

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, December 20, 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, December 20, 2016

VERIFICATION:

Municipal Clerk Gretchen McCarthy certified that the meeting was noticed on January 14, 2016 in the annual meeting notice and on December 16, 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 Scout Daniel Burgess

ROLL CALL:

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

PRESENTATIONS & PROCLAMATIONS:

***EAGLE SCOUT PROJECT PRESENTATION BY DANIEL KNIGHT BURGESS, BOY SCOUT TROOP 5700**

Scout Daniel Burgess gave presentation on his proposed Eagle Scout project which would be painting approximately 30 fire hydrants the appropriate colors, in a section of the Township.

It was **MOVED** by Rosenberg, **SECONDED** by Daniels to endorse the Eagle Scout project of Daniel Burgess as presented.

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

There being six (6) ayes and no (0) nays, the Eagle Scout project of Daniel Burgess was endorsed as presented.

Mayor Mironov signed the necessary paperwork for Scout Burgess to move forward with his Eagle Scout project and Mayor Mironov also indicated that a letter of endorsement of the project will be drafted for her signature and will include contact information for the Police Department for coordination purposes.

Eagle Scout: Max Tootleman, Boy Scout Troop 59 (January 7, 2017)

Mayor Mironov noted that a Proclamation has been prepared, however, she is unable to attend the event and asked Council Members to check their schedules for availability to attend and make the presentation.

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Interviewed was Scott Roth, who is interested in the Economic Development Commission or the Health Advisory Board. Also interviewed was Eleanor Seel, who is interested in the Health Advisory Board or the Municipal Alliance.

PUBLIC FORUM: None

MINUTES:

June 21, 2016

Council Member Zoller stated that the top of page 31, there is a comment attributed to Mayor Mironov that seems rather ambiguous and perhaps should be more specific. Mayor Mironov clarified what her statement had been regarding the source of the funds to pay the refund and the minutes will be updated to reflect the explained statement.

It was **MOVED** by Yeager, **SECONDED** by Rosenberg that the June 21, 2016 minutes be approved with the changes.

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

There being six (6) ayes, no (0) nays, the June 21, 2016 minutes were approved.

Mayor Mironov asked that the following minutes be rescheduled:

June 7, 2016
July 5, 2016
July 19, 2016
August 2, 2016
August 16, 2016
September 20, 2016
October 4, 2016
October 18, 2016
November 1, 2016
November 22, 2016
December 6, 2016

ORDINANCE – PUBLIC HEARING: None

ORDINANCE – INTRODUCTION: None

RESOLUTIONS:

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 stated that the Township remains waiting for the N.J.D.O.T. to approve the plans submitted to them and requested that this Resolution be held to the next meeting.

Resolution R2016-198 Action on Request for Release of Performance Guarantee by Pulte Group, Inc.

Mayor Mironov stated that this matter was listed as there is a timeline within which the Township must act however, the Township Attorney has advised Mayor Mironov there are some discussions being held on this project and the bond release. Mayor Mironov indicated that the Attorney for Pulte has sent an email to the Township Attorney stating that they would like to have this matter carried in order to reach an agreement with respect to the performance guarantee release. Based on that request, Mayor Mironov stated that if there is no objection, this will be carried to the next regular meeting.

Resolution R2016-209 Approval of Reconstruction Replacement of Front Exterior Terrace of Police/Court Building by New Jersey Gardens L.L.C.

Mayor Mironov indicated that no further information has been received to be considered or acted upon and this is a spring project. Therefore, Mayor Mironov requested that this Resolution be carried to the next meeting.

Resolution R2016-210 Authorize Cancellation of Outstanding Checks

Mayor Mironov indicated that a request from the Finance Director has been received with respect to these checks.

**RESOLUTION R2016-210
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists on the books of the Public Assistance II, Garbage District and Recreation accounts outstanding checks that have not cleared in over 12 months; and

WHEREAS, outstanding checks may be cancelled with the approval of the Township Council.

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 Finance Director is hereby authorized to cancel the following outstanding checks in the amounts shown from the Public Assistance II, Garbage District and Recreation accounts:

<u>Account</u>	<u>Check No.</u>	<u>Date</u>	<u>Amount</u>
Public Assistance II	211	05/01/2014	\$147.00
Public Assistance II	288	07/01/2014	\$210.00
Public Assistance II	318	08/01/2014	\$72.00
Public Assistance II	397	01/01/2015	\$210.00
Public Assistance II	555	09/01/2015	\$140.00
Public Assistance II	571	10/01/2015	\$140.00
Public Assistance II	575	10/01/2015	\$210.00
Garbage District	5119	01/20/2015	\$2,384.48
Recreation	6132	07/15/2014	\$700.00

It was MOVED by Zoller, SECONDED by Rosenberg that Resolution R2016-210 be approved.

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

There being six (6) ayes, no (0) nays, Resolution R2016-210 was approved

Resolution R2016-211 Chapter 159 – Amending the 2016 Municipal Operating Budget Providing an Item of Revenue and Appropriation for the 2016 Drive Sober or Get Pulled Over Year End Holiday Crackdown

Mayor Mironov indicated that a request from the Finance Director has been received on this matter.

**RESOLUTION R2016-211
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 \$5,000.00, which item is now available as revenue from the Drive Sober or Get Pulled Over Year End Holiday Crackdown grant.
2. A like sum of \$5,000.00 is hereby appropriated under the caption of Drive Sober or Get Pulled Over.

It was MOVED by Yeager, SECONDED by Rosenberg that Resolution R2016-211 be approved.

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

There being six (6) ayes, no (0) nays, Resolution R2016-211 was approved.

Resolution R2016-212 Authorizing Approval of Shared Service Agreement with Hamilton Township for Health Officer Services

RESOLUTION R2016-212
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, there exists a need for the services of a Health Officer in the Township of East Windsor for 2017; and

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

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

WHEREAS, the maximum amount of the contract is \$12,500.00 and funds will be available in the Current Fund Account No. 7-01-27-330-601-249 entitled “Licensed Professional”, as evidenced by the Chief Financial Officer’s Certification No. B2016-034.

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

1. The attached Shared Services Agreement entitled “Shared Services Agreement for Health Officer Services Township of Hamilton and Township of East Windsor” is hereby approved in accordance with the provisions of N.J.S.A. 40A:65-1, et seq. for a term of January 1, 2017 through December 31, 2017.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

It was MOVED by Rosenberg, SECONDED by Zoller that Resolution R2016-212 be approved.

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

There being six (6) ayes, no (0) nays, Resolution R2016-212 was approved.

Resolution R2016-213 Authorizing Approval of Health Officer Agreement with Hamilton Township Health Officer

Mayor Mironov indicated that this agreement is consistent with prior year agreements and has been approved by Hamilton Township.

RESOLUTION R2016-213
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, by Resolution R2016-212, the Township Council has approved an Shared Services Agreement with Hamilton Township for the provision of Health Officer Services to the Township during regular weekday business hours for 2017; and

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

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

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

WHEREAS, the maximum amount of the contract is \$9,650.00 and funds will be available in the Current Fund Account No. 7-01-27-330-601-249 entitled “Licensed Professional” as evidenced by the Chief Financial Officer’s Certification No. B2016-035.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Health Officer Agreement with Jeffrey J. Plunkett, 6 Anastasia Court, Hamilton, New Jersey 08690, for a term of January 1, 2017 through December 31, 2017.
2. The Contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by person(s) authorized by law to practice a recognized profession that is regulated by law.
3. The Municipal Clerk shall cause to be printed once, in the Trenton Times, a brief notice stating the nature, duration, service and amount of this contract, and that the resolution and contract are on file and available for public inspection in the office of the Municipal Clerk.

It was MOVED by Zoller, SECONDED by Rosenberg that Resolution R2016-213 be approved.

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

There being six (6) ayes, no (0) nays, Resolution R2016-213 was approved.

Resolution R2016-214 Action on Award of Contract for Township Independence Day Fireworks

Mayor Mironov stated that Council had discussed the dates for this event at a prior meetings. These are the dates that were selected. Information and recommendation have been distributed with respect to the vendor.

**RESOLUTION R2016-214
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a desire to award a contract for the Independence Day fireworks display scheduled July 1, 2017, with a rain date scheduled for July 8, 2017, to be held at Etra Lake Park in the Township of East Windsor; and

WHEREAS, four (4) quotes were solicited and one (1) written quote was obtained to provide this service; and

WHEREAS, the responsive cost proposal was submitted by D & M Fireworks; 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 Recreation Director's recommendations on said service; and

WHEREAS, the maximum amount of the contract is \$13,000.00 and funds are available in the Recreation Trust Account No. R-14-57-370-800-000 entitled "Recreation Events", as evidenced by the Chief Financial Officer's Certification No. T2016-018.

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: D & M Fireworks, LLC, P.O. Box 503, Bally, PA 19503 for the Independence Day fireworks display scheduled for July 1, 2017, with a rain date scheduled for July 8, 2017, in an amount not to exceed \$13,000.00.
2. The Fire Official is authorized subject to compliance with all applicable regulations to issue said permit pursuant to section 5:18-2.7(a)5.iii. of the Uniform Fire Code of the State of New Jersey, and to enforce the time limit on discharge of fireworks.

It was MOVED by Yeager, SECONDED by Daniels that Resolution R2016-214 be approved.

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

There being six (6) ayes, no (0) nays, Resolution R2016-214 was approved.

Resolution R2016-215 Approval of Amendment to Agreement with Dobtol Construction LLC for Solar Photovoltaic System for East Windsor Police/Court building

Mayor Mironov asked for some formatting changes to be made to the Resolution.

**RESOLUTION R2016-215
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, on March 22, 2016, by Resolution R2016-064, the East Windsor Township Council approved a Power Purchase Agreement for a Solar Photovoltaic System at the East Windsor Police/Court property; and

WHEREAS, the parties desire to amend the agreement with Altus Power America, Inc.; and

WHEREAS, the Township Council has reviewed the recommendations made by 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 First Amendment to the Solar Power Purchase Agreement for the Solar Photovoltaic System at the Police/Court Building is hereby approved.
2. The Mayor is hereby authorized and directed to execute the attached First Amendment to the Solar Power Purchase Agreement.
3. The Municipal Clerk is authorized and directed to forward a certified copy of this Resolution to Altus Power America, Inc.

It was MOVED by Shapiro, SECONDED by Zoller that Resolution R2016-215 be approved with the changes.

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

There being six (6) ayes, no (0) nays, Resolution R2016-215 was approved with the changes.

Resolution R2016-216 Approval of Purchase of Knox Box System for East Windsor Volunteer Fire Company No. 2 from Knox

Mayor Mironov requested that a second paragraph be added, subject to Township Attorney suggestions to the contrary. The second paragraph should read...Whereas, Knox Box is a trademarked product distributed by sole provider Knox Box; and”.

**RESOLUTION R2016-216
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need to replace the Knox Box System for East Windsor Volunteer Fire Company No. 2; and

WHEREAS, Knox Box is a trademark product distributed by sole provider Knox Box; 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 replacement Knox Box System is \$2,704.00 and funds are available in the Account No.C-04-55980-919-502 entitled, “Acquisition Radios, Pagers & Knox Box System”, as evidenced by the Chief Financial Officer’s Certification No. C2016-032.

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

1. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to Knox, 1601 W. Deer Valley Road, Phoenix, AZ 85027 in an amount not to exceed \$2,704.00, all in accordance with the attached quote.

It was **MOVED** by Yeager, **SECONDED** by Rosenberg that Resolution R2016-216 be approved with the changes.

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

There being six (6) ayes, no (0) nays, Resolution R2016-216 was approved with the changes.

Resolution R2016-217 Approval of Developers Agreement for Gateway Community Action Partnership

**RESOLUTION R2016-217
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, Gateway Community Action Partnership, the developers of property known as Block 20.02, Lot 571 as shown on the official tax map of the Township of East Windsor, received Preliminary and Final Site Plan Approval with Bulk Variances from the Planning Board on February 22, 2016 bearing application No. PB15-006; and

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

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

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

It was MOVED by Rosenberg, SECONDED by Zoller that Resolution R2016-217 be approved.

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

There being six (6) ayes, no (0) nays, Resolution R2016-217 was approved.

Resolution R2016-218 Action on Request for Release of Performance Guarantee for Levcom East Windsor Associates, L.P. for CentraState

Mayor Mironov stated that a request for release of the performance guarantee was received as well as a letter from the Engineer dated November 3, 2016 that is attached and incorporated, recommending release. The Mayor further noted that certification from the Manager and Finance Director has also been received, indicating that all fees and charges have been paid.

**RESOLUTION R2016-218
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, David Voight, Managing Agent for Levcom East Windsor Associates, L.P., has requested by letter dated September 19, 2016, a release of the performance guarantees being held by the Township for the renovation of 14,387 square feet of space at the Town Center Shopping Center to the CentraState Health Care Systems medical offices; and

WHEREAS, on November 18, 2015, Performance Bond No. 37450 was issued by The Service Insurance Company, Inc., in the amount of \$43,308.00, which represented ninety percent (90%) of the entire performance guarantee amount. In addition, a cash guarantee was posted in the amount of \$4,812.00, which represented ten percent (10%) of the entire performance guarantee amount; and

WHEREAS, the Township Engineer has inspected the site work for the CentraState Health Care Systems medical offices and filed a written report with the Township Council dated November 3, 2016, which is attached hereto and made a part of this Resolution; and

WHEREAS, the Township Manager and Director of Finance have certified 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 agrees to release Performance Bond No. 37450 issued by the Service Insurance Company, Inc., in the amount of \$43,308.00 and the cash guarantee of \$4,812.00.
2. The Municipal Clerk is authorized and directed to forward a certified copy of this Resolution and a copy of the Township Engineer's Report to David Voight, Managing Agent for Levcom East Windsor Associates, L.P..

It was **MOVED** by Daniels, **SECONDED** by Yeager that Resolution R2016-218 be approved.

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

There being six (6) ayes, no (0) nays, Resolution R2016-218 was approved.

Resolution R2016-219 Action on Request for Release of Performance Guarantee for K. Hovnanian for Magnolia Ridge Site Improvements

Mayor Mironov stated this project is being handled by ACT Engineers and a report dated December 13 has been received from them that is attached and incorporated in the Resolution. A reduction in the performance guarantee is recommended. Mayor Mironov stated that she had questions regarding curbing and sidewalk on this project and she would like an update on that as a condition of approval of this Resolution.

**RESOLUTION R2016-219
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, Kathy C. Herity, Authorized Representative of K. Hovnanian at East Windsor, LLC, has requested by letter dated September 16, 2016, a reduction of the performance guarantees being held by the Township for Magnolia Ridge Site Improvements; and

WHEREAS, on June 2, 2015, by Resolution R2015-101, the Township Council reduced Performance Bond No. 1085980 issued by Lexon Insurance Company from \$693,435.06 to \$341,590.50 and the cash guarantee from \$77,048.34 to \$37,954.50; and

WHEREAS, ACT Engineers has inspected the improvements for Magnolia Ridge Site Improvements and filed a written report with the Township Council dated December 13, 2016, which is attached hereto and made a part of this Resolution; and

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

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

1. The Township Council agrees to reduce Performance Bond No. 1085980 issued by Lexon Insurance Company be reduced from \$341,590.50 to \$232,129.15 and cash guarantee in the amount of \$37,954.50 to \$25,792.13.
2. The Municipal Clerk is authorized and directed to forward a certified copy of this Resolution and a copy of the Township Engineer's report to Kathy C. Herity, Authorized Representative of K. Hovnanian at East Windsor, LLC.

It was **MOVED** by Zoller, **SECONDED** by Rosenberg that Resolution R2016-219 be approved with the condition.

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

There being six (6) ayes, no (0) nays, Resolution R2016-219 was approved with the conditions.

Resolution R2016-220 Closed Session (Contract Negotiations: Hightstown Municipal Court)
(Litigation: D'Alessandro V. Robbinsville, et al; Rescue 2)

**RESOLUTION R2016-220
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, THERFORE, 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:

(Contract Negotiations: Hightstown Municipal Court)
(Litigation: Rescue 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 that Resolution R2016-220 be approved.

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

There being six (6) ayes, no (0) nays, Resolution R2016-220 was approved.

Resolution R2016-221 Approval to Execute Agreement with Middlesex County Municipal Joint Insurance Fund for Workers Compensation and Employees Liability, General Liability Coverage, Motor Vehicle and Equipment Liability Coverage, Property Damage Coverage and Environmental Liability

Mayor Mironov stated that this matter was discussed at the last Council meeting and determined that East Windsor would proceed in this manner. Mayor Mironov also indicated that current coverage expires at the end of this year so it is important that action be taken at this time. Mayor Mironov asked that the action on this matter be conditioned as there are questions pertaining to whether a 2017 membership proposal has been reviewed and whether there are any concerns or changes, whether the attached by-laws have been reviewed for changes, what 2017 costs will be and where exactly they are formally stated, what the four enhancements are to existing coverage, and what the broker fees are and when and how they will be paid.

**RESOLUTION R2016-221
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township of East Windsor has participated as a member of the Middlesex County Municipal Joint Insurance Fund (hereinafter the "Fund") existing pursuant to Chapter 372, Laws of 1983 (N.J.S.A. 40A:10-36 et seq.) and is desirous of continuing said membership with the term expiring December 31, 2019; and

WHEREAS, the Township Council of the Township of East Windsor has determined that continued membership in the Fund is the best interest of the Township.

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

SECTION 1. The Township of East Windsor hereby agrees to continue as a member of the Fund for a period of three (3) years commencing January 1, 2017 and terminating on December 31, 2019 for the purpose of securing the following types of insurance coverage:

- (a) Workers Compensation and Employers Liability
- (b) General Liability Coverage (including Public official, Police Professional)
- (c) Motor Vehicle and Equipment Liability Coverage
- (d) Property Damage Coverage (including Building & Contents, Automobile, Physical Damage, Contractors Equipment, and Boiler and Machinery and Public Employee Blanket Bonds)

After the expiration of the said three (3) year period membership, participation may be cancelled or extended in accordance with the By-Laws of the Fund.

SECTION 2. For the purposes of contribution of sums into the Fund to be designated for administrative costs and claims, the Township of East Windsor hereby agrees to obtain the types of coverage from the Fund as set forth in Section 1 of this Resolution and the Indemnity and Trust Agreement to be signed by it.

SECTION 3. The Bylaws of the Middlesex County Municipal Joint Insurance Fund, attached hereto, are hereby adopted and accepted.

SECTION 4. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Indemnity and Trust Agreement signifying continued membership.

It was **MOVED** by Shapiro, **SECONDED** by Rosenberg that Resolution R2016-221 be approved with conditions.

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

There being six (6) ayes, no (0) nays, Resolution R2016-221 was approved with conditions.

APPLICATIONS: None

REPORTS BY COUNCIL AND STAFF:

Council Member Rosenberg reported that the Clean Communities Committee met on December 15 and discussed the Adopt-A-Spot wrap up meeting to be held on January 26, and also noted that Home Depot recycles rechargeable batteries.

Deputy Mayor Yeager reported on the E.W.M.A.P.S.A. meeting held on December 7 and discussed the D.A.R.E. graduation held that day, a possible logo for the Alliance, some potential programs for 2017, and a possible brochure.

Council Member Shapiro reported on the previous evenings Planning Board meeting where an application by Fordoz Pharma was heard and approved.

CORRESPONDENCE: None

APPOINTMENTS: None

APPROVAL OF BILLS:

Mayor Mironov specified the various bill lists and trust fund lists presented for payment.

Mayor Mironov asked that a bill at the top of page 3 on the Current 2016 bill list be held until a final decision has been made. Also, on pages 8 and 9 Mayor Mironov asked for some feedback on the auto parts bills and on page 10 questioned a bill for portable toilets.

It was **MOVED** by Shapiro, **SECONDED** by Zoller to approve the bill lists presented subject to clarification of questioned bills.

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

There being six (6) ayes and no (0) nays, the presented bill lists were approved subject to clarification of questioned bills.

MATTERS BY COUNCIL:

Mayor Mironov reported received: a memo from the Manager on bill list questions with respect to the November 22 meeting, a report dated December 9 from the Finance Director on the sale of bond anticipation notes, a report from the Tax Collector on the 2016 Tax Sale, a report from the Tax Collector for the period ending November 30, 2016, and two notices on partial roadway closure on Twin Rivers Drive for utility work.

Mayor Mironov stated that Public Works is working on the Senior Center tasks asked for, which were the wallpaper labor/work, the work plan for painting of rooms by Public Works, and the specification for the wallpaper to be purchased by the Township. In the meanwhile, Mayor Mironov had asked that Members weigh in on the wallpaper selections in Public Works. Mayor Mironov has gone through the paint available and suggests utilizing the paint colors currently there, with a few exceptions where similar colors should be used. Mayor Mironov showed suggested wallpaper samples to Council for their input. Council chose a wallpaper sample and two alternates. Mayor Mironov indicated that preparation of specifications can now move forward to have the work done in the spring with the exception of the work to be done by Public Works which will be done during the winter months.

Mayor Mironov stated that when the Police/Court building roof was discussed, there was a lack of clarity in the Public Works memo with respect to options 2 and 3 and as such Council considered going out to bid on both options. The Public Works Director feels that the options are very different and feels very strongly for one option. Mayor Mironov requested that the Public Works Director put together a memo to the Mayor and Council explaining in detail what each of the two options are and what the differences are and why he feels one is superior to the other.

Mayor Mironov noted that Deputy Mayor Yeager raised concerns as to Dutch Neck Road conditions and a memo from Public Works has been distributed in response.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. *Eagle Scout Project Presentation by Daniel Knight Burgess, Boy Scout Troop 5700
Presentation was done earlier in the meeting.
2. 2017 Summer Concerts and Events

Council discussed the list of possible and recommended bands for the Summer Concerts and their individual preferences. Mayor Mironov asked that this matter be listed on the first regular Council meeting in 2017 and further asked that Council Members each come back with two favorites.

3. No Net Loss Reforestation Program: Phase 3

Mayor Mironov stated that discussion was held at the last meeting with respect to the Phase 3 planting and the idea that the trees be planted on the Old York Road site instead of Etra Road. Mayor Mironov indicated that a new Resolution has been prepared and also a memo has been received from the contractor stating that he is willing to do so at the same cost.

Resolution R2016-222 Action on Award of Contract for the Provision and Installation of 3000
Trees

**RESOLUTION R2016-222
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township has been awarded from the New Jersey Department of Environmental Protection a No Net Loss Grant to fund a tree replacement program; and

WHEREAS, on March 7, 2016, East Windsor Township solicited bids for the Provision and Installation of 3,800 trees at various locations in the Township and on March 31, 2016, five (5) bids were received by the Municipal Clerk's Office; and

WHEREAS, on June 7, 2016, the Mayor and Township Council adopted Resolution R2016-073 awarding the contract to Downe's Tree Service, Inc. for the Provision and Installation of 800 trees at the Old York Road Open Space tract; and

WHEREAS, a separate component of the bid was to award the planting of 3000 trees at the Etra Road Open Space tract; and

WHEREAS, the lowest responsive bid for each of the locations was received from Downe's Tree Service, Inc.; and

WHEREAS, the Mayor and Township Council are desirous of planting the remaining 3000 trees also at the Old York Road Open Space Tract; and

WHEREAS, Downe's Tree Service, Inc. has agreed to the change of planting location; and

WHEREAS, the Mayor and Township Council have reviewed the recommendations made by the Public Works Director on the bids; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are available in the Account No. C-04-55-980-919-900 entitled Installation of Trees, in the amount of \$735,000.00, as evidenced by the Chief Financial Officer's Certification No. C2016-033.

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

1. The Contract for the Provision and Installation of 3000 trees at the Old York Road Open Space tract in East Windsor is hereby awarded to Downe's Tree Service, Inc., 65 Royal Avenue, Hawthorne, NJ 07506, on their bid of \$735,000.00 upon receipt of a fully executed contract and all other required documents.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the contract for same.

It was **MOVED** by Shapiro, **SECONDED** by Rosenberg that Resolution R2016-222 be approved.

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

There being six (6) ayes, no (0) nays, Resolution R2016-222 was approved.

MATTERS BY PUBLIC: None

ADJOURNMENT:

There being no further business, Mayor Mironov declared the meeting adjourned at 8:59 p.m.

Closed Session (Contract Negotiations: Hightstown Municipal Court) (Litigation: D'Alessandro V. Robbinsville, et al; Rescue 2)

Next Meeting: Friday, January 3, 2017 @ 5:30 p.m.

Kelly Lettera
Deputy Municipal Clerk

Janice S. Mironov
Mayor