

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, March 17, 2015

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 March 17, 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:

Luz Horta led the flag salute.

ROLL CALL:

Present were Council Members Hector Duke, Marc Lippman, Alan Rosenberg, Perry Shapiro, 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.

PRESENTATIONS & PROCLAMATIONS:

Better Beginnings Gala – May 2, 2015

Mayor Mironov and Council Members Duke, Lippman, Rosenberg, Shapiro and Zoller all presented their checks and RSVPs to the Gala to Luz Horta, Better Beginnings Executive Director and Mercedes Colon-Vargas, Event Coordinator. Mayor Mironov commented that East Windsor now had 100% attendance to the event, and issued the challenge to the Hightstown mayor and council to meet that participation.

Women's History Month – March 2015

Mayor Mironov presented the Proclamation to New Jersey State Senator Linda R. Greenstein, Mercer County Clerk Paula Sollami-Covello and Mercer County Surrogate Diane Gerofsky. Senator Greenstein, County Clerk Sollami-Covello and Surrogate Gerofsky all made remarks on the importance of Women's History Month.

American Red Cross Month – March 2015

INTERVIEWS FOR BOARDS AND COMMISSIONS:

There were none.

PUBLIC FORUM:

No members of the public spoke.

MINUTES:

November 11, 2014

November 25, 2014

December 9, 2014

December 23, 2014

January 20, 2015

February 3, 2015

February 17, 2015

Council Meeting Minutes

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February 17, 2015 Closed Session

February 24, 2015

February 25, 2015

November 11, 2014

It was MOVED by Rosenberg and SECONDED by Duke that the November 11, 2014 minutes be approved.

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

Nays – None

There being seven (7) ayes and no (0) nays, November 11, 2014 minutes were approved.

November 25, 2014

It was MOVED by Yeager and SECONDED by Lippman that the November 25, 2014 minutes be approved.

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

Nays – None

There being seven (7) ayes and no (0) nays, November 25, 2014 minutes were approved.

December 9, 2014

It was MOVED by Lippman and SECONDED by Rosenberg that the December 9, 2014 minutes be approved.

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

Nays – None

There being seven (7) ayes and no (0) nays, December 9, 2014 minutes were approved.

December 23, 2014

It was MOVED by Lippman and SECONDED by Duke that the December 23, 2014 minutes be approved.

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

Nays – None

There being seven (7) ayes and no (0) nays, December 23, 2014 minutes were approved.

Mayor Mironov requested that the remainder of minutes listed on the agenda be rescheduled.

ORDINANCE – PUBLIC HEARING:

Ordinance 2015-02 was read by title by the Municipal Clerk.

Ordinance 2015-02 An Ordinance of The Township of East Windsor, New Jersey, Reappropriating \$100,000 Proceeds of Obligations to Parks and Playground Equipment.

Mayor Mironov indicated the ordinance was introduced on March 3 and public hearing set for tonight. Mayor Mironov declared open the public hearing. No members of the public wished to speak at this time, therefore Mayor Mironov declared closed the public hearing.

**ORDINANCE NO. 2015-02
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

AN ORDINANCE OF THE TOWNSHIP OF EAST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY, REAPPROPRIATING \$100,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES TO PARKS AND PLAYGROUND EQUIPMENT.

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

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$100,000 of the proceeds of obligations originally made available pursuant to Section 3(a) of the below specified Bond Ordinances of the Township of East Windsor, in the County of Mercer, New Jersey (the "Township"), are no longer necessary for their original purposes

| <u>Ordinance Number</u> | <u>Date Adopted</u> | <u>Account</u> | <u>Description</u> | <u>Balance Remaining</u> |
|-------------------------|---------------------|---------------------|---|--------------------------|
| 2014-08 | 11/11/2014 | C-04-55-951-912-859 | Fire Company No. 1 Rear Concrete Apron | \$40,000 |
| 2013-09 | 12/17/2013 | C-04-55-953-914-503 | Police Building Roof | \$60,000 |
| TOTAL | | | | \$100,000 |

Section 2. The \$100,000 proceeds described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 are hereby re-appropriated to provide \$100,000 for parks and playground equipment.

Section 3. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital budget or temporary capital budget of the Township of East Windsor is hereby amended to conform with the provisions of this 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 4. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provide by law.

It was **MOVED** by Yeager and **SECONDED** by Rosenberg that Ordinance No. 2015-02 be adopted and authorized for publication as required by law.

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

There being seven (7) ayes and no (0) nays, Ordinance No. 2015-02 was adopted and authorized for publication as required by law.

ORDINANCE – INTRODUCTION

Ordinance 2015-03 was read by title by the Municipal Clerk.

Mayor Mironov noted a revised ordinance was in Council Member folders, and that a small item had been corrected in the Ordinance.

Ordinance 2015-03 An Ordinance of the Township of East Windsor, New Jersey, to Amend Ordinance 2014-07 an Ordinance to Establish Salaries and Wages for the Communications Workers of America, Local 1032 Union for Fiscal Year 2012-2015

**ORDINANCE 2015 – 03
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

**AN ORDINANCE OF THE TOWNSHIP OF EAST WINDSOR, NEW JERSEY, TO AMEND
ORDINANCE 2014-07 AN ORDINANCE TO ESTABLISH SALARIES AND WAGES FOR THE
COMMUNICATIONS WORKERS OF AMERICA, LOCAL 1032 UNION FOR FISCAL YEAR
2012 – 2015**

BE IT ORDAINED AND ENACTED by the Township Council of the Township of East Windsor, County of Mercer, and State of New Jersey that Ordinance 2014-07, Establishing Salaries and Wages for the Communications Workers of America, Local 1032 Union for Fiscal Years 2012- 2015, is amended as follows:

SECTION 1. SECTION 4 LONGEVITY, is hereby amended as follows:

| <u>Months of Service</u> | | <u>2012</u> | <u>2013</u> | <u>2014</u> | <u>2015</u> |
|--------------------------|-----------------|-------------|-------------|-------------|-------------|
| <u>Begin</u> | <u>Complete</u> | | | | |
| 60 | 108 | \$779 | \$779 | \$779 | \$779 |
| 109 | 168 | \$1,407 | \$1,407 | \$1,407 | \$1,407 |
| 169 | 228 | \$2,037 | \$2,037 | \$2,037 | \$2,037 |
| 229 | Over | \$2,547 | \$2,547 | \$2,547 | \$2,547 |

~~Longevity is payable in November of each year on a pro-rated basis from the anniversary date to the date of payment. It is not part of the union members' base pay. All permanent employees, full-time and part-time, shall receive longevity payments. Longevity shall be paid to part-time employees on a pro-rata basis.~~

Longevity pay will be paid as a lump sum in the first pay in November of each year on a pro-rated basis from the anniversary date to the date of payment according to the above schedule. Employees hired after September 1, 2014 shall not be eligible for longevity benefit payments.

SECTION 2. All Ordinances and Resolutions inconsistent with this Ordinance are hereby repealed.

SECTION 3. This Ordinance shall become effective twenty (20) days after final passage and publication according to law and shall remain in effect until amended or suspended.

It was MOVED by Zoller, SECONDED by Rosenberg to approve Ordinance 2015-03 on introduction, authorize publication as required by law and set public hearing for April 7, 2015.

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

There being seven (7) ayes and no (0) nays Ordinance 2015-03 was approved on introduction, authorized for publication as required by law and the public hearing was set for April 7, 2015.

Ordinance 2015-04 was ready by title by the Municipal Clerk.

Ordinance 2015-04 An Ordinance of the Township of East Windsor, New Jersey, to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank

Mayor Mironov stated this was a pro forma Ordinance done every year by recommendation of the Auditor and Finance Department. She noted that on page 2 “here and above” should be changed to “herein.” On page 2, line 3, it should say appropriations with an “s.” Under the “Now, therefore,” each item should start with a full sentence. There should be an “s” on “appropriations” on item #2 as well. She also asked that the number in the 4th paragraph be verified before publication.

ORDINANCE NO. 2015-04

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP
BANK**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

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

WHEREAS, the Township Council of the Township of East Windsor in the County of Mercer finds it advisable to permit an increase of its CY 2015 budget by up to 3.5%, if necessary, over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Council hereby determines that an increase of up to 2.0 % in the budget for said year, amounting to \$356,284.04 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Township Council hereby determines that any amount authorized herein that is not appropriated as part of the final CY 2015 budget shall be retained as an exception to final appropriations in either of the next two succeeding years.

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

I

1. In the CY 2015 budget year, the final appropriations of the Township of East Windsor shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$623,497.07, and that the CY 2015 municipal budget for the Township of East Windsor be approved and adopted in accordance with this ordinance; and,
2. Any amount authorized herein that is not appropriated as part of the final CY 2015 budget shall be retained as an exception to final appropriations in either of the next two succeeding years.
3. A certified copy of this ordinance as introduced shall be filed with the Director of the Division of Local Government Services within 5 days of introduction.
4. A certified copy of this ordinance upon adoption, with the recorded vote included thereon, shall be filed with said Director within 5 days after such adoption.

II

REPEAL

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

III

SEVERABILITY

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

IV
EFFECTIVE DATE

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

It was **MOVED** by Zoller, **SECONDED** by Shapiro to approve Ordinance 2015-04 on introduction, authorize publication as required by law and set public hearing for April 7, 2015.

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

There being seven (7) ayes and no (0) nays Ordinance 2015-04 was approved on introduction, authorized for publication as required by law and the public hearing was set for April 7, 2015.

RESOLUTIONS:

Resolution R2015-040 Introduction of the 2015 Municipal Budget

The Municipal Clerk read by title Resolution R2015-040. Mayor Mironov stated that the public hearing would be scheduled for April 21. She noted that the budget was \$21,302,983, which was an increase of \$318,039, or 1.5%, from 2014. The average assessment in East Windsor was \$258,351, with an average tax bill of \$1115, as compared to a \$259,538 assessment and \$1119 tax bill in 2014. She pointed out that the municipal portion of the tax bill was approximately 15%.

It was **MOVED** by Lippman and **SECONDED** by Duke to approve Resolution R2015-040.

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

There being seven (7) ayes and no (0) nays Resolution R2015-040 was approved.

Resolution R2015-041 Introduction of the 2015 Garbage District No. 1 Budget

The Municipal Clerk read by title Resolution R2015-041. Mayor Mironov stated the public hearing would be on April 21.

It was **MOVED** by Duke and **SECONDED** by Shapiro to approve Resolution R2015-040.

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

There being seven (7) ayes and no (0) nays Resolution R2015-041 was approved.

Resolution R2015-028 Approval of Professional Services Contract for Engineering Services for Reconstruction and Resurfacing of Dorchester Drive with Engineering and Land Planning Associates

The Municipal Clerk read by title Resolution R2015-028. Mayor Mironov noted that she had held this up while awaiting clarification from the Department of Public Works regarding options for engineering for the lengthening of Dorchester Drive and available funding from the New Jersey Transportation Trust Fund. Based on the Public Works information and options, it was recommended the Township would move forward with the project at this time.

RESOLUTION R2015-028

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for Professional Engineering Services for the Reconstruction & Resurfacing of Dorchester Drive; and

WHEREAS, the Township solicited proposals on November 20, 2014 and received five (5) proposals for Engineering Services on January 13, 2015; and

WHEREAS, the proposal received from Engineering and Land Planning Associates was lowest priced and responsive; 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, this contract is awarded in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5, et seq.; and

WHEREAS, the Township Council has reviewed the Township Manager's and the Director of Public Work's recommendations; and

WHEREAS, the maximum amount of the contract is \$16,800.00 and funds are available in the Capital Fund Account No. C-05-55-952-913-890 entitled "Annual Road Program", in the amount of \$16,800.00, as evidenced by the Chief Financial Officer's Certification No. C2015-005.

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 Agreement with Engineering and Land Planning Associates 20 Nassau Street, Suite 22, Princeton, New Jersey 08542, to provide Professional Engineering Services for the Reconstruction & Resurfacing of Dorchester Drive.
2. This Contract is 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 a service performed by

persons authorized by law to practice a recognized profession that is regulated by law, and also in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5, et seq.

2. 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 Duke, SECONDED by Yeager to approve Resolution R2015-028.

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

There being seven (7) ayes and no (0) nays Resolution R2015-028 was approved.

Resolution R2015-042 Approval of Agreement with Twin Rivers Homeowners Association for Reimbursement for Private Community Services for 2014

Mayor Mironov pointed out that Resolutions R2015-042 through R2015-047 were all agreements with private homeowners associations for reimbursement for community services during the year of 2014. She noted that all numbers had been reviewed by Council in January as well as during the budget process. She asked that all six resolutions be considered with one motion. She requested that the Township Attorney for the record again provide his opinion regarding Council Member voting conflicts. He responded the fact that a Council Member lived in one of the communities did not preclude him from voting on the resolutions.

The Municipal Clerk read by title Resolutions R2015-042 through R2015-047.

RESOLUTION R2015-042

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, the Township Council of the Township of East Windsor and the Twin Rivers Homeowners Association wish to enter into an Agreement for private community services for the year 2014 in the amount of \$26,053.29 pursuant to N.J.S.A. 40:67-23.2 et seq.; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in the Current Fund Account No. 5-01-26-325-802-253 entitled Condo Services, in the amount of \$26,053.29, pending the adoption of the 2015 Municipal Budget, as evidenced by the Chief Financial Officer's Certification No. B2015-007.

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

1. The attached Agreement for the year 2014 in the amount of \$26,053.29 is hereby approved.

2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

Resolution R2015-043 Approval of Agreement with Georgetown Condominium Association for Reimbursement for Private Community Services for 2014

RESOLUTION R2015-043

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Georgetown Homeowners Association wish to enter into an Agreement for private community services for the year 2014 in the amount of \$8,946.89, pursuant to N.J.S.A. 40:67-23.2 et seq.; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in the Current Fund Account No. 5-01-26-325-802-253 entitled Condo Services, in the amount of \$8,946.89, pending the adoption of the 2015 Municipal Budget, as evidenced by the Chief Financial Officer's Certification No. B2015-008.

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

1. The attached Agreement for the year 2014 in the amount of \$8,946.89 is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

Resolution R2015-044 Approval of Agreement with Windsor Mill Condominium Association for Reimbursement for Private Community Services for 2014

RESOLUTION R2015-044

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Windsor Mill Condominium Association wish to enter into an Agreement for private community services for the year 2014 in the amount of \$14,843.90, pursuant to N.J.S.A. 40:67-23.2 et seq.; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in the Current Fund Account No. 5-01-26-325-802-253 entitled Condo Services, in the amount of \$14,843.90 pending the adoption of the 2015 Municipal Budget, as evidenced by the Chief Financial Officer's Certification No. B2015-009.

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

1. The attached Agreement for the year 2014 in the amount of \$14,843.90 is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

Resolution 2015-R045 Approval of Agreement with Riviera Homeowners Association for Reimbursement for Private Community Services for 2014

RESOLUTION R2015-045

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Riviera at East Windsor Homeowners Association wish to enter into an Agreement for private community services for the year 2014 in the amount of \$17,191.30, pursuant to N.J.S.A. 40:67-23.2 et seq.; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in the Current Fund Account No. 5-01-26-325-802-253 entitled Condo Services, in the amount of \$17,191.30, pending the adoption of the 2015 Municipal Budget, as evidenced by the Chief Financial Officer's Certification No. B2015-010.

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

1. The attached Agreement for the year 2014 in the amount of \$17,191.30 is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

Resolution R2015-046 Approval of Agreement with Stonegate Homeowners Association for Reimbursement for Private Community Services for 2014

RESOLUTION R2015-046

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Stonegate Homeowners Association wish to enter into an Agreement for private community services for the year 2014 in the amount of \$5,499.08, pursuant to N.J.S.A. 40:67-23.2 et seq.; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in the Current Fund Account No. 5-01-26-325-802-253 entitled Condo Services, in the amount of \$5,499.08,

pending the adoption of the 2015 budget, as evidenced by the Chief Financial Officer's Certification No. B2015-011.

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

1. The attached Agreement for the year 2014 in the amount of \$5,499.08 is hereby approved.
2. The Mayor and Deputy Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

Resolution R2015-047 Approval of Agreement with Windsor Regency Condominium Association for Reimbursement for Private Community Services for 2014

RESOLUTION R2015-047

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Windsor Regency Condominium Association wish to enter into an Agreement for private community services for the year 2014 in the amount of \$3,659.25, pursuant to N.J.S.A. 40:67-23.2 et seq.; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in the Current Fund Account No. 5-01-26-325-802-253 entitled Condo Services, in the amount of \$3,659.25, pending the adoption of the 2015 Municipal Budget, as evidenced by the Chief Financial Officer's Certification No. B2015-012.

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

1. The attached Agreement for the year 2014 in the amount of \$3,659.25 is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

It was **MOVED** by Zoller, **SECONDED** by Rosenberg to approve Resolution R2015-042 through Resolution R2015-047.

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

There being seven (7) ayes and no (0) nays Resolution R2015-042 through Resolution R2015-047 were approved.

Resolution R2015-048 Authorizing Purchase of Rock Salt from Morton Salt for Public Works Department

The Municipal Clerk read by title Resolution R2015-048. Mayor Mironov noted there was a recommendation from the Public Works Director, and that although there were still supplies it was in the best interests of the Township to be cautious.

Mayor Mironov asked that the term of the agreement with Mercer County be checked as she believed it ended at the end of the year but that was not stated in the resolution. She also asked that the account numbers be confirmed as the account numbers in the memo were different than the account numbers in the resolution. She stated the resolution should read "in the amount not to exceed \$30,000," and "\$40,275.50 pending the adoption of the 2015 budget as evidenced in the Finance Officer's certification." Also, in the two places where the contract is referenced (paragraph 3 and the "where, therefore" paragraph) the contract is listed as 2014-35 but the memo lists it as 2011-35, the contract number should be clarified.

RESOLUTION R2015-048

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need to purchase untreated rock salt; and

WHEREAS, in accordance with N.J.S.A. 40A:11-11, the Township can cooperatively purchase materials which have been bid by the County Government under a County Cooperative Pricing System; and

WHEREAS, Morton Salt, 2625 Butterfield Road, Suite 208E, Oakbrook, IL was the lowest responsible bidder at \$52.13 per ton, and was awarded the contract CK09-MERCER-2013-25 by the Mercer Contract Purchasing System, for a two year term from January 24, 2014 to January 23, 2016; and

WHEREAS, the Township Council has reviewed the Director of Public Work's recommendations on this purchase; and

WHEREAS, the Chief Financial Officer has certified that funds will be available subject to adoption of the 2015 Municipal Budget, in Current Fund Account No.5-01-26-290-401-223 entitled Rock Salt/Snow & Ice Removal in an amount not to exceed \$40,375.50 and in Account No. 5-01-26-290-501-223 entitled DPW Snow and Ice Removal in an amount not to exceed \$30,000.00 as evidenced by the Chief Financial Officer's Certification No. B2015-013.

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 Morton Salt, 2625 Butterfield Road, Suite 208E, Oakbrook, IL under the Mercer County Cooperative Contract Purchasing System CK09-MERCER-2013-25 for rock salt at \$52.13 per ton, for a total of 1,350 tons of rock salt, in a total amount not to exceed \$70,375.50.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2015-048 as amended.

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

There being seven (7) ayes and no (0) nays Resolution R2015-048 was approved as amended.

Resolution R2015-049 Approval of Interlocal Services Agreement for Animal Control Services with Plainsboro Township

The Municipal Clerk read by title the resolution. Mayor Mironov noted this was an additional shared services agreement and that Plainsboro had already acted on the agreement.

Council Member Yeager commented that one of the reasons the East Windsor Township budget remained so tight was due to agreements like this.

RESOLUTION R2015-049

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for the services of Animal Control Services in the Township of Plainsboro, in the County of Middlesex, State of New Jersey; and

WHEREAS, the Township of East Windsor can provide these services through a Shared Services Agreement; and

WHEREAS, the Uniform Shared Services and Consolidation Act N.J.S.A. 40A:65-1 et seq. authorizes the approval of Shared Services Agreements by Resolution; and

WHEREAS, the Township Council has reviewed the Township Manager and Chief of Police recommendations on said agreement.

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 between East Windsor Township and Plainsboro Township for Animal Control Services for the term February 11, 2015 through December 31, 2015 is hereby approved in accordance with the provisions of N.J.S.A. 40:65-1.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

It was MOVED by Yeager, SECONDED by Shapiro to approve Resolution R2015-049.

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

There being seven (7) ayes and no (0) nays Resolution R2015-049 was approved.

Resolution R2015-050 Sustainable Land Use Pledge for Sustainable Jersey

The Municipal Clerk read by title the resolution. Mayor Mironov stated that the resolution need to be updated. It had been done in the past and was something that needed to be done periodically for the Township Sustainable Jersey application. She asked that a certified copy be forwarded to the Chairperson of the East Windsor Green Team, be posted on the website and circulated to staff.

RESOLUTION R2015-050

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, land use is an essential component of overall sustainability for a municipality; and

WHEREAS, poor land-use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources; and

WHEREAS, well planned land use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

WHEREAS, Given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land use pattern will require municipalities to take the lead.

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 Township a truly sustainable community. It is our intent to include these principles in the next master plan revision and reexamination report and to update our land-use zoning, natural resource protection, and other ordinances accordingly.

- a. Regional Cooperation - We pledge to reach out to administrations of our neighboring municipalities concerning land use decisions, and to take into consideration regional impacts when making land-use decisions.
- b. Transportation Choices - We pledge to create transportation choices with a Complete Streets approach by considering all modes of transportation, including walking, biking, transit and automobiles, when planning transportation projects and reviewing development applications. We will reevaluate our parking with the goal of limiting the amount of required parking spaces, promoting shared parking and other innovative parking alternatives, and encouraging structured parking alternatives where appropriate.
- c. Natural Resource Protection - We pledge to take action to protect the natural resources of the State for environmental, recreational and agricultural value, avoiding or mitigating negative impacts to these resources. Further, we pledge to complete a Natural Resources Inventory when feasible to identify and assess the extent of our natural resources and to link natural resource management and protection to carrying capacity analysis, land-use and open space planning.
- d. Mix of Land Uses - We pledge to use our zoning power to allow for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense for our municipality and the region, particularly in downtown and town center areas.
- e. Housing Options - We pledge, through the use of our zoning and revenue generating powers, to foster a diverse mix of housing types and locations, including single- and multi-family, for-sale and rental options, to meet the needs of all people at a range of income levels.
- f. Green Design - We pledge to incorporate the principles of green design and renewable energy generation into municipal buildings to the extent feasible and when updating our site plan and subdivision requirements for residential and commercial buildings.
- g. Municipal Facilities Siting - We pledge, to the extent feasible, to take into consideration factors such as walkability, bikability, greater access to public transit, proximity to other land-use types, and open space when locating new or relocated municipal facilities.

It was MOVED by Duke, SECONDED by Zoller to approve Resolution R2015-050.

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

There being seven (7) ayes and no (0) nays Resolution R2015-050 was approved.

Resolution 2015-051 Approval of Person-to-Person and Place-to-Place Transfer of Plenary Retail Consumption Alcoholic Beverage Control License from East Windsor Recreation Center, L.L.C., 529 Route 130, East Windsor, New Jersey to Divya and Krina, L.L.C., 529 Route 130, Unit A, East Windsor, NJ

The Municipal Clerk read by title the resolution. Mayor Mironov noted that information had been received from the Clerk and Police Chief. The Chief had confirmed that there were no issues regarding the transfer and confirmed with the Clerk that there was proof of publication on February 17. She asked if there was anyone in the public with comments or objections. There were none.

RESOLUTION R2015-051

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, an application has been filed with the Municipal Clerk for a Person-to-Person and Place-to-Place Transfer of Plenary Retail Consumption License No. 1101-33-003-007 from East Windsor Recreation Center, L.L.C. of 529 Route 130 North, East Windsor, NJ 08520 to Divya and Krina, LLC at 529 Route 130 North, Unit A, East Windsor, New Jersey 08520; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid; and

WHEREAS, notice of the application has been published in the Trenton Times on February 13, 2015, and February 20, 2015, as evidenced by an Affidavit of Publication; and

WHEREAS, no objections have been made to the transfer of this license; and

WHEREAS, the Chief of Police has reported that there are no facts or circumstances that would preclude the transfer and has no objection.

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

1. The application for person-to-person and place-to-place transfer of Alcoholic Beverage License No. 1101-33-003-007 from East Windsor Recreation Center, L.L.C. of 529 Route 130 North, East Windsor, NJ 08520 to Divya and Krina, LLC at 529 Route 130 North, Unit A, East Windsor, New Jersey 08520 is hereby approved.
2. The Municipal Clerk is hereby authorized and directed to endorse the license pursuant to N.J.A.C. 13:2-7.14.

It was MOVED by Rosenberg, SECONDED by Shapiro to approve Resolution R2015-051.

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

There being seven (7) ayes and no (0) nays Resolution R2015-051 was approved.

Resolution R2015-052 Approval of Professional Services Agreement for Township Special Tax Counsel with Henry Haushalter

The Municipal Clerk read by title the resolution. Mayor Mironov stated proposals were solicited and Council had a recommendation. She asked that “Exhibit A” be placed at the end of the paragraph describing professional services indicating the proposal was attached. The 7th paragraph should read “coming from the current fund account” with the account’s title. After “professional” it should say “after adoption of the 2015 budget.”

**RESOLUTION R2015-052
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for Legal Services for Special Tax Counsel, for the term of January 1, 2015 through December 31, 2015, in the Township of East Windsor, in the County of Mercer, State of New Jersey; and

WHEREAS, the Township solicited proposals on October 23, 2014, and received two (2) proposals for Special Tax Counsel by the receipt date of November 21, 2014; and

WHEREAS, the most responsive proposal was received from Harry Haushalter, Esq.; 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, this contract is awarded in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5, et seq.; and

WHEREAS, the Township Council has reviewed the Township Manager’s recommendations; and

WHEREAS, the maximum amount of the contract is \$20,000.00 and funds are available in the Current Fund Account No. 5-01-20-155-105-249 entitled Legal Services-Licensed Professional, as evidenced by the Chief Financial Officer's Certification No. B2015-014.

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 Agreement for a term of January 1, 2015 through December 31, 2015, with Harry Haushalter, Esq., Lexington Square Commons, 2119 Route 33, Suite A, Hamilton Square, New Jersey 08690.
2. This Contract is 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 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 Lippman, SECONDED by Duke to approve Resolution R2015-052 as revised.

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

There being seven (7) ayes and no (0) nays Resolution R2015-052 was approved as revised.

Resolution R2015-053 Approval of Professional Services Agreement for Township Property Tax Appraisal Services with Sockler Realty Services Group, Inc.

The Municipal Clerk read by title the resolution. Mayor Mironov asked that the same changes be made to this resolution that were made to R2015-052.

RESOLUTION R2015-053

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, there exists a need for Appraisal Services, for the term of January 1, 2015 through December 31, 2015, in the Township of East Windsor, in the County of Mercer, State of New Jersey; and

WHEREAS, the Township solicited proposals on October 23, 2014, and on received one (1) proposal for Township Tax Appraisal Services by the receipt date of November 21, 2014; and

WHEREAS, proposal received from Sockler Realty Services Group, Inc. was responsive; 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, this contract is awarded in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5, et seq.; and

WHEREAS, the Township Council has reviewed the Township Manager’s recommendations; and

WHEREAS, the maximum of the contract is \$15,000.00 and funds are available in the Capital Fund Account No. C-04-55-942-702-255 entitled Various Capital Improvements – 2007 Revaluation and Current Fund Account No. 5-01-20-155-105-258 entitled Legal Services – Litigation/Appraisal, pending the adoption of the 2015 Municipal Budget, as evidenced by the Chief Financial Officer’s Certification No. B2015-015.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement for a term of January 1, 2015 through December 31, 2015, with Sockler Realty Services Group, Inc., 299 Ward Street, Suite C, East Windsor, New Jersey 08520.
2. This Contract is 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 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 Rosenberg to approve Resolution R2015-053 as revised.

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

There being seven (7) ayes and no (0) nays Resolution R2015-053 was approved as revised.

Resolution R2015-054 Approval of Professional Services Agreement for Township Auditors with Nisivoccia and Company, LLP

The Municipal Clerk read by title the resolution. Mayor Mironov noted proposals had been solicited and Council Members had a recommendation. Mayor Mironov asked that the two budget numbers in the 7th paragraph be divided, so that \$30,104 and \$4,602 were shown as available separately.

RESOLUTION R2015-054
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, there exists a need for Auditing and Accounting Services, for the term of January 1, 2015 through December 31, 2015, in the Township of East Windsor, in the County of Mercer, State of New Jersey; and

WHEREAS, the Township solicited proposals and received two (2) proposals for Township Auditing and Accounting Services; and

WHEREAS, the most responsive proposal was received from Nisivoccia and Company, LLP; 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, this contract is awarded in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5, et seq.; and

WHEREAS, the Township Council has reviewed the Township Manager's recommendations; and

WHEREAS, the maximum amount of the contract is \$34,786.00 and \$30,104.00 in funds are available in the Current Fund Account No. 5-01-20-135-203-249 entitled Audit & Accounting Services and \$4,682.00 in funds are available in Current Fund Account No. 5-30-26-305-150-249 entitled Garbage District-Audit & Accounting Services, as evidenced by the Chief Financial Officer's Certification No. B2015-016.

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 Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement with Nisivoccia and Company, LLP, Mount Arlington Corporate Center, 200 Valley Road, Suite 300, Mount Arlington, New Jersey 07856-1320.
2. This Contract is 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 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 Duke, SECONDED by Rosenberg to approve Resolution R2015-054 as amended.

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

There being seven (7) ayes and no (0) nays Resolution R2015-054 was approved as amended.

Resolution R2015-055 Approval of Agreement Between the Township of East Windsor and New Jersey Transit Corporation

The Municipal Clerk read by title the resolution.

RESOLUTION R2015-055

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, New Jersey Transit has agreed to provide federal and State funds to operate East Windsor Township's Shuttle Bus Service and Community Bus Service for FY2015; and

WHEREAS, New Jersey Transit will pass through federal funding received through the Formula Grants for Urbanized area under Section 5307 of the Federal Transit Act; and

WHEREAS, the grant agreement for federal financial assistance will impose certain obligations upon New Jersey Transit, which will, in turn, be imposed upon all subrecipients; and

WHEREAS, East Windsor Township as a subrecipient has or will provide all annual certifications and assurances for the project to New Jersey Transit, as required by the Federal Transit Administration's policies governing pass through agreements.

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 grant agreement with New Jersey Transit Corporation.
2. The Township Manager is hereby authorized and directed to file with New Jersey Transit annual certifications and assurances and other documents New Jersey Transit requires, in accordance with the Federal Transit Administration requirements for awarding federal assistance via a pass through agreement.

It was MOVED by Shapiro, SECONDED by Zoller to approve Resolution R2015-055.

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

There being seven (7) ayes and no (0) nays Resolution R2015-055 was approved.

Resolution 2015-056 Closed Session (Attorney-Client Privilege)(Contract Negotiations: Various
– Police/Dispatch/Court)

The Municipal Clerk read by title the resolution.

RESOLUTION R2015-056

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, Section 8 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Council is of the opinion that such circumstances exist.

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 public shall be excluded from the closed session at close of tonight's open session.
2. The general nature of the subject matter to be discussed is as follows:

(Attorney-Client Privilege)
(Contract Negotiations: Various – Police/Dispatch/Court)

3. It is anticipated at this time that the above stated subject matter will be made public when these matters are resolved or as soon thereafter as it is deemed to be in the public interest to do so.
4. This Resolution shall take effect immediately.

It was MOVED by Zoller, SECONDED by Lippman to approve Resolution R2015-056.

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

There being seven (7) ayes and no (0) nays Resolution R2015-056 was approved.

REPORTS BY COUNCIL AND STAFF:

Council Member Shapiro stated the Planning Board met on Monday, March 16 and had a brief discussion about the Shiseido approval and heard a proposal for a warehouse near Princeton Hightstown Road.

Council Member Yeager stated the Municipal Alliance met on March 4 and discussed the 3rd quarter reporting requirements.

CORRESPONDENCE: NONE

APPOINTMENTS: NONE

APPROVAL OF BILLS:

Mayor Mironov commented that it was her belief that the Better Beginnings contribution on page 4 of the Current 2014 Bill Lists had already been approved in January and requested that this be confirmed. She asked if the funds on the Escrow Bill List had been verified, and asked that the entire list be held for clarification.

Council Member Zoller asked if the bills on the Recreation Bill List had been applied to 2013 or even earlier accounts. Mayor Mironov asked that these bills be held for clarification.

It was **MOVED** by Duke, **SECONDED** by Zoller to approve the Bill Lists subject to the questions and pulled bills.

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

There being seven (7) ayes and no (0) nays the presented Bill Lists were approved.

MATTERS BY COUNCIL:

Mayor Mironov noted there was a report from the Tax Collector for the period ending February 28.

Mayor Mironov noted there was a memo from the Township Manager dated March 4 responding to questions from the March 3 Bill Lists.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. Stony Brook Millstone Watershed Association 2015 Stream Clean-Up

Mayor Mironov stated the Association had proposed either April 11 or April 18. Mayor Mironov had requested they hold the event on April 11 from 9:00 to 11:00 a.m. She asked Council Members if they had any comments. There were none.

2. Recycling/Shredding Events

Mayor Mironov stated the Clean Communities Committee proposed to hold the traditional one event in the spring and one in the fall. The spring event would be held on Saturday, April 25 at the Senior Center from 10:00 to 2:00, however Mayor Mironov was proposing an additional event over the summer on a weekday, either Wednesday, July 8 or Thursday, July 9, possibly from 4:00 to 8:00. She noted there was a discount on the shredder for a weekday, and that the Clean Communities grant covered the cost of the shredder. Council Members unanimously agreed.

MATTERS BY PUBLIC:

John Brooks, 888 Old York Road, inquired about emergency medical response information.

ADJOURNMENT:

There being no further business Mayor Mironov declared the meeting adjourned at 8:38 p.m.

Gretchen McCarthy
Municipal Clerk

Janice S. Mironov
Mayor