

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, August 16, 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, August 16, 2016

VERIFICATION:

Municipal Clerk Gretchen McCarthy certified that the meeting was noticed on January 14, 2016 in the annual meeting notice and on August 12, 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 Deputy Mayor Peter Yeager

ROLL CALL:

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

PRESENTATIONS & PROCLAMATIONS: None

INTERVIEWS FOR BOARDS AND COMMISSIONS: None

PUBLIC COMMENT: None

MINUTES:

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

June 21, 2016

July 5, 2016

July 19, 2016

August 2, 2016

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

ORDINANCE – PUBLIC HEARING:

Ordinance 2016-09 An Ordinance Amending and Supplementing Chapter XX, “Zoning”, Subsection 20-5.1604b., “Prohibited Signs” and Subsection 20-5.1607a.5., Under Subsection 20-5.1607, “Sign Regulations for Each Zoning District”, of the Revised General Ordinances of the Township of East Windsor

ORDINANCE NO. 2016-09

**TOWNSHIP OF EAST WINDSOR
MERCER COUNTY, NEW JERSEY**

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XX, "ZONING",
SUBSECTION 20-5.1604b. "PROHIBITED SIGNS"
AND SUBSECTION 20-5.1607a.5. UNDER SUBSECTION 20-5.1607,
"SIGN REGULATIONS FOR EACH ZONING DISTRICT",
OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF EAST WINDSOR**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST WINDSOR in the County of Mercer, State of New Jersey, that Chapter XX, "Zoning", Section 20-5.1600, “Signs”, of the Revised General Ordinances of the Township of East Windsor is hereby amended and supplemented as follows:

SECTION 1. Subsection 20-5.1604, “Prohibited Signs”, paragraph b, is hereby amended as follows:

“b. Moving or revolving signs and signs using blinking, flashing, vibrating, flicker, tracer, [and] sequential or any other lighting where the sign message can be electronically changed, but shall not include time and temperature signs or any other signs expressly permitted elsewhere in the ordinance.”

SECTION 2. Subsection 20-5.1607, “Sign Regulations for Each Zoning District”, paragraph a.5., is hereby amended as follows:

a.5. Where gasoline stations are permitted one freestanding sign shall be permitted, provided such sign shall not exceed [50] 36 square feet in area on a side and shall be erected not less than [14] 12 nor more than [25] 27 feet above the ground. A minimum setback of 12 feet shall be required as measured from the street right-of-way line. The freestanding sign may have a supplementary price sign provided that it is mounted on the same support structure as the freestanding sign, that the price sign does not exceed 25 square feet in sign area, or more than 5 feet in height [and that the lowest part of the price sign is at least eight feet above grade]. The price per gallon on the price sign may be illuminated by LED lighting (light-emitting diode lamps), which shall

be no brighter than necessary for clear and adequate visibility and provided that the maximum level of illumination does not exceed 0.3 footcandles above the ambient night-time light footcandle level measured at a distance of 50 feet, and the daytime level does not exceed 1250 nits.

(a) The image shall be static and all blinking, flashing, vibrating, flicker, tracer, scrolling and other illusions of motion are prohibited.

(b) No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal or causes glare or otherwise impairs the vision of the driver or results in a nuisance to a driver.

(c) A dimming module shall be incorporated in any LED signage electronics in order to further dim the intensity of the LED lighting even lower than the aforementioned nits and footcandle ambient light levels. The control switch which allows the lighting intensity of the LED price sign to be adjusted shall be provided at an easily accessible location within the gas station building, which shall be identified on the Township sign application.

(d) The LED sign, when installed and operational, shall have its lighting intensity measured by a lighting professional so qualified, and a certification verifying that the lighting levels are compliant with the above standards shall be submitted to the Township. Thereafter, such lighting levels may be subject to periodic inspection by the Township in order to verify the lighting intensity and to require that the level of illumination be reduced if the lighting is deemed too bright, either in excess of the standard or otherwise presenting a public interest issue.

(e) All LED electronics shall be housed in a weather-proof cabinet not exceeding five feet in height.

In addition to the freestanding sign permitted herein, gasoline stations which have a canopy over the pump islands shall be permitted one sign on the canopy, with the area of the sign limited to no more than ten percent of the longest facade of the canopy. In addition to the freestanding sign and the sign on the canopy, the principal building shall be permitted to have one facade sign per abutting street frontage identifying the business in accordance with the provisions of subsection 20-5.1606a. In addition, smaller facade signs are permitted to indicate functions performed at individual service bays, and such additional facade signs shall not exceed one per service bay and they shall be further limited by the aggregate facade sign area limitations set forth in subsection 20-5.1606a.

SECTION 3. All ordinances or parts thereof which are inconsistent or conflict with the provisions of this ordinance or any part thereof are hereby repealed to the extent of said inconsistency or conflict.

SECTION 4. If the provisions of any section subsection, paragraph, subdivision or clause of this ordinance shall be judged to be invalid by a Court of competent jurisdiction, such Order of Judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause if this ordinance, or any other ordinance which is referred to herein, and to this end, the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance are hereby declared to be severable. Should any clause, sentence or other part of this ordinance be judged invalid by a Court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 5. This ordinance shall take effect twenty (20) days after the final adoption, publication and the filing of said ordinance with the Mercer County Planning Board, all in accordance with law.

Mayor Mironov announced that this Ordinance was introduced on August 2, 2016 and declared the public hearing open regarding Ordinance 2016-09 and with no comment from the public being made, declared closed the public hearing.

Mayor Mironov also indicated that the Ordinance had been referred to the Township Planning Board and at their August 15, 2016 meeting did review and recommend the Ordinance for adoption. Due to pending removal of unrelated signs, the Municipal Clerk was requested to coordinate with Mayor Mironov, the publication of Ordinance 2016-09 at final adoption.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Ordinance 2016-09 on second reading and authorize publication as required by law.

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

There being six (6) ayes and no (0) nays, Ordinance 2016-09 was approved on second reading and authorized for publication as required by law.

ORDINANCE – INTRODUCTION:

Ordinance 2016-10 An Ordinance Amending 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”

Mayor Mironov announced that this Ordinance merely amends the previously adopted Ordinance pursuant to F.E.M.A. regulations as indicated in a letter received from the agency. Mayor Mironov also reminded Council Members that discussion was previously held regarding the September meeting schedule and the cancellation of the first September meeting making a difference on the public hearing date for this Ordinance.

**ORDINANCE NO. 2016-10
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

AN ORDINANCE AMENDING 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”

WHEREAS, in order to maintain the Township’s participation in the National Flood Insurance Program, on June 21, 2016, East Windsor Township did adopt Ordinance 2016-07, which repealed a previous section 22-4 and enacted a new section 22-4 of the Revised General Ordinances of the Township of East Windsor, entitled “Flood Damage Prevention Code” reflecting 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 Ordinance 2016-07 is hereby amended and supplemented to read as follows (additions are shown underlined, deletions are shown with strikethrough).

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.

Violation – The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

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. ~~H01-340244~~, 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.

It was MOVED by Rosenberg, SECONDED by Yeager to approve Ordinance 2016-10 on introduction, authorize publication as required by law and set public hearing for September 20, 2016.

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

There being six (6) ayes and no (0) nays, approve Ordinance 2016-10 was approved on introduction, authorized for publication as required by law and public hearing was set for September 20, 2016.

RESOLUTIONS:

Resolution R2016-149 Authorizing Exterior Sidewalk and Drainage Repairs to Municipal Building by New Jersey Gardens, LLC

Mayor Mironov asked that the wording be adjusted in the first paragraph. Council Member Shapiro inquired about the small patch of grass in the sidewalk near the first parking space and suggested it be filled in with cement. Mayor Mironov stated that it can be looked into, however it was not part of the original quotes obtained. Council Member Lippman also inquired, even though not part of the project, whether the “roof windows” can be addressed near that area due dirt accumulation. Township Manager Brady stated that it is already in the works for the windows to be cleaned. Mayor Mironov asked for follow up on the grassy area near the first parking spot.

RESOLUTION R2016-149

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need for repairs to the front entrance sidewalk and drainage and sidewalk and curb at the side entrance of the Municipal Building; and

WHEREAS, three (3) written quotes were obtained to provide this service; and

WHEREAS, the lowest responsive quote was submitted by New Jersey Gardens LLC; 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 Director of Department of Public Work's recommendations on this service; and

WHEREAS, the maximum amount of the purchase is \$9,340.00 funds are available in the Capital Fund Account No. C-04-55-980-919-400 entitled Ordinance 2016-08 "General Building Repairs" as evidenced by the Chief Financial Officer's Certification No. C2016-013.

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

1. The Township Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to New Jersey Gardens LLC for the repair of the front entrance and the back sidewalk and curb at the Municipal Building for a total purchase amount not to exceed \$9,340.00, as set forth in the attached quote.

It was MOVED by Shapiro, SECONDED by Rosenberg to approve Resolution R2016-149 with the changes.

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

There being six (6) ayes and no (0) nays, Resolution R2016-149 was approved with the changes.

Resolution R2016-150 Authorizing Purchase of Light Duty Pavement Roller from Jesco Inc. for the Department of Public Works

Mayor Mironov made wording changes to the Resolution in paragraphs 1 and 4 and also asked that the contract number be included as well as that the purchase is through a cooperative. Mayor Mironov also asked that any non-pertinent items on the quote be redacted and indicated that the Ordinance number was omitted from the first line of the Public Works Director's memo, it should have been listed as Ordinance 2016-08.

RESOLUTION R2016-150

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, there is a need to replace a Light Duty Pavement Roller for the East Windsor Public Works Department; and

WHEREAS, five (5) quotes were obtained to provide this equipment; and

WHEREAS, the lowest cost quote was submitted by Jesco, Inc. for a Bomag 900-50 vibratory tandem roller through Contract No. 15/16-08 of the E.S.C.N.J. Co-op No. 65MCESCCPS; and

WHEREAS, East Windsor Township is a member of the Educational Services Commission of New Jersey (E.S.C.N.J.) Cooperative Pricing System and, in accordance with N.J.S.A. 40A:11-10, the Township can purchase materials which have been bid for by the lead agency on the Township's behalf; 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 Director of Department of Public Work's recommendations on this purchase; and

WHEREAS, the maximum amount of the purchase is \$16,800.25 and funds are available in the Capital Fund Account No. C-04-55-980-919-652 entitled Ordinance 2016-08 "Pavement Roller Acquisition", as evidenced by the Chief Financial Officer's Certification No.C2016-014.

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

1. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to Jesco, Inc., 118 Saint Nicholas Avenue, South Plainfield, NJ 07080 for one (1) Bomag 900-50 vibratory tandem roller through Contract No. 15/16-08 of the E.S.C.N.J. Co-op No. 65MCESCCPS in an amount not to exceed \$16,800.25 in accordance with the attached quote.

It was MOVED by Rosenberg, SECONDED by Daniels to approve Resolution R2016-150 with the changes.

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

There being six (6) ayes and no (0) nays, Resolution R2016-150 was approved with the changes.

Resolution R2016-151 Authorizing Purchase of Line Striping Machine from Sherwin Williams for the Department of Public Works

Mayor Mironov asked that the Now Therefore paragraph be amended to read "Graco lazer paint spray machine" and the quote attached should be redacted to eliminate non-pertinent pricing and information.

RESOLUTION R2016-151

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, there is a need to purchase a replacement line striper for the East Windsor Township Public Works Department; and

WHEREAS, five (5) quotes were obtained to provide this equipment; and

WHEREAS, the lowest quote was submitted by Sherwin Williams; 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 Director of Department of Public Work's recommendations on this purchase; and

WHEREAS, the maximum amount of the purchase \$5,794.00 and funds are available in the Capital Fund Account No. C-04-55-970-915-653 entitled Ordinance 2014-08 "DPW Acquisition of Portable Tools", as evidenced by the Chief Financial Officer's Certification No. C2016-015.

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 Sherwin Williams, 541 Route 33, Hamilton Square, New Jersey 08619, for the purchase of one (1) Graco Line Lazer 3900 Paint Spray Machine in an amount not to exceed \$5,794.00, as set forth in the attached quote.

It was MOVED by Rosenberg, SECONDED by Yeager to approve Resolution R2016-151 with the changes.

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

There being six (6) ayes and no (0) nays, Resolution R2016-151 was approved with the changes.

Resolution R2016-152 Authorizing Purchase of Back Pack Blower, Trimmer, Pole Saw, 12" Chain Saw and 36" Chain Saw from Contractor Service Inc. for the Department of Public Works

Mayor Mironov asked that the wording in the Resolution be amended and noted that no quantities were included in the quote and also asked that the attachment be made clear.

RESOLUTION R2016-152

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, there is a need to purchase several various portable power tools for the East Windsor Township Public Works Department; and

WHEREAS, four (4) quotes were obtained to provide each piece of equipment; and

WHEREAS, the lowest quote for each separate item was submitted by Contractors Services, Inc.; 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 Director of Department of Public Work's recommendations on this purchase; and

WHEREAS, the maximum amount of the purchase is \$5,835.00 and funds are available in the Capital Fund Account No. C-04-55-970-915-653 entitled Ordinance 2014-08 "DPW Acquisition of Portable Tools", as evidenced by the Chief Financial Officer's Certification No. C2016-016.

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

1. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to Contractor Service, Inc., 1730 Federal Street, Camden, NJ 08105 for the purchase of three (3) BR600 Stihl Back Pack Blowers at \$355.00 each for an aggregate amount of \$1,065.00, two (2) FS 130 Trimmers at \$340.00 each for an aggregate amount of \$680.00, two (2) STL-HT131 Pole Saws at \$510.00 each for an aggregate amount of \$1,020.00, two (2) MS201, 12" Stihl Chain Saws at \$565.00 each for an aggregate amount of \$1,130.00 and two (2) STL-MS661 36" Chain Saws at \$970.00 each for an aggregate amount of \$1,940.00, for total purchase amount not to exceed \$5,835.00, all in accordance with the attached quote.

It was MOVED by Shapiro, SECONDED by Daniels to approve Resolution R2016-152 with the changes.

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

There being six (6) ayes and no (0) nays, Resolution R2016-152 was approved with the changes.

Resolution R2016-153 Authorizing Purchase of Cordless Hammer Drill and Saw Combo with Carry Case from MSC Industrial Supply Company and Floor Mounted Drill Press from Paris Automotive Supply for the Department of Public Works

Mayor Mironov stated that this equipment is a replacement of old equipment and also asked that the wording in the Resolution be amended and that the vendor's correct physical address be included on the Resolution, not a post office box.

RESOLUTION R2016-153

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need to purchase a replacement hammer drill-reciprocating saw and replacement drill press for the East Windsor Township Public Works Department; and

WHEREAS, four (4) quotes were obtained for the Cordless Hammer Drill and Saw Combo with Carry Case and three (3) quotes were obtained for a Floor Mounted Drill Press; and

WHEREAS, the lowest cost quote for the Cordless Hammer Drill and Saw Combo with Carry Case was submitted by MSC Industrial Supply Company; and

WHEREAS, the lowest cost quote for the Floor Mounted Drill Press was submitted by Paris Automotive Supply; 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 Director of Department of Public Work's recommendations on said purchases; and

WHEREAS, the maximum amount of the purchase is \$1,380.24 and funds are available in the Capital Fund Account No. C-04-55-970-915-653 entitled Ordinance 2014-08 "DPW Acquisition of Portable Tools", as evidenced by the Chief Financial Officer's Certification No. C2016-017.

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:

The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward purchase requisitions to:

- A. MSC Industrial Supply Company, 75 Maxess Road, Melville, NY 11747 for the purchase of one (1) DeWalt 20 Volt Lithium Ion Cordless Hammer Drill and Reciprocating Saw Combo with Carry Case in an amount not to exceed \$321.24 in accordance with the attached quote.
- B. Paris Automotive Supply, 92 North Main Street, Windsor, NJ 08561 for the purchase of one (1) Jet Model JDP-20MF DP Floor Mounted Drill Press in an amount not to exceed \$1,059.00 in accordance with the attached quote.

It was MOVED by Lippman, SECONDED by Yeager to approve Resolution R2016-153 with the changes.

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

There being six (6) ayes and no (0) nays, Resolution R2016-153 was approved with the changes.

Resolution R2016-154 Authorizing Purchase of Jackhammer from Contractor Service Inc. for the Department of Public Works

Mayor Mironov requested wording changes be made to the Resolution and also asked that the quote be redacted to only include the item being purchased via this Resolution.

RESOLUTION R2016-154

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need to purchase a 90 Pound Breaker (Jackhammer) for the East Windsor Township Public Works Department; and

WHEREAS, three (3) quotes were obtained for the 90 Pound Breaker (Jackhammer); and

WHEREAS, the lowest quote was submitted by Contractor Service, Inc.; 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 Director of Department of Public Work's recommendations on said purchases; and

WHEREAS, the maximum amount of the purchase is \$981.50 and funds are available in the Capital Fund Account No. C-04-55-970-915-653 entitled Ordinance 2014-08 "DPW Acquisition of Portable Tools", as evidenced by the Chief Financial Officer's Certification No C2016-018.

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 Contractor Service Inc., 1730 Federal Street, Camden, NJ 08105 for a 90 Pound Breaker (Jackhammer), in an amount not to exceed \$981.50 in accordance with the attached quote.

It was MOVED by Shapiro, SECONDED by Daniels to approve Resolution R2016-154 with the changes.

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

There being six (6) ayes and no (0) nays, Resolution R2016-154 was approved with the changes.

Resolution R2016-155 Authorizing Purchase of Radio Control Station from Communication Specialists, Inc. and Workstation Computers from CDW Government, Inc. for Police Dispatch Communications Center

Mayor Mironov stated that quotes were not obtained for the control station because it must be specific, compatible equipment so the second paragraph needs to be removed and the first part of the third paragraph needs another sentence indicating it was a sole vendor due to the need to match the specifications and compatibility with the existing police communications equipment. The quotes attached pertain to the computers purchased, however a portion was cut off during copying and needs to be replaced. What is currently the 4th paragraph needs to be rewritten as to make sure it refers to the separate items, and although related, there are two separate purchases from separate vendors that together exceed the bid threshold.

RESOLUTION R2016-155

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need to purchase a radio control station and two (2) workstation computers for the East Windsor Police Department Communications Center; and

WHEREAS, Communications Specialists, Inc. installed and maintains the current radio control equipment and for reasons of necessary compatibility with existing communications equipment it was not possible to obtain comparable quotes to purchase an additional control station; and

WHEREAS, the lowest quote for the two (2) workstation computers was received from CDW Government, Inc.; and

WHEREAS, since each of the above purchases 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 Police Chief's recommendations on these purchases; and

WHEREAS, the maximum amount of the purchase of the radio control station is \$16,750 and the maximum amount of the purchase of the computer workstations is \$2,366.00 and funds are available in Account No. C-04-55-980-919-710 entitled Police Communication Computers as evidenced by the Chief Financial Officer's Certification No. C2016-019.

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 Communications Specialists, Inc., 11C Harts Lane, East Brunswick, NJ 08816, for a radio control station for an amount not to exceed \$16,750 in accordance with the attached quote.

2. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to CDW Government, Inc., 75 Remittance Drive, Suite 1515, Chicago, IL, 60675-1515 for a CAD Terminal Computer and an Administrative Workstation Computer for an amount not to exceed \$2,366.00 in accordance with the attached quote.

It was MOVED by Yeager, SECONDED by Shapiro to approve Resolution R2016-155 with the changes.

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

There being six (6) ayes and no (0) nays, Resolution R2016-155 was approved with the changes.

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

Mayor Mironov asked that this Resolution be held to the next agenda.

Resolution R2016-157 Closed Session (Litigation: East Windsor Township Declaratory Judgment)

RESOLUTION R2016-157

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: East Windsor Township Declaratory Judgment)

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 R2016-157 with the changes.

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

There being six (6) ayes and no (0) nays, Resolution R2016-157 was approved with the changes.

Resolution R2016-158 Chapter 159 – Amending the 2016 Municipal Budget Providing an Item of Revenue and Appropriation for Drive Sober or Get Pulled Over

RESOLUTION R2016-158

**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 Drive Sober or Get Pulled Over 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 Shapiro, SECONDED by Lippman to approve Resolution R2016-158 with the changes.

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

There being six (6) ayes and no (0) nays, Resolution R2016-158 was approved with the changes.

Resolution R2016-159 Approval of Award of Contract for Purchase and Installation of Heating and Air Conditioning Equipment and Upgrades to Existing Equipment for the East Windsor Township Police/Court Building to Envirocon, LLC

Mayor Mironov requested changes to the Resolution and noted that On-Board Engineering was hired to prepare the H.V.A.C. specifications and review the bids for both the Municipal Building and the Police/Court Building. On-Board was requested to again review the specifications and the low bid for the Police/Court Building and have replied with a letter, which Mayor Mironov read. Mayor Mironov noted that their letter does not refer to the totality of the project and requested that On-Board Engineering respond with another letter as to the accuracy of the specifications for the entire project, and further, whether the bidder's proposal is in full compliance and whether they will perform the work in the specifications.

RESOLUTION R2016-159

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for the Purchase and Installation of Heating and Air Conditioning Equipment and Upgrades to the Existing Equipment for the Police/Court Building; and

WHEREAS, a Notice to Bidders was posted and advertised on February 16, 2016, and, ten (10) bids were received by the East Windsor Municipal Clerk on April 7, 2016 for the Purchase and Installation of Heating and Air Conditioning Equipment and Upgrades to Existing Equipment for the East Windsor Township Police/Court Building; and

WHEREAS, the lowest bid for the HVAC Improvements for the Police/Court Building was submitted by Envirocon LLC; and

WHEREAS, the Township Council has reviewed the recommendations made by On-Board Engineering and the Director of Public Works on the bids; and

WHEREAS, the maximum amount of the contract is \$227,140 and the Chief Financial Officer has determined that sufficient funds are available in the Capital Fund Account No. C-04-55-970-918-301 entitled, "Capital Ordinance 2015-09 HVAC Building Improvements" in the amount of \$106, 755 and in Capital Fund Account No. C-04-55-947-908-402, entitled, "Capital Ordinance 2009-08 Police/Court Bldg Cooling Tower" in the amount of \$87,000 and in Capital Fund Account No. C-04-55-980-919-424 entitled "Capital Ordinance 2016-08 HVAC Upgrades" as evidenced by the Chief Financial Officer's Certification No. C2016-020.

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 Purchase and Installation of Heating and Air Conditioning Equipment and Upgrades to the Existing Equipment for the Police/Court Building is awarded to Envirocon LLC, 490 Schooley's Mountain Road, Hackettstown, NJ 08091, on their bid of \$227,140, 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 contracts for same.
3. The Municipal Clerk's Office is hereby authorized and directed to return the certified checks or bid bonds of the successful bidder and the next lowest bidder upon the receipt of a fully executed contract and all other required documents for the Police/Court Building to Envirocon LLC, 490 Schooley's Mountain Road, Hackettstown, NJ 07840 and ENL Mechanical Incorporated, 264 Greenbrook Road, Green Brook, NJ 08812.

It was MOVED by Shapiro, SECONDED by Yeager to approve Resolution R2016-159 with the changes and conditioned upon receiving an appropriate recommendation letter from On-Board Engineering

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

There being six (6) ayes and no (0) nays, Resolution R2016-159 was approved with the changes and conditioned upon receiving an appropriate recommendation letter from On-Board Engineering

APPLICATIONS:

It was MOVED by Rosenberg, SECONDED by Yeager to approve the New Jersey Fireman's Association Membership Application for Jason A. Patino

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

There being six (6) ayes and no (0) nays, the New Jersey Fireman's Association Membership Application of Jason A. Patino was approved.

Raffle License RL:2016-04 BPOE #1955 Hightstown Lodge – September 10, 2016 to be held at the BPOE #1955 Hightstown Lodge, 110 Hickory Corner Road, Casino Night

It was MOVED by Rosenberg, SECONDED by Shapiro to approve Raffle License RL: 2016-04 for the BPOE #1955 Hightstown Lodge – September 10, 2016 to be held at the BPOE #1955 Hightstown Lodge, 110 Hickory Corner Road, Casino Night

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

There being four (4) ayes and no (0) nays and two (2) abstentions, Raffle License RL:2016-04 for the BPOE #1955 Hightstown Lodge – September 10, 2016 to be held at the BPOE #1955 Hightstown Lodge, 110 Hickory Corner Road, Casino Night was approved.

REPORTS BY COUNCIL AND STAFF:

Council Member Shapiro reported that the Planning Board met the previous evening

Mayor Mironov reported that she attended a Boy Scout Court of Honor for Matthew Erman of Troop 5700, this past Sunday evening. Mayor Mironov also attended the 2016 Mercer County Senior Art Show at Meadow Lakes and spoke at the Mercer County Alliance for Action on August 3.

CORRESPONDENCE: None

APPOINTMENTS:

Mayor Mironov indicated that Riya Parunkar, who is a volunteer on the Municipal Alliance has indicated that he is unable to attend meetings on Wednesday nights and has asked if the Mayor would consider a different appointment. Mayor Mironov appointed Riya Parunkar as a student member to the Health Advisory Board effective immediately.

APPROVAL OF BILLS:

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

Mayor Mironov requested a confirmation on the “Other Trust” regarding the rehab program and the source of the funds.

It was MOVED by Lippman, SECONDED by Shapiro to approve the presented Bill Lists subject to the questions raised.

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

There being six (6) ayes and no (0) nays the various presented Bill Lists were approved subject to the questions raised.

MATTERS BY COUNCIL:

Mayor Mironov reminded Council that the September 6 Council meeting has been cancelled. Mayor Mironov noted the receipt of the following: a Tax Collector’s Report has been received for the period ending July 31, 2016 and a quarterly revenue report has been submitted from the Finance Director. Mayor Mironov reported that the permanent medicine drop-box is installed in the Police/Court building. Mayor Mironov also indicated that the Township is soliciting business awards. Mayor Mironov stated that she wants as an action item that she is waiting for information regarding the solar project panel height and landscaping.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. Student Members on Township Boards and Committees

Council Members agreed to continue the student member volunteer program.

MATTERS BY PUBLIC:

Jay Vaingankar, 25 Oakmont Terrace – spoke regarding his appreciation for East Windsor Township and expressed gratitude for the many opportunities granted him by being a resident and student in the Township.

Mayor Mironov thanked Jay for his kind remarks and recognized his great participation on the Environmental Commission and Green Team.

ADJOURNMENT:

There being no further business, Mayor Mironov adjourned the meeting at 8:15 p.m.

Closed Session (Litigation: East Windsor Township Declaratory Judgment)

Next Meeting: Tuesday, September 6, 2016 @ 7:30 p.m.

Gretchen McCarthy
Municipal Clerk

Janice S. Mironov
Mayor