

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, September 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, September 20, 2016.

VERIFICATION:

Municipal Clerk Gretchen McCarthy certified that the meeting was noticed on January 14, 2016 in the annual meeting notice and on September 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 Council Member Marc Lippman

ROLL CALL:

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

PRESENTATIONS & PROCLAMATIONS:

National Hispanic Heritage Month - - (September 1 – September 31, 2016)

East Windsor Township Senior Center 13th Anniversary

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Mayor and Council interviewed Peter J. Blok, who is interested in the Economic Development Committee and the Planning Board.

PUBLIC COMMENT:

Carol Tischler, 126 Cypress Drive – stated that her street is in need of paving and curbing.

MINUTES:

February 23, 2016

It was MOVED by Lippman, SECONDED by Rosenberg that the February 23, 2016 minutes be approved.

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

There being six (6) ayes, no (0) nays and one (1) abstention, the February 23, 2016 minutes were approved.

March 8, 2016

It was MOVED by Zoller, SECONDED by Yeager that the March 8, 2016 minutes be approved.

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

There being seven (7) ayes and no (0) nays, the March 8, 2016 minutes were approved.

April 19, 2016

It was MOVED by Rosenberg, SECONDED by Shapiro that the April 19, 2016 minutes be approved.

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

There being seven (7) ayes and no (0) nays, the April 19, 2016 minutes were approved.

April 19, 2016 Closed Session

It was MOVED by Lippman, SECONDED by Daniels that the April 19, 2016 Closed Session minutes be approved.

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

There being seven (7) ayes and no (0) nays, the April 19, 2016 Closed Session minutes were approved.

Mayor Mironov asked that the minutes of the following meetings be rescheduled:

March 22, 2016
May 3, 2016
May 17, 2016
June 7, 2016
June 21, 2016

July 5, 2016
July 19, 2016
August 2, 2016
August 16, 2016

ORDINANCE – PUBLIC HEARING:

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”

**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. ~~4404~~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.

Mayor Mironov announced that this Ordinance was introduced on August 16, 2016 and declared the public hearing open regarding Ordinance 2016-10 and with no comment from the public being made, declared closed the public hearing.

It was MOVED by Shapiro, SECONDED by Lippman to approve Ordinance 2016-10 on second reading and authorize publication as required by law.

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

There being six (6) ayes, no (0) nays and one (1) abstention, Ordinance 2016-10 was approved on second reading and authorized for publication as required by law.

ORDINANCE – INTRODUCTION:

Ordinance 2016-11 An Ordinance Rescinding Ordinance 2016-09, entitled “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”

Mayor Mironov stated that Ordinance 2016-09 was part of an understanding with certain parties who did not honor their part of the understanding. Ordinance 2016-09 was never published on second reading nor filed. However, at this point it is prudent to rescind the Ordinance. Mayor Mironov stated that she is confident that this matter will be worked out but encouraged introduction of this Ordinance and suggested that Ordinance 2016-11 not be published for 48 hours or until word from Township Attorney Orron or Mayor Mironov.

ORDINANCE NO. 2016-11

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

AN ORDINANCE RESCINDING ORDINANCE No. 2016-09, ENTITLED, “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, as follows:

SECTION 1. Ordinance 2016-09, entitled, “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” is hereby rescinded and repealed in its entirety.

SECTION 2. 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 3. This ordinance shall take effect twenty (20) days after the final adoption, publication and in accordance with law.

It was **MOVED** by Shapiro, **SECONDED** by Rosenberg to approve Ordinance 2016-11 on introduction, authorize publication as required by law and set public hearing for October 4, 2016.

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

There being seven (7) ayes and no (0) nays, Ordinance 2016-11 was approved on introduction, authorized for publication as required by law and public hearing was set for October 4, 2016.

RESOLUTIONS:

Resolution R2016-160 Authorize Purchase of Clothing from Red the Uniform Tailor for Police Department

Mayor Mironov requested wording changes to the Resolution and noted that this is budgeted for annually and is a yearly purchase. Recommendation has been received from the Chief of Police and Mayor Mironov did make inquiry on both this Resolution and Resolution R2016-161 regarding comparative costs from 2015.

RESOLUTION R2016-160

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need for replacement/purchase of uniforms for the East Windsor Township Police Department; and

WHEREAS, quotes were solicited from five (5) vendors and one (1) price quote was received to provide uniforms for the police department; and

WHEREAS, the one (1) cost proposal submitted by Red the Uniform Tailor, Inc. was responsive; 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 Chief of Police's recommendations on this purchase; and

WHEREAS, the maximum amount of the purchase is \$15,615.00 and funds are available in the Current Fund Account No. 5-01-25-240-304-204 entitled Police Uniform and Clothing, as evidenced by the Chief Financial Officer's Certification No. B2016-025;

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 forward a purchase requisition to Red the Uniform Tailor, 475 Oberlin Avenue South, Lakewood, New Jersey 08701-6904, for the purchase of uniforms for the East Windsor Police Department, in an amount not to exceed \$15,615.00 all in accordance with the attached quote.

It was **MOVED** by Lippman, **SECONDED** by Yeager to approve Resolution R2016-160 with the changes.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-160 was approved with the changes.

Resolution R2016-161 Approval of Maintenance Service Agreement for Phone and Voicemail Systems with ConvergeOne, Inc. for the Police Department

Mayor Mironov requested a typographical error be corrected in the price in the Resolution.

RESOLUTION R2016-161
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, there is a need to purchase support and maintenance services for the phone and voicemail systems in the East Windsor Police Department; and

WHEREAS, ConvergeOne, Inc. formerly North American Communications Resource, Inc. (NACR) is the sole provider and has not authorized maintenance of their software by any other vendor; and

WHEREAS, since this is the sole provider and 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 Police Chief's recommendations on said purchase; and

WHEREAS, the maximum amount of the purchase is \$5,896.80, and funds are available in the Current Account No. 6-01-25-250-308-254 entitled Police Communication Contracts, as evidenced by the Chief Financial Officer's Certification No. B2016-026.

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 ConvergeOne, Inc. 3344 Highway 149, Eagan, MN 55121, for the annual maintenance contract for the phone and voicemail systems for the East Windsor Township Police Department, in an amount not to exceed \$5,896.80, as set forth in the attached quote.

It was MOVED by Zoller, SECONDED by Rosenberg to approve Resolution R2016-161 with the change.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-161 was approved with the change.

Resolution R2016-162 Approval of Purchase of Microsoft Office Home and Business Software from Best Buy for the Municipal Building

Mayor Mironov stated that a recommendation has been received from the Manager. This affects Resolution R2016-129, making a small adjustment in the software package. Mayor Mironov asked that the approval date of Resolution R2016-129 be added to the first paragraph. This Resolution authorizes an amount not to exceed of \$610.74, however, \$119.40 was previously authorized in the prior Resolution and asked that the "Now Therefore" paragraph specify the previously authorized amount.

RESOLUTION R2016-162

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, by Resolution R2016-129, approved on July 5, 2016, authorization was granted to purchase 3 laptop computers and software from Best Buy Stores for the East Windsor Township Municipal Building; and

WHEREAS, the software quoted for this purchase was not the correct software for these laptop computers and quotes have now been obtained for the correct version of software; and

WHEREAS, the lowest cost proposal was submitted by Best Buy for Business; 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 purchase is \$610.74 and funds are available in Account No. C-04-55-952-913-700 entitled Ordinance 2012-03 Acquisition of Computers as evidenced by the Chief Financial Officer's Certification No. C2016-021.

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: Best Buy Stores, 7601 Penn Avenue South, Richfield, MN 55423 for three (3) Microsoft Office Home and Business software packages in the amount of \$199.99 each for an amount not to exceed \$610.74, \$119.40 of which remains as a balance from the approved expenditure of Resolution R2016-129 and an additional \$491.34 is hereby authorized, in accordance with the attached quote.

It was **MOVED** by Rosenberg, **SECONDED** by Daniels to approve Resolution R2016-162 with the changes.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-162 was approved with the changes.

Resolution R2016-163 Approval of Purchase of All-In-One Copier/Printer/Scan/Fax machine from Superior Office Systems, Inc. for the Municipal Court

Mayor Mironov stated that this purchase had been included in the most recent Capital Budget and a memo has been received from the Township Manager as well as a Court Administrator memo explaining that they have obtained three quotes for the purchase and recommended the low quote.

RESOLUTION R2016-163
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, there is a need to purchase a replacement all-in-one copier/printer/scan/fax machine for the East Windsor Township Municipal Court; and

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

WHEREAS, the lowest quote was submitted by Superior Office Systems, 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 Township Manager's recommendation on this purchase; and

WHEREAS, the maximum amount of the purchase \$3,250.00 and funds are available in the Capital Fund Account No. C-04-55-980-919-702 entitled, "Ordinance 2016-08 General Administration Copier/Printer/Fax Machine", as evidenced by the Chief Financial Officer's Certification No.C-2016-022.

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

1. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to Superior Office Systems 19 Gross Avenue, Edison, NJ 08837 for a Canon 1730IF in an amount not to exceed \$3,250.00, as set forth in the attached quote.

It was **MOVED** by Yeager, **SECONDED** by Zoller to approve Resolution R2016-163 with the changes.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-163 was approved with the changes.

Resolution R2016-164 Award of Contract for Leaf Disposal with Mendies Farm, LLC for the Public Works Department

Mayor Mironov asked that a typographical error in the second paragraph be corrected. The Township will be able to dispose of a relatively significant quantity of leaves at no charge on at least two farms, which results in a savings to the Township.

RESOLUTION R2016-164

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need for a site for leaf disposal for the fall/winter season for East Windsor Township; and

WHEREAS, numerous quotes were solicited and one (1) quote was received to provide this service; 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 Public Work's recommendation on said purchase; and

WHEREAS, the maximum amount of the purchase is \$16,000.00 and funds are available in the Budget Account No.6-30-32-305-300-237 entitled, "Leaf Disposal", as evidenced by the Chief Financial Officer's Certification No. B2016-027.

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 Mendies Farm LLC, PO Box 67, Roosevelt, New Jersey 08555, as a site for leaf disposal for the fall/winter season, at \$2.00 per cubic yard, in an amount not to exceed \$16,000.00, all in accordance with the attached quote.

It was **MOVED** by Lippman, **SECONDED** by Rosenberg to approve Resolution R2016-164 with the changes.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-164 was approved with the changes.

Resolution R2016-165 Approving Application for Fireworks Permit for K&S Farms

RESOLUTION R2016-165

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, K&S Farms has filed an application to display fireworks on October 9, 2016 (rain date – October 16, 2016), at approximately 8:00 p.m. for one-half hour; and

WHEREAS, the required certificate of insurance has been filed with the application; and

WHEREAS, the Fire Official had reviewed the application and conducted a site inspection and finds them to be in order.

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

1. Permission is granted to K&S Farms to display fireworks on their property on 831 Windsor-Perrineville Road on October 9, 2016 (rain date – October 16, 2016), at approximately 8:00 p.m. for one-half hour. No fireworks may be discharged after 10:50 p.m.
2. K&S Farms is hereby required to provide written notice to all surrounding neighbors indicating the date, time, duration of the fireworks displays, including any rain dates at least three days prior to each event, with copies to Mayor, Chief of Police and Township Clerk.
3. The Fire Official is authorized and directed 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 Rosenberg to approve Resolution R2016-165.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-165 was approved.

Resolution R2016-166 Approval of Agreement between East Windsor Township and Nassau Capital Advisors for Affordable Housing Declaratory Judgment Action Expert Report and Research Services.

Mayor Mironov inquired about the \$1,000 amount shown on the Resolution and requested that Resolution R2016-166 be held to the next meeting. Mayor Mironov further asked that the voucher also be held if it was included on the bill list.

Resolution R2016-167 Action on Approval of Professional Services Agreement for Risk Manager Consultant Services

Mayor Mironov stated that the proposal, Request for Proposal and a memo have been distributed and the memo indicated that a recommendation would be forthcoming. Mayor Mironov reported on a meeting that she, Township Manager Brady and Assistant Township Manager Malool had with the Hardenburgh Group the previous day. Based on that meeting and the experience demonstrated by the group's representatives, Mayor Mironov suggested moving forward with the Resolution. The fees are an outstanding issue, which is contingent upon who the Township utilizes for insurance and is subject to a full discussion with the Hardenburgh Group.

RESOLUTION R2016-167

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for Risk Manager Consultant Services in the Township of East Windsor; and

WHEREAS, on August 10, 2016, the Township solicited proposals, including posting on the Township website, and on September 7, 2016, received one (1) proposal for Risk Management Consultant Services ; and

WHEREAS, the proposal received from Hardenbergh Insurance Group is responsive; and

WHEREAS, a contract for this professional service may be awarded without public advertising for bids as the contract is for "Professional Services" pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, this contract is awarded in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5, et seq.; and

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

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

1. The contract for Risk Management Consultant Services is approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute an Agreement with Hardenbergh Insurance Group, 8000 Sagamore Drive, Marlton, NJ 08053.
3. This Contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5 (1)(a) of the Local Public Contracts Law because the contract is for service performed by

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

4. The Municipal Clerk shall cause to be printed once, in the Trenton Times, a brief notice stating the nature, duration, service and amount of this contract, and that the resolution and contract are on file and available for public inspection in the office of the Municipal Clerk.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2016-167 awarding the contract to the Hardenburgh Group.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-167 was approved, awarding the contract to the Hardenburgh Group.

APPLICATIONS:

Raffle License RL: 2016-005 LEP Foundation For Youth Education at Peddie Golf Course, 201 Main Street, East Windsor 50/50 On-Premise Raffle

It was MOVED by Rosenberg, SECONDED by Yeager to approve Raffle License RL: 2016-005 for a 50/50 On-Premise Raffle in the name of the LEP Foundation For Youth Education to be held at Peddie Golf Course, 201 Main Street, East Windsor

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

There being seven (7) ayes and no (0) nays, Raffle License RL: 2016-005 for a 50/50 On-Premise Raffle in the name of the LEP Foundation For Youth Education to be held at Peddie Golf Course, 201 Main Street, East Windsor was approved.

New Jersey Fireman's Association Membership Application for Andrew Sullivan

It was MOVED by Rosenberg, SECONDED by Zoller to approve the New Jersey Fireman's Association Membership Application for Andrew Sullivan.

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

There being seven (7) ayes and no (0) nays, the New Jersey Fireman's Association Membership Application of Andrew Sullivan was approved.

REPORTS BY COUNCIL AND STAFF:

Mr. Rosenberg reported that the Clean Communities Advisory Committee met on August 25 and discussed the success of National Night Out and the next Recycling Day will be held on Saturday October 8th, from 10:00 a.m. to 2:00 p.m.. Mr. Rosenberg also reminded Council that the Recycling puppet show will be held at the Black school November 1st at 9:10 a.m. and 2:20p.m.

Deputy Mayor Yeager reported that the Recreation Committee met on September 14 and discussed various fall programs and the 2nd Annual 5K Run in the spring. Summer Camp for 2017 were also discussed. The Health Advisory Board met on September 15 where the Community Garden and bikepaths were discussed and two new students were welcomed to the committee.

Council Member Zoller reported that the Economic Development Committee met on September 1 and spoke about Township gateway signs, the status of the sign at the Public Works facility and a joint business event with the Mid-Jersey Chamber of Commerce. The committee also welcomed new student members

Mayor Mironov reported that the New Jersey Turnpike got back to the Township and the Mayor has scheduled a meeting with their representative and Council Member Shapiro for the coming Thursday and asked if any interested Members would like to also attend, they can let her know after the meeting.

CORRESPONDENCE:

Mayor Mironov stated that a memo has been distributed regarding the Municipal Building sidewalk repairs, advising that the front door will not be accessible for several days. The East Windsor website was finally launched earlier in the day. Mayor Mironov reported on receipt of the following: a letter from the Prevention Coalition of Mercer County congratulating the Township on the installation of the permanent medicine drop-box, a letter from the Mercer County Agricultural Development Board dated September 2, 2016 regarding the 2018 Mercer Farmland Preservation Program and the Manager's office has been requested to have the matter reviewed and to report back to Council as there is a deadline involved. Mayor Mironov gave update on Affordable Housing matters. Mayor Mironov also stated Business Award nominations are due. Mayor Mironov also reported that the issues on the solar project at the Police/Court building are finally being addressed by T & M with the assistance of the Township Manager.

APPOINTMENTS: None

APPROVAL OF BILLS:

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

Council Member Zoller inquired about a bill for postage on the 2016 Current bill list and the source. Mayor Mironov asked for clarification for the ADL Sign Language Interpreter and a confirmation that the BANC 3 bill is for Probasco Road.

It was MOVED by Zoller, SECONDED by Rosenberg to approve the presented Bill Lists subject to the clarifications requested.

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

There being seven (7) ayes and no (0) nays the various presented Bill Lists were approved subject to the clarifications requested.

MATTERS BY COUNCIL: None

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. Mercer County “Operation Medicine Cabinet” – Saturday, October 22, 2016

Mayor Mironov noted that the Township medicine drop-box has been installed and press releases have been issued and also requested that it be listed on the Township website. The Police Department received a letter from the Mercer County Prosecutor’s office asking if East Windsor is willing to participate in their medicine drop-off event. Council Member Shapiro asked if posters could be hung in drug stores regarding the drop-off. Deputy Mayor Yeager encouraged the Township participating in the County event for the opportunity to reach more people. Mr. Zoller agreed with Council Member Yeager’s comment. Council Member Rosenberg suggested that different medical facilities and doctor’s offices be asked to post notices about the medicine disposal opportunities. Mayor Mironov will inquire whether a police officer is necessary to be present at their medicine drop-off event and also asked that any flyers distributed include information about the Township’s drop-box.

2. 2017 East Windsor Independence Day

Mayor Mironov noted that July 4th falls on Tuesday in 2017 and asked Council’s thoughts for the fireworks event date as well as the rain date. Council discussed dates for the best availability for public attendance. Consensus was reached for Sunday July 2 for the event, with Monday July 3 being the rain date.

3. Mercer County Proposed Pre-Disaster Hazard Mitigation Plan

Mayor Mironov indicated that Resolutions were included in Council meeting folders. A memo has been received from the Police Chief. This approval is done every five years and gives the Township the opportunity to seek F.E.M.A. funding, which has afforded the Township the opportunity to seek potential funding for generators for two more Township buildings.

Resolution R2016-168 Approval of Mercer County Multi-Jurisdictional Hazard Mitigation Plan

RESOLUTION R2016-168

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, The Township of East Windsor, has experienced natural hazards that result in public safety hazards and damage to private and public property; and

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk; and

WHEREAS, the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan; and

WHEREAS, a Hazard Mitigation Plan (HMP) has been developed by the Mitigation Steering and Planning Committees; and

WHEREAS, the Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property; and

WHEREAS, the draft plan was provided to each participating jurisdiction and was posted on the Mercer County website so as to introduce the planning concept and to solicit questions and comments and to present HMP and request comments as required by law.

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 Mercer County Multi-Jurisdictional Hazard Mitigation Plan, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on July 15, 2016 by the Mercer County Office of Emergency Management, is hereby adopted as an official plan of the Township of East Windsor, including minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management that may be incorporated without further action.
2. The Township of East Windsor departments identified in the HMP are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the HMP shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Township of East Windsor and this resolution shall not be interpreted so as to mandate any such appropriations.

4. The Mercer County OEM Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Mercer County Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date as agreed upon by all stakeholders.

It was MOVED by Shapiro, SECONDED by Yeager to approve Resolution R2016-168.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-168 was approved.

4. Township Senior Center Maintenance Work for Painting and Wallpapering

Mayor Mironov stated that there will be no binding vote at this time, but there are three questions before Council. The first is the scope of the work, as there are two rooms that are identified with respect to the existing wallpaper as needing attention. The wallpaper has been in place since the opening of the center, thirteen years ago. The second, with respect to the work that is done, whether wallpaper or paint. Pending the answers to the previous questions, quotes or potentially bids will need to be obtained. The paint color and type of wallpaper will need to be decided. Wallpaper is in need, particularly in the multi-purpose room. Council discussed the pros and cons of wallpaper versus paint. Mayor Mironov requested that information be provided for the next Council meeting on the cracks, as indicated in the Public Works memo, to be reportedly caused by settling of the building, the type of wallpaper, an independent assessment of the life of paint versus wallpaper and the replenishment time span of either.

5. No Net Loss – Phase 3

Mayor Mironov stated that the bid for this project, which has already been extended, was due to expire on September 30. Mayor Mironov did not want the bid to lapse so it was listed for discussion, but in the interim, an extension was obtained for an additional 90 days. A serious discussion must be had on this matter as the bids did come in higher than expected. Mayor Mironov asked Council to see if they were still in possession of previous memos as Council must revisit this matter. The Director of Public Works has been asked for insight on why the pricing increased so much and whether it might moderate. Award of this will mean a spring planting of trees.

MATTERS BY PUBLIC: None

ADJOURNMENT:

There being no further business, Mayor Mironov adjourned the meeting at 8:43 p.m.

Next Meeting: Tuesday, October 4, 2016 @ 7:30 p.m.

Gretchen McCarthy
Municipal Clerk

Janice S. Mironov
Mayor