

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, April 25, 2023

5:30 p.m.

CALL TO ORDER:

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 5:30 pm on Tuesday April 25, 2023.

VERIFICATION:

Municipal Clerk Allison Quigley certified that the meeting was noticed on February 1, 2023, in the annual meeting notice. On April 21, 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 Marc Platizky.

ROLL CALL:

Present were Council Members David Russell, Peter Yeager, John Zoller and Mayor Janice S. Mironov. Not present were Council Members Denise Daniels, Marc Lippman and Alan Rosenberg. Also present were Township Attorney David Orron, Township Manager James Brady and Municipal Clerk Allison Quigley.

PRESENTATIONS & PROCLAMATIONS:

Earth Day – (April 22, 2023)

6:30 pm – RECYCLING POSTER CONTEST AWARDS

National Volunteer Week (April 19 – 25, 2023)

Sylvia Weiss Award to Marc Platizky & Sydelle Norris

Mayor Janice S. Mironov recognized the 2022/2023 “Sylvia Weiss Senior Citizen Award for Outstanding Service as a Volunteer” recipients Sydelle Norris and Marc Platizky. The awardees were also formally recognized at a ceremony held at the Senior Center on April 24.

INTERVIEWS FOR BOARDS AND COMMISSIONS:

There were no interviews for boards and commissions.

PUBLIC FORUM:

No one from the public spoke.

MINUTES:

June 8, 2021

It was MOVED by Zoller, SECONDED by Yeager to approve the June 8, 2021 minutes.

ROLL CALL: Ayes- Zoller, Yeager, Mironov
Nays- None
Abstain- Russell

There being three (3) ayes, (0) no nays and one (1) abstention, the June 8, 2021 minutes were approved.

The remaining minutes were rescheduled to the next Council meeting.

ORDINANCE – PUBLIC HEARING:

Ordinance No. 2023-03 An Ordinance to Exceed the Municipal Budget Appropriation Limits to Establish a Cap Bank

**TOWNSHIP OF EAST WINDSOR
MERCER COUNTY, NEW JERSEY
ORDINANCE NO. 2023-03
AN ORDINANCE TO EXCEED THE MUNICIPAL
BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Council of the Township of East Windsor in the County of Mercer finds it advisable to permit an increase of its CY 2023 budget by up to 3.5%, if necessary, over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Council hereby determines that an increase of up to 1 % increase in the budget for said year, amounting to \$182,765.17 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final CY 2023 budget shall be retained as an exception to final appropriations in either of the next two succeeding years.

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

1. In the CY 2023 budget year, the final appropriations of the Township of East Windsor shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$657,178.10 and that the CY 2023 municipal budget for the Township of East Windsor be approved and adopted in accordance with this ordinance; and,
2. Any amount authorized herein that is not appropriated as part of the final CY 2023 budget shall be retained as an exception to final appropriations in either of the next two succeeding years.
3. A certified copy of this ordinance as introduced shall be filed with the Director of the Division of Local Government Services within 5 days of introduction.
4. A certified copy of this ordinance upon adoption, with the recorded vote included thereon, shall be filed with said Director within 5 days after such adoption.

**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 twenty (20) days after the final passage and publication as required by law.

Mayor Mironov stated the Ordinance was introduced at the April 4, 2023 meeting and the Public Hearing was set for tonight. Mayor Mironov declared the public hearing open on Ordinance 2023-03. With no comment from the public being made, Mayor Mironov declared the public hearing closed.

It was MOVED by Russell, SECONDED by Zoller to adopt Ordinance 2023-03 and authorize publication as required by law.

ROLL CALL: Ayes – Russell, Yeager, Zoller, Mironov

Nays – None

There being four (4) ayes and no (0) nays, Ordinance 2023-03 was adopted and publication authorized as required by law.

ORDINANCE – INTRODUCTION:

Ordinance No. 2023-04 An Ordinance to Authorize Execution of Contract and Acceptance of Deed for Donation of 139 Woods Road (Block 44, Lot 1) from The William Bryce Thompson Foundation, Inc.

**ORDINANCE NO. 2023-04
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

**AN ORDINANCE TO AUTHORIZE EXECUTION OF CONTRACT AND
ACCEPTANCE OF DEED FOR DONATION OF 139 WOODS ROAD (BLOCK 44,
LOT 1) FROM THE WILLIAM BRYCE THOMPSON FOUNDATION, INC.**

WHEREAS, the William Bryce Thompson Foundation, Inc. is the owner of lands located at 139 Woods Road and designated on the East Windsor Township Tax Maps as Block 44, Lot 1, consisting of approximately 6.66 acres; and

WHEREAS, the owner has agreed to donate the above-described real property to the Township, at no cost to the Township, in accordance with the attached Contract for Sale of Real Estate; and

WHEREAS, The Township Council has determined that it is the best interest of the Township to accept the donation of the above-described real property;

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

I

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Contract for Sale of Real Estate with the William Bryce Thompson Foundation, Inc., in the amount of \$1.00, for 139 Woods Road, designated on the East Windsor Township Tax Maps as Block 44, Lot 1, consisting of approximately 6.66 acres.
2. The Township Manager, Municipal Clerk and Township Attorney are hereby authorized and directed to take all necessary action to carry out the attached Contracts for Sale of Real Estate and to accept and record a deed for the subject property.

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 the Township Attorney had provided a memo with the signed contracts for all three properties that are being donated. She requested the signed contract be attached to the Ordinance.

It was **MOVED** by Yeager, **SECOND** by Zoller to approve Ordinance 2023-04 on introduction, authorize publication as required by law and set a public hearing for May 23, 2023.

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

There being four (4) ayes and no (0) nays, Ordinance 2023-04 was approved on introduction, authorized publication as required by law and set a public hearing for May 23.

Ordinance No. 2023-05 An Ordinance to Authorize Execution of Contract and Acceptance of Deed for Donation of 140 Woods Road (Block 46, Lot 26.03) from The Estate of John G. Thompson, et als

**ORDINANCE NO. 2023-05
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

**AN ORDINANCE TO AUTHORIZE EXECUTION OF CONTRACT AND
ACCEPTANCE OF DEED FOR DONATION OF 140 WOODS ROAD (BLOCK 46,
LOT 26.03) FROM THE ESTATE OF JOHN G. THOMPSON, ET ALS**

WHEREAS, the Estate of John G. Thompson is the owner of lands located at 140 Woods Road and designated on the East Windsor Township Tax Maps as Block 46, Lot 26.03, consisting of approximately 7.10 acres; and

WHEREAS, the owner has agreed to donate the above-described real property to the Township, at no cost to the Township, in accordance with the attached Contract for Sale of Real Estate; and

WHEREAS, The Township Council has determined that it is the best interest of the Township to accept the donation of the above-described real property;

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

I

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Contract for Sale of Real Estate with the Estate of John G. Thompson, the Estate of Bryce W. Thompson, IV and the William Bryce Thompson Foundation, Inc., in the amount of \$1.00, for 140 Woods Road, designated on the East Windsor Township Tax Maps as Block 46, Lot 26.03, consisting of approximately 7.10 acres.
2. The Township Manager, Municipal Clerk and Township Attorney are hereby authorized and directed to take all necessary action to carry out the attached Contracts for Sale of Real Estate and to accept and record a deed for the subject property.

**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 requested the signed contract be attached to the Ordinance.

It was MOVED by Zoller, SECOND by Russell to approve Ordinance 2023-05 on introduction, authorize publication as required by law and set a public hearing for May 23, 2023.

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

There being four (4) ayes and no (0) nays, Ordinance 2023-05 was approved on introduction, authorized publication as required by law and set a public hearing for May 23.

Ordinance No. 2023-06 An Ordinance to Authorize Execution of Contract and Acceptance of Deed for Donation of 699 Route 33 West (Block 50.03, Lot 17) from Princeton Research Lands, LLC

**ORDINANCE NO. 2023-06
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

**AN ORDINANCE TO AUTHORIZE EXECUTION OF CONTRACT AND
ACCEPTANCE OF DEED FOR DONATION OF 699 ROUTE 33 WEST (BLOCK
50.03, LOT 17) FROM PRINCETON RESEARCH LANDS, LLC**

WHEREAS, Princeton Research Lands, LLC is the owner of lands located at 699 Route 33 West and designated on the East Windsor Township Tax Maps as Block 50.03, Lot 17, consisting of approximately 7.80 acres; and

WHEREAS, the owner has agreed to donate the above-described real property to the Township, at no cost to the Township, in accordance with the attached Contract for Sale of Real Estate; and

WHEREAS, The Township Council has determined that it is the best interest of the Township to accept the donation of the above-described real property;

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

I

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Contract for Sale of Real Estate with Princeton Research Lands, LLC, in the amount of \$1.00, for 699 Route 33 West, designated on the East Windsor Township Tax Maps as Block 50.03, Lot 17, consisting of approximately 7.80 acres.
2. The Township Manager, Municipal Clerk and Township Attorney are hereby authorized and directed to take all necessary action to carry out the attached Contracts for Sale of Real Estate and to accept and record a deed for the subject property.

**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 requested the signed contract be attached to the Ordinance.

It was MOVED by Russell, SECOND by Yeager to approve Ordinance 2023-06 on introduction, authorize publication as required by law and set a public hearing for May 23, 2023.

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

There being four (4) ayes and no (0) nays, Ordinance 2023-06 was approved on introduction, authorized publication as required by law and set a public hearing for May 23.

Ordinance No. 2023-07 An Ordinance Authorizing the Execution of License Agreement with Jersey Central Power & Light to Permit the Township to Construct, Operate and Maintain the Union Transportation Trail on Properties Known as Block 42, Lot 12, Block 44, Lot 5, Block 46, Lot 21 And Block 50.03, Lot 19 in the Township of East Windsor, New Jersey

**ORDINANCE NO. 2023-07
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF LICENSE AGREEMENT WITH
JERSEY CENTRAL POWER & LIGHT TO PERMIT THE TOWNSHIP TO CONSTRUCT,
OPERATE AND MAINTAIN THE UNION TRANSPORTATION TRAIL ON PROPERTIES
KNOWN AS BLOCK 42, LOT 12, BLOCK 44,
LOT 5, BLOCK 46, LOT 21 AND BLOCK 50.03, LOT 19
IN THE TOWNSHIP OF EAST WINDSOR, NEW JERSEY**

WHEREAS, Jersey Central Power & Light Company (“the Licensor”) owns real properties between Old York Road and Airport Road, which parcels are designated on the East Windsor Township Tax Maps as Block 42, Lot 12, Block 44, Lot 5, Block 46, Lot 21 and Block 50.03, Lot 19 (the “JCP&L Property”); and

WHEREAS, the Township desires to construct, operate, and maintain a 3.2 mile extension of the existing Union Transportation Trail through the JCP&L Property, to be used as a public hiking and biking trail (“the UTT Extension”); and

WHEREAS, the JCP&L Property is an ideal and preferred location for the UTT Extension; and

WHEREAS, JCP&L has agreed to grant the Township a license to permit the Township to construct, operate and maintain the UTT Extension, as set forth in the attached License Agreement; and

WHEREAS, the Township has determined that it is in the best interest of East Windsor Township that the attached License Agreement be executed.

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

SECTION 1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached License Agreement for the Township’s construction, maintenance and operation of the UTT Extension through the JCP&L Property in the form attached hereto.

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

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

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

It was MOVED by Zoller, SECOND by Yeager to approve Ordinance 2023-07 on introduction, authorize publication as required by law and set a public hearing for May 23, 2023.

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

There being four (4) ayes and no (0) nays, Ordinance 2023-07 was approved on introduction, authorized publication as required by law and set a public hearing for May 23.

Ordinance No. 2023-08 An Ordinance Authorizing the Execution of an Agreement to Cross the Union Transportation Trail with David and Robin Meirs

**ORDINANCE NO. 2023-08
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH DAVID MEIRS AND ROBIN MEIRS DBA CONCORD STUD FARM TO PERMIT THEM TO CROSS THE UNION TRANSPORTATION TRAIL

WHEREAS, Jersey Central Power & Light Company (“JCP&L”) owns real property between Old York Road and Airport Road, which parcels are designated on the East Windsor Township Tax Maps as Block 42, Lot 12, Block 44, Lot 5, Block 46, Lot 21 and Block 50.03, Lot 19 (“the JCP&L Property”); and

WHEREAS, East Windsor Township and Jersey Central Light & Power are parties to a license agreement, under which the Township is constructing and will maintain a public recreation trail, commonly known as the Union Transportation Trail (“the UTT”), through and along the entire length of the JCP&L Property; and

WHEREAS, David Meirs and Robin Meirs, dba Concord Stud Farm, own real properties adjacent to the JCP&L Property, which parcels are designated on the East Windsor Township Tax Maps as Block 42, Lots 10.02 and 14.01 (“the Meirs Properties”), and which are bisected by the JCP&L Property and the UTT; and

WHEREAS, Concord Stud Farm desires the ability to cross the UTT between the Meirs Properties in connection with their farming operations and has agreed to the permit and restrictions set forth in the attached Permit to Cross Union Transportation Trail; and

WHEREAS, the Township has determined that it is in the best interest of all parties to enter into the attached Permit to Cross Union Transportation Trail agreement with Concord Stud Farm.

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

SECTION 1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Permit to Cross Union Transportation Trail agreement with David Meirs and Robin Meirs, dba Concord Stud Farm, in the form attached hereto.

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

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

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

Mayor Mironov stated the last page of the attachment did not need to be attached to the Ordinance and should be removed.

It was MOVED by Yeager, SECOND by Russell to approve Ordinance 2023-08 on introduction, authorize publication as required by law and set a public hearing for May 23, 2023.

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

There being four (4) ayes and no (0) nays, Ordinance 2023-08 was approved on introduction, authorized publication as required by law and set a public hearing for May 23.

RESOLUTIONS:

Mayor Mironov stated Resolution R2023-059, Resolution R2023-090 and Resolution R2023-061 would be voted on as a block.

Resolution R2023-059 Approval of Agreement with Georgetown Condominium Association for Reimbursement for Private Community Services for 2022

RESOLUTION R2023-059

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Georgetown Condominium Association wish to enter into an Agreement for private community services for the year 2022 in the amount of \$5,167.34 pursuant to N.J.S.A. 40:67-23.2 et seq.; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in the Current Fund Account No. 3-01-26-325-802-253 entitled "Condo Services", in the amount of \$5,167.34, as per the 2023 temporary budget and pending adoption of the 2023 Municipal Budget, as evidenced by the Chief Financial Officer's Certification No. B2023-013.

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

1. The attached Agreement with Georgetown Condominium Association for the year 2022 in the amount of \$5,167.34 is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

Resolution R2023-060 Approval of Agreement with Stonegate Homeowners Association for Reimbursement for Private Community Services for 2022

RESOLUTION R2023-060

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Stonegate Homeowners Association wish to enter into an Agreement for private community services for the year 2022 in the amount of \$2,511.19 pursuant to N.J.S.A. 40:67-23.2 et seq.; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in the Current Fund Account No. 3-01-26-325-802-253 entitled "Condo Services", in the amount of \$2,511.19, as per the 2023 temporary budget and pending adoption of the 2023 Municipal Budget, as evidenced by the Chief Financial Officer's Certification No. B2023-014.

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

1. The attached Agreement with Stonegate Homeowners Association for the year 2022 in the amount of \$2,511.19 is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

Resolution R2023-061 Approval of Agreement with Windsor Mill Condominium Association for Reimbursement for Private Community Services for 2022

RESOLUTION R2023-061

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Windsor Mill Condominium Association wish to enter into an Agreement for private community services for the year 2022 in the amount of \$12,297.47 pursuant to N.J.S.A. 40:67-23.2 et seq.; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in the Current Fund Account No. 3-01-26-325-802-253 entitled "Condo Services", in the amount of \$12,297.47, as per the 2023 temporary budget and pending adoption of the 2023 Municipal Budget, as evidenced by the Chief Financial Officer's Certification No. B2023-015.

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

1. The attached Agreement with Windsor Mill Condominium Association for the year 2022 in the amount of \$12,297.47 is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

It was MOVED by Yeager, SECOND by Russell to approve Resolution R2023-059, Resolution R2023-060 and Resolution R2023-061.

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

There being four (4) ayes and no (0) nays, Resolution R2023-059, Resolution R2023-060 and Resolution R2023-061 were approved.

Resolution R2023-062 Approving Certification to Comply with Requirements of N.J.A.C. 7:26A-11 for the Filing of 2022 Recycling Tonnage Grant Application and Expenditure Report

**RESOLUTION R2023-062
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of East Windsor Township to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling requirements; and

WHEREAS, such a resolution should designate the individual authorized to ensure the certification to comply with requirements in N.J.A.C. 7:26A-11 is properly completed and timely filed.

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 hereby endorses the submission of the 2022 recycling tonnage grant certification to comply with the requirements in N.J.A.C. 7:26A-11 and New Jersey Department of Environmental Protection and designates certified Recycling Coordinator, Heather Light to ensure that the requirements are properly filed.
2. The monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.
3. The Mayor is hereby authorized and directed to execute the attached Certification.

Mayor Mironov requested the Township Manager review the files and advise if the Township had received any recycling grants recently.

It was MOVED by Yeager, SECONDED by Zoller to approve Resolution R2023-62.

ROLL CALL: Ayes: Russell, Yeager, Zoller, Mironov

Nays: None

There being four (4) ayes and no (0) nays, Resolution R2023-62 was approved.

Resolution R2023-063 Approval of Developers Agreement with 219 Wyckoff Mills Road, LLC for the Property Located 219 Wyckoff Mills Road (Block 12.01, Lot 1.01)

**RESOLUTION R2023-063
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, 219 Wyckoff Mills Road, LLC, the owners of property located at 219 Wyckoff Mills Road, East Windsor, New Jersey, Block 12.01, Lot 1.01, as shown on the official tax map of the Township of East Windsor, received Preliminary and Final Site Plan Approval with Bulk Variances from the Planning Board on January 13, 2020, bearing application No. PB18-006, for the approval to construct a 49,213 square foot warehouse with related parking and loading areas; and

WHEREAS, the developer is required to enter into a Developer's Agreement, pursuant to Planning Board Resolution 2020-07.

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 219 Wyckoff Mills Road, LLC is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized to execute the attached Developer's Agreement with 219 Wyckoff Mills Road, LLC.
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 219 Wyckoff Mills Road, LLC.

It was MOVED Zoller, SECONDED by Yeager to approve Resolution R2023-063.

ROLL CALL: Ayes- Russell, Yeager, Zoller, Mironov

There being four (4) ayes and no (0) nays Resolution R2023-063 was approved.

Resolution R2023-XXX Approving Operating Assistance Agreement between New Jersey Transit Corporation and East Windsor Township for the Community Bus and Princeton Junction Shuttle for FY2022-2023 Grant Year

The Resolution was carried to the next Council meeting. Mayor Mironov requested the Township Manager provide copies of any correspondence with New Jersey Transit. She also asked that staff begin to reach out to the head of the New Jersey Assembly Transportation Committee to get this matter resolved.

Resolution R2023-XXX Approving Shared Services Agreement between Township of East Windsor and County of Mercer for Contribution to Public Transportation Services and Coordination of Transportation Services for the Use of FTA 5310 Vehicle

The Resolution was carried to the next Council meeting.

Resolution R2023-XXX Approving Shared Services Agreement between Township of East Windsor and Borough of Hightstown for Contribution of Matching Local Share for Bus Services

The Resolution was carried to the next Council meeting.

APPLICATIONS:

Raffle License RL2023-002 Veterans of Foreign Wars Post 5700- April 12, 2023 through April 12, 2024 at 140 Dutch Neck Road, East Windsor NJ- Instant Raffles

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

It was MOVED by Russell, SECONDED by Zoller to approve Raffle License RL2023-002.

ROLL CALL: Ayes - Russell, Zoller, Mironov
Nays- None
Abstentions – Yeager

There being three (3) ayes, no nays and one (1) abstention, Raffle License RL2023-002 was approved.

REPORTS BY COUNCIL AND STAFF:

Mr. Zoller reported the Planning Board met on April 24. The Planning Board heard some initial testimony regarding the refurbishment of 89 Twin Rivers Drive for a pharmaceutical company and issued a conditional approval for 261 Etra Road for a health supplement company. Mr. Zoller also reported the Environmental Commission met on April 19 and discussed the Sustainable Jersey certification application, the Arboretum at Etra Park and the health of the trees that were planted last year. The Commission also reviewed several Planning Board projects and issued reports that were forwarded to the Planning Board.

Mayor Mironov reported that she attended the Senior Center Volunteer Appreciation Luncheon on April 24. She also reported that the Township just had a recycling/shredding event, and asked the Director of Public Works to look into revisit the vendor for the event and the event layout. Mayor Mironov also reported that the Community Garden held a kick-off event on April 15, and the Operation Medicine Cabinet event was also held on April 15.

CORRESPONDENCE:

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

APPOINTMENTS:

There were no appointments.

APPROVAL OF BILLS:

Mayor Mironov stated a 2022 Current Bill list, 2023 Current Bill list, a Capital Bill List and other miscellaneous bill lists and trust accounts were provided.

It was MOVED by Yeager, SECONDED by Russell to approve the various presented Bill Lists.

ROLL CALL: Ayes- Russell, Yeager, Zoller, Mironov
Nays - None

There being four (4) ayes and no (0) nays, the various presented Bill Lists were approved.

MATTERS BY COUNCIL:

Mayor Mironov reported the following correspondence had been received: a memo dated April 4 from the Chief of Police regarding the engine braking Ordinance; a report of receipts and disbursements from the Tax Collector dated April 15; a letter from Mercer County dated March 28 regarding farmland preservation; a letter dated April 26 from the Friends of the Hickory Corner Library thanking the Township for the generous donation of Barnes and Noble gift cards; a letter from the Arbor Day Foundation indicating the Township has been named a 2022 Tree City; a letter from the New Jersey Department of Transportation regarding a roadway maintenance contract that was forwarded to the Manager and Chief of Police for further information as to what roads this would affect.

Mayor Mironov asked the Township Manager if the most recent invoice from Hopewell Valley Engineering was issued in error or if it was received late. Mr. Brady confirmed it was correct and that he was processing the invoice. Mayor Mironov indicated the Economic Development Committee had reached out reading the Township Map project, and asked the Township Attorney, Manager and Clerk look into the initial steps of the project and initiate contact with the vendor. Mayor Mironov stated that Council Member Daniels would be following up with the Township Manager regarding the proposed Handy Helpers program for the Commission on Aging. Mayor Mironov stated the Department of Community Affairs issued Local Finance Notice 2023-07 with new guidelines, and asked the Finance Director to look into the matter and advise Council if there was anything they needed to be aware of. Mr. Yeager reported that a resident approached him regarding speeding on Dutch Neck Road. Mayor Mironov indicated the resident also reached out to her and that the Police Department had already begun special patrols in the area.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. New Jersey Division of Highway Traffic Safety Grants

Mayor Mironov stated Chief Hart provided a memo dated April 4 with four recommended applications. She pointed out they are the same recommendations as last year, and in the past we have not received funding for these applications, except for the Child Safety Seat program. She asked that Chief Hart reevaluate these recommendations for the future and reach out to other municipalities who have received similar grant awards for suggestions or guidance.

It was MOVED by Zoller, SECONDED by Yeager to approve the filing of all four New Jersey Division of Highway Traffic Safety grant applications.

ROLL CALL: Ayes- Russell, Yeager, Zoller, Mironov
Nays - None

There being four (4) ayes and no (0) nays, the filing of all four New Jersey Division of Highway Traffic Safety grant applications was approved.

2. Comcast Application for Renewal of Municipal Consent

ORDINANCE – INTRODUCTION:

Ordinance No. 2023-09

An Ordinance Granting Renewal of Municipal Consent to Comcast of Central New Jersey, L.P. to Construct, Connect, Operate and Maintain a Cable Television and Communications System in the Township of East Windsor, Mercer County, New Jersey

[NOTE: Due to the size of Ordinance 2023-02, the Ordinance is not included in the minutes, but is available in full on the Township website.]

Mayor Mironov indicated a subcommittee led by Mr. Zoller had several discussions with Comcast regarding this Ordinance. Support for community events is not reflected in the agreement, but Mayor Mironov indicated they did provide support with the purchase of computers for the Senior Center. The subcommittee had requested \$100,000 in Education Support, and Comcast countered with \$75,000 as reflected in Section 15. Mr. Zoller stated the liability insurance amount had been increased to \$5 million as a request of the subcommittee.

Mayor Mironov stated that after visiting Comcast's website, she noticed that Comcast has no direct way for customers to contact their physical store locations to check inventory, and there was no dedicated phone number for customers to contact the company. She requested a letter be drafted to Robert Clifton of Comcast on the matter.

It was MOVED by Zoller, SECONDED by Yeager to approve Ordinance 2023-09 on introduction, authorized publication by law and public hearing for May 23.

ROLL CALL: Ayes- Russell, Yeager, Zoller, Mironov
Nays- None

There being four (4) ayes and no (0) nays Ordinance 2023-09 was approved on introduction, authorized publication by law and public hearing set for May 23.

3. Municipal Roadway Projects Status (Lynnfield Drive, Edwards Drive, Poplar Run)

Mayor Mironov requested a status update and a projected schedule to go out to bid on this project. She also asked staff to review any grant applications submitted by the Township, as two applications were submitted for 2022 but there was no further communication, which is unusual. She indicated this was a high priority item.

4. Township Park Improvements
A. Anker Park – Walking Pathway
B. Westfield Park

Mayor Mironov indicated the Township has applied for various different funding opportunities for these projects, so staff should be ready to move forward on these projects. She also indicated the Department of Public Works was soliciting quotes for equipment at Westfield Park.

5. State Electric Vehicle Planning Grant: Status and Required Actions

Mayor Mironov stated the Manager's Office received an email on this with an agreement for signature and a listing of possible consultants for this project from Sustainable Jersey.

6. 2023 Municipal Budget Review

Mayor Mironov stated the Township Manager and Finance Director should be inishing up the budget review books soon. She asked for information as to any differences between the 2022 and 2023 budgets. She also requested additional details on pensions, health insurance, any higher spending needs and the American Rescue Plan Funds.

MATTERS BY PUBLIC:

No one from the public spoke.

ADJOURNMENT:

Next Meeting: May 9, 2023