EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, November 1, 2016 7:30 p.m. MINUTES

CALL TO ORDER:

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 7:30 p.m. on Tuesday, November 1, 2016.

VERIFICATION:

Municipal Clerk Gretchen McCarthy certified that the meeting was noticed on January 14, 2016 in the annual meeting notice and on October 28, 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 Council Member John Zoller

ROLL CALL:

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

PRESENTATIONS & PROCLAMATIONS:

The Friday Club – 120th Anniversary (October 21, 2016)

Mayor Mironov stated that she had the pleasure of attending the meeting of the Friday club, which is one of the two oldest federated clubs in the State of New Jersey.

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Davon Hudgins, a junior at EWRSD Hightstown High School was interviewed and is interested in the Planning Board or the Recreation Committee.

PUBLIC FORUM: None

MINUTES:

May 17, 2016

Mayor Mironov requested that on page 10, the 2nd paragraph, number 2 under the "Whereas" of Resolution R2016 -090 would likely better read "Mayor Mironov stated that with respect to the second resolution pertaining to the auction there is a conflict with the contract date". On page 12 the paragraph under R2016-092, it reads "recommendations and corrections have been made to…" Mayor Mironov asked that "satisfactorily address the concerns with the lease agreement" be added.

It was MOVED by Lippman, SECONDED by Rosenberg that the May 17, 2016 minutes be approved with the changes

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

Nays - None

There being six (6) ayes, no (0) nays and one (1) abstention, the May 17, 2016 minutes were approved.

Mayor Mironov requested that the following minutes be rescheduled:

June 7, 2016 June 21, 2016 July 5, 2016 July 19, 2016 August 2, 2016 August 16, 2016 September 20, 2016 October 4, 2016 October 18, 2016

Mayor Mironov asked, with concurrence of Council, that the Discussion item of the 2015 Municipal Audit be moved up in the agenda. Mayor Mironov indicated that the Township Auditor, Bud Jones, and Finance Director Laurie Finger were in attendance. Township Auditor Jones remarked on highlights of the 2015 Annual Audit and directed Council's attention to Exhibit A, the comparative balance sheet. Mr. Jones stated that the Township has assets near \$10,000,000 and liabilities and reserves of about \$5,000,000. The fund balance of \$4,734,000 is an increase of approximately \$500,000 from the previous year. Mr. Jones spoke on revenues and expenditures of as well as the very low 22% net debt of the Township and also commented that the 99.34% percentage of collection on taxes is outstanding. Mr. Jones stated that the Comments and Recommendations portion of the audit includes some "housekeeping" matters and also remarked that the Finance Officer has done a great job in maintaining records and reconciling accounts. Council Member Rosenberg inquired about debt authorized versus debt issued. Deputy Mayor Yeager inquired about the net debt. Mr. Jones replied to Council Members' inquiries. Mayor Mironov wished to clarify a point as she had heard net debt labeled "a deficit" in a political statement, which would indicate running "in the red", however, Mr. Jones just commented on the Township's surplus and the healthiness of its finances. Mayor Mironov and Mr. Jones spoke on capital financing and the use of it being good financial practice. Mayor Mironov stated that there were two action items needing to be considered by Council.

RESOLUTION R2016-186

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by Resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments Recommendations

and,

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such Resolution of certification shall be adopted by the governing body no later than forty-five (45) days after the receipt of the Annual Audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgation's of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one (1) year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of East Windsor, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968, and does hereby submit a certified copy of this Resolution and the required affidavit to said Board to show evidence of said compliance.

It was MOVED by Yeager, SECONDED by Zoller to approve Resolution R2016-186.

ROLL CALL: Ayes – Daniels, Lippman, Rosenberg, Yeager, Zoller, Mironov Nays – None There being six (6) ayes and no (0) nays, Resolution R2016-186 was approved. **RESOLUTION R2016-187**

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, the Chief Financial Officer has prepared and filed with the Municipal Clerk a Corrective Action Plan as part of the annual audit process as required by the Single Audit Act, US Office of Management and Budget Circular Letter A-128 and New Jersey Office of Management and Budget Circular Letter No. 87-11, as referenced in New Jersey Department of Community Affairs, Division of Local Government Services, Local Finance Notice No. 92-15, dated July 8, 1992.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, that the attached 2015 Corrective Action Plan for Audit submitted by the Chief Financial Officer is hereby acknowledged and approved.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2016-187.

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

There being six (6) ayes and no (0) nays, Resolution R2016-187 was approved.

ORDINANCE – PUBLIC HEARING:

Ordinance 2016-12

An Ordinance Authorizing the Conveyance of Real Property Known as 6 Conover Road, Block 46, Lot 1, and 898 Route 130, Block 51, Lot 40, to the New Jersey Department of Transportation in Connection with the Route 130/Hankins Road/Conover Road Realignment Project

ORDINANCE NO. 2016-12

TOWNSHIP OF EAST WINDSOR MERCER COUNTY, NEW JERSEY

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF REAL PROPERTY KNOWN AS 6 CONOVER ROAD, BLOCK 46, LOT 1, AND 898 ROUTE 130, BLOCK 51, LOT 40, TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE ROUTE 130-HANKINS ROAD-CONOVER ROAD REALIGNMENT PROJECT

WHEREAS, in connection with the Route 130-Hankins Road-Conover Road Realignment Project ("Project") the Township has acquired real property known as Lot 1 in Block 46, and a right-of-way and temporary construction easement through Lot 40, in Block 51; and

WHEREAS, under the terms of the funding from the New Jersey Department of Transportation for the Project, the said temporary interests are to be conveyed by the Township to the New Jersey Department of Transportation.

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

Section 1. Authorization to Execute Deed

- 1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Deed to the State of New Jersey Department of Transportation to convey the following property interests, all as more fully described on the attached Deed
 - a. Property commonly known as 6 Conover Road, East Windsor Township, New Jersey, as designated on East Windsor Tax Maps as Lot 1 in Block 46.
 - b. A right-of-way and temporary construction easement through part of property commonly known as 898 Route 130, East Windsor Township, New Jersey, and designated on the East Windsor Tax Maps as Lot 40, Block 51.
- 2. The Township Manager, Public Works Director, Municipal Clerk and Township Attorney are hereby authorized and directed to take all steps necessary to complete the conveyance of the subject properties and to deliver the executed Deed to the appropriate representative of the New Jersey Department of Transportation for recording.

Section 2. Severability

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

Section 3. Effective Date

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

Mayor Mironov announced that this Ordinance was introduced on October 18, 2016 and declared the public hearing open regarding Ordinance 2016-12 and with no comment from the public being made, declared closed the public hearing. Mayor Mironov noted that the Township Attorney has not yet heard back yet from the N.J.D.O.T. on the form of deed.

It was MOVED by Zoller, SECONDED by Daniels to approve Ordinance 2016-12 on second reading and authorize publication as provided by law.

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

There being six (6) ayes, no (0) nays, Ordinance 2016-12 was approved on second reading and authorized publication as provided by law.

ORDINANCE - INTRODUCTION: None

RESOLUTIONS:

Resolution R2016-156 Approving Contract for Eminent Domain and Redevelopment Attorney Services with M. James Maley, Jr., Maley & Associates

Mayor Mironov stated that this Resolution had been held from a previous meeting. A recommendation has been received from the Manager's office. Mayor Mironov asked that wording in the third paragraph be corrected.

RESOLUTION R2016-156

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, there exists a need for the services of an Eminent Domain/Redevelopment Attorney for East Windsor Township; and

WHEREAS, the Township solicited proposals on July 20, 2016 and on August 4, 2016, two (2) proposals were received for this service; and

WHEREAS, the lowest cost responsive proposal was received from Maley & Associates; 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 maximum amount of the contract is \$20,000 and funds are available in Account No. A-22-56-852-852 entitled "Affordable Housing" and Account V-20-56-852-856 entitled "Reserve for Transportation Improvements" as evidenced by the Chief Financial Officer Certification No. T2016-013.

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 Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement with Maley & Associates, 1150 Haddon Avenue, Suite 210, Collingswood, NJ 08108.
- 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 Yeager, SECONDED by Rosenberg to approve Resolution R2016-156 with the changes.

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

There being six (6) ayes and no (0) nays, Resolution R2016-156 was approved with the changes.

Resolution R2016-182 Authorize Declarations of Taking for 6 Conover Road (Block 46, Lot 1) and 20

Conover Road (Block 46, Lot 2) in Connection with the Route 130/Hankins

Road/Conover Road Realignment Project

Mayor Mironov inquired of Attorney Orron whether the Council should move forward with this Resolution Mr. Orron suggested waiting to hear from the N.J.D.O.T. whether the deed is acceptable. Mayor Mironov requested that this Resolution be held to the next Council meeting agenda.

Resolution R2016-183

Approval of Public Donor Agreement between Better Beginnings Day Care and East Windsor Township

RESOLUTION R2016-183

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, there is a desire to provide a donation to Better Beginnings Day Care of East Windsor/Hightstown, NJ, Inc. for day care services for residents of East Windsor Township; and

WHEREAS, such services are to be provided by Better Beginnings Day Care of East Windsor/Hightstown, NJ, Inc. through a program supervised and administered by the New Jersey Department of Human Services; and

WHEREAS, the amount of the donation is \$22,750.00 and funds are available in the Current Fund Account No 6-01-27-360-360-285 entitled "Better Beginnings Contribution", as evidenced by the Chief Financial Officer's Certification No. B2016-031.

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

1. The Mayor is hereby authorized and directed to execute the attached Public Donor Agreement with Better Beginnings Day Care of East Windsor/Hightstown, NJ, Inc., 318 North Main Street, P.O. Box 187, Hightstown, New Jersey 08520, for a donation in the amount of \$22,750.00.

It was MOVED by Rosenberg, SECONDED by Lippman to approve Resolution R2016-183.

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

There being five (5) ayes, no (0) nays and one (1) abstention, Resolution R2016-183 was approved.

Resolution R2016-184 Action on Request for Release of Performance Guarantee for Knowledge Learning Corporation for Knowledge Beginnings Learning Center

Mayor Mironov asked that the Engineer's report be attached as indicated in the fourth paragraph. Mayor Mironov also stated that there is no representation that the fees and charges have been satisfied in the Resolution, however, a memo has been received from the Manager and Finance Director indicating that that is the case so it needs to be recited in the Resolution. Mayor Mironov asked that Township Engineers go through their files to make sure that everything is up to date and that there is a calendaring and tracking of development projects in the town.

RESOLUTION R2016-184

EAST WINDSOR TOWNSHIP

MERCER COUNTY

WHEREAS, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, Justin J. Cabrera, Associate Counsel, Real Estate of Kinder Care Education, formerly Knowledge Learning Corporation, requested by letter dated September 29, 2016, a release of the performance guarantees being held by the Township for Knowledge Learning Center; and

WHEREAS, on June 8, 2008, by Resolution R2008-101, the Township Council reduced Performance Bond No. CMS216368 issued by RLI Insurance Company from \$254,497.80 to \$76,349.34 and the cash guarantee from \$25,449.78 to \$7,634.93; and

WHEREAS, on February 2, 2010, by Resolution R2010-28, the Township Council denied the release of Performance Bond No. CMS216368 issued by RLI Insurance Company in the amount of \$76,349.34 and the cash guarantee in the amount of \$7,634.93; and

WHEREAS, the Township Engineer has inspected the improvements for Knowledge Learning Center and filed a written report with the Township Council dated October 11, 2016, which is attached hereto and made a part of this Resolution; and

WHEREAS, the Manager and Director of Finance have provided to the Mayor and Council a report certifying that all required charges and fees have been paid and satisfied.

WHEREAS, the Township Council has reviewed the report and recommendations of the Township Engineer.

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

- 1. The Township Council approves the request made by Knowledge Learning Corporation for release of Performance Bond No. CMS216368 issued by RLI Insurance Company in the amount of \$76,349.34 and the cash guarantee in the amount \$7,634.93
- 2. The Township Council further authorizes and consents to the release of the Developer's Agreement entered into between Knowledge Learning Center and East Windsor Township for the property known as Block 5, Lot 27.05, formerly Block 5, Lot 27, commonly known as 300D Princeton Hightstown Road, East Windsor, NJ
- 3. The Mayor and Municipal Clerk are hereby authorized to execute a Release of Developers Agreement.
- 4. As the performance bond has been held beyond the customary maintenance period, and as all maintenance issues have been resolved, no maintenance bond is required.
- 5. The Municipal Clerk is authorized and directed to forward a certified copy of this Resolution and a copy of the Township Engineer's report to Justin J. Cabrera, Associate Counsel, Real Estate of Kinder Care Education

It was MOVED by Rosenberg, SECONDED by Zoller to approve Resolution R2016-184 with the changes and attachments.

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

There being six (6) ayes and no (0) nays Resolution R2016-184 was approved with the changes and attachments.

Resolution R2016-185 Award of Contract for Repair of Sump Pumps at East Windsor Police/Court Building to S & G Heating and Air Conditioning

Mayor Mironov stated that she understands that this project needs to be done, however, the quoting process of Public Works is worrisome and needs to be more sophisticated and comparable. Consensus of Council was reached to table this matter for a fuller quote and detail of the work to be accomplished.

APPLICATIONS: None

REPORTS BY COUNCIL AND STAFF:

Council Member Rosenberg reported on the Clean Communities meeting held October 27 and also reported that

the recycling puppet show was performed at the Walter Black School.

Deputy Mayor Yeager reported that the Municipal Alliance met on October 19th and discussed some continuing work on a brochure and the reporting for the first and second quarters. On October 20, filling in for Mr. Zoller,

Deputy Mayor Yeager attended the Health Advisory Committee meeting where they discussed the Knock Out Opiate Abuse Day held and the ways the Health Advisory Board may assist the Alliance and how the two

committees can work together.

Council Member Daniels reported that the Commission on Aging met and discussed the increase in membership

at the Senior Center.

CORRESPONDENCE: None

APPOINTMENTS: None

APPROVAL OF BILLS:

Mayor Mironov specified the various bill lists and trust fund lists presented for payment along with a 1 page list

in Council meeting folders.

Mayor Mironov noted a bill on the escrow bill list, for "Enchantment Conversion" that is unfamiliar. Another

bill on the same page for "Aspen Falls/Brooktree" was questioned. Mayor Mironov asked that both be held for

clarification.

It was MOVED by Daniels, SECONDED by Rosenberg to approve the Bill Lists presented pending

clarification of the two bills held.

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

Nays - None

There being six (6) ayes and no (0) nays the various presented Bill Lists were approved pending clarification of

the two bills held.

Mayor Mironov further indicated that there were some notes included in Council meeting folders regarding the

Capital Bill list.

MATTERS BY COUNCIL:

Mayor Mironov stated that a proposed professional services agreement has been received, and will be listed on the next agenda, that is in connection with the Declaratory Action on Affordable Housing. Mayor Mironov indicated that Mercer County municipalities would enter into this agreement to pool services for any trial purposes. There are currently seven municipalities that are members and Mayor Mironov highly recommended that East Windsor enter into this agreement to participate with the other six towns. As there is a November 14 case management conference, Mayor Mironov would like to inform them that this agreement is scheduled for the next Township Council meeting. Mayor Mironov also asked that copies of the proposal be left in Council mailboxes for their information.

Mayor Mironov noted receipt of the following correspondence: a memo dated October 21 answering a question on a DPW purchase, an October 7 memo answering Council questions regarding Animal Control bills that will remain held as subsequent questions have been raised regarding policy, an appeal policy from the Manager and Tax Assessor has been received, a letter dated October 20 from the Mercer County Surrogate regarding satellite office dates for 2017 which have all been checked with the Senior Center Coordinator, a letter from Plainsboro dated October 17 requesting to continue with Animal Control Services, a letter dated October 1 from West Windsor asking to continue with Animal Control Services, a letter from the State of New Jersey dated October 17 indicating that the Governor has lifted the suspension of projects with respect to the Transportation Trust Fund, and a revenue report as of September 30, 2016, from the Finance Director.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. 2015 Municipal Audit. Discussion was held earlier in the meeting as were the two Resolutions.

Resolution R2016-186 Acknowledging the Receipt of Audit and Signing of Group

Affidavit

Resolution R2016-187 Approving the Corrective Action Plan

2. Police/Court Building Roof Replacement

Resolution R2016-188 Approval of Change Order for Engineering Services for the

Police/Court Building Roof with Tectonic Engineering

Mayor Mironov stated that she has no issue with the proposed Tectonic Engineering contract change. Mayor Mironov stated that it is her belief that Council asked Public Works for specific information with respect to the roof replacement during the Capital Budget review and did get a memo late in the process with updates on the project. However, that was for purposes of funding. No other updates have been received, so Mayor Mironov stated that she does not know how this project could be moving forward to the preparation of bid specifications. Mayor Mironov indicated that Council can either vote to hold this Resolution or condition its approval subject to the provision of a fully updated report to the Governing Body regarding this major project, and providing details and findings to Council. Consensus of Council is to hold this Resolution due to the projects importance, until further information and a project timeline is received.

3. East Windsor Senior Center Maintenance Work for Painting and Wallpaper

Mayor Mironov indicated that a report has been received from Public Works and Mayor Mironov also thanked the Township Manager for his efforts in having the report provided with a room by room assessment in order to assess the condition and the priorities. Mayor Mironov and Council discussed the memo received and raised questions on the information within it. Mayor Mironov stated that she is in favor of replacing wallpaper with wallpaper due to its durability. Mayor Mironov also noted that some of the numbers in the memo would indicate the possibility of a bid process and it is also not clear whether the contractor would buy the material or not. Consensus of Council is that the two larger rooms are priority for wallpapering and more information is needed regarding timelines that will need to be during regular working hours, costs need to be revisited so that rooms that are easily isolated or closed off are recalculated without adding on "after hour" charges, who is buying the materials, whether this project can be done through obtaining quotes or whether formal bids will be needed, and more information on the condensation affecting materials. Mayor Mironov requested that the questions raised be addressed and that this matter be listed on the next agenda.

MATTERS BY PUBLIC: Non

ADJOURNMENT:

There being no further business Mayor Mironov declared the meeting adjourned at 8:48 p.m.

Next Meeting: Tuesday, November 22 @ 7:30 p.m.			
Kelly Lettera	Janice S. Mironov		
Deputy Municipal Clerk	Mayor		