

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday February 9, 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, February 9, 2016.

VERIFICATION:

Municipal Clerk Gretchen McCarthy certified that the meeting was noticed on January 14, 2016 in the annual meeting notice and on February 5, 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 meeting act have been satisfied.

FLAG SALUTE: Led by Fire Company No. 1 President Jack Israel

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:

Scouting Anniversary Week – February 7-13, 2016

Mayor Mironov praised the merits and good deeds of the Scouts and presented a copy of the Proclamation and a personal check from the Mayor's Trust Account to each of the Scout Leaders present. Present were: Steve Greaves of Boy Scout Troop 6284, Greg Charache of Boy Scout Troop 5700 and Peter Kecskes Cub Scout Troop 53.

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Interviewed were student Aditya Shah, who is interested in the Health Advisory Board or Environmental Commission or the Economic Development Committee. Another student, Manas Sood was interviewed and he is interested in the Economic Development Committee.

PUBLIC FORUM: None.

MINUTES:

October 13, 2015

It was **MOVED** by Lippman and **SECONDED** by Rosenberg that the October 13, 2015 minutes be approved.

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

There being six (6) ayes, one (1) abstention and no (0) nays, the October 13, 2015 minutes were approved.

November 10, 2015
November 10, 2015 Closed Session
December 8, 2015
December 22, 2015
December 22, 2015 Closed Session
January 1, 2016
January 12, 2016
January 26, 2016

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

ORDINANCE – PUBLIC HEARING: None.

ORDINANCE – INTRODUCTION:

Ordinance 2016-03 An Ordinance Authorizing and Directing Title and Possession of Certain Real Property be Acquired by Purchase, Gift, or Under the Power of Eminent Domain Pursuant to Law in Connection with Hankins Road/Conover Road Realignment Project.

The Municipal Clerk read the ordinance by title.

**ORDINANCE NO. 2016-03
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

**AN ORDINANCE AUTHORIZING AND DIRECTING THAT TITLE
AND POSSESSION OF CERTAIN REAL PROPERTY BE ACQUIRED BY
PURCHASE, GIFT OR UNDER THE POWER OF EMINENT DOMAIN
PURSUANT TO LAW IN CONNECTION WITH THE ROUTE 130-
HANKINS ROAD-CONOVER ROAD REALIGNMENT PROJECT**

WHEREAS, it is a matter of public necessity and interest that certain real property located at the intersections of U.S. Route 130, Hankins Road and Conover Road, in the Township of East Windsor, County of Mercer, and State of New Jersey, be acquired by the Township of East Windsor for the purposes of the realignment of Hankins Road and Conover Road at the intersection of Route 130 in accordance with the design plans prepared by Maser Consulting, P.A., copies of which are available for inspection by the public at the Township offices, 16 Lanning Boulevard, East Windsor, New Jersey.

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

Section 1. Authorization to Acquire Land.

Pursuant to the provisions of the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., and more particularly N.J.S.A. 40A:12-5, the Township of East Windsor, is hereby authorized and directed to acquire title to and possession of certain portions and interests in the real property described as follows by purchase, gift or under the power of eminent domain in a manner provided by N.J.S.A. 20:3-1, et seq.:

1. Block 46, Lot 1, located at the intersection of U.S. Route 130 North and Conover Road: Fee acquisition of the entire parcel.
2. Block 46, Lot 2, located east of U.S. Route 130 along Conover Road: Right-of-way and temporary construction easement, as depicted on an Individual Parcel Map prepared by Michael F. Burns, New Jersey Professional Land Surveyor, dated October 17, 2014, a copy of which is attached as Exhibit A.

The Township of East Windsor is further authorized and directed to acquire such additional or modified rights-of-way, easements, or other interests in the above enumerated properties as may be necessary in connection with the Route 130-Hankins Road-Conover Road Realignment Project.

Section 2. Authority of Agents.

The Township Engineer, the Township Manager and the Township Attorney are hereby authorized and directed to perform all acts necessary to acquire such real property on behalf of the Township of East Windsor, including the institution of proceedings pursuant to the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq., in the event the Township is unable to negotiate the acquisition of any of the above property interests; however, no settlement figure, purchase price, or stipulation to purchase shall be binding on the Township of East Windsor or its agents until the Township Council of the Township of East Windsor approves such figure or price by resolution.

Section 3. Cost of Acquisition.

The Finance Director of the Township of East Windsor is hereby authorized and directed to pay all sums necessary to acquire the above real property or interests therein, as well as the Township's share of costs connected with title reports and insurance, appraisal reports, attorney fees, professional consultant fees and other closing costs necessary for the acquisition of real property as authorized by the Township Council of the Township of East Windsor, as provided in Section 2 hereof.

Section 4. Severability

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

Section 5. Effective Date

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

It was **MOVED** by Rosenberg, **SECONDED** by Zoller to approve Ordinance 2016-03 on introduction, authorize publication as required by law and set public hearing for February 23, 2016.

Council Member Zoller requested a typographical error be corrected on the 2nd page.

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

There being seven (7) ayes and no (0) nays Ordinance 2016-03 was approved on introduction, authorized for publication as required by law and the public hearing was set for February 23, 2016.

RESOLUTIONS:

Resolution R2016-032 Approval of Agreement with Riviera Homeowners Association for Reimbursement for Private Community Services for 2015

Mayor Mironov requested Township Attorney Orron offer his legal opinion on private community agreements. Mr. Orron stated that the agreements are uniformly calculated based on the Township's fixed costs so a conflict does not present itself should a Council Member reside in one of the communities.

**RESOLUTION R2016-032
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Riviera at East Windsor Homeowners Association wish to enter into an Agreement for private community services for the year 2015 in the amount of \$17,284.03, pursuant to N.J.S.A. 40:67-23.2 et seq.; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in the Current Fund Account No. 6-01-26-325-802-253 entitled Condo Services, in the amount of \$17,284.03, as evidenced by the Chief Financial Officer's Certification No. B2016-06.

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

1. The attached Agreement for the year 2015 in the amount of \$17,384.03 is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

It was **MOVED** by Daniels, **SECONDED** by Lippman to approve Resolution R2016-032.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-032 was approved

Resolution R2016-033 Action on Award of Contract for Township Independence Day Fireworks
Mayor Mironov stated that information was received from the Recreation Director with the various quotes and her recommendation.

RESOLUTION R2016-033

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a desire to award a contract for the Independence Day fireworks display scheduled July 2, 2016, with a rain date scheduled for July 3, 2016, to be held at Etra Lake Park in the Township of East Windsor; and

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

WHEREAS, the most responsive and reliable cost proposal was submitted by D & M Fireworks; and

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

WHEREAS, the Township Council has reviewed the Township Recreation Director's recommendations on said service; and

WHEREAS, the maximum amount of the contract is \$13,000.00 and funds are available in the Recreation Trust Account No. R-14-57-370-800-000 entitled "Recreation Events", as evidenced by the Chief Financial Officer's Certification No. T2016-002.

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

1. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to: D & M Fireworks, LLC, Po Box 503, Bally, PA 19503 for the Independence Day fireworks display scheduled for July 2, 2016, with a rain date scheduled for July 3, 2016, in an amount not to exceed \$13,000.00.
2. The Fire Official is authorized subject to compliance with all applicable regulations to issue said permit pursuant to section 5:18-2.7(a)5.iii. of the Uniform Fire Code of the State of New Jersey, and to enforce the time limit on discharge of fireworks.

It was MOVED by Yeager, SECONDED by Shapiro to approve Resolution R2016-033.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-033 was approved

Resolution R2016-034 Authorizing Purchase of Software Maintenance Updates for the East Windsor Finance Department with Edmunds Associates, Inc.

Mayor Mironov stated that a request and recommendation has been received from the Finance Director on this annual expenditure.

RESOLUTION R2016-034

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, there is a need to purchase software enhancements and maintenance of the Edmunds software system for the East Windsor Township Finance Department; and

WHEREAS, Edmunds & Associates Inc. is the sole provider and have not authorized maintenance of their software by any other vendor; 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 \$13,689.00 and funds are available in the Current Account No. 6-01-20-140-140-245 entitled Data Processing, as evidenced by the Chief Financial Officer's Certification No. B2016-007.

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 Edmunds & Associates, Inc., Attn: Accounts Receivable, 301 A Tilton Road, Northfield, New Jersey 08225 for the purchase of 2015 Software Maintenance System for the East Windsor Township Finance Department, in an amount not to exceed \$13,689.00, all in accordance with the attached quote.

It was MOVED by Zoller, SECONDED by Rosenberg to approve Resolution R2016-034.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-034 was approved

Resolution R2016-035 Action on Request for Release of Performance Guarantee for Brooktree Swim Club, LLC

Mayor Mironov requested a paragraph be added indicating that all fees and charges have been satisfied. A checklist and recommendation has been received from the Manager's office on this matter.

RESOLUTION R2016-035

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, Mark Jannarone, Project Manager/Partner of Brooktree Estates, has requested by letter dated October 2, 2014, a reduction of the performance guarantees being held by the Township for Brooktree Swim Club, LLC; and

WHEREAS, on December 18, 2012, by Resolution R2012-216, the Township Council reduced Performance Bond No. 1059820 issued by Lexon Insurance Company from \$320,747.04 to \$223,600.14 and the cash guarantee from \$35,638.56 to \$24,844.46; and

WHEREAS, on January 28, 2014, by Resolution R2014-28 the Township Council reduced Performance Bond No. 1059820 issued by Lexon Insurance Company from \$223,600.14 to \$158,386.32 and cash guarantee from the amount of \$24,844.46 to \$17,598.48.

WHEREAS, on March 3, 2015, by Resolution R2015-39 the Township Council reduced Performance Bond No. 1059820 issued by Lexon Insurance Company from \$158,386.32 to 96,224.68 and cash guarantee from the amount of \$17,598.48 to 10,691.57.

WHEREAS, the Township Engineer has inspected the improvements for Brooktree Swim Club, LLC and filed a written report with the Township Council dated November 3, 2015, which is attached hereto and made a part of this Resolution; and

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

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

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

1. The Township Council agrees to release Performance Bond No. 1059820 issued by Lexon Insurance Company \$96,224.68 and cash guarantee in the amount of \$10,691.57 upon the posting of a two (2) year maintenance bond in the amount of \$53,547.75 and inspection escrow of \$1,500.00 for maintenance bond release, in a form acceptable to the Township Attorney.
2. The Municipal Clerk is authorized and directed to forward a certified copy of this Resolution and a copy of the Township Engineer's report to Mark Jannarone, Project Manager/Partner of Brooktree Estates.

It was MOVED by Rosenberg, SECONDED by Lippman to approve Resolution R2016-035 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 R2016-035 was approved with the changes.

Resolution R2016-036 Action on Release of Performance Guarantee for D & E Realty (a/k/a Trifoodarama)

Mayor Mironov requested that the paragraph regarding the satisfaction of all charges and fees be added to this resolution also.

RESOLUTION R2016-036

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, Jon Mandelbaum on behalf of Trifoodarama, L.L.C. requested by letter dated May 4, 2015, a release of the performance guarantees being held by the Township for Phase B/Panera Bread; and

WHEREAS, on September 6, 2013, Performance Bond No. 32259 was issued by The Service Insurance Company, Inc., in the amount of \$232,359.19, which represented ninety percent (90%) of the entire performance guarantee amount. In addition, a cash guarantee was posted in the amount of \$25,817.69, which represented ten percent (10%) of the entire performance guarantee amount; and

WHEREAS, on October 21, 2014, by Resolution R2014-182, the Township Council reduced Bond No. 32259 from \$232,359.19 to \$69,707.76 and the Cash Guarantee from \$25,817.69 to \$7,745.31, the Township retaining thirty percent (30%) of the total original performance guarantee as permitted in accordance with the Municipal Land Use Law; and

WHEREAS, on April 7, 2015 by Resolution R2015-067 the Township Council denied a request to release Performance Bond No. 32259 in the amount of \$69,707.76 and the cash guarantee in the amount of \$7,745.31; and

WHEREAS, the Township Engineer has inspected the site work for Phase B/Panera Bread and filed a written report with the Township Council dated June 25, 2015, which is attached hereto and made a part of this Resolution; and

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

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

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

1. The Township Council agrees to release Performance Bond No. 32259 issued by The Service Insurance Company, Inc., upon the posting of a two (2) year maintenance bond in the amount of \$38,726.54 and posting of inspection escrow in the amount of \$1,500.00 for maintenance bond release, in a form acceptable to the Township Attorney
2. The Municipal Clerk is authorized and directed to forward a certified copy of this Resolution and a copy of the Township Engineer's report to Jon Mandelbaum on behalf of Trifoodarama, L.L.C.

It was MOVED by Daniels, SECONDED by Yeager to approve Resolution R2016-036 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 R2016-036 was approved with the changes.

Resolution R2016-037 Approval of Professional Services Agreement for Township Special Tax Counsel with Harry Haushalter

Mayor Mironov stated that proposals were solicited and the recommendation has been received on this matter.

RESOLUTION R2016-037
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, there exists a need for Legal Services for Special Tax Counsel, for the term of January 1, 2016 through December 31, 2016, in the Township of East Windsor, in the County of Mercer, State of New Jersey; and

WHEREAS, the Township solicited proposals on September 28, 2015, and received two (2) proposals for Special Tax Counsel by the receipt date of October 29, 2015; and

WHEREAS, the most responsive proposal was received from Harry Haushalter, Esq.; and

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

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

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

WHEREAS, the maximum amount of the contract is \$20,000.00 and funds are available in the Current Fund Account No. 6-01-20-155-105-249 entitled Legal Services-Licensed Professional, pending adoption of the 2016 Municipal Budget, as evidenced by the Chief Financial Officer's Certification No. B2016-008.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement for a term of January 1, 2016 thru December 31, 2016, with Harry Haushalter, Esq., Lexington Square Commons, 2119 Route 33, Suite A, Hamilton Square, New Jersey 08690.
2. This Contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for service performed by persons authorized by law to practice a recognized profession that is required by law, but in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5, et seq.
3. The Municipal Clerk shall cause to be printed once, in the Trenton Times, a brief notice stating the nature, duration, service and amount of this contract, and that the resolution and contract are on file and available for public inspection in the office of the Municipal Clerk.

It was MOVED by Zoller, SECONDED by Lippman to approve Resolution R2016-037.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-037 was approved

Resolution R2016-038 Approval of Professional Services Agreement for Township Property Tax Appraisal Services with Sockler Realty Services Group, Inc.

Mayor Mironov requested that the typographical errors be corrected in the 2nd whereas paragraph. Mayor Mironov also inquired as to the amount expended in 2015 and requested the information be available at the time of budget review.

RESOLUTION R2016-038

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for Appraisal Services, for the term of January 1, 2016 through December 31, 2016, in the Township of East Windsor, in the County of Mercer, State of New Jersey; and

WHEREAS, the Township solicited proposals on October 2, 2015, and received four (4) proposals for Township Tax Appraisal Services by the receipt date of November 5, 2015; and

WHEREAS, the proposal received from Sockler Realty Services Group, Inc. was most responsive; and

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

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

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

WHEREAS, the maximum of the contract is \$10,000.00 and funds are available in Current Fund Account 6-01-20-155-105-258 entitled Legal Services – Litigation/Appraisal”, pending the adoption of the 2016 Municipal Budget, as evidenced by the Chief Financial Officer’s Certification No. B2016-009.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement for a term of January 1, 2016 thru December 31, 2016, with Sockler Realty Services Group, Inc., 299 Ward Street, Suite C, East Windsor, New Jersey 08520.
2. This Contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5 (1)(a) of the Local Public Contracts Law because the contract is for service performed by persons authorized by law to practice a recognized profession that is required by law, but in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5, et seq.
3. The Municipal Clerk shall cause to be printed once, in the Trenton Times, a brief notice stating the nature, duration, service and amount of this contract, and that the resolution and contract are on file and available for public inspection in the office of the Municipal Clerk.

It was MOVED by Shapiro, SECONDED by Yeager to approve Resolution R2016-038 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 R2016-038 was approved with the changes.

Resolution R2016-039 Approval of Agreement with Econsult Solutions, Inc. for Services related to Declaratory Judgment proceedings

Mayor Mironov requested the agreement be updated with information prior to signing and also explained that this is a follow-up on the decision to enter into the shared agreement with approximately 280 other municipalities in the New Jersey with respect to the housing proceedings going on in all 21 counties. Resources have been pooled to retain an expert to prepare a report and this is to further utilize the expert. Funding is available in the Township's Affordable Housing Trust account. Council Member Shapiro feels it prudent to move forward with as Affordable Housing has become a murky area and can have a large impact on municipalities across New Jersey. Mayor Mironov feels it is required to protect the Township and the integrity of the East Windsor zoning and land use plan to participate. The Township currently has immunity at this point, but as indicated, it is important that the Township use all resources at hand which are being paid for by the Affordable Housing Trust Fund which would otherwise be going toward affordable housing. Mayor Mironov also remarked on how critical it is that the Township's interests are protected and participate fully. This has come about due to the State, Administration and Legislators having failed to step up and deal with this and the courts have become overly involved in an area that is well beyond what their role should be. Deputy Mayor Yeager remarked how shameful it is that affordable housing funds are not now being used to bring about affordable housing but instead to professionals and experts.

**RESOLUTION R2016-039
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Supreme Court issued a decision and Order on March 10, 2015, divesting the New Jersey Council on Affordable Housing (COAH) of further rulemaking and administrative review authority and determining that the Court be the forum for ensuring municipal affordable housing compliance and crafting a procedure for municipalities that participated in the COAH review process to retain repose and immunity against builder's remedy litigation and exclusionary zoning challenge while seeking to address their third round fair share obligation; and

WHEREAS, on June 23, 2015, by the approval of Resolution R2015-115, the East Windsor Township Council authorized the filing of Declaratory Judgment proceedings with the Court, pursuant to the March 10, 2015 Supreme Court decision; and

WHEREAS, on September 29, 2015, by the approval of Resolution R2015-169, The East Windsor Township Council entered into a Municipal Shared Services Defense Agreement (MSSDA) to participate in the preparation of a statewide fair share analysis to establish the proper way to determine each municipality's fair share obligation; and

WHEREAS, under the MSSDA, Econsult, Inc. (ESI) prepared a report entitled "New Jersey Affordable Housing Need and Obligations" dated December 30, 2015; and

WHEREAS, there exists a need for certain expert consulting services relating to the ESI report, including testimony, preparation of testimony, research and preparation of analysis and reports, and attendance at meetings and hearings for the Township of East Windsor; and

WHEREAS, these consulting services are of a specialized and qualitative nature because they are based on the expertise, research and report prepared by ESI and as such have been determined by the Township Manager to be an extraordinary and unspecifiable service; and

WHEREAS, N.J.S.A. 40A:11-5(1)(a)(ii) of the Local Public Contracts Law exempts extraordinary unspecifiable services from competitive bidding; and

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

WHEREAS, the maximum amount of the contract for the services to be provided by ESI is \$25,000.00 and funds are available in the Affordable Housing Fund Account No. A-22-56-852-852 entitled Affordable Housing, as evidenced by the Chief Financial Officer's Certification No. T2016-005.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement for term to expire December 31, 2016, with Econsult, Inc., 1435 Walnut Street, Suite 300, Philadelphia, PA
2. This Contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5 (1)(a)(ii) of the Local Public Contracts Law because the contract service is of a specialized and qualitative nature and as such has been determined to be an extraordinary unspecifiable service.
3. The Municipal Clerk shall cause to be printed once, in the Trenton Times, a brief notice stating the nature, duration, service and amount of this contract, and that the resolution and contract are on file and available for public inspection in the office of the Municipal Clerk.

It was MOVED by Shapiro, SECONDED by Yeager to approve Resolution R2016-039.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-039 was approved

Resolution R2016-040 Approval of Amendment to Professional Services Agreement with Ronald Morgan of Parker McCay for Affordable Housing Attorney

RESOLUTION R2016-040

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, on June 23, 2015, by Resolution R2015-114, the East Windsor Township Council, after soliciting proposals and in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5 et seq., approved a one year professional services agreement with Ronald C. Morgan of Parker McCay, as Affordable Housing Attorney in the amount of \$25,000.00; and

WHEREAS, the Township needs to amend the Affordable Housing Attorney Professional Service Agreement to increase the current contract by \$35,000.00 from \$25,000.00 to \$60,000.00 for general services; and

WHEREAS, the Township Council has reviewed the recommendations made by the Township Manager; and

WHEREAS, the amount of compensation authorized under this Agreement Amendment for professional services with Ronald C. Morgan is \$35,000 for a total contract amount not to exceed \$60,000 and sufficient funds are available in Budget Account No. A-22-56-852-852 entitled “Affordable Housing”, as evidenced by the Chief Financial Officer’s Certification No. T2016-003.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Amendment to Agreement for Affordable Housing Attorney between the Township of East Windsor and Ronald C. Morgan, in an amount not to exceed \$60,000.00.
4. 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.
5. 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 Rosenberg, SECONDED by Shapiro to approve Resolution R2016-040.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-040 was approved

Resolution R2016-041 Award of Contract for Affordable Housing Plan Consultant Services to
Clarke Caton Hintz

RESOLUTION R2016-041

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for Affordable Housing Planning Consultant Services in the Township of East Windsor, in the County of Mercer, State of New Jersey; and

WHEREAS, the Township posted/solicited proposals on November 6, 2015 and received one (1) proposal for an Affordable Housing Planning Consultant by the deadline of November 18, 2015; and

WHEREAS, the proposal received from Clarke Caton Hintz was 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 maximum amount of the contract is \$40,000 and funds are available in the Affordable Housing Fund Account No. A-22-56-852-852 entitled Affordable Housing, as evidenced by the Chief Financial Officer's Certification No. T2016-004.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement with Mary Beth Lonergan of Clarke Caton Hintz, 100 Barrack Street, Trenton, New Jersey 08608.
2. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by person(s) authorized by law to practice a recognized profession that is regulated by law but in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5, et seq.
6. 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 Zoller to approve Resolution R2016-041.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-041 was approved

Resolution R2016-042 Closed Session (Contract Negotiations: 329 and 359 Wyckoff Mills Road, LLC; Interlocal Services Agreement with Hightstown for Senior Services)
(Litigation: Declaratory Judgment Action; Tax Appeal)

Mayor Mironov stated that updated resolutions were provided in Council's meeting folders.

RESOLUTION R2016-042

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:

(Contract Negotiations: 329 and 359 Wyckoff Mills Road, LLC; Interlocal Services Agreement with Hightstown for Senior Services) (Litigation: Declaratory Judgment Action; Tax Appeal)
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.
3. This Resolution shall take effect immediately.

It was **MOVED** by Rosenberg, **SECONDED** by Zoller to approve Resolution R2016-042.

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

There being seven (7) ayes and no (0) nays, Resolution R2016-042 was approved

APPLICATIONS:

Amendment to the date of a previously approved Raffle License RL-2015-07, issued to Beth El Synagogue for Off-Premise Merchandise Raffle to be held on June 12, 2016, to now be held May 22, 2016.

It was **MOVED** by Yeager, **SECONDED** by Shapiro to approve amendment to the date of a previously approved Raffle License RL-2015-07, issued to Beth El Synagogue for Off-Premise Merchandise Raffle to be held on June 12, 2016, to now be held on May 22, 2016.

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

There being five (5) ayes and no (0) nays and two (2) abstentions, the amendment to the date of a previously approved Raffle License RL-2015-07, issued to Beth El Synagogue for Off-Premise Merchandise Raffle to be held on June 12, 2016, to now be held on May 22, 2016 was approved.

REPORTS BY COUNCIL AND STAFF:

Council Member Rosenberg reported that the Commission on Aging met on January 28. He reported that Lieutenant Geary of the East Windsor Police Department spoke to the seniors regarding preparedness for emergencies. The chairperson for 2016 will be Ondina Jeffers and the vice-chairperson will be Ina Heiman.

Mayor Mironov reported that the Economic Development Committee met on February 4 and reviewed the projects they are working in including putting together business promotional material and their input on the Township website. Also discussed the Township gateway signs and joint events with the two chambers of commerce. Mayor Mironov also reported that the Fire Company No. 1 and Fire Company No. 2 installation events were attended and we thank all our volunteers. Mayor Mironov also reported that she attended the Pack 53 Blue and Gold event on Sunday, February 7 and on January 31 Mayor Mironov attended the first robotics team competition at the high school. Also on January 31, Mayor Mironov attended the Shalom Heritage Center annual gala.

CORRESPONDENCE:

Mayor Mironov reported that a note from the Recreation Director has been received with respect to the schedule established for Independence Day and the summer events based on discussions held by Council.

APPOINTMENTS: None.

APPROVAL OF BILLS:

Mayor Mironov specified the bill lists presented for approval dated February 4, 2016.

It was MOVED by Lippman, SECONDED by Rosenberg to approve bill lists presented dated February 4, 2016.

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

There being seven (7) ayes and no (0) nays, the bill lists presented dated February 4, 2016.

MATTERS BY COUNCIL:

Council Member Shapiro remarked that he read in the newspaper that there is legislation pending in the legislature to return the Energy Receipts Tax back to the municipalities where it belongs. Mr. Shapiro raised concern regarding a proposed restriction on how the municipalities may use those funds. Council Member suggested letters be sent to legislative representatives of the Township informing them that East Windsor supports the bill but not the restrictions on the use of the funds. Mayor Mironov reported that Assemblyman Singletons agreed to meet with the League of Municipalities committee and it was recommended that the bill be amended to remove the restriction on the use of the money. This most

certainly be followed up with a letter. In the meantime, Mayor Mironov will have distributed copies of the letter sent providing basis of their testimony as well as a copy of the bill.

On Wednesday February 24, a public meeting will be held on the bicycle and pedestrian study to enable input from the public with respect to some of the preliminary findings.

Mayor Mironov additionally wanted to note that she would like to have further information with regard to the No Net Loss discussion held at the last Council meeting and wanting to see phase 3 move forward with enough information for Council to proceed with some of project in the spring.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. 2016 Municipal Capital Program

Mayor Mironov stated that Council received information from the Manager in the form of a spreadsheet and a memo with comments on the items along with the various requests that have come forward. Mayor Mironov asked that Council go through and ask questions or give comments so that preliminary decisions can be made and see what further information may be needed. The Mayor and Council reviewed the requests from the Police Department, Public Works Department and road program, Township vehicles, building repairs, building H.V.A.C. systems, parks, Health Department, Court and both Fire Companies. Township Manager Brady will provide further information and follow-up to the Mayor and Council regarding questions raised and information requested.

2. Gun Lock Safety Program – March

Mayor Mironov reported that the Chief has informed her that there are locks available and traditionally the Township has made them free to residents during the month of March. It is the Township's position that this is a proactive initiative on behalf of the municipal government geared to improve gun safety within the community or at least to provide the opportunity to do so. If locks are used properly, they can help prevent accidental deaths or injuries. Council in consensus agreed to move forward with this program.

3. 2016 Municipal Budget Review Schedule

Mayor Mironov announced that a budget review meeting will be held on Saturday, February 20 with subsequent follow-up at the Council meeting on February 23. Council has been provided with the workbooks and a schedule will be distributed.

MATTERS BY PUBLIC: None

ADJOURNMENT:

There being no further business, Mayor Mironov adjourned the meeting at 8:32 p.m.

Closed Session (Contract Negotiations: 329 and 359 Wyckoff Mills Road, LLC; Interlocal Services Agreement with Hightstown for Senior Services) (Litigation: Declaratory Judgment Action; Tax Appeal)

Next Meeting: Tuesday, February 23 @ 7:30 p.m.

Gretchen McCarthy
Municipal Clerk

Janice S. Mironov
Mayor