

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, December 8, 2015

7:30 p.m.

MINUTES

CALL TO ORDER:

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 7:30 p.m. on December 8, 2015.

VERIFICATION:

Municipal Clerk Gretchen McCarthy certified that the meeting was noticed in the annual meeting notice on January 16, 2015 and that 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 John Zoller

Following the flag salute, Mayor Mironov asked that all remain standing for a moment of silence to honor and respect longtime Council Member and friend, Hector Duke who recently passed away. Mayor Mironov also announced that that the flags shall be flown at half-staff on the buildings of East Windsor Township, effective December 7 through December 13 in acknowledgment.

ROLL CALL:

Present were Council Members, Marc Lippman, Alan Rosenberg, Perry Shapiro, Peter Yeager, John Zoller and Mayor Janice Mironov. Also present were Township Attorney David E. Orron, Township Manager James P. Brady and Municipal Clerk Gretchen McCarthy.

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Ken Fredericks was interviewed and expressed interest in serving as a member on the Economic Development Committee or the Commission on Aging. Beth Dohm was interviewed and stated she is interested in the Economic Development Committee or the Board of Health. Also interviewed was Harish Rabindran, who is interested in being a student member of the Environmental Commission.

Mayor Mironov requested the agenda be amended to add Resolution R2015-203 which authorizes repairs to the asphalt area at Volunteer Fire Company No. 1's building.

It was MOVED by Zoller, SECONDED by Rosenberg to amend the meeting agenda to include Resolution R2015-203

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

There being six (6) ayes and no (0) nays, the agenda was the meeting amended to include Resolution R2015-203.

PRESENTATIONS & PROCLAMATIONS: None

PUBLIC FORUM: None

MINUTES:

September 29, 2015
October 13, 2015
November 10, 2015

Mayor Mironov asked that all minutes on the agenda be rescheduled.

ORDINANCE – PUBLIC HEARING:

Ordinance 2015-12 was read by title by the Municipal Clerk.

Ordinance 2015-12 An Ordinance of the Township of East Windsor, New Jersey, to Amend Ordinance 2014-09, for Purpose of Retitling/Reclassifying Secretary to the Township Manager and Reclassifying Assistant to the Chief of Police

**ORDINANCE NO. 2015 – 12
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

**AN ORDINANCE OF THE TOWNSHIP OF
EAST WINDSOR, NEW JERSEY TO AMEND ORDINANCE 2014-09
FOR PURPOSE OF RETITLING/RECLASSIFYING SECRETARY TO
THE TOWNSHIP MANAGER AND RECLASSIFYING ASSISTANT
TO CHIEF OF POLICE**

BE IT ORDAINED AND ENACTED by the Township Council of the Township of East Windsor, County of Mercer, State of New Jersey, that Ordinance 2014-09, An Ordinance of the Township of East Windsor, New Jersey, to Establish Salaries and Wages for Non-Union Employees for Fiscal Years 2012-2015, is hereby amended and supplemented as follows:

SECTION I.

Section 5 entitled, “Classification of Positions”:

Grade 8 Deputy Municipal Clerk; Animal Control Officer; Supervisory Radio Officer; Deputy Municipal Court Administrator; Mechanics Foreman; Sanitation Foreman; ~~Secretary to the Township Manager~~

Grade 9 Computer Services Administrator/Support Services Supervisor; Assistant Comptroller/Assistant Purchasing Agent; Assistant General Foreman; Executive Assistant to Manager’s Office; Assistant to Chief of Police

Grade 10 General Foreman

Grade 11 ~~Assistant to Chief of Police~~ Reserved

Grade 12 Reserved

SECTION II. SEVERABILITY

If any section, subsection 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 III. REPEAL

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION IV. EFFECTIVE DATE

This Ordinance shall take effect twenty (20) days after final passage and publication as required by law.

Mayor Mironov announced that the ordinance had been introduced on November 10, 2015 and declared open the public hearing on Ordinance 2015-12. There being no public comment made, Mayor Mironov closed the public hearing on Ordinance 2015-12.

It was **MOVED** by Rosenberg and **SECONDED** by Yeager that Ordinance No. 2015-12 be adopted and authorized for publication as required by law.

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

There being six (6) ayes and no (0) nays, Ordinance No. 2015-12 was adopted and authorized for publication as required by law.

ORDINANCE – INTRODUCTION:

Ordinance 2015-13 was read by title by the Municipal Clerk

Ordinance 2015-13

An Ordinance to Authorize the Acquisition of Right-of-Way and Temporary Construction Easement from Portion of Property Known as 898 U.S. Route 130 South and Designated on the East Windsor Township Tax Map as Block 51, Lot 40, for Route 130/Hankins Road/Conover Road Improvement Project

Mayor Mironov pointed out that an attachment was not included with the ordinance and requested that it be distributed to Council prior to the public hearing.

ORDINANCE NO. 2015-13 TOWNSHIP OF EAST WINDSOR

COUNTY OF MERCER

AN ORDINANCE TO AUTHORIZE THE ACQUISITION OF RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT FROM PORTION OF PROPERTY KNOWN AS 898 U.S. ROUTE 130 SOUTH AND DESIGNATED ON THE EAST WINDSOR TOWNSHIP TAX MAP AS BLOCK 51, LOT 40, FOR ROUTE 130/HANKINS ROAD/CONOVER ROAD IMPROVEMENT PROJECT

WHEREAS, in connection with the Route 130/Hankins Road/Conover Road improvement project, the Township Council has determined that it is in the best interests of the Township to acquire an approximately 238 square foot right-of-way and an approximately 538 square foot temporary construction easement from the property located at 898 U.S. Route 130 South, at the northwest corner of the intersection of Hankins Road and U.S. Route 130, and designated on the East Windsor Township Tax Map as Block 51, Lot 40 (the "Property"); and

WHEREAS, the Property is presently owned by Krishna Property Holdings, LLC, with offices at 160 Hazel Street, Clifton, New Jersey 07011; and

WHEREAS, Krishna Property Holdings, LLC has agreed to donate the described right-of-way and temporary construction easement to the Township at no cost to the Township;

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. The Township of East Windsor hereby accepts delivery of the attached Deed dated September 23, 2015 from Krishna Property Holdings, LLC, 160 Hazel Street, Clifton, New Jersey 07011, for an approximately 238 square foot right-of-way and an approximately 538 square foot temporary construction easement from the property located at 898 U.S. Route 130 South, at the northwest corner of the intersection of Hankins Road and U.S. Route 130, and designated on the East Windsor Township Tax Map as Block 51, Lot 40, all as fully described in the attached Deed.
2. 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.
3. Effective Date. This Ordinance shall take effect 20 days after final passage and publication according to law.

It was MOVED by Zoller, SECONDED by Lippman to approve Ordinance 2015-13 on introduction, authorize publication as required by law and set public hearing for December 22, 2015.

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

There being six (6) ayes and no (0) nays Ordinance 2015-02 was approved on introduction, authorized for publication as required by law and the public hearing was set for December 22, 2015.

RESOLUTIONS:

Resolution R2015-185 Approval of Agreement with Community Grants Planning & Housing, L.L.C. as Affordable Housing Administrative Agent

Mayor Mironov asked that Resolution R2015-185 be held to the next meeting pending clarification.

Resolution R2015-189 Approval of Developers Agreement for Levcom East Windsor Associates for CentraState Health Care System

Mayor Mironov stated that a memo has been received from the Township Attorney on this matter and the agreement is in standard form.

RESOLUTION R2015-189

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, Levcom East Windsor Associates – the owners of property known as Block 9.01, Lot 1 as shown on the official tax map of the Township of East Windsor, received Amended Preliminary and Final Site Plan Approval with a Variance from the Planning Board on July 6, 2015 bearing application No. PB15-002; and

WHEREAS, the developer is required to enter into a Developer’s Agreement and the same has been prepared by the Township Attorney.

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

1. The Mayor and Municipal Clerk are hereby authorized to execute the Developer’s Agreement with Levcom East Windsor Associates, in the form attached hereto.
2. The Township Engineer is authorized to take any and all action necessary to carry out the terms and conditions of the Agreement.
3. A copy of this Resolution certified to be a true copy be forwarded to the Township Engineer, the Township Attorney and Levcom East Windsor Associates.

It was **MOVED** by Rosenberg, **SECONDED** by Yeager to approve Resolution R2015-189.

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

There being six (6) ayes and no (0) nays, Resolution R2015-189 was approved

Resolution R2015-190 Establishing Date, Time and Place for East Windsor Township
2015 Reorganization Meeting

Mayor Mironov stated that an updated resolution was included in Council's meeting folders. The details for the Reorganization meeting need to be decided upon. Mayor Mironov reminded Council that tradition has been to hold the meeting at the Senior Center in January 1 on election years. Further discussion settled upon a time of 10:45 a. m. on Friday, January 1, 2016 at the Senior Center at 40 Lanning Boulevard.

RESOLUTION R2015-190

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, Section 2-2.2 of the Administrative Code of the Township of East Windsor directs that at the annual organization meeting the members of the Township Council will assemble at a place designated in December of each year by Resolution of the governing body and organize and elect one (1) of the members of the Council as Mayor.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of East Windsor, County of Mercer, State of New Jersey, that the annual reorganizational meeting for the year 2016 shall be held on Friday, January 1, 2016 at 10:45 a.m. at the East Windsor Township Senior Center, 40 Lanning Boulevard, East Windsor, New Jersey.

It was **MOVED** by Yeager, **SECONDED** by Rosenberg to approve Resolution R2015-190 with date and time as specified.

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

There being six (6) ayes and no (0) nays, Resolution R2015-190 was approved

Resolution R2015-191 Authorizing Approval of Shared Service Agreement with Hamilton
Township for Health Officer Services

Mayor Mironov stated that this and the subsequent two resolutions are for interlocal service agreements with Hamilton Township pertaining to health related services and are identical to last years' agreements.

RESOLUTION R2015-191

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for the services of a Health Officer in the Township of East Windsor for 2016; and

WHEREAS, the Township of Hamilton can provide the services of its Health Officer to the Township of East Windsor through a Shared Services Agreement; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. authorizes any municipality to enter into a contract with any other municipality for the joint provision of any service which either party is empowered to render within its own jurisdiction; and

WHEREAS, the maximum amount of the contract is \$12,500.00 and funds are available in the Current Fund Account No. 6-01-27-330-601-249 entitled Licensed Professional, as evidenced by the Chief Financial Officer's Certification No. 2015-031.

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

1. The attached Shared Services Agreement entitled "Shared Services Agreement for Health Officer Services Township of Hamilton and Township of East Windsor" is hereby approved in accordance with the provisions of N.J.S.A. 40A:65-1, et seq. for a term of January 1, 2016 through December 31, 2016.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

It was **MOVED** by Zoller, **SECONDED** by Shapiro to approve Resolution R2015-191.

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

There being six (6) ayes and no (0) nays, Resolution R2015-191 was approved

Resolution R2015-192 Authorizing Approval of Shared Service Agreement with Hamilton Township for Health Services

RESOLUTION R2015-192

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township of East Windsor desires to provide certain health services for residents for 2016; and

WHEREAS, the Township of Hamilton is agreeable to providing STD clinic services and health education services to the Township of East Windsor for a fee and upon certain specified conditions as described in the attached agreement; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. authorizes any municipality to enter into a contract with any other municipality for the joint provision of any service which either party is empowered to render within its own jurisdiction; and

WHEREAS, funds are available in the Current Fund Account No. 6-01-27-330-604-249 entitled “Licensed Professional”, pending the adoption of the 2016 Municipal Budget as evidenced by the Chief Financial Officer’s Certification No. B2015-032.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement entitled “Shared Services Agreement for Health Services Township of Hamilton and Township of East Windsor” for a term of January 1, 2016 through December 31, 2016.

It was MOVED by Zoller, SECONDED by Rosenberg to approve Resolution R2015-192.

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

There being six (6) ayes and no (0) nays, Resolution R2015-192 was approved

Resolution R2015-193 Authorizing Approval of Health Officer Agreement with Hamilton Township Health Officer

RESOLUTION R2015-193

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, by Resolution R2015-191, the Township Council has approved an Shared Services Agreement with Hamilton Township for the provision of Health Officer Services to the Township during regular weekday business hours for 2016; and

WHEREAS, there exists a need for the services of a licensed Health Officer in the Township of East Windsor, during non-regular weekday business hours as a supplement to the said Shared Services Agreement; and

WHEREAS, Jeffrey J. Plunkett is a duly licensed Health Officer and has agreed to provide these additional services in accordance with the attached Agreement; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the maximum amount of the contract is \$9,650.00 and funds are available in the Current Fund Account No. 6-01-27-330-601-249 entitled “Licensed Professional” as evidenced by the Chief Financial Officer’s Certification No. B2015-033.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Health Officer Agreement with Jeffrey J. Plunkett, 6 Anastasia Court, Hamilton, New Jersey 08690, for a term of January 1, 2016 through December 31, 2016.
2. The 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.
3. The Municipal Clerk shall cause to be printed once, in the Trenton Times, a brief notice stating the nature, duration, service and amount of this contract, and that the resolution and contract are on file and available for public inspection in the office of the Municipal Clerk.

It was MOVED by Yeager, SECONDED by Zoller to approve Resolution R2015-193.

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

There being six (6) ayes and no (0) nays, Resolution R2015-193 was approved

Resolution R2015-194 Chapter 159 – Amending the 2015 Municipal Operating Budget Providing an Item of Revenue for Drunk Driving Enforcement Fund

RESOLUTION R2015-194

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the Township Director of Finance has advised that the funds have been received by the Township as set forth below.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the following:

1. The insertion of an item of revenue in the budget of the year 2015 in the sum of \$9,717.48, which item is now available as revenue from the Drunk Driving Enforcement Fund.
2. A like sum of \$9,717.48 is hereby appropriated under the caption of Drunk Driving Enforcement Fund.

It was **MOVED** by Lippman, **SECONDED** by Shapiro to approve Resolution R2015-194.

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

There being six (6) ayes and no (0) nays, Resolution R2015-194 was approved

Resolution R2015-195 Chapter 159 – Amending the 2015 Municipal Operating Budget Providing an Item of Revenue for Drive Sober or Get Pulled Over

RESOLUTION R2015-195

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the Township Director of Finance has advised that the funds have been received by the Township as set forth below.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the following:

1. The insertion of an item of revenue in the budget of the year 2015 in the sum of \$5,000.00, which item is now available as revenue from Drive Sober or Get Pulled Over Grant.

2. A like sum of \$5,000.00 is hereby appropriated under the caption of Drive Sober or Get Pulled Over.

It was MOVED by Zoller, SECONDED by Yeager to approve Resolution R2015-195.

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

There being six (6) ayes and no (0) nays, Resolution R2015-195 was approved

Resolution R2015-196 Cancellation of Bond or Note Authorization

Mayor Mironov explained that action on this will reduce the Township debt by \$269,000.

RESOLUTION R2015-196

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, Ordinance 2012-6, which was adopted on May 1, 2012, provided for an alternate funding source for the acquisition of open space in and by the Township of East Windsor for a ten year period and authorized the issuance of \$2,690,000 in bonds or notes for this purpose; and

WHEREAS, during the year ended December 31, 2015, no debt was issued by the Township pursuant to this ordinance; and

WHEREAS, it is necessary to formally cancel the 2015 portion of debt of \$269,000.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, that the unissued debt authorized in Ordinance 2012-6 of \$269,000 be canceled.

It was MOVED by Zoller, SECONDED by Rosenberg to approve Resolution R2015-196.

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

There being six (6) ayes and no (0) nays, Resolution R2015-196 was approved

Resolution R2015-197 Approve Core Samples Services for Hickory Corner Road Roadway Project by Key Tech Laboratories

Mayor Mironov explained that the road project was done with a N.J.D.O.T. grant and core samples are a requirement of that grant.

RESOLUTION R2015-197
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, there is a need for core samples to be taken from the recently resurfaced Hickory Corner Road between Dorchester Drive and Dutch Neck Road to sample the material and density of the pavement; and

WHEREAS, two cost proposals have been obtained for the services to take and evaluate the core samples; and

WHEREAS, the lowest cost proposal was submitted by Key Tech Laboratories; 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 Public Works Director's recommendations on said purchase; and

WHEREAS, the maximum amount of the purchase is \$1,300.00 and funds are available in the Account No. C-04-55-952-913-890 entitled Ordinance 2012-03 "Annual Road Program", as evidenced by the Chief Financial Officer's Certification No.C2015-029.

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 Key Tech Laboratories, 210 Maple Place, P. O. Box 48, Keyport, NJ 07735 in a total amount not to exceed \$1,300.00.

It was **MOVED** by Rosenberg, **SECONDED** by Lippman to approve Resolution R2015-197.

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

There being six (6) ayes and no (0) nays, Resolution R2015-197 was approved.

Resolution R2015-198 Award of Amendment to Contract for Engineering Services Hickory Corner Road Roadway Project with BANC 3 Engineering

Mayor Mironov stated that there is a recommendation from the Public Works Director. The road project was for Hickory Corner Road and was re-bid and due to that the Township experienced a great savings.

RESOLUTION R2015-198

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, on June 24, 2014, by Resolution R2014-108, the East Windsor Township Council approved a one year professional services agreement with BANC 3 Engineering for Engineering Services for the Reconstruction and Resurfacing of Hickory Corner Road between Dorchester Drive and Dutch Neck Road project in the amount of \$12,950.00; and

WHEREAS, the Township desires to amend the Professional Service Contract with BANC 3 to increase the current contract by \$1,383.00 to include costs for the need to re-bid the Hickory Corner Road reconstruction and resurfacing project; and

WHEREAS, the Township Council has reviewed the recommendations made by the Director of Public Works; and

WHEREAS, the maximum amount of compensation authorized under this Addendum 1B to the Professional Services Agreement with BANC 3 is \$1,383.00 and funds are available in Account No, C-04-55-952-913-890 entitled Ordinance 2012-03 Annual Road Program as evidenced by the Chief Financial Officer's Certification No. C2015-030.

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 is hereby authorized and directed to execute the attached Addendum 1B to the Professional Services Agreement with BANC3 Engineering, for the Reconstruction and Resurfacing of Hickory Corner Road between Dorchester Drive and Dutch Neck Road project, in an amount not to exceed \$1,383.00.
2. This amendment to the Contract was awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5 (1)(a) of the Local Public Contracts Law because the contract is for service performed by persons authorized by law to practice a recognized profession that is required by law, but in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5, et seq.
3. The Municipal Clerk shall cause to be printed once, in the Trenton Times, a brief notice stating the nature, duration, service and amount of this addendum to the contract, and that the resolution and addendum are on file and available for public inspection in the office of the Municipal Clerk.

It was MOVED by Zoller, SECONDED by Yeager to approve Resolution R2015-198.

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

There being six (6) ayes and no (0) nays, Resolution R2015-198 was approved

Resolution R2015-199 Approval of Change Order for Resurfacing and Associated Repairs for Hickory Corner Road with Richard T. Barrett Paving Co., Inc.

Mayor Mironov stated that a recommendation had been received on this from Public Works and that the change order is a reduction by a significant amount.

RESOLUTION R2015-199

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, on March 3, 2015, by Resolution R2015-037 the East Windsor Township Council authorized a contract with Richard T. Barrett Paving Company, Inc. in the amount of \$348,724.55 for the Reconstruction and Resurfacing Hickory Corner Road between Dutch Neck Road and Dorchester Drive; and

WHEREAS, a change order has been requested to reduce the contract amount by \$53,832.97; and

WHEREAS, the Township Director of Public Works has submitted a report requesting and justifying the need for this change order; and

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. Change Order No. 1 to the contract with Richard T. Barrett Paving Company, Inc. to reduce the contract amount by \$53,832.97 to \$294,891.58 is approved.
2. The Township Manager is hereby authorized and directed to execute the necessary documents to effect Change Order No. 1.

It was **MOVED** by Yeager, **SECONDED** by Lippman to approve Resolution R2015-199.

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

There being six (6) ayes and no (0) nays, Resolution R2015-199 was approved

Resolution R2015-200 Approval of Change Order for Resurfacing and Associated Repairs for Oak Creek Road with Meco, Inc.

RESOLUTION R2015-200

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, on July 7, 2015, by Resolution R2015-122 the East Windsor Township Council authorized a contract with Meco, Inc. in the amount of \$335,902.00 for the Resurfacing and Associated Repairs to Oak Creek Road between Dutch Neck Road and Hickory Corner Road; and

WHEREAS, a change order has been requested to reduce the contract amount by \$51,091.02; and

WHEREAS, the Township Director of Public Works has submitted a report requesting and justifying the need for this change order; and

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. Change Order No. 1 to the contract with Meco, Inc. to reduce the contract amount by \$51,091.02 to \$284,810.98 is approved.
2. The Township Manager is hereby authorized and directed to execute the necessary documents to effect Change Order No. 1.

It was **MOVED** by Rosenberg, **SECONDED** by Zoller to approve Resolution R2015-200.

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

There being six (6) ayes and no (0) nays, Resolution R2015-200 was approved

Resolution R2015-201 Approval of Purchase of Ammunition from Eagle Point Gun/T.J. Morris & Son for the East Windsor Police Department

Mayor Mironov noted that a recommendation from the Chief of Police has been received on this and that funds were appropriated in the 2015 operating budget for this purchase.

RESOLUTION R2015-201

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, there is a need to purchase ammunition and ammunition related supplies for the East Windsor Township Police Department; and

WHEREAS, quotes were solicited from three (3) vendors to provide this equipment; 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 was submitted by Eagle Point Gun/T.J. Morris & Son through State Contract No. A81296; and

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

WHEREAS, the maximum amount of the purchase is \$21,028.41 and funds are available in Account No. 5-01-25-240-307-208 entitled Emergency and Safety Equipment as evidenced by the Chief Financial Officer's Certification No. B2015-034.

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 Township Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition under State Contract No. A81296, to Eagle Point/T.J. Morris & Son, 1707 Third Street, Thorofare, NJ 08086, for the purchase of ammunition and ammunition related supplies, in an amount not to exceed \$21,028.41, as set forth in the attached quote.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2015-201.

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

There being six (6) ayes and no (0) nays, Resolution R2015-201 was approved

Resolution R2015-202 Granting Consent to Cross River Fiber to Install, Operate, and Maintain a Telecommunications System in and over the Public Rights-of-Way within East Windsor Township

**RESOLUTION R2015-202
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, Cross River Fiber, LLC was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket No. TE12040297 on June 18, 2012 and intends to provide telecommunication services in accordance with that Order and the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities; and

WHEREAS, pursuant to such authority granted by the New Jersey Board of Public Utilities, Cross River Fiber, LLC may locate, place, attach, install, operate and maintain facilities within Public Rights-of-Way for purposes of providing telecommunications services; and

WHEREAS, Cross River Fiber, LLC proposes to place its telecommunication facilities aerially on existing utility poles or in underground conduit in the Public Rights-of-Way within East Windsor Township for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and.

WHEREAS, it is in the best interests of East Windsor Township and its citizenry to promote competition in the telecommunications market and for the Township to grant consent to Cross River Fiber, LLC to occupy the Public Rights-of-Way within East Windsor Township for this purpose; and

WHEREAS, the consent granted herein is for the non-exclusive use of the Public Rights-of-Way within East Windsor Township for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system.

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

1. Consent is hereby granted to Cross River Fiber, LLC to install, operate, and maintain a telecommunications system in and over the public rights-of-way within East Windsor Township, in accordance with the terms set forth in the Rights-of-Way Use Agreement attached hereto.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Rights-of-Way Use Agreement.

It was MOVED by Rosenberg, SECONDED by Lippman to approve Resolution R2015-202.

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

There being six (6) ayes and no (0) nays, Resolution R2015-202 was approved

Resolution R2015-203 Authorize Repairs to Asphalt Area Next to Concrete Apron for East Windsor Volunteer Fire Company No. 1

Mayor Mironov requested the 2nd and 3rd paragraph be changed to include that quotes have been obtained not cost proposals. Mayor Mironov also asked that the vendor's street address be obtained instead of a post office box number. It was noted that a recommendation from the Manager and Fire Company No. 1 have been received regarding this issue.

RESOLUTION R2015-203

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, there exists a need to replace the asphalt adjacent to the newly installed concrete aprons at the East Windsor Volunteer Fire Company No. 1 building; and

WHEREAS, three (3) quotes have been obtained for the replacement of the asphalt; and

WHEREAS, the lowest responsive quote was submitted by R.J. Hicks, 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 Township Manager's recommendations on said purchase; and

WHEREAS, the maximum amount of the purchase is \$14,000.00 and funds are available in the Account No. C-04-55-970-915-859 entitled Ordinance 2014-08 "Fire No. 1 Rear Concrete Apron Install", as evidenced by the Chief Financial Officer's Certification No. C2015-031.

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 R.J. Hicks, Inc., 118 Voelbel Road, Hightstown, NJ 08520 in a total amount not to exceed \$14,000.00.

It was **MOVED** by Zoller, **SECONDED** by Yeager to approve Resolution R2015-203 with the changes

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

There being six (6) ayes and no (0) nays, Resolution R2015-203 was approved with the changes.

APPLICATIONS:

Raffle License RL:2015-007 Beth El Synagogue, 50 Maple Stream Road, East Windsor, NJ on June 12, 2016, Off-Premise Merchandise Raffle

It was **MOVED** by Rosenberg, **SECONDED** by Yeager to approve Raffle License RL-2015-007 for Beth El Synagogue to hold an Off-Premise Raffle drawing on June 12, 2016.

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

There being four (4) ayes and no (0) nays and two (2) abstentions, Raffle License RL-2015-007 for Beth El Synagogue to hold an Off-Premise Raffle on June 12, 2016 was approved

REPORTS BY COUNCIL AND STAFF:

Council Member Shapiro reported on the previous evening's Planning Board meeting where an application was heard for Project Terra to be built on Wyckoff Mills Road. Council Member Rosenberg reported on the Recreation Committee meeting held on December 11th and after-school and hockey programs were discussed. Trips and special events information is available on the web-site and the egg hunt is scheduled for March 19th with the following day being the rain date if needed. Mr. Rosenberg also reported on the Clean Communities Advisory Board meeting held on November 19th and discussed the Sustainable Jersey Silver level certification and the annual wrap-up of the Adopt-A-Spot program. Council Member Zoller reported on the November 19th meeting of the Commission on /Aging where discussion was held on the growing list of senior discount retailers in the East Windsor area. Mr. Zoller also reported on the Health Advisory Board meeting held on the same evening. Council Member Yeager reported that the Environmental Commission discussed upcoming training, the Community Forestry Management Plan and Sustainable Jersey certification when they met on November 18th. Mayor Mironov reported that the Economic Development Committee met on December 3rd and set goals for 2016. Mayor Mironov also stated that she attended a fun event at the Rogers' school called Club Connect Reading Oasis which is a new program made possible by the United Way providing for reading space.

CORRESPONDENCE:

Mayor Mironov listed the following correspondence received: Tax Collector Report for period ending November 30, 2015. Also a letter from the Mercer County Surrogate requesting dates for 2016. A letter was received from Department of Community Affairs Commissioner Richman indicating that East Windsor has been awarded a Small Cities Grant of \$100,000 toward the Township housing rehabilitation program.

APPOINTMENTS:

Mayor Mironov appointed the following student members: Ian Jurkiewicz to the Economic Development Committee, Sarah Heyburn to the Economic Development Committee and Sree Chinta to the Commission on Aging.

APPROVAL OF BILLS:

Mayor Mironov specified the bill lists presented for payment dated November 17, 2015, and November 30, 2015.

It was MOVED by Lippman, SECONDED by Rosenberg to approve the Bill Lists.

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

There being six (6) ayes and no (0) nays the presented Bill Lists dated November 17, 2015 and November 30, 2015 were approved.

MATTERS BY COUNCIL:

Mayor Mironov stated that the Recreation Director and Commission have put forth a project with respect to a 5K walk/run in April 2016. Information was distributed on November 16. Mayor Mironov requested Council give comments, issues, questions or feedback so as to offer guidance on the project.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

The Englishtown-Wyckoff Street Transmission Line Project was discussed earlier in the meeting.

1. Englishtown-Wyckoff Street Transmission Line Project

Gerry Ricciardi, Area Manager for Jersey Central Power and Light gave presentation to the Mayor and Council regarding the Englishtown-Wyckoff Street Transmission Line Project which will upgrade the electrical transmission lines, needed due to more power demand. Approximately 20,000 East Windsor residents will benefit by this improvement. The project is estimated to start January 18th but snow could possibly delay installation. A parking prohibition is requested along Probasco Road in order to give access to the area needed. Mr. Ricciardi and Construction Manager James Duehsing fielded questions from the Mayor and Council and were requested to provide a narrative to them pertaining to roadway impacts.

2. 2016 East Windsor Township Independence Day Celebration and Summer Program

Mayor Mironov recalled that Independence Day Celebration had been previously discussed by Council and had centered on the possibility of the fireworks being held on July 2 with a rain-date of July 3. Council raised concern over rain on both dates and how the cancellation process works. Mayor Mironov requested that a November 11 note, addressing raised concerns, be re-distributed to Council on this matter. Council also discussed the list of bands supplied by the Recreation Director for the Summer Concert series and requested further information on the bands the Township had not used previously.

3. One Mile Road Opening for Sewer System Connection

Mayor Mironov stated that information has been received from the Manager regarding a request to retire a couple of septic systems that have had issues and to tie into the municipal sewer system. The issue with this is that part of One Mile Road is where roadwork was recently completed. The Township does have a policy of five (5) year moratorium after roadwork. A waiver has been requested for that portion of the road from the normal policy. The Manager and Health Department have provided information with respect to this. Council Member Lippman suggested allowing the waiver to remedy the situation of the property owners. Council Member Shapiro agreed.

It was MOVED by Lippman, SECONDED by Rosenberg to authorize the filing and processing of a permit application for the purposes of performing the necessary work with respect to the septic system and sewer connection and then restoring the roadway on One Mile Road.

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

There being six (6) ayes and no (0) nays, authorization was granted for the filing and processing of a permit application for the purposes of performing the necessary work with respect to the septic system and sewer connection and then restoring the roadway on One Mile Road

4. New Jersey Turnpike Widening Project: East Windsor Issues

Mayor Mironov stated that it appears that some progress has been made on East Windsor Turnpike widening issues however no status updated has been received. The Mayor stated that Meadow Lakes has informed her that they have had no word or resolution regarding their sign problem. Mayor Mironov received a letter on some remedial work with a case name of "New Jersey Turnpike Interchange 8 Construction site 354 Monmouth Street". Last week it was forwarded to the Turnpike Authority asking for further information. Mayor Mironov suggested contacting someone higher up for answers. General consensus of Council to do so if no action on previously communicated issues within the next 48 hours.

MATTERS BY PUBLIC: None

ADJOURNMENT:

There being no further business Mayor Mironov declared the meeting adjourned at 8:55 p.m

Next Meeting: Tuesday, December 22 @ 7:30 p.m.

Gretchen McCarthy
Municipal Clerk

Janice S. Mironov
Mayor