

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, June 21, 2016

7:30 p.m.

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 Tuesday, June 21, 2016.

VERIFICATION:

Municipal Clerk Gretchen McCarthy certified that the meeting was noticed on January 14, 2016 in the annual meeting notice and on June 17, 2016, 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 meetings act have been satisfied.

FLAG SALUTE: Led by James P. Brady, East Windsor Township Manager.

ROLL CALL:

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

PRESENTATIONS & PROCLAMATIONS:

Drug and Alcohol Awareness Month – “We Check for 21” Campaign

Mayor Mironov moved up Resolution 2016-105.

Resolution R2016-105 Requiring Township Alcoholic Beverage Control Licensees Pledge “We Check for 21” as a Condition of Issuance of Alcoholic Beverage Control License

The Municipal Clerk read by title Resolution R2016-105. Mayor Mironov read the resolution in its entirety. Mayor Mironov issued the Proclamation to the representatives from businesses in East Windsor who attended the meeting to support and sign the We Check for 21 pledge. Mayor Mironov spoke of the importance of checking the identifications of customers buying alcohol to make sure that it does not end up in the hands of minors. Council Member Yeager assisted Mayor Mironov with distributing materials and making sure the pledges were signed.

**RESOLUTION R2016-105
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, East Windsor Township in partnership with the Mercer Council on Alcoholism and Drug Addiction is seeking support for the “We Check for 21” Program, designed to prevent underage drinking and heighten the awareness of the problem within our communities; and

WHEREAS, approximately 8 in 10 youths will have consumed alcohol at some time in their lives by the time they reach the 12th grade and more than 60% of these youths will have consumed it to the point of intoxication; and

WHEREAS, approximately 1,000 drivers between the ages of 16 and 20 who are in fatal accidents each year have blood alcohol levels above the legal limit of .08; and

WHEREAS, the “We Check for 21” Program is an excellent vehicle to bring together municipal government leaders, young people, parents, key community and school leaders, policy makers and local businesses toward a common positive community effort.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, does hereby require that as a condition of the issuance or renewal of any Township Alcoholic Beverage Control Licenses the Licensee must sign the “We Check for 21” Pledge to prevent underage drinking.

It was MOVED by Yeager, SECONDED by Daniels to approve Resolution R2016-105.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-105 was approved.

Eagle Scout: Chirayu Gupta, Boy Scout Troop 59 (June 25, 2016)

INTERVIEWS FOR BOARDS AND COMMISSIONS: None

PUBLIC COMMENT: None

MINUTES:

February 9, 2016 Closed Session

February 23, 2016

March 8, 2016

March 22, 2016

April 19, 2016

April 19, 2016 Closed Session

May 3, 2016
May 17, 2016
June 7, 2016

Mayor Mironov stated the February 9 minutes were already adopted which was an error on the agenda. All remaining minutes will be rescheduled.

ORDINANCE – PUBLIC HEARING:

Ordinance 2016-07 An Ordinance Repealing Section 22-4, Flood Damage Prevention Code, of the Revised General Ordinances of the Township of East Windsor and Enacting a New Section 22-4, Flood Damage Prevention Code

Ordinance 2016-07 was read by title by the Municipal Clerk. Mayor Mironov stated this Ordinance had been introduced at the June 7, 2016 Council meeting. Mayor Mironov then declared open the public hearing. There being no public comment, Mayor Mironov declared the public hearing closed.

**ORDINANCE NO. 2016-07
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

**AN ORDINANCE REPEALING SECTION 22-4:
FLOOD DAMAGE PREVENTION CODE, OF THE
REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF EAST WINDSOR AND ENACTING A
NEW SECTION 22-4: FLOOD DAMAGE PREVENTION CODE**

WHEREAS, in order to maintain the Township’s participation in the National Flood Insurance Program, the Township’s Flood Damage Prevention Ordinance requires updating to reflect recent changes adopted by the Federal Emergency Management Agency (FEMA);

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, that Section 22-4, Flood Damage Prevention Code, of the Revised General Ordinances of the Township of East Windsor is hereby repealed in its entirety and replaced with a new Section 22-4, Flood Damage Prevention Code, to read as follows:

**SECTION 1.0
STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND
OBJECTIVES**

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Council of the Township of East Windsor of Mercer County, New Jersey does ordain as follows:

1.2 FINDINGS OF FACT

- a) The flood hazard areas of the Township of East Windsor are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,

- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

AO Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

AH Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone

Appeal — A request for a review of the local administrator's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding — A designated AO or AH zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard — Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base Flood — A flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) – The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the still water elevation (SWEL) plus wave effect ($BFE = SWEL + \text{wave effect}$) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement — Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Wall — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Development — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Digital Flood Insurance Rate Map (DFIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Elevated Building — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor or, in the case of a building in a Coastal A Zone, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of Coastal A Zones "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

Erosion — The process of the gradual wearing away of land masses.

Existing Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Flood or Flooding — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

Floodplain Management Regulations — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than 0.2 foot.

Freeboard — A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a

selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade — The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

Historic Structure — Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

Lowest Floor — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

Manufactured Home — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed

primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction — Includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of East Windsor, Mercer County, New Jersey.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Township of East Windsor, Community No. 1101, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report “Flood Insurance Study, Mercer County, New Jersey (All Jurisdictions)” dated July 20, 2016).
- b) “Flood Insurance Rate Map for Mercer County, New Jersey (All Jurisdictions)” as shown on Index and panels; 34021C0162F, 34021C0164F, 34021C0166F, 34021C0167F, 34021C0168F, 34021C0169F, 34021C0188F, 34021C0256F, 34021C0257F, 4021C0258F, 34021C0276F, whose effective date is July 20, 2016

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at the East Windsor Municipal Building, 16 Lanning Blvd, East Windsor, New Jersey.

3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000.00 or imprisoned for not more than 3 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of East Windsor, from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Township of East Windsor, any officer or employee thereof or the Federal Insurance Administration, for any flood

damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 4.0 ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 3.2. Application for a Development Permit shall be made on forms furnished by the Construction Official and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been floodproofed.
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 5.2-2; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Township' Construction Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the local administrator shall include, but not be limited to:

4.3-1 PERMIT REVIEW

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 5.3 a) are met.
- d) Review plans for walls to be used to enclose space below the base flood level in accordance with section 5.4-2 d).

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the local administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL

CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b) For all new or substantially improved floodproofed structures:
 - i. verify and record the actual elevation (in relation to mean sea level); and
 - ii. maintain the floodproofing certifications required in section 4.1 c).
- c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

- a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

4.3-5 SUBSTANTIAL DAMAGE REVIEW

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section.
- c) Ensure substantial improvements meet the requirements of sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

4.3-6 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

- a) The East Windsor Township Planning Board shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The East Windsor Township Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the local administrator in the enforcement or administration of this ordinance.
- c) In passing upon such applications, the East Windsor Township Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- i. the danger that materials may be swept onto other lands to the injury of others;
 - ii. the danger to life and property due to flooding or erosion damage;
 - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity to the facility of a waterfront location, where applicable;
 - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. the compatibility of the proposed use with existing and anticipated development;
 - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- d) Upon consideration of the factors of section 4.4-1 (c) and the purposes of this ordinance, the East Windsor Township Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
 - e) The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

- a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in section 4.4-1 (c) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- e) Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 4.4- 1 (c), or conflict with existing local laws or ordinances.
- f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0

PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

5.1-1 ANCHORING

- a) All new construction to be placed or substantially improved and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- d) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in section 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

- a) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive;
- b) Require within any AO or AH zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

5.2-2 NONRESIDENTIAL CONSTRUCTION

- a) In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE

zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:

either

- a) Elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; and
- b) Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; or
- c) Be floodproofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water;
- d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- e) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 b) ii.

5.2-3 MANUFACTURED HOMES

- a) Manufactured homes shall be anchored in accordance with section 5.1-1 b).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - i. Be consistent with the need to minimize flood damage,
 - ii. Be constructed to minimize flood damage,
 - iii. Have adequate drainage provided to reduce exposure to flood damage; and,
 - iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.

5.3 FLOODWAYS

Located within areas of special flood hazard established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b) If section 5.3 a) is satisfied, all new construction and substantial improvements must comply with section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the accumulative effect of any proposed development, when combined with all other existing

and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

**SECTION 6.0
SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

**SECTION 7.0
EFFECTIVE DATE**

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

Mayor Mironov stated East Windsor is required to do this through FEMA for flood insurance and the deadline to adopt the ordinance is July 20, 2016.

It was MOVED by Rosenberg and SECONDED by Shapiro to adopt Ordinance 2016-07 and authorize publication as provided by law.

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

There being seven (7) ayes and no (0) nays Ordinance 2016-07 was adopted and authorized for publication as provided by law.

Mayor Mironov stated she would like a letter drafted with her signature that goes to the DEP and Washington FEMA office.

ORDINANCE – INTRODUCTION:

RESOLUTIONS:

Resolution R2016-101 Approve Award of Contract for Appraisal Services for 641 North Main Street (Block 11.01, Lot 5) with Martin Appraisal Services

Mayor Mironov stated she would like to make a few changes to the Resolution. In the first paragraph the sentence should end with “in the Township of East Windsor; and”, also in the second paragraph add “the Township solicited proposals, including posting on the Township website, and on June 9, 2016, received five (5) proposals for Appraisal Services for 641 North Main Street (Block 11.01, Lot 5)” and last change in the now therefore add number one to read “The contract is awarded for Option C, as specified in the Request for Proposals, to Martin Appraisal Services.”

**RESOLUTION R2016-101
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for property appraisal services on a parcel of land, 641 North Main Street (Block 11.01, Lot 5) in the Township of East Windsor; and

WHEREAS, on May 12, 2016, the Township solicited proposals, including posting on the Township website, and on June 9, 2016, received five (5) proposals for Appraisal Services for 641 North Main Street (Block 11.01, Lot 5); and

WHEREAS, the proposal received from Martin Appraisal Services is the 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 recommendations; and

WHEREAS, the maximum of the contract is \$2,700.00 and funds are available in the Account No. A-22-56-852-852 entitled Affordable Housing as evidenced by the Chief Financial Officer’s Certification No. T2016-010.

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

1. The contract is awarded for Option C, as specified in the Request for Proposals, to Martin Appraisal Services.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement with Martin Appraisal Services 123 Franklin Corner Road, Suite 203, Lawrenceville, New Jersey 08648
3. 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.
4. The Municipal Clerk shall cause to be printed once, in the Trenton Times, a brief notice stating the nature, duration, service and amount of this contract, and that the resolution and contract are on file and available for public inspection in the office of the Municipal Clerk.

It was **MOVED** by Zoller, **SECONDED** by Daniels to approve Resolution R2016-101 with the changes.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-101 was approved with the changes.

Resolution R2016-102 Approving Memorandum of Understanding between East Windsor Township and Community Options, Inc.

Mayor Mironov stated the correct agreement is in tonight's meeting folder and has been signed by the other party and there were changes from the one that was attached and submitted to Community Options. Mayor Mironov also stated she would like a letter to go out with her signature.

**RESOLUTION R2016-102
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township and Community Options, Inc. desire to enter into a partnership for the development of a facility for developmentally disabled persons.

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

1. The Mayor and Township Council approve the attached Memorandum of Understanding between East Windsor Township and Community Options, Inc.
2. The Mayor is hereby authorized and directed to execute the attached Memorandum of Understanding.

It was MOVED by Lippman, SECONDED by Yeager to approve Resolution R2016-102.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-102 was approved.

Resolution R2016-103 Authorizing Repairs to East Windsor Volunteer Fire Company No. 1 Autocar Tanker Truck 42

**RESOLUTION R2016-103
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need for repairs to the 1980 Autocar Tanker Truck for East Windsor Volunteer Fire Company No. 1, and

WHEREAS, since the purchase is under \$17,500, public bids are not required as set forth in N.J.S.A. 40A:11-4 requiring public advertising and bidding for contracts for a sum exceeding the aggregate amount as calculated periodically by the Governor, pursuant to N.J.S.A. 40A:11-3 which amount is \$17,500; and

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

WHEREAS, the maximum amount of the repairs to the fire vehicle is \$6,522.25 and funds are available in the Account No. 6-01-25-265-314-218 entitled Heavy Equipment, as evidenced by the Chief Financial Officer's Certification No. B2016-022.

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 Cranbury Service Center, 44 Hightstown-Cranbury Station Road, Cranbury, NJ 08512, for repairs to 1980 Autocar Tanker Truck for the East Windsor Volunteer Fire Company No. 1, in an amount not to exceed \$6,522.25, all in accordance with the attached quote.

It was MOVED by Rosenberg, SECONDED by Zoller to approve Resolution R2016-103.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-103 was approved.

Resolution R2016-104 Chapter 159 – Amending the 2016 Municipal Budget Providing an Item of Revenue and Appropriation for the 2015/2016 N.J. Transit Bus Grant

**RESOLUTION R2016-104
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 2016 in the sum of \$150,000, which item is now available as revenue from the New Jersey Transit Section 5307 Bus Grant.
2. A like sum of \$150,000 is hereby appropriated under the caption of 2016 New Jersey Transit Section 5307 Bus Grant.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2016-104.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-104 was approved.

Resolution R2016-106 Renewal of Alcoholic Beverage Control License for EDFRAN LLC., t/a David's Pub & Package

Resolution R2016-104 was pulled. Resolution was not ready for action.

Resolution R2016-107 Renewal of Alcoholic Beverage Control License for Americana RD, Inc. t/a Americana Diner

Mayor Mironov stated that Resolution 2016-107 to Resolution 2016-119 and Resolution 2016-122 will be voted on as a block vote.

**RESOLUTION R2016-107
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, Americana RD Inc., t/a Americana Diner, has filed an online application for renewal of Plenary Retail Consumption License No. 1101-33-005-005 with the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the Municipal Clerk represented that the application is in order and the proper fees have been submitted to the Township of East Windsor and to the Division of Alcoholic Beverage Control; and

WHEREAS, no objections have been made to the renewal of said license; and

WHEREAS, the Chief of Police has advised that a review of police records and records supplied by the New Jersey Division of Alcohol Beverage Control do not reveal any facts or circumstances that would preclude license renewal; and

WHEREAS, the Health Officer has reported satisfactory results of the sanitary inspection.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, does hereby approve the renewal of the aforesaid license for the year July 1, 2016 to June 30, 2017, and the Municipal Clerk is hereby authorized and directed to issue said license.

Resolution R2016-108 Renewal of Alcoholic Beverage Control License for Woodside Avenue, Inc. t/a Legends Bar & Grille

**RESOLUTION R2016-108
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, Woodside Ave., Inc. t/a Legends Bar & Grille has filed an online application for renewal of Plenary Retail Consumption License No. 1101-36-019-003 with the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the Municipal Clerk represented that the application is in order and the proper fees have been submitted to the Township of East Windsor and to the Division of Alcoholic Beverage Control; and

WHEREAS, no objections have been made to the renewal of said license; and

WHEREAS, the Chief of Police has advised that a review of police records and records supplied by the New Jersey Division of Alcohol Beverage Control do not reveal any facts or circumstances that would preclude license renewal; and

WHEREAS, the Health Officer has reported satisfactory results of the sanitary inspection.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, does hereby approve the renewal of the aforesaid license for the year July 1, 2016 to June 30, 2017, and the Municipal Clerk is hereby authorized and directed to issue said license with the condition that this license can only be transferred to another hotel or motel having at least one hundred (100) guest sleeping rooms.

Resolution R2016-109 Renewal of Alcoholic Beverage Control License for Mali, Inc., t/a Holiday Inn of East Windsor

**RESOLUTION R2016-109
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, Mali, Inc., t/a Holiday Inn of East Windsor, has filed an online application for renewal of Plenary Retail Consumption License No. 1101-36-018-004 with the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the Municipal Clerk represented that the application is in order and the proper fees have been submitted to the Township of East Windsor and to the Division of Alcoholic Beverage Control; and

WHEREAS, no objections have been made to the renewal of said license; and

WHEREAS, the Chief of Police has advised that a review of police records and records supplied by the New Jersey Division of Alcohol Beverage Control do not reveal any facts or circumstances that would preclude license renewal; and

WHEREAS, the Health Officer has reported satisfactory results of the sanitary inspection.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, does hereby approve the renewal of the aforesaid license for the year July 1, 2016 to June 30, 2017, and the Municipal Clerk is hereby authorized and directed to issue said license with the condition that this license can only be transferred to another hotel or motel having at least one hundred (100) guest sleeping rooms.

Resolution R2016-110 Renewal of Alcoholic Beverage Control License for Divya & Krina, LLC t/a East Windsor Bowl & Recreation Center

**RESOLUTION R2016-110
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, Divya & Krina, L.L.C., t/a East Windsor Bowl & Recreation Center, has filed an online application for renewal of Plenary Retail Distribution License No. 1101-33-003-008 with the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the Municipal Clerk represented that the application is in order and the proper fees have been submitted to the Township of East Windsor and to the Division of Alcoholic Beverage Control; and

WHEREAS, no objections have been made to the renewal of said license; and

WHEREAS, the Chief of Police has advised that a review of police records and records supplied by the New Jersey Division of Alcohol Beverage Control do not reveal any facts or circumstances that would preclude license renewal; and

WHEREAS, the Health Officer has reported satisfactory results of the sanitary inspection.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, does hereby approve the renewal of the aforesaid license for the year July 1, 2016 to June 30, 2017, and the Municipal Clerk is hereby authorized and directed to issue said license.

Resolution R2016-111 Renewal of Alcoholic Beverage Control License for Divya & Krishna, LLC t/a USA Wine Traders Club

**RESOLUTION R2016-111
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, Divya & Krishna, LLC, d/b/a USA Wine Traders Club has filed an online application for renewal of Plenary Retail Distribution License No. 1101-44-002-008 with the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the application is in order and the proper fees have been submitted to the Township of East Windsor and to the Division of Alcoholic Beverage Control; and

WHEREAS, no objections have been made to the renewal of said license; and

WHEREAS, the Chief of Police has advised that a review of police records and records supplied by the New Jersey Division of Alcohol Beverage Control do not reveal any facts or circumstances that would preclude license renewal; and

WHEREAS, the Health Officer has reported satisfactory results of the sanitary inspection.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, does hereby approve the renewal of the aforesaid license for the year July 1, 2016 to June 30, 2017, and the Municipal Clerk is hereby authorized and directed to issue said license.

Resolution R2016-112 Renewal of Alcoholic Beverage Control License for PST Associates, LLC

**RESOLUTION R2016-112
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, PST Associates, LLC, has filed an online application for renewal of Plenary Retail Distribution License No. 1101-44-017-006 with the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the Municipal Clerk represented that the application is in order and the proper fees have been submitted to the Township of East Windsor and to the Division of Alcoholic Beverage Control; and

WHEREAS, no objections have been made to the renewal of said license; and

WHEREAS, the Chief of Police has advised that a review of police records and records supplied by the New Jersey Division of Alcohol Beverage Control do not reveal any facts or circumstances that would preclude license renewal; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, does hereby approve the renewal of the aforesaid license for the year July 1, 2016 to June 30, 2017, and the Acting Municipal Clerk is hereby authorized and directed to issue said license.

Resolution R2016-113 Renewal of Alcoholic Beverage Control License for CS Estates LLC, t/a City Street Café

**RESOLUTION R2016-113
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, CS Estates LLC, t/a City Streets Café, has filed an online application for renewal of Plenary Retail Consumption License No. 1101-33-007-011 with the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the Municipal Clerk represented that the application is in order and the proper fees have been submitted to the Township of East Windsor and to the Division of Alcoholic Beverage Control; and

WHEREAS, no objections have been made to the renewal of said license; and

WHEREAS, the Chief of Police has advised that a review of police records and records supplied by the New Jersey Division of Alcohol Beverage Control do not reveal any facts or circumstances that would preclude license renewal; and

WHEREAS, the Health Officer has reported satisfactory results of the sanitary inspection.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, does hereby approve the renewal of the aforesaid license for the year July 1, 2016 to June 30, 2017, and the Municipal Clerk is hereby authorized and directed to issue said license.

Resolution R2016-114 Renewal of Alcoholic Beverage Control License for CB East Windsor, LLC t/a Charlie Brown's Steakhouse

**RESOLUTION R2016-114
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, CB East Windsor LLC, t/a Charlie Brown's Steakhouse has filed an online application for renewal of Plenary Retail Consumption License No. 1101-33-021-006 with the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the Municipal Clerk represented that the application is in order and the proper fees have been submitted to the Township of East Windsor and to the Division of Alcoholic Beverage Control; and

WHEREAS, no objections have been made to the renewal of said license; and

WHEREAS, the Chief of Police has advised that a review of police records and records supplied by the New Jersey Division of Alcohol Beverage Control do not reveal any facts or circumstances that would preclude license renewal; and

WHEREAS, the Health Officer has reported satisfactory results of the sanitary inspection.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, does hereby approve the renewal of the aforesaid license for the year July 1, 2016 to June 30, 2017, and the Municipal Clerk is hereby authorized and directed to issue said license.

Resolution R2016-115 Renewal of Alcoholic Beverage Control License for Ami & Sami, Inc.

**RESOLUTION R2016-115
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, Ami & Sami, Inc. has filed an online application for renewal of Plenary Retail Consumption License No. 1101-33-023-002 with the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the Municipal Clerk represented that the application is in order and the proper fees have been submitted to the Township of East Windsor and to the Division of Alcoholic Beverage Control; and

WHEREAS, no objections have been made to the renewal of said license; and

WHEREAS, the Chief of Police has advised that a review of police records and records supplied by the New Jersey Division of Alcohol Beverage Control do not reveal any facts or circumstances that would preclude license renewal; and

WHEREAS, the Health Officer has reported satisfactory results of the sanitary inspection.

NOW, THEREFORE, BE IT RESOLVED that the Township

Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, does hereby approve the renewal of the aforesaid license for the year July 1, 2016 to June 30, 2017, and the Municipal Clerk is hereby authorized and directed to issue said license.

Resolution R2016-116 Renewal of Alcoholic Beverage Control License for Briad Restaurant Group, L.L.C., t/a TGI Friday's

**RESOLUTION R2016-116
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, Briad Restaurant Group, LLC, t/a TGI Friday's, has filed an online application for renewal of Plenary Retail Consumption License No. 1101-33-020-002 with the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the Municipal Clerk represented that the application is in order and the proper fees have been submitted to the Township of East Windsor and to the Division of Alcoholic Beverage Control; and

WHEREAS, no objections have been made to the renewal of said license; and

WHEREAS, the Chief of Police has advised that a review of police records and records supplied by the New Jersey Division of Alcohol Beverage Control do not reveal any facts or circumstances that would preclude license renewal; and

WHEREAS, the Health Officer has reported satisfactory results of the sanitary inspection.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, does hereby approve the renewal of the aforesaid license for the year July 1, 2016 to June 30, 2017, and the Municipal Clerk is hereby authorized and directed to issue said license.

Resolution R2016-117 Renewal of Alcoholic Beverage Control License for East Windsor BK LLC t/a Bottle King Discount Wine & Liquors

**RESOLUTION R2016-117
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, East Windsor BK, LLC t/a Bottle King Discount Wine, has filed an online application for renewal of Plenary Retail Consumption License No. 1101-44-024-002 with the Division of Alcoholic Beverage Control; and

WHEREAS, the Municipal Clerk represented that the application is in order and the proper fee has been submitted to the Township of East Windsor and to the Division of Alcoholic Beverage Control; and

WHEREAS, no objections have been made to the renewal of said license; and

WHEREAS, the Chief of Police has advised that a review of police records and records supplied by the New Jersey Division of Alcohol Beverage Control do not reveal any facts or circumstances that would preclude license renewal; and

WHEREAS, the Health Officer has reported satisfactory results of the sanitary inspection.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, does hereby approve the renewal of the aforesaid license for the year July 1, 2016 to June 30, 2017, and the Municipal Clerk is hereby authorized and directed to issue said license.

Resolution R2016-118 Renewal of Alcoholic Beverage Control License for Windsor Grand Cafe Corp.

**RESOLUTION R2016-118
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, Windsor Grand Café Corp., has filed an online application for renewal of Plenary Retail Consumption License No. 1101-33-006-014 with the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the Municipal Clerk represented that the application is in order and the proper fees have been submitted to the Township of East Windsor and to the Division of Alcoholic Beverage Control; and

WHEREAS, no objections have been made to the renewal of said license; and

WHEREAS, the Chief of Police has advised that a review of police records and records supplied by the New Jersey Division of Alcohol Beverage Control do not reveal any facts or circumstances that would preclude license renewal; and

WHEREAS, the Health Officer has reported satisfactory results of the sanitary inspection.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, does hereby approve the renewal of the aforesaid license for the year July 1, 2016 to June 30, 2017, and the Municipal Clerk is hereby authorized and directed to issue said license.

Resolution R2016-119 Renewal of Alcoholic Beverage Control License for The Peddie Golf Club

**RESOLUTION R2016-119
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, The Peddie Golf Club, t/a The Peddie School Golf Club, has filed an online application for renewal of Club License No. 1101-31-014-002 with the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the Municipal Clerk represented that the application is in order and the proper fees have been submitted to the Township of East Windsor and to the Division of Alcoholic Beverage Control; and

WHEREAS, no objections have been made to the renewal of said license; and

WHEREAS, the Chief of Police has advised that a review of police records and records supplied by the New Jersey Division of Alcohol Beverage Control do not reveal any facts or circumstances that would preclude license renewal; and

WHEREAS, the Health Officer has reported satisfactory results of the sanitary inspection.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, does hereby approve the renewal of the aforesaid license for the year July 1, 2016 to June 30, 2017, and the Municipal Clerk is hereby authorized and directed to issue said license.

Resolution R2016-122 Renewal of Alcoholic Beverage Control License for Hightstown American Legion Post 148

**RESOLUTION R2016-122
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, Hightstown American Legion Post 148 has filed an application for renewal of Club License No. 1101-31-009-001 with the Municipal Clerk; and

WHEREAS, the Municipal Clerk represented that the application is in order and the proper fees have been submitted to the Township of East Windsor and to the Division of Alcoholic Beverage Control; and

WHEREAS, the Chief of Police has advised that a review of police records and records supplied by the New Jersey Division of Alcohol Beverage Control do not reveal any facts or circumstances that would preclude license renewal; and

WHEREAS, the Health Officer has reported satisfactory results of the sanitary inspection.

WHEREAS, no objections have been made to the renewal of said license; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, does hereby approve the renewal of the aforesaid license for the year July 1, 2016 to June 30, 2017, and the Municipal Clerk is hereby authorized and directed to issue said license.

It was MOVED by Yeager, SECONDED by Rosenberg to approve Resolutions R2016-107 through Resolution R2016-119 and Resolution R2016-122.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-107 to Resolution R2016-119 and Resolution R2016-122 were approved.

Resolution R2016-120 Renewal of Alcoholic Beverage Control License for Veterans of Foreign Wars Post 5700

**RESOLUTION R2016-120
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, Veterans of Foreign Wars Post 5700 has filed an online application for renewal of Club License No. 1101-31-013-001 with the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the Municipal Clerk represented that the application is in order and the proper fees have been submitted to the Township of East Windsor and to the Division of Alcoholic Beverage Control; and

WHEREAS, no objections have been made to the renewal of said license; and

WHEREAS, the Chief of Police has advised that a review of police records and records supplied by the New Jersey Division of Alcohol Beverage Control do not reveal any facts or circumstances that would preclude license renewal; and

WHEREAS, the Health Officer has reported satisfactory results of the sanitary inspection.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, does hereby approve the renewal of the aforesaid license for the year July 1, 2016 to June 30, 2017, and the Municipal Clerk is hereby authorized and directed to issue said license.

It was MOVED by Lippman, SECONDED by Shapiro to approve Resolutions R2016-120.

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

There being six (6) ayes, no (0) nays and one (1) abstain, Resolutions R2016-120 was approved.

Resolution R2016-121 Renewal of Alcoholic Beverage Control License for Hightstown
Elks #1955 B.P.O.E.

**RESOLUTION R2016-121
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, Hightstown Elks #1955 B.P.O.E. has filed an online application for renewal of Club License No. 1101-31-011-001 with the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the Municipal Clerk represented that the application is in order and the proper fees have been submitted to the Township of East Windsor and to the Division of Alcoholic Beverage Control; and

WHEREAS, no objections have been made to the renewal of said license; and

WHEREAS, the Chief of Police has advised that a review of police records and records supplied by the New Jersey Division of Alcohol Beverage Control do not reveal any facts or circumstances that would preclude license renewal; and

WHEREAS, the Health Officer has reported satisfactory results of the sanitary inspection.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, does hereby approve the renewal of the aforesaid license for the year July 1, 2016 to June 30, 2017, and the Municipal Clerk is hereby authorized and directed to issue said license.

It was MOVED by Zoller, SECONDED by Rosenberg to approve Resolutions R2016-121.

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

There being five (5) ayes, no (0) nays and two (2) abstains, Resolutions R2016-121 was approved.

Resolution R2016-123 Authorizing Refund of Tax Overpayments

Mayor Mironov stated she would like to get the source of the funds.

**RESOLUTION R2016-123
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the East Windsor Tax Collector has certified that there have been overpayments for various reasons on certain properties; and

WHEREAS, the taxpayers are entitled to refunds.

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 Chief Financial Officer is hereby authorized and directed to make payments to the taxpayers for overpayments according to the attached Tax Collector’s 2016 Refund of Taxes List Number 6 dated May 27, 2016.

It was MOVED by Shapiro, SECONDED by Rosenberg to approve Resolution R2016-123.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-123 was approved.

Resolution R2016-124 Closed Session (Litigation: Rescue Squad 2)

**RESOLUTION R2016-124
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:

(Litigation: Rescue Squad 2)

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 Rosenberg, SECONDED by Shapiro to approve Resolution R2016-124.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-124 was approved.

APPLICATIONS: None

REPORTS BY COUNCIL AND STAFF:

Council Member Rosenberg reported that the Clean Communities Advisory Committee met on June 16th and discussed the recycling day.

Council Member Shapiro reported that the Planning Board met last night regarding the approval for the warehouse office complex on Route 133.

Council Member Zoller reported that the Health Advisory Board met on June 16th and discussed there are two lots available at the community gardens. He also reported that the Recreation Commission meeting was June 8 and the many programs available were discussed and that they are looking forward to a successful year.

CORRESPONDENCE:

APPOINTMENTS:

Mayor Mironov appointed Rityka Yadav as a student member of the Environmental Commission. Mayor Mironov also requested an updated boards and commissions member and student member lists.

APPROVAL OF BILLS:

Mayor Mironov stated that on the developer escrow bill list dated June 15, 2016, the bill labeled appraisal of detention basin be held for the correction and clarification of the account. Page 3 of the current 2016 bill list the bill at the bottom be held and a copy of the bill given to her. Page 10, bottom of page second to last item, the two towing bills be held for clarification.

It was MOVED by Shapiro, SECONDED by Lippman to approve the Bill Lists with the three exceptions.

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

Nays – None

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

MATTERS BY COUNCIL:

Mayor Mironov stated that the Economic Development Committee wants to do a folder that is used for Economic Development in which are enclosed articles or brochures and showed a rough idea. Mayor Mironov also stated a memo was received from the Public Works Director with respect to the chain of events for the Township auction in which the staff has been tasked to fix the process and follow-up.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. 2016 Township Roadway Projects

Mayor Mironov stated she was looking to handle this during the capital discussion but due to being pressed for time it was not discussed. She stated before the capital program is introduced they need to discuss the roadway projects that the Township would like to proceed with. Mayor Mironov stated Oak Creek Road from Hickory Corner Road to Oak Creek Circle and Dutch Neck from Oak Creek Road to One Mile Road were discussed last year and would be a continuation of the roadwork. Probasco Road is moving forward and depending on what is occurring in that area in terms of construction that is another possible roadway to be done. Mayor Mironov stated Mercer County has been doing some roadwork in the area the last few months and there may be some other roadways that the Township may end up doing in cooperation with Mercer County. Mayor Mironov stated that the capital budget is being done at the next meeting so if anyone has any discrepancies or questions, bring it to her attention prior to the next meeting.

MATTERS BY PUBLIC: None

ADJOURNMENT:

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

Next Meeting: Tuesday, July 5, 2016 @ 7:30 p.m.