

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, October 8, 2024

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 5:30 p.m. on Tuesday, October 8, 2024, at the East Windsor Municipal Building.

VERIFICATION:

Municipal Clerk Allison Quigley certified that the meeting was noticed on January 28, 2024, in the Annual Meeting Notice. On October 4, 2024, notices were sent to the Trenton Times, filed in the office of the Municipal Clerk and posted in the East Windsor Municipal Building. All requirements of the Open Public Meeting Act have been satisfied.

FLAG SALUTE: Led by Township Manager Joy Tozzi

ROLL CALL:

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

PRESENTATIONS & PROCLAMATIONS

Breast Cancer Awareness Month – October 2024

Mayor Mironov and Council were joined by Dance for the Cure representatives to have a Proclamation issued to them recognizing October 2024 as “Breast Cancer Awareness Month” to raise awareness and highlighting the importance of early detection and research. The Proclamation also recognized Dance for the Cure, a local 100% volunteer-run non-profit organization that is committed to the prevention and cure of breast cancer through the celebration of dance and assisting individuals navigating the challenges of breast cancer. Mayor Mironov noted that “Breast Cancer Awareness Month” highlights the importance of awareness and preventative measures, as early detection can save lives. Dance for the Cure has made it their mission to raise awareness and support individuals and their families who are navigating the unique challenges that often come with this type of diagnosis by providing them with assistance when they need it the most. Representatives from Dance for the Cure, Lynn Grillo, Media Director and Joanne Liscovitz, Co-Founder, were present to accept the Proclamation.

INTERVIEWS FOR BOARDS AND COMMISSIONS:

There were no interviews for Boards and Commissions.

PUBLIC FORUM:

No one spoke during the public forum.

MINUTES:

April 26, 2022

Council Member Zoller indicated two minor changes to be made. One correction on page 14 to remove a duplicate letter in a word and one correction on page 7 (6th WHEREAS down add the word “exceed” before \$14,670.00).

It was MOVED by Zoller, SECONDED by Russell to approve the April 26, 2022, minutes with the revisions.

ROLL CALL: Ayes – Russell, Zoller, Mironov

Nays- None

Abstentions- Daniels, Whittington

There being three (3) ayes, no (0) nays, and two (2) abstentions, the April 26, 2022, minutes were approved with revisions.

September 24, 2024

Mayor Mironov and Council Member Zoller both indicated minor changes to page 8 (add the word “announced” to last three paragraphs) and page 9, bottom paragraph add Etra Lake Park and replace the word “repair” with “resurface”.

It was MOVED by Daniels, SECONDED by Whittington to approve the September 24, 2024, minutes with the revisions.

ROLL CALL: Ayes – Daniels, Whittington, Zoller, Mironov

Nays- None

Abstentions- Russell

There being four (4) ayes, no (0) nays, and one (1) abstention, the September 24, 2024, minutes were approved with revisions.

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

ORDINANCE – PUBLIC HEARING:

There were no Ordinances for Public Hearing

ORDINANCE – INTRODUCTION:

There were no Ordinances for Introduction

RESOLUTIONS:

Resolution R2024-XXX Action on Repair of Elevator Door in Municipal Building

The Resolution was carried to the next Council meeting.

Resolution R2024-139 Correcting Resolution R2024-066, “Approval of Agreement to Administer and Implement Township CDBG Small Cities Housing Rehabilitation Grant Program with Community Grant, Planning and Housing,” with Corrected Term

The Resolution was carried to the next Council meeting.

Resolution R2024-140 Approval of Agreement with Burgis Associates, Inc. for Professional Planning Services for Housing Element and Fair Share Plan for East Windsor Township

RESOLUTION R2024-140

EAST WINDSOR TOWNSHIP

MERCER COUNTY

WHEREAS, East Windsor Township desires to retain Burgis Associates, Inc. to provide professional planning services for the Fourth Round Affordable Housing requirements for the Township; and

WHEREAS, Burgis Associates, Inc. provided a proposal to provide these services; and

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

WHEREAS, the maximum amount of the contract is \$50,000, 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 A2024-002.

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 attached Agreement between East Windsor Township and Burgis Associates Inc., 25 Westwood Avenue, Westwood, NJ 07675, to provide professional planning services for the Fourth Round Affordable Housing requirements for the Township is hereby approved.
3. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement with Burgis Associates, Inc.
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 Whittington to approve Resolution R2024-140.

ROLL CALL: Ayes – Daniels, Russell, Whittington, Zoller, Mironov

Nays – None

There being five (5) ayes and no (0) nays, Resolution R2024-140 was approved.

Resolution R2024-141 Approval of Shared Service Agreement with Hamilton Township for Provision of Various Professional Health Clinic and Health Education Services

The Resolution was carried to the next Council meeting.

Resolution R2024-142 Action on Award of Contract for Auction Services for East Windsor Township

The Resolution was carried to the next Council meeting.

Resolution R2024-XXX Action on Award of Contract for HVAC Services and Maintenance Contract for East Windsor Township

The Resolution was carried to the next Council meeting.

APPLICATIONS:

There were no applications.

REPORTS BY COUNCIL AND STAFF

Council Member Russell noted that the Economic Development Committee meeting was held on October 2, 2024. There were seven people in attendance, topics included business card exchange.

Ms. Daniels reported the Commission on Aging met on September 25 and discussed the senior center business directory.

Mr. Whittington reported the Recreation Commission met on September 18 and discussed programs including Acoustic Night and after school programs.

CORRESPONDENCE:

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

APPOINTMENTS:

There were no appointments.

APPROVAL OF BILLS:

Mayor Mironov stated a 2023 Current Bill list, 2024 Current Bill list, a Capital Bill List and other miscellaneous bill lists, and trust accounts were provided.

Council Member Zoller asked that office supplies are listed in the line item for each purchase on the 2024 Current Bill list.

Council Member Zoller asked for more information pertaining to the fire hats on page 6 of the 2024 Current Bill list. Asked for the bill to be held until clarified.

Mayor Mironov asked that the invoice for the firefighter grant be held on the Grant Bill list. She requested more information and wants to make sure everything is being charged to the correct grant accounts.

Mayor Mironov noted that the Garbage Bills list had extra sheets attached and should be rerun with only the first two pages.

It was MOVED by Daniels, SECONDED by Whittington to approve the various Bills lists with the requested holds and clarifications.

ROLL CALL: Ayes – Daniels, Katawick, Lippman, Russell, Whittington, Zoller, Mironov

Nays – None

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

MATTERS BY COUNCIL:

Mayor Mironov advised that she received a report from the Tax Collector for 2023.

Mayor Mironov received a letter on September 6, 2024, from Windsor Meadows.

Mayor Mironov attended the 11th Annual Latino Festival hosted by NJ Rise at Hightstown High School on September 28, 2024.

Mayor Mironov reminded Council of the required online stormwater training that they need to complete as part of the NJ Department of Environmental Protection Tier A stormwater requirements.

Mayor Mironov noted that the ribbon cutting for Mercedes Salon was held on Saturday, September 28, 2024.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. Bond Anticipation Note (BAN) Sale Report

Finance Director Scott Frueh provided a memo dated September 26, 2024 with a report of the sale.

2. East Windsor Grants Full Accounting of Receipts and Outstanding Balances

Mayor Mironov noted that health grants had balances that were never spent which underscores the need for transparency and a budget for the health grants. Mayor Mironov would like to know who is handling the NJ Transit bus grants. The Township needs to continue to track grants moving forward.

3. East Windsor Princeton Junction Shuttle Service: Promotional Actions

Mayor Mironov requested this item be held until the next Council meeting.

4. Animal Control Shared Services Agreements

Council agreed to send out the agreements to the three towns for the three separate shared services agreements with Robbinsville, Plainsboro, and West Windsor respectively for Animal Control services.

5. Proposal to Amend Zoning Regulations to Enable Floor Area Ratio Adjustment Under Limited Circumstances

Ordinance 2024-10

An Ordinance Amending Chapter XX, "Zoning," HC Highway Commercial Zone District and the CR Corridor Revitalization Zone District Floor Area Ratio Regulation, of the Revised General Ordinances of the Township of East Windsor

ORDINANCE NO. 2024-10

TOWNSHIP OF EAST WINDSOR

COUNTY OF MERCER

AN ORDINANCE AMENDING CHAPTER XX, "ZONING,"

HC HIGHWAY COMMERCIAL ZONE DISTRICT AND

CR CORRIDOR REVITALIZATION ZONE DISTRICT

**FLOOR AREA RATIO REGULATION, OF THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF EAST WINDSOR**

WHEREAS, the Township of East Windsor desires to periodically update the zoning regulations to address and maintain the goals of the zone plan and Master Plan of the Township; and

WHEREAS, the Township of East Windsor seeks to allow upon the sole review of the Planning Board to permit minor adjustments to the floor area ratio requirements to incentivize the use of green development site design or building improvements pertaining to the HC Highway Commercial Zone and the CR Commercial Revitalization Zone, where references to the HC Zone are provided at Sections 20-25.4 and 20-25.5;

NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST WINDSOR, in the County of Mercer and the State of New Jersey, as follows:

SECTION 1. Chapter 20, "Zoning," of the General Ordinances of East Windsor Township is amended and supplemented at Section 20-16.5 *Other Requirements*, by adding a new subparagraph e. to read as follows: (deleted sections are noted by ~~strike throughs~~, new sections are underlined)

e. Green building F.A.R. development bonus incentives.

1. For applications within the HC Highway Commercial Zone and the CR Corridor Revitalization Zone only, the Planning Board may consider awarding a green building F.A.R. development bonus for use of a green development site design or green building improvements, to include such examples as green roofs, cool roof systems, roof mounted solar systems, pervious paving, EV charging stations (in excess of State minimums), bike storage infrastructure, bike paths, stormwater infiltration systems above minimum required standards, improved biodiversity of open space and buffer area enhancements.

2. Any green building F.A.R. development bonus shall be at the sole discretion of the Planning Board and shall not be subject to challenge or appeal by the Planning Board applicant or any other person.
3. The maximum green building F.A.R. development bonus shall be up to 2.5 percent above the F.A.R. maximum percentage permitted in the zone.
4. The green building F.A.R. development bonuses authorized in this section shall not supersede green building F.A.R. development bonuses provided in any other section of this chapter, or in any redevelopment plan adopted by the Township.
5. The provision of an LEED certification or equivalent or the provision of green building strategies shall not obligate the Planning Board to approve a green building F.A.R. development bonus. Green building F.A.R. development bonuses authorized in this section are intended to be the maximum allowed for any application or project which includes green building component(s) and shall not be combined to exceed 2.5 percent above the F.A.R. maximum percentage permitted in the zone. When a green building F.A.R. development bonus results in a fractional number, the figure shall be rounded to the nearest whole number.
6. Site plan requests for any green building F.A.R. bonus shall be evaluated on a case-by-case basis, based on the characteristics of individual sites as determined by the Planning Board. The provision of any green building component(s) and a request for any green building F.A.R. bonus shall be included in the development application and shall be part of the typical site plan review process where the environmental benefits are analyzed in conjunction with the proposed development and the characteristics of the site, as determined by the Planning Board.
7. All green building development components shall adhere to the minimum approved/required standard for a period of no less than 10 years from the receipt of a final certificate of occupancy as demonstrated by an acceptable form of monitoring and annual performance reporting to be stipulated in a developer's agreement, or such other acceptable form of agreement, between the developer and the Township, and as otherwise provided in any condition(s) of site plan approval by the Planning Board.
8. Penalties and enforcement for failure to comply with the minimum approved/required green building performance standard shall be addressed in a developer's agreement between the developer and the Township subsequent to site plan approval by the Planning Board.

SECTION 2. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

SECTION 3. Severability. Severability. If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion

shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

SECTION 4. Effective Date. This Ordinance shall take effect upon its passage, publication and filing with the Mercer County Planning Board, and as provided for by law.

Mayor Mironov stated this was prepared by the Township planner with his comments and recommendations.

It was MOVED by Zoller, SECONDED by Daniels to approve Ordinance 2024-10 on introduction, authorize publication as required by law and set public hearing for October 22, 2024.

ROLL CALL: Ayes – Daniels, Russell, Whittington, Zoller, Mironov

Nays – None

There being five (5) ayes and no (0) nays, Ordinance 2024-10 was approved on introduction, publication authorized as required by law, and public hearing set for October 22, 2024.

5. Dutch Neck Road and Dorchester Drive Roadway Improvement Project: Status

Mayor Mironov requested this item be held until the next Council meeting. Township Manager Tozzi will get an update on the New Jersey Department of Transportation review.

6. One Mile Road Truck/Pedestrian Traffic Improvements

Mayor Mironov requested this item be held until the next Council meeting. Would like to move forward with a flashing light crosswalk connecting from the Township Rocky Brook trail across One Mile Road, connecting to Innovation Park property pathway.

7. Comcast Renewal of Municipal Consent

Township Manager Tozzi will follow up with outstanding items from the Ordinance.

MATTERS BY PUBLIC:

No one from the public spoke.

ADJOURNMENT:

Next Meeting: October 22, 2024

Allison Quigley
Municipal Clerk

Janice S. Mironov
Mayor