

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday June 2, 2015

Minutes

CALL TO ORDER:

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 7:00 p.m. on June 2, 2015.

VERIFICATION:

Municipal Clerk Gretchen McCarthy certified that the meeting was noticed 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:

Gerry Ricciardi, of Jersey Central Power & Light led the flag salute.

ROLL CALL:

Present were Council Members Hector Duke, 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, Municipal Clerk Gretchen McCarthy and Kelly Lettera. Council Member Marc Lippman was absent.

PRESENTATIONS & PROCLAMATIONS:

Flag Day—June 14, 2015

Meadow Lakes 50th Anniversary (June 11, 2015)

Eagle Scout: Nathan Crabtree, Boy Scout Troop 59 (June 13, 2015)

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Mayor and Council interviewed Michael Theokas, who was interested in serving on the Zoning Board of Adjustment, the Planning Board and the Economic Development Committee. He is not available the second or fourth Tuesdays each month.

PUBLIC FORUM:

Sean O'Connor, 152 Hickory Corner Road, commented about the Recreation and Open Space Plan.

MINUTES:

None.

ORDINANCE – INTRODUCTION:

None

ORDINANCE – PUBLIC HEARING:

Ordinance No. 2015-06 Bond Ordinance Providing for Various Capital Improvements in and by the Township of East Windsor, in the County of Mercer, New Jersey, Appropriating \$900,000 therefor and Authorizing the Issuance of \$570,000 Bonds or Notes of the Township to Finance Part of the cost Thereof

The Municipal Clerk read by title Ordinance No. 2015-06. Mayor Mironov stated the Ordinance had been introduced on May 19. Mayor Mironov then declared open the public hearing.

Sean O'Connor, 152 Hickory Corner Road, inquired about grant funding and road maintenance.

As no further members of the public wished to be heard, Mayor Mironov declared closed the public hearing.

Mayor Mironov stated that \$300,000 in grants had been received for Dorchester Drive improvements and that other grant applications for roadway improvements were pending. She also asked for an updated schedule from staff for these improvements.

ORDINANCE 2015-06

BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE TOWNSHIP OF EAST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$900,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$570,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of East Windsor, in the County of Mercer, New Jersey (the "Township") as general improvements. For the several

improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$900,000, including a \$300,000 grant expected to be received from the State of New Jersey Department of Transportation Municipal Aid Program for capital road improvements to Dorchester Drive, as described in Section 3(b) (the "State Grant") and further including the aggregate sum of \$30,000 as the several down payments for the improvements or purposes required by the Local Bond Law. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvements to be funded from the State Grant. The amount of the down payment appropriated is 5% of the \$600,000 in costs of the improvements which are not to be funded by the State Grant. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments and the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$570,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	Appropriation &	Estimated Maximum	Period of
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	<u>Estimated Cost</u>	Amount of Bonds & Notes	<u>Usefulness</u>
a) The Annual Road Program to provide repairs and improvements to various roads throughout the Township, including, but not limited to, the roads listed on file in the Office of the Township Clerk, and including all work and materials necessary therefor and incidental thereto.	\$600,000	\$570,000	10 years
b) Improvements to Dorchester Drive, including all work and materials necessary therefor and incidental thereto.	<u>\$300,000</u> (includes \$300,000 State of New Jersey Department of Transportation Grant)	\$0	N/A
TOTAL:	<u>\$900,000</u>	<u>\$570,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief

financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10.00 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$570,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$125,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or, if other than the State Grant, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

It was MOVED by Shapiro and SECONDED by Duke that Ordinance No. 2015-06 be adopted and authorized for publication as required by law.

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

There being six (6) ayes and no (0) nays, Ordinance No. 2015-06 was adopted and authorized for publication as required by law.

RESOLUTIONS:

Resolution R2015-098 Chapter 159—Amending the 2015 Municipal Budget Providing an Item of Revenue and Appropriation for the 2015 Clean Communities Grant

The Municipal Clerk read by title Resolution R2015-098. Mayor Mironov stated this was an appropriation so that the grant could be spent.

RESOLUTION R2015-098

**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 \$51,857.52, which item is now available as revenue from the State of New Jersey Solid Waste Administration 2015 Clean Communities Grant.
2. A like sum of \$51,857.52 is hereby appropriated under the caption of 2015 Clean Communities Grant.

It was **MOVED** by Yeager, **SECONDED** by Rosenberg to approve Resolution R2015-098.

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

There being six (6) ayes and no (0) nays Resolution R2015-098 was approved.

Resolution R2015-099 Authorizing Approval of Maintenance Contract with Spillman Technologies for Police Department Computer Software

The Municipal Clerk read by title Resolution R2015-099. Mayor Mironov stated there was a recommendation from the Police Chief. She asked that a comma be added after the contract amount in the last paragraph under “Now, therefore.”

RESOLUTION R2015-099
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, there is a need to purchase police software enhancements and maintenance of the Records Management system, including computer aided dispatch, 9-1-1 interface, as well as general updates, telephone support, dial-in software modifications and repairs for the computer software for the East Windsor Township Police Department; and

WHEREAS, Spillman Technologies, Inc. is the sole provider and has not authorized maintenance of their software by any other vendor; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5 any contract which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising bids if the subject matter consists of the provision or performance of goods and services for the support or maintenance of proprietary computer hardware and software; and

WHEREAS, the Township Council has reviewed the Chief of Police’s recommendations on said purchase; and

WHEREAS, the maximum amount of the purchase is \$20,330.00 and funds are available in the Current Fund Account No. 5-01-25-240-305-245 entitled Police Records – Other Maintenance, as evidenced by the Chief Financial Officer’s Certification No. B2015-026.

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 Spillman Technologies, Inc., 4625 West Lake Park Boulevard, Salt Lake City, Utah 84120, for the purchase of police software enhancements, maintenance of the Records Management system, including computer aided dispatch, 9-1-1 interface, as well as general updates, telephone support, dial-in software modifications and repairs for the computer software for the period of June 1, 2015 through May 31, 2016, for the East Windsor Township Police Department, in an amount not to exceed \$20,330.00, in accordance with the attached quote.

It was MOVED by Zoller, SECONDED by Rosenberg to approve Resolution R2015-099 as revised.

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

There being six (6) ayes and no (0) nays Resolution R2015-099 was approved as revised.

Resolution R2015-100 Approval of Sustainable New Jersey Wildlife Action Plan Pledge

The Municipal Clerk read Resolution R2015-100 by title. Mayor Mironov stated this was part of the East Windsor Green Team Sustainable Jersey Project.

RESOLUTION R2015-100

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, New Jersey is home to a rich diversity of wildlife and ecologically significant natural communities; and

WHEREAS, New Jersey's wildlife and wild places are under threat from development, fragmentation, invasive species and the impacts of people; and

WHEREAS, the populations of mammals, birds, invertebrates, fish, reptiles and amphibians that live in and migrate through New Jersey find themselves clinging to smaller and smaller pieces of wild clean lands and aquatic habitats; and

WHEREAS, it is more cost-effective to prevent species from becoming imperiled than it is to recover them once their populations have declined; and

WHEREAS, a naturally functioning and healthy ecosystem represents a healthy environment for New Jersey wildlife and our citizens; and

WHEREAS, the New Jersey Division of Fish and Wildlife, other state and federal agencies, and many partners in conservation have worked together to develop a state Wildlife Action Plan for the benefit of biologists, wildlife experts, municipal leaders, land stewards, non-profit organizations, educators, planners, researchers, outdoor recreation enthusiasts, landowners and all the people who know the wild places of New Jersey State; and

WHEREAS, the New Jersey Wildlife Action plan is a comprehensive action agenda for the conservation of native wildlife, the restoration of important lands and water, and public education targeting the needs of rare wildlife in New Jersey; and

WHEREAS, the residents of and visitors to New Jersey also enjoy and benefit from New Jersey's wildlife and wild spaces;

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. East Windsor Township resolves to take the following steps with regard to our municipal land-use decisions with the intent of making East Windsor an ecologically sustainable community. It is our intent to include these principles in our public lands management, our environmental resources inventory and to inform the next master plan revision and update our zoning accordingly.
 - a. Identify imperiled species, critical habitat and unique ecosystems in our Environmental Resource Inventory.
 - b. Acknowledge that it is more cost-effective to protect species than recover species, we will protect populations of rare and imperiled species that live and breed in, and migrate through, the municipality and the habitats they depend upon.
 - c. Because habitat integrity is critical to healthy biodiversity, manage publicly owned lands in accordance with wildlife management actions laid out in the New Jersey Wildlife Action Plan and will promote the management of all protected lands to promote biodiversity.
 - d. Seek to protect wildlife habitats and maintain connectivity of habitat when formulating an open space acquisition strategy, open space stewardship plans and through the municipal master plan including planning and zoning ordinances.
 - e. Seek to minimize disturbance of critical wildlife populations and their habitats from human activities, subsidized predators and invasive species.
 - f. When possible and appropriate, work with neighboring municipalities to implement the aforementioned principles across municipal boundaries.
 - g. When possible and appropriate, strive to monitor and implement appropriate management of municipal easements to ensure native vegetation and wildlife takes precedence over invasive and/or exotic species.

It was **MOVED** by Yeager, **SECONDED** by Shapiro to approve Resolution R2015-100.

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

There being six (6) ayes and no (0) nays Resolution R2015-100 was approved.

Resolution R2015-101 Action on Request for Reduction of Performance Guarantee for K. Hovnanian at East Windsor, LLC (Magnolia Ridge) Site Improvements

The Municipal Clerk read by title Resolution R2015-101. Mayor Mironov stated a Resolution with corrected numbers had been distributed and explained in detail the changed numbers. She asked that the recommendation from Township Counsel be attached to the resolution.

RESOLUTION R2015-101

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, Kathy C. Herty, Authorized Representative of K. Hovnanian at East Windsor, LLC, has requested by letter dated March 11, 2015, a reduction of the performance guarantees being held by the Township for Magnolia Ridge Site Improvements; and

WHEREAS, ACT Engineers has inspected the improvements for Magnolia Ridge Site Improvements and filed a written report with the Township Council dated April 17, 2015, which is attached hereto and made a part of this Resolution; and

WHEREAS, the Township Council has reviewed the report and recommendations of the Township Engineer; 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. The Township Council agrees to reduce Performance Bond No. 1085980 issued by Lexon Insurance Company be reduced from \$658,049.94 (corrected amount \$693,435.06) to \$341,590.50 and cash guarantee in the amount of \$73,116.66 (corrected amount \$77,048.34) to \$37,954.50.
2. The Municipal Clerk is authorized and directed to forward a certified copy of this Resolution and a copy of the Township Engineer's report to Kathy C. Herty, Authorized Representative of K. Hovnanian at East Windsor, LLC.

It was **MOVED** by Shapiro, **SECONDED** by Rosenberg to approve Resolution R2015-101.

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

There being six (6) ayes and no (0) nays Resolution R2015-101 was approved.

Resolution R2015-102 Action on Request for Reduction of Performance Guarantee for K. Hovnanian at East Windsor, LLC (Magnolia Ridge) Sanitary Sewer Service

The Municipal Clerk read by title Resolution R2015-102. Mayor Mironov stated there was a recommendation dated May 8, 2015 from Township Counsel.

RESOLUTION R2015-102

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, Kathy C. Herty, Authorized Representative of K. Hovnanian at East Windsor, LLC, has requested by letter dated March 11, 2015, a reduction of the performance guarantees being held by the Township for Magnolia Ridge Sanitary Sewer Service; and

WHEREAS, ACT Engineers has inspected the improvements for Magnolia Ridge Site Improvements and filed a written report with the Township Council dated May 8, 2015, which is attached hereto and made a part of this Resolution; and

WHEREAS, the Township Council has reviewed the report and recommendations of the Township Engineer; 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. The Township Council agrees to reduce Performance Bond No. 1085990 issued by Lexon Insurance Company be reduced from \$104,803.20 to \$72,630.00 and cash guarantee in the amount of \$11,644.80 to \$8,070.00.
2. The Municipal Clerk is authorized and directed to forward a certified copy of this Resolution and a copy of the Township Engineer's report to Kathy C. Herty, Authorized Representative of K. Hovananian at East Windsor, LLC.

It was MOVED by Zoller, SECONDED by Duke to approve Resolution R2015-102.

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

There being six (6) ayes and no (0) nays Resolution R2015-102 was approved.

Resolution R2015-103 Action on Request for Reduction of Performance Guarantee for K. Hovnanian at East Windsor, LLC (Magnolia Ridge) Water Service

The Municipal Clerk read by title Resolution R2015-103. Mayor Mironov stated there was a recommendation from Township Counsel dated May 8, 2015.

RESOLUTION R2015-103

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, Kathy C. Herty, Authorized Representative of K. Hovnanian at East Windsor, LLC, has requested by letter dated March 11, 2015, a reduction of the performance guarantees being held by the Township for Magnolia Ridge Water Service; and

WHEREAS, ACT Engineers has inspected the improvements for Magnolia Ridge Site Improvements and filed a written report with the Township Council dated May 8, 2015, which is attached hereto and made a part of this Resolution; and

WHEREAS, the Township Council has reviewed the report and recommendations of the Township Engineer; 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. The Township Council agrees to reduce Performance Bond No. 1085991 issued by Lexon Insurance Company be reduced from \$105,332.40 to \$47,806.20 and cash guarantee in the amount of \$11,703.60 to \$5,311.80.
2. The Municipal Clerk is authorized and directed to forward a certified copy of this Resolution and a copy of the Township Engineer's report to Kathy C. Herty, Authorized Representative of K. Hovanian at East Windsor, LLC.

It was **MOVED** by Shapiro, **SECONDED** by Yeager to approve Resolution R2015-103.

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

There being six (6) ayes and no (0) nays Resolution R2015-103 was approved.

Resolution R2015-104 Approval of Township Emergency Operations Plan—Basic Plan

The Municipal Clerk read by title Resolution R2015-104. Mayor Mironov stated there was a memo from the Chief of Police.

RESOLUTION R2015-104

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the State of New Jersey requires each municipality to have a certified Emergency Operating Plan (EOP) in order to maintain its eligibility for Federal Assistance in the event of a disaster; and

WHEREAS, the “Basic Plan” is part of the Township Emergency Operating Plan; and

WHEREAS, the Emergency Operating Plan is due for recertification on August 31, 2015.

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. That the Basic Plan within the Emergency Operations Plan, of the Township of East Windsor, Office of Emergency Management, is hereby approved.
2. The Mayor is hereby authorized and directed to execute the attached Emergency Operations Plan for East Windsor Township.

It was **MOVED** by Duke, **SECONDED** by Zoller to approve Resolution R2015-104.

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

There being six (6) ayes and no (0) nays Resolution R2015-104 was approved.

Resolution R2015-107 Approval of Developers Agreement with Shiseido America, Inc.

The Municipal Clerk read by title Resolution R2015-107. Mayor Mironov stated this was a standard developer’s agreement.

RESOLUTION R2015-107

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, Shiseido America, Inc., the owners of property located at 366 Princeton-Hightstown Road, East Windsor, New Jersey and known as Block 1, Lot 4, as shown on the official tax map of the Township of East Windsor, received Preliminary and Final Site Plan Approval with Variances and Waivers by Resolution 2015-09 of the Township Planning Board on March 16, 2015 bearing application PB14-010; 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 Shiseido America, Inc., in the form attached hereto.
2. All necessary Township professionals and departments are 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 Shiseido America, Inc.

It was MOVED by Yeager, SECONDED by Rosenberg to approve Resolution R2015-107.

ROLL CALL: Ayes – Duke, Rosenberg, Shapiro, Yeager, Mironov
Abstentions - Zoller
Nays – None

There being five (5) ayes, one (1) abstention and no (0) nays Resolution R2015-107 was approved.

APPLICATIONS:

None.

REPORTS BY COUNCIL AND STAFF:

Council Member Rosenberg stated the Clean Communities Advisory Committee met on May 28. They discussed Recycling Days and would be meeting again on July 18.

Council Member Yeager stated the Environmental Commission met on May 20. They discussed the Community Forestry Plan and Arbor Day Events on June 9.

Council Member Yeager stated that on May 29, he represented the Municipal Alliance at the East Windsor High School's after-prom event.

Council Member Zoller stated the Commission on Aging met on May 29. The new Senior Services Directory had been well received. The Senior Center had been very busy with many activities, and the bus was back up and running.

CORRESPONDENCE:

Mayor Mironov stated there was a memo from the Township Manager responding to questions on the last Bill List.

Mayor Mironov stated there was a memo from the Township Manager regarding energy and paper use policies.

Mayor Mironov stated there was a memo from the Township Manager regarding a resolution that had been adopted months ago on Complete Streets.

Mayor Mironov stated there was a memo from the Township Manager regarding a resolution that had been adopted months ago on sustainable land use.

Mayor Mironov stated the bicycle program "Use Your Head" had been completed.

APPOINTMENTS:

None.

APPROVAL OF BILLS:

Mayor Mironov described the bill lists presented for payment dated May 28, 2015. It was **MOVED** by Zoller, **SECONDED** by Duke to approve the presented Bill Lists subject to the questions and pulled bills.

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

There being six (6) ayes and no (0) nays the presented Bill Lists were approved.

MATTERS BY COUNCIL:

Review of Sustainable Jersey Diversity on Boards and Commissions Survey Report

Mayor Mironov stated there was information in Council Members' folders regarding a Sustainable Jersey filing that showed all action items had been followed through.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. East Windsor Township Website Update

Mayor Mironov stated an outside company had been retained to handle the design and technical aspects of the new website. In addition, a committee had been formed internally consisting of Mayor Mironov, Council Member Yeager, the Township Manager, the Recreation Director, a staff member from the Public Works Department, the Municipal Clerk that had met regularly had had conference calls with the vendor. The committee had been reviewing the new website design and it remained a work in progress. The goal was to have a more user-friendly website that will facilitate the dissemination of information. The committee had also been identifying documents that should be placed on the website, such as planning documents, forms, and so forth. Also, all information on the current site would be migrated to the new site, and there would be a training process for staff. It was expected that the new site would be presented to Council over the summer.

Council Member Yeager noted that the new site was a major undertaking and expressed his thanks for the staff that had worked on it. He was looking forward to a new site that not only looked great, but was also very functional.

Mayor Mironov explained that the menus would be restructured, and the website would be much easier to navigate.

2. Fence Replacements for Wiltshire Park and Veterans Park

Mayor Mironov stated Council had to determine whether the fences needed replacing and, if so, what kind of material should be used for replacement.

The memo provided offered two options: chain link or post and rail. Mayor Mironov noted it did not have to be the same fence in both parks. Council Member Shapiro stated most of the rail fence was a concern in Veterans Park. One side had sturdy fencing, but the other side had falling fences. However the materials seemed solid and might be re-used if the posts were replaced. He stated the chain link on other portions surrounding the field was not aesthetically pleasing. He believed the Township should do whatever is safest and was not opposed to chain link.

Mayor Mironov stated the fence at Wiltshire provided a separation, privacy and security from residential homes. A fence had always been in place at this location.

Mayor Mironov noted that, based on the comments on Veterans Park, this issue should be held over for further research to see if the fencing can be repaired/re-used rather than replaced.

Mayor Mironov suggested that the fencing at Wiltshire Park should be replaced. She had discussed this with the Public Works Director, and quotes had been obtained. There had been some discussion

regarding whether it should be done internally or by a contractor, depending on cost. Because the quotes were reasonable, she was recommending an outside company replace it. Council Members agreed unanimously.

Mayor Mironov stated Veterans Park should be removed entirely from Resolution R2015-105 and that the contract should indicate the fall installation of the fence at Wiltshire by Horner Brothers in an amount not to exceed \$6120. The CFO certification would need to be adjusted.

Resolution R2015-105 Approval of Purchase of Fence Materials for Wiltshire Park and Veterans Park

Resolution R2015-105 was read by title by the Municipal Clerk

RESOLUTION R2015-105

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need to purchase replacement fencing for Wiltshire Park in East Windsor Township; and

WHEREAS, three (3) quotes were obtained for the installation of chain link fencing to provide this replacement fencing; and

WHEREAS, the lowest responsive proposal for chain link fence was received from Horner Brothers; 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 Department recommendations on said purchase; and

WHEREAS, the maximum amount of the purchase is \$6,120.00 and funds are available in Account No. C-04-55-953-914-505 entitled Ordinance 2013-09 Parks & Playgrounds in the amount of \$870.00 and in Account No. C-04-55-970-916-870 entitled Ordinance 2015-02 Parks & Playgrounds in the amount of \$5,250.00 as evidenced by the Chief Financial Officer's Certification No. C2015-016.

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

1. The Township Council authorizes the contract with Horner Brothers for the installation of chain link fence for Wiltshire Park for an amount not to exceed \$6,120.00 in accordance with their quote.

It was MOVED by Duke, SECONDED by Rosenberg to approve Resolution R2015-105 as revised.

ROLL CALL: Ayes – Duke, Rosenberg, Shapiro, Yeager, Zoller, Mironov

Nays – None

There being six (6) ayes and no (0) nays Resolution R2015-105 was approved as revised.

3. East Windsor Township Open Space and Recreation Plan Updates

Mayor Mironov stated the revised plan and information was in Council Members' folders that evening. The revised Open Space Plan removes open space parcels that had been acquired since the last amendment, and that information had been provided to Council showing how the new information had been calculated. She noted the Plan was a requirement for Green Acres Acquisition Grants, such as the one that had assisted in the purchase of 181 Airport Road that year. These purchases enabled the Township to preserve open space and protect native wildlife, as well as balance land use that makes East Windsor a desirable place to live. Some open space acquisitions had provided buffers that reduced flooding in some communities and improved home values. She noted the Township's Recreation and Open Space Inventory had also been updated. Properties had been purchased on an individual basis at a point when it was feasible and made sense. The Township had used County and Green Acres grant funding, as well as developers' trust fund monies.

Council Member Yeager added that the goals and policies in the Plan were consistent and had not changed since the Plan had originally been adopted. Council Member Shapiro added that the Township had not purchased certain lands that had been available as they did not meet East Windsor's goals for the Township and the environment. Council Member Rosenberg noted that the Township's Open Space Plan was consistent with residents' wishes as well. Council Member Zoller commented how important farmland preservation was to local farmers and the Township.

Resolution R2015-106 Approval of Updated and Amended East Windsor Township Open Space and Recreation Plan

Resolution R2015-106 was read by title by the Municipal Clerk

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, the Township Open Space and Recreation Plan was initially approved by the Township Council at a public meeting held on February 27, 2001 and filed with the New Jersey Department of Environmental Protection Green Acres Program; and

WHEREAS, the Township Council has since reviewed and approved at public meetings updates and amendments to the Township Open Space and Recreation Plan; and

WHEREAS, there is a desire by the Mayor and Council to update and amend the Township Open Space and Recreation Plan; and

WHEREAS, the Township Open Space and Recreation Plan as amended was found to be consistent with the Conservation and Recreation Plan Element of the Township Master Plan; and

WHEREAS, the Township Council has reviewed said Open Space and Recreation Plan.

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 attached Township Open Space and Recreation Plan as amended and dated June 2, 2015 is approved and directed to be filed with the New Jersey Green Acres Program.

It was MOVED by Yeager, SECONDED by Shapiro to approve Resolution R2015-106.

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

There being six (6) ayes and no (0) nays Resolution R2015-106 was approved.

MATTERS BY PUBLIC:

John Brooks, 888 Old York Road, commented about EMS services.

Gerry Ricciardi, Jersey Central Power & Light, commented on JCP&L's website services.

Michael Foley, 6 Barrington Drive, West Windsor, commented about EMS services.

Sean O'Connor, 152 Hickory Corner Road, commented about the Open Space Plan and EMS services.

ADJOURNMENT:

There being no further business Mayor Mironov declared the meeting adjourned at 8:15 pm.

Next Meeting: Tuesday, June 23, 2015 @ 7:30 p.m.

Gretchen McCarthy
Municipal Clerk

Janice S. Mironov
Mayor