157
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a desire to award a contract for the Independence Day fireworks display scheduled on Saturday, July 6, 2024 with a rain date scheduled for Saturday, July 13, 2024, to be held at Etra Lake Park in the Township of East Windsor; and

WHEREAS, five quotes were solicited and three written quotes were obtained to provide this service; and

WHEREAS, the most responsive cost proposal was submitted by D&M Fireworks; 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 \$16,500.00 and funds are available in the Recreation Trust Account No. R-14-19-370-800-000 entitled "Recreation Events", as evidenced by the Chief Financial Officer's Certification No. T2023-02.

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: D&M Fireworks, PO Box 503, Bally, PA 19503, for the Independence Day fireworks display scheduled for Saturday, July 6, 2024, with a rain date scheduled for Saturday, July 13, 2024, in an amount not to exceed \$16,500.00.
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.

It was MOVED by Lippman, SECONDED by Whittington to approve Resolution R2023-157.

ROLL CALL: Ayes – Daniels, Katawick, Lippman, Russell, Whittington, Zoller, Mironov
Nays – None

There being seven (7) ayes and no (0) nays, Resolution R2023-157 was approved.

Resolution R2023-158 Approval of Certified List of Volunteer Members for Length of Service Award Program (LOSAP)

**RESOLUTION R2023-158
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, a Length of Service Award Program (LOSAP) for volunteer members serving East Windsor Volunteer Fire Company No. 1, East Windsor Volunteer Fire Company No. 2, East Windsor Rescue Squad District 1 and East Windsor Rescue Squad District 2, was authorized by referendum of East Windsor Township voters on November 7, 2000 creating a Length of Service Award Program in accordance with Chapter 388 of the Laws of 1997; and

WHEREAS, pursuant to N.J.S.A. 40A:14-191, emergency service organizations participating in a LOSAP shall annually certify to the sponsoring agency a list of all volunteer members who have qualified for credit under the LOSAP program for the previous year; and

WHEREAS, upon receipt of the certified list from the emergency service organizations, the sponsoring agency shall review the list and upon finding that the list is accurate, approval shall be made by resolution of the governing body; and

WHEREAS, the Manager has reviewed the attached certified lists of qualified volunteer members submitted by East Windsor Volunteer Fire Company No. 1, East Windsor Volunteer Fire Company No. 2, East Windsor Rescue Squad District 1 and East Windsor Rescue Squad District 2 and recommends approval by the Township Council.

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 Township Council hereby approve the certified lists of volunteer members who have qualified for credit under the Length of Service Award Program (LOSAP) program for 2022, prepared by and submitted on behalf of East Windsor Volunteer Fire Company No. 1, East Windsor Volunteer Fire Company No. 2, East Windsor Rescue Squad District 1 and East Windsor Rescue Squad District 2, copies of which are attached hereto and made part of this Resolution.
2. The Municipal Clerk, East Windsor Volunteer Fire Company No. 1, East Windsor Volunteer Fire Company No. 2, East Windsor Rescue Squad District 1 and East Windsor Rescue Squad District 2 are hereby directed to post these certified lists for a period of 30 days as required by the governing State statutes.

It was **MOVED** by Daniels, **SECONDED** by Whittington to approve Resolution R2023-158.

ROLL CALL: Ayes – Daniels, Katawick, Lippman, Russell, Whittington, Zoller, Mironov
Nays – None

There being seven (7) ayes and no (0) nays, Resolution R2023-158 was approved.

Resolution R2023-159 Authorizing Repair of 2016 Volvo, 32 Cubic Yard Garbage Truck S-10 with Erb's Garage for Public Works Department

Mayor Mironov stated that there needs to be a further review. The Resolution was held to a future Council meeting.

Resolution R2023-160 Approval of Developers Agreement with Hovione, LLC for 89 Twin Rivers Drive (Block 20.06, Lots 5 and 6)

RESOLUTION R2023-160
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, Hovione, LLC the owners of property located at 89 Twin Rivers Drive, East Windsor, New Jersey, Block 20.06, Lots 5 and 6, as shown on the official tax map of the Township of East Windsor, received Preliminary and Final Major Site Plan Approval with Design Waivers from the Planning Board on August 7, 2023, bearing application No. PB22-003, to renovate the existing one-story building by constructing a partial second floor and third floor in the north east quadrant of the structure and slab on grade replacements of the existing building to be used as a pharmaceutical manufacturing facility; and

WHEREAS, the developer is required to enter into a Developer's Agreement, pursuant to Planning Board Resolution 2023-15.

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 Developer's Agreement with Hovione, LLC is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized to execute the Developer's Agreement with Hovione, LLC, in the attached form.
3. The Mayor, Township Attorney, Township Engineer, Finance Director, Construction Official and other Township Representatives are authorized to take any and all action necessary to carry out the terms and conditions of the Agreement.
4. A certified copy of this Resolution shall be forwarded to the Township Attorney, Engineer, Finance Director, Construction Official, and Hovione, LLC.

It was MOVED by Zoller, SECONDED by Lippman to approve Resolution R2023-160.

ROLL CALL: Ayes – Daniels, Katawick, Lippman, Russell, Whittington, Zoller, Mironov
Nays – None

There being seven (7) ayes and no (0) nays, Resolution R2023-160 was approved.

Resolution R2023-161 Approval of Developers Agreement with East Windsor Construction, LLC
for 417 Route 130 (Block 56, Lot 25)

**RESOLUTION R2023-161
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, East Windsor Construction, LLC the owners of property located at 417 Route 130, East Windsor, New Jersey, Block 56, Lot 25, as shown on the official tax map of the Township of East Windsor, received Preliminary and Final Major Site Plan Approval with Bulk Variances and Design Waivers from the Planning Board on January 23, 2023, bearing application No. PB23-010, to renovate the former real estate brokerage building to a bank, with a 1,000 square foot two-story addition to house an elevator and staircase and 400 square feet of new office space on the second floor; and

WHEREAS, the developer is required to enter into a Developer's Agreement, pursuant to Planning Board Resolution 2023-10.

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 Developer's Agreement with East Windsor Construction, LLC is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized to execute the Developer's Agreement with East Windsor Construction, LLC, in the attached form.
3. The Mayor, Township Attorney, Township Engineer, Finance Director, Construction Official and other Township Representatives are authorized to take any and all action necessary to carry out the terms and conditions of the Agreement.
4. A certified copy of this Resolution shall be forwarded to the Township Attorney, Engineer, Finance Director, Construction Official, and East Windsor Construction, LLC.

It was MOVED by Daniels, SECONDED by Katawick to approve Resolution R2023-161.

ROLL CALL: Ayes – Daniels, Katawick, Lippman, Russell, Whittington, Zoller, Mironov
Nays – None

There being seven (7) ayes and no (0) nays, Resolution R2023-161 was approved.

APPLICATIONS:

Raffle License RL2023-007 Hightstown Elks Lodge #1955 – February 2, 2024 through April 19, 2024 – Calendar Raffle

It was MOVED by Whittington, SECONDED by Russell to approve Raffle License RL2023-007.

ROLL CALL: Ayes – Daniels, Katawick, Russell, Whittington, Zoller, Mironov
Nays – None
Abstentions – Lippman

There being six (6) ayes, no (0) nays, and one (1) abstention, Raffle License RL2023-007 was approved.

REPORTS BY COUNCIL AND STAFF:

Mr. Zoller stated the Green Team met on October 11 and discussed Sustainable Jersey actions and recertification progress. The first submission to Sustainable Jersey is due February 25.

Mr. Russell stated the Economic Development Committee met On October 5 and would be looking to host a restaurant week event and present the annual business awards soon.

Mr. Whittington stated the Recreation Commission met on October 12, and would be hosting a Halloween event on October 21. Registration and additional details are on the Township website.

CORRESPONDENCE:

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

APPOINTMENTS:

Mayor Mironov appointed Michele Bazin as an Auxiliary Member of the Economic Development Committee.

APPROVAL OF BILLS:

Mayor Mironov stated a 2023 Current Bill list and other miscellaneous bill lists and trust accounts were provided.

On the Current 2023 Bill list, pages 10 and 11 – Mayor Mironov requested to hold the four invoices totaling \$10,000 to S&G Heating, and requested more information as to what these invoices are for. She also requested an update on the Senior Center air conditioning project, including the total project amount, any payments made so far, the balance remaining, and an update on the status of the project.

It was MOVED by Russell, SECONDED by Zoller to approve the various Bill lists with the requested holds.

ROLL CALL: Ayes – Daniels, Katawick, Lippman, Russell, Whittington, Zoller, Mironov
Nays – None

There being seven (7) ayes and no (0) nays, the various Bill lists were approved with the requested holds.

MATTERS BY COUNCIL:

Mayor Mironov stated the following correspondence was received: a notice from the East Windsor Municipal Utilities Authority regarding upcoming hydrant flushing; a copy of the flyer for the Flu Clinic on October 26 at the Senior Center; a copy of the flyer for the Operation Medicine Cabinet event on October 28; a report of monthly disbursements for August from the Municipal Court; a memo from the Township Manager dated September 27 regarding payment #1 to Seacoast Construction for the Stockton Street project; a memo from the Chief of Police dated September 28 regarding the capital purchase of mobile data terminals; a letter from the New Jersey Department of Environmental Protection dated October 5 regarding the approval of the Township's Stormwater Assistance Grant application for \$25,000, and a letter from the Twin Rivers Trust regarding township roads.

Mayor Mironov asked for a status on the bond release request by Windsor Castle Apartments. She asked for an update on the Brooktree Road project. She asked Finance what the opioid settlement funds could be used for.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. 2023 Best Practices Inventory

Mayor and Council reviewed the draft Best Practices Inventory from the Finance Director. For question number seven, the current budget amount for snow removal emergency costs can be used to set up a reserve account. Mayor Mironov asked this item be listed on the next agenda.

2. New Jersey Unclaimed Property Progress/Status

The Assistant Township Manager is continuing to follow up with the State on the receipt of any funds due to the Township.

3. Mercer County ARP (American Rescue Plan) Allocation Funds Status

The Township Manager is preparing revised information on this subject.

4. Mercer at Play Project Grant Status

Mayor Mironov stated that the \$450,000 grant funds has not been received yet, and staff should follow up with a letter requesting the current status.

5. New Jersey Department of Health Grant Funds – Expenditures and Use

Resolution R2023-XXX Chapter 159 – Amending the 2023 Municipal Operating Budget
Providing an Item of Revenue and Appropriation for 2023/2024
New Jersey Department of Health Strengthening Local Public
Health Capacity Program

The Township Manager is working on an updated memo on this subject. Mayor and Council asked for information on how the grant funds can be utilized in the budget, and information on what is happening with the other grant funds. Mayor Mironov asked this item be listed on the next agenda.

6. Community Grants, Planning and Housing Planning Agreement for Housing Rehabilitation
Community Development Block Grant Program

Mayor Mironov asked staff to review the agreement and list this item on the next agenda.

7. Airport Road Connector Bikeway

Resolution R2023-153 Action on Award of Contract for Professional Engineering Services
for Airport Road Connector Bikeway Concept and Preliminary
Engineering

Mayor Mironov asked for this item to be held to the next Council meeting, and asked staff to identify all project steps and associated costs, and any possible alignment modifications that may lower the overall project cost.

8. Township Park and Recreation Improvements

a. Anker Park

- i. New Playground Equipment Installation Status
- ii. Walking Pathway Restoration Status
- iii. Rubber Play Surface

Resolution R2023-XXX Action on Purchase of Play Surface for Anker
Park.

Mayor Mironov asked for this item to be held to the next Council meeting, and requested additional information as to how the play surface would be installed, are certain colors better for longevity, can this

be installed in the winter, and could staff speak with other towns who have used this type of play surface for their feedback.

b. Senior Center Outdoor Recreation/Amenities

Mayor Mironov asked staff to determine what projects the Township might want to pursue, including possible processes and pricing. Staff identify a potential location for an outdoor pavilion at the Senior Center and look at other senior communities in the area with amenities for inspiration.

MATTERS BY PUBLIC:

No one from the public spoke.

ADJOURNMENT:

Next Meeting: November 8, 2023

Allison Quigley
Municipal Clerk

Janice S. Mironov
Mayor