

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday January 12, 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, January 12, 2016.

VERIFICATION:

Municipal Clerk Gretchen McCarthy certified that the meeting was noticed on January 8, 2016. Notices were sent to the Trenton Times, filed with 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 Council Member Alan Rosenberg

ROLL CALL:

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

PRESENTATIONS & PROCLAMATIONS:

Human Trafficking Awareness - January 11, 2016

Mayor Mironov presented a Proclamation to Pat Hart, the Executive Director of Womanspace, declaring January as Human Trafficking Awareness Month and January 11, 2016 as Human Trafficking Awareness Day. Mayor Mironov spoke regarding the abhorrent crime of human trafficking, describing it as modern day slavery. The purpose of the awareness month/day is to make people aware that this matter is a problem in today's world and resources like Womanspace are there for the victims of these horrific crimes. Ms. Hart thanked Mayor Mironov and spoke briefly on the organization's services offered and the training received by Womanspace personnel to ask the appropriate questions in order to recognize and assist possible victims. Police Chief Harry Marshall thanked the Mayor and Council for recognizing Human Trafficking Awareness month/day and expressed his hopes that the efforts of local law enforcement officials and organizations such as Womanspace can bring this issue to light.

Mayor Mironov will be presenting individual proclamations to the following scouts at the Court of Honor of Boy Scout Troop 6284 to be held on January 17, 2016 ; Eagle Scout: Daniel Perry, Eagle Scout: Albert Dong, Eagle Scout James Greaves, and Eagle Scout Scott Perry.

INTERVIEWS FOR BOARDS AND COMMISSIONS: None

PUBLIC FORUM: None

MINUTES:

September 29, 2015
October 13, 2015
November 10, 2015
November 10, 2015 Closed Session
December 8, 2015
December 22, 2015
January 1, 2016

Mayor Mironov asked that all minutes on the agenda be rescheduled.

ORDINANCE – PUBLIC HEARING: None

ORDINANCE – INTRODUCTION:

The Municipal Clerk read the Ordinance by title. Mayor Mironov stated that this Ordinance is connected to Resolution R2016-09.

Ordinance 2016-01 An Ordinance of the Township of East Windsor, New Jersey, to Establish Salaries and Wages for New Jersey State Policeman’s Benevolent Association Local #191 Union for Fiscal Years 2013-2016

**ORDINANCE 2016-01
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

**AN ORDINANCE OF THE TOWNSHIP OF
EAST WINDSOR, NEW JERSEY, TO
ESTABLISH SALARIES AND WAGES FOR
NEW JERSEY STATE POLICEMAN’S BENEVOLENT ASSOCIATION
LOCAL #191 UNION FOR FISCAL YEARS 2013-2016**

BE IT ORDAINED AND ENACTED by the Township Council of the Township of East Windsor, County of Mercer, State of New Jersey, that employees of the Township in the New Jersey State Policeman’s Benevolent Association Local #191 Union shall be paid the following salaries and wages for the contract years 2013, 2014, 2015 and 2016 and until a successor Ordinance is adopted.

SECTION 1. SCHEDULE OF SALARIES FOR EMPLOYEES HIRED PRIOR TO JANUARY 1, 2010

YEAR 2013

Classification	Rate	Hourly
Patrolman-A	\$73,239.00	\$35.21
Patrolman-B	\$77,099.00	\$37.06
Patrolman-C	\$81,160.00	\$39.02
Patrolman-D	\$85,429.00	\$41.07
Patrolman-E	\$89,426.00	\$42.99
Patrolman-F	\$94,691.00	\$45.52
Sergeant	\$109,175.00	\$52.49

YEAR 2014

Classification	Rate	Hourly
Patrolman-A	\$74,155.00	\$35.65
Patrolman-B	\$78,063.00	\$37.53
Patrolman-C	\$82,174.00	\$39.51
Patrolman-D	\$86,497.00	\$41.58
Patrolman-E	\$91,050.00	\$43.77
Patrolman-F	\$95,875.00	\$46.09
Sergeant	\$110,540.00	\$53.14

YEAR 2015

Classification	Rate	Hourly
Patrolman-A	\$75,082.00	\$36.10
Patrolman-B	\$79,038.00	\$38.00
Patrolman-C	\$83,202.00	\$40.00
Patrolman-D	\$87,578.00	\$42.10
Patrolman-E	\$92,188.00	\$44.32
Patrolman-F	\$97,073.00	\$46.67
Sergeant	\$111,921.00	\$53.81

YEAR 2016

Classification	Rate	Hourly
Patrolman-A	\$76,020.00	\$36.55
Patrolman-B	\$80,026.00	\$38.47
Patrolman-C	\$84,242.00	\$40.50
Patrolman-D	\$88,672.00	\$42.63
Patrolman-E	\$93,341.00	\$44.87
Patrolman-F	\$98,287.00	\$47.25
Sergeant	\$113,320.00	\$54.48

SECTION 2. SCHEDULE OF SALARIES FOR EMPLOYEES HIRED AFTER DECEMBER 31, 2009

YEAR 2013

Classification	Rate	Hourly
Patrolman-A	\$60,168.00	\$28.93
Patrolman-B	\$73,239.00	\$35.21
Patrolman-C	\$77,530.00	\$37.27
Patrolman-D	\$81,820.00	\$39.34
Patrolman-E	\$86,111.00	\$41.40
Patrolman-F	\$90,401.00	\$43.46
Patrolman-G	\$94,691.00	\$45.52
Sergeant	\$109,175.00	\$52.49

YEAR 2014

Classification	Rate	Hourly
Patrolman-A	\$60,920.00	\$29.29
Patrolman-B	\$74,155.00	\$35.65

Patrolman-C	\$78,499.00	\$37.74
Patrolman-D	\$82,843.00	\$39.83
Patrolman-E	\$87,187.00	\$41.92
Patrolman-F	\$91,531.00	\$44.00
Patrolman-G	\$95,875.00	\$46.09
Sergeant	\$110,540.00	\$53.14

YEAR 2015

Classification	Rate	Hourly
Patrolman-A	\$61,681.00	\$29.65
Patrolman-B	\$75,082.00	\$36.10
Patrolman-C	\$79,481.00	\$38.21
Patrolman-D	\$83,878.00	\$40.33
Patrolman-E	\$88,277.00	\$42.44
Patrolman-F	\$92,675.00	\$44.56
Patrolman-G	\$97,073.00	\$46.67
Sergeant	\$111,921.00	\$53.81

YEAR 2016

Classification	Rate	Hourly
Patrolman-A	\$62,452.00	\$30.03
Patrolman-B	\$76,020.00	\$36.55
Patrolman-C	\$80,474.00	\$38.69
Patrolman-D	\$84,927.00	\$40.83
Patrolman-E	\$89,381.00	\$42.97
Patrolman-F	\$93,834.00	\$45.11
Patrolman-G	\$98,287.00	\$47.25
Sergeant	\$113,320.00	\$54.48

SECTION 3. LONGEVITY FOR EMPLOYEES HIRED PRIOR TO JANUARY 1, 2010

YEAR 2013, 2014, 2015 AND 2016

<u>Months of Service</u>		<u>Longevity Pay</u>
<u>Begin</u>	<u>Complete</u>	
60	108	4-1/2% of base salary.
109	168	5-1/2% of base salary.
169	228	6-1/2% of base salary.
229	288	7-1/2% of base salary.
289	over	8% of base salary.

SECTION 4. LONGEVITY FOR EMPLOYEES HIRED AFTER DECEMBER 31, 2009

YEAR 2013, 2014, 2015 AND 2016

<u>Months of Service</u>		<u>Longevity Pay</u>
<u>Begin</u>	<u>Complete</u>	
109	168	1-1/2% of base salary.
169	228	2-1/2% of base salary.
229	288	3-1/2% of base salary.
289	over	4% of base salary.

SECTION 5. GENERAL

The hourly rates contained in Section 1 and Section 2 of this Ordinance are established solely for the purpose of overtime and special duty and shall apply solely to the payment of overtime and special duty and for no other purpose.

SECTION 6.

All Ordinances and Resolutions inconsistent with this Ordinance are hereby repealed.

SECTION 7.

Except as otherwise provided rates of compensation provided herein are retroactive to January 1, 2013.

SECTION 8.

This Ordinance shall become effective twenty (20) days after final passage and publication according to law and shall remain in effect until amended or suspended.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Ordinance 2016-01 on introduction, authorize publication as required by law and set public hearing for January 26, 2016.

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

There being five (5) ayes and no (0) nays Ordinance 2016-01 was approved on introduction, authorized for publication as required by law and the public hearing was set for January 26, 2016.

The Municipal Clerk read the Ordinance by title. Mayor Mironov stated that this is the partner agreement to the previous Ordinance.

Ordinance 2016-02 An Ordinance of the Township of East Windsor, New Jersey, to Establish Salaries and Wages for the Police Superior Officers' Association Union for Fiscal Years 2013-2016.

**ORDINANCE 2016 –02
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

**AN ORDINANCE OF THE TOWNSHIP OF
EAST WINDSOR, NEW JERSEY, TO
ESTABLISH SALARIES AND WAGES FOR THE
POLICE SUPERIOR OFFICERS' ASSOCIATION UNION
FOR FISCAL YEARS 2013-2016**

BE IT ORDAINED AND ENACTED by the Township Council of the Township of East Windsor, County of Mercer, State of New Jersey that employees of the Township in the Police Superior Officers Association Union shall be paid the following salaries and wages for the contract years 2013, 2014, 2015 and 2016 and until a successor Ordinance is adopted.

SECTION 1. SCHEDULE OF SALARIES

	YEAR 2013	
<u>Classification</u>	<u>Rate</u>	<u>Hourly</u>
Lieutenant	\$128,158.00	\$61.61
Stand-by Pay	\$ 5,941.94	\$ 2.86

YEAR 2014

<u>Classification</u>	<u>Rate</u>	<u>Hourly</u>
Lieutenant	\$129,760.00	\$62.38
Stand-by Pay	\$ 5,940.94	\$ 2.86

YEAR 2015

<u>Classification</u>	<u>Rate</u>	<u>Hourly</u>
Lieutenant	\$131,382.00	\$63.16
Stand-by Pay	\$ 5,940.94	\$ 2.86

YEAR 2016

<u>Classification</u>	<u>Rate</u>	<u>Hourly</u>
Lieutenant	\$133,024.00	\$63.95
Stand-by Pay	\$ 5,940.94	\$ 2.86

SECTION 2. LONGEVITY FOR EMPLOYEES HIRED BEFORE JANUARY 1, 2010

YEARS 2013, 2014, 2015 AND 2016

<u>Months of Service</u>		<u>Longevity Pay</u>
<u>Begin</u>	<u>Complete</u>	
60	108	4-1/2% of base salary.
109	168	5-1/2% of base salary.
169	228	6-1/2% of base salary.
229	288	7-1/2% of base salary.
289	over	8% of base salary

SECTION 3. LONGEVITY FOR EMPLOYEES HIRED AFTER DECEMBER 31, 2009

YEARS 2013, 2014, 2015 AND 2016

<u>Months of Service</u>		<u>Longevity Pay</u>
<u>Begin</u>	<u>Complete</u>	
109	168	1-1/2% of base salary.
169	228	2-1/2% of base salary.
229	288	3-1/2% of base salary.
289	over	4% of base salary

SECTION 4. GENERAL

The hourly rates contained in Section 1 – Schedule of Salaries are established solely for the purpose of overtime and special duty and shall apply solely to the payment of overtime and special duty and for no other purposes.

SECTION 5.

All Ordinances and Resolutions inconsistent with this Ordinance are hereby repealed.

SECTION 6.

Except as otherwise provided rates of compensation provided herein are retroactive to January 1, 2013.

SECTION 7.

This Ordinance shall become effective twenty (20) days after final passage and publication according to law and shall remain in effect until amended or suspended.

It was **MOVED** by Rosenberg, **SECONDED** by Zoller to approve Ordinance 2016-02 on introduction, authorize publication as required by law and set public hearing for January 26, 2016.

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

There being five (5) ayes and no (0) nays Ordinance 2016-02 was approved on introduction, authorized for publication as required by law and the public hearing was set for January 26, 2016

RESOLUTIONS:

Resolution R2016-009 Approval of Collective Bargaining Agreement with the New Jersey State Policeman's Benevolent Association Local #191 for Fiscal Years 2013-2016.

Mayor Mironov stated that this is approving the collective bargaining agreement that has already been approved and signed by the Policeman's Benevolent Association.

RESOLUTION R2016-009

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, as a result of negotiations, the East Windsor Policeman's Benevolent Association Local No. 191 and the Township of East Windsor have reached agreement on the terms and conditions of employment; and

WHEREAS, the Township Council has reviewed the attached Agreement.

NOW, THEREFORE, BE IT RESOLVED that 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 between the Township of East Windsor, County of Mercer, and the New Jersey State Policemen's Benevolent Association Local No. 191 effective January 1, 2013 expiring December 31, 2016.

2. A copy of the said agreement will be available for public inspection in the Office of the Municipal Clerk.

It was MOVED by Lippman, SECONDED by Zoller to approve Resolution R2016-009.

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

There being five (5) ayes and no (0) nays, Resolution R2016-009 was approved

Resolution R2016-010 Approval of Collective Bargaining Agreement with the Police Superior Officers' Association Union for Fiscal Years 2013-2016.

RESOLUTION R2016-010

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, as a result of negotiations, the Superior Officers' Association of the New Jersey State Policemen's Benevolent Association Local No. 191 and the Township of East Windsor have reached an agreement on the terms and conditions of employment; and

WHEREAS, the Township Council has reviewed the attached Agreement.

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

3. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement between the Township of East Windsor, County of Mercer, and the Superior Officers' Association of the New Jersey State Policemen's Benevolent Association Local No. 191 effective January 1, 2013 expiring December 31, 2016.
4. A copy of the said agreement will be available for public inspection in the Office of the Municipal Clerk.

It was MOVED by Zoller, SECONDED by Lippman to approve Resolution R2016-010.

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

There being five (5) ayes and no (0) nays, Resolution R2016-010 was approved

Resolution R2016-011 Approval of Professional Services Agreement with David E. Orron, for Township Attorney

Mayor Mironov stated that regarding the upcoming resolutions, where it is indicated that the Township solicited proposals, that would include that notice was posted on the Township website.

RESOLUTION R2016-011

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for the services of an attorney-at-law, 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 one (1) proposal for Township Attorney by the receipt date of October 29, 2015; and

WHEREAS, the proposal received from David E. Orron, of the Law Firm of Huff, Moran and Orron 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, funds will be available in the Legal Services Account No. 6-01-20-155-105-249 entitled Licensed Professional, pending the adoption of the 2016 Municipal Budget, as evidenced by the Chief Financial Officer's Certification No. B2016-001.

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 David E. Orron, of the Law Firm of Huff, Moran and Orron, 1246 South River Road, Cranbury, New Jersey 08512.
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 Daniels, SECONDED by Rosenberg to approve Resolution R2016-011.

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

There being five (5) ayes and no (0) nays, Resolution R2016-011 was approved

Resolution R2016-012 Approval of Professional Services Agreement with Edward McManimon of McManimon, Scotland and Baumann for Township Bond Counsel

Mayor Mironov requested that the 4th paragraph be deleted to read as follows:

RESOLUTION R2016-012

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, there exists a need for specialized legal services in connection with the authorization and issuance of bonds and notes of the Township of East Windsor, in the County of Mercer, State of New Jersey, including the review of such procedures as the rendering of legal opinions acceptable to the financial community, for the term of January 1, 2016 through December 31, 2016; and

WHEREAS, on October 2, 2015 the Township solicited proposals and received one (1) proposal for Township Bond Counsel Services by the receipt date of November 5, 2015; and

WHEREAS, the proposal received from McManimon, Scotland and Baumann 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 Township Council has reviewed the Township Manager’s recommendations.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement for a term of January 1, 2016 to December 31, 2016, with McManimon, Scotland and Baumann, 75 Livingston Avenue, Second Floor, Roseland, New Jersey 07068 to provide the specialized legal services necessary in connection with the authorization and the issuance of bonds or notes by the Township.
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 Rosenberg to approve Resolution R2016-012 with the changes.

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

There being five (5) ayes and no (0) nays, Resolution R2016-012 was approved with the changes.

Resolution R2016-013 Approval of Professional Services Agreement for Township Auditors with Nisivoccia and Company, LLP

Mayor Mironov suggested the 2nd whereas paragraph include the date of September 30, 2015 as the date the Township solicited proposals with one having been received by the receipt date of November 2, 2015. The 3rd paragraph should be amended to read that the “proposal received from Nisivoccia and Company was responsive”.

RESOLUTION R2016-013

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, there exists a need for Auditing and Accounting 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, on September 30, 2015, the Township solicited proposals and received one (1) proposal by the receipt date of November 2, 2015 for Township Auditing and Accounting Services; and

WHEREAS, the proposal received from Nisivoccia and Company, LLP 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 Township Council has reviewed the Township Manager’s recommendations; and

WHEREAS, the maximum amount of the contract is \$35,482.00 and funds are available in the Current Fund Account No. 6-01-20-135-203-249 entitled Current Fund Audit & Accounting and Current Fund Account No. 6-30-26-305-150-249 entitled Garbage District-Audit & Accounting Services, pending adoption of the 2016 Municipal Budgets as evidenced by the Chief Financial Officer’s Certification No. B2016-005.

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 with Nisivoccia and Company, LLP, Mount Arlington Corporate Center, 200 Valley Road, Suite 300, Mount Arlington, New Jersey 07856-1320.
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.
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 R2016-013 with the changes.

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

There being five (5) ayes and no (0) nays, Resolution R2016-013 was approved with the changes.

Resolution R2016-014 Approval of Professional Services Agreement with Robert White for Pediatric Nurse Practitioner

Mayor Mironov stated that a recommendation has been received from the Township Manager and Health Department on this professional services agreement.

RESOLUTION R2016-014

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for Pediatric Nurse Practitioner 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, on October 2, 2015 the Township solicited proposals and on November 5, 2015 received two (2) proposals for Pediatric Nurse Practitioner Services; and

WHEREAS, the proposal that was received from Dr. Robert White was the 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, the Township Council has reviewed the Township Manager’s recommendations; and

WHEREAS, the maximum of the contract is \$7,680.00 and funds are available in the Current Fund Account No. 6-01-27-330-603-240 entitled Licensed Professional, pending the adoption of the 2016 Municipal Budget, as evidenced by the Chief Financial Officer’s Certification No. B2016-004.

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 with Dr. Robert White for a term of January 1, 2016 to December 31, 2016, with Dr. Robert White, DNP, APRN, BC, 4 Blue Hebron Drive, Jackson, New Jersey 08527.
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 Rosenberg, **SECONDED** by Zoller to approve Resolution R2016-014.

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

There being five (5) ayes and no (0) nays, Resolution R2016-014 was approved.

Resolution R2016-015 Approval of Professional Services Agreement with Richard Preiss for
Township Planner

Mayor Mironov requested that the 3rd paragraph read that the “proposal received from Phillips, Priess, Grygiel was responsive;” Mayor Mironov inquired whether the amount budgeted last year was the same amount budgeted for 2016. Township Manager Brady replied that it was.

RESOLUTION R2016-015

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for the services of a Planning Consultant, 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 30, 2015 and received one (1) proposal for Planning Consultant by the receipt date of November 2, 2015; and

WHEREAS, the proposal received from Philips, Preiss, Grygiel 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, funds are available in Developer Escrow funds, and in addition, the maximum amount of the contract to be paid from the municipal budget is \$10,000.00 and funds for that portion of the contract are available in the Current Fund Account No. 6-01-22-180-107-249 entitled Planning-Licensed Professional pending the adoption of the 2016 Municipal Budget, as evidenced by the Chief Financial Officer’s Certification No. B2016-003.

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 Agreement for a term of January 1, 2016 to December 31, 2016 with Philips, Preiss, Grygiel, 33-41 Newark Street, Suite D, 3rd Floor, Hoboken, NJ 07030.
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.

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 Zoller, SECONDED by Daniels to approve Resolution R2016-015 with the changes.

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

There being five (5) ayes and no (0) nays, Resolution R2016-015 was approved with the changes.

Resolution R2016-016 Approval of Professional Services Agreement with Daniel Dobromilsky for Landscape Architect

Mayor Mironov requested that the fund certification paragraph be amended to read that funds are available “from various escrow accounts and future grant accounts”. A recommendation on this award has been received from herself, Council Member Shapiro, and Planning Board Chair Ed Kelley

RESOLUTION R2016-016

EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, there exists a need for the services of a Landscape Architect, 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 30, 2015 and received three (3) proposals for Landscape Architect by the receipt date of November 2, 2015; and

WHEREAS the most responsive proposal was received from Daniel Dobromilsky & Associates; and

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

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

WHEREAS, funds are available in the Escrow Account entitled Various Escrow Accounts by application number, and future grant account, as evidenced by the Chief Financial Officer’s Certification No. E2016-001.

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 Daniel Dobromilsky & Associates, 7 Hillside Avenue, Jamesburg, New Jersey 08831 for a term of January 1, 2016 to December 31, 2016.
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.
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 Lippman, SECONDED by Rosenberg to approve Resolution R2016-016 with the changes.

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

There being five (5) ayes and no (0) nays, Resolution R2016-016 was approved with the changes.

Resolution R2016-017 Approving Agreement with Daniel Dobromilsky for Professional Preparation of Services for Community Forestry Plan

Mayor Mironov suggested an additional paragraph be added after the first paragraph to say “Whereas, by Resolution R2016-16, the Township Council awarded a professional services agreement for landscape architect services to Daniel Dobromilsky and Associates pursuant to the Fair and Open Process and Professional Services procedures; and”. The Township has received a \$3,000 “Green Communities Challenge Grant” and a proposal has been received that has the concurrence of the Environmental Commission as well.

RESOLUTION R2016-017

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need for Consultant Services for the preparation of a Community Forestry Management Plan; and

WHEREAS, by Resolution R2016-16, the Township Council awarded a professional services agreement for landscape architect services to Daniel Dobromilsky and Associates pursuant to the Fair and Open process and professional services procedures; and

WHEREAS, Daniel Dobromilsky and Associates has submitted a proposal to prepare a Community Forestry Management Plan for \$3,000.00; and

WHEREAS, the Township has received a Green Communities Challenge Grant to cover \$3,000.00 of the cost of preparing the Plan; 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, the maximum amount of the contract is \$3,000.00 and funds are available in the Grant Account #G-02-40-950-955-215 entitled Community Forestry Management Plan, as evidenced by the Chief Financial Officer's Certification No. G2016-001.

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

1. The Mayor is hereby authorized and directed to enter into the attached Agreement with Daniel Dobromilsky and Associates, 7 Hillside Avenue, Jamesburg, New Jersey 08831 for consultant services for the preparation of a Community Forestry Management Plan, in an amount not to exceed \$3,000.00.
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.
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 Rosenberg, **SECONDED** by Daniels to approve Resolution R2016-017 with the change.

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

There being five (5) ayes and no (0) nays, Resolution R2016-017 was approved with the change.

Resolution R2016-018 Approval of Professional Services Agreement with T & M Associates for Township Engineer

Mayor Mironov informed Council that some updated information is included in their meeting folders, however, upon further review did not locate the changes as discussed with T. & M. Associates in the

material. Mayor Mironov suggested a conditional approval of the agreement provided that T. & M. Associates' rates have not increased from 2015 and are in line with the other companies that submitted proposals.

RESOLUTION R2016-018

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for the services of an Engineering Consultant, 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 30, 2015 and received two (2) proposals for Township Engineering Services by the receipt date of November 2, 2015; and

WHEREAS, the most responsive proposal was received from T&M Associates, Inc; 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, funds are available in Developer Escrow funds, and in addition, the maximum amount of the contract is \$5,000.00 and funds are available in Current Fund Account No. 6-01-20-165-411-249 entitled Engineering-Licensed Professional, pending the adoption of the 2016 Municipal Budget, as evidenced by the Chief Financial Officer's Certification No. B2016-002.

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:

2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement for a term of January 1, 2016 to December 31, 2016 with T&M Associates, Inc., 1256 North Church Street, Moorestown, New Jersey 08057.
3. 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.
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 Rosenberg, SECONDED by Lippman to approve Resolution R2016-018 with conditions.

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

There being five (5) ayes and no (0) nays, Resolution R2016-012 was approved with conditions.

Resolution R2016-019 Approval of Interlocal Services Agreement for Animal Control Services with Plainsboro Township

Mayor Mironov stated that this is a renewal of the current agreement and Plainsboro has already approved and signed off on the agreement.

RESOLUTION R2016-019

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for the services of Animal Control Services in the Township of Plainsboro, in the County of Middlesex, State of New Jersey; and

WHEREAS, the Township of East Windsor can provide these services through a Shared Services Agreement; and

WHEREAS, the Uniform Shared Services and Consolidation Act N.J.S.A. 40A:65-1 et seq. authorizes the approval of Shared Services Agreements by Resolution; and

WHEREAS, the Township Council has reviewed the Township Manager and Chief of Police recommendations on said agreement.

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

1. The attached Shared Services Agreement between East Windsor Township and Plainsboro Township for Animal Control Services for the term January 1, 2016 through December 31, 2016 is hereby approved in accordance with the provisions of N.J.S.A. 40:65-1.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement.

It was MOVED by Lippman, SECONDED by Zoller to approve Resolution R2016-019.

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

There being five (5) ayes and no (0) nays, Resolution R2016-019 was approved.

Resolution R2016-020 Approval of Interlocal Services Agreement for Animal Control Services
with Robbinsville Township

RESOLUTION R2016-020

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for the services of Animal Control Services in the Township of Robbinsville, in the County of Mercer, State of New Jersey; and

WHEREAS, the Township of East Windsor can provide these services through a Shared Services Agreement; and

WHEREAS, the Uniform Shared Services and Consolidation Act N.J.S.A. 40A:65-1 et seq. authorizes the approval of Shared Services Agreements by Resolution; and

WHEREAS, the Township Council has reviewed the Township Manager and Chief of Police recommendations on said agreement.

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

1. The attached Shared Services Agreement between East Windsor Township and Robbinsville Township for Animal Control Services for the term January 1, 2016 through December 31, 2016 is hereby approved in accordance with the provisions of N.J.S.A. 40:65-1.
2. The Mayor and Council are hereby authorized and directed to execute the attached Agreement.

It was MOVED by Daniels, SECONDED by Rosenberg to approve Resolution R2016-020.

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

There being five (5) ayes and no (0) nays, Resolution R2016-020 was approved.

Resolution R2016-021 Authorize Purchase from C.M.I.T. Solutions for Desktop Computers for
Police Communications Center

Mayor Mironov requested that in the 3rd paragraph, the word “Solutions” be inserted after the name C.M.I.T.

RESOLUTION R2016-021

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need to purchase two (2) Replacement Desktop Computers for the East Windsor Police Department Communications Center; and

WHEREAS, three (3) written quotes were obtained to purchase this Equipment; and

WHEREAS, the lowest quote was received from C.M.I.T. Solutions; 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 said purchase; and

WHEREAS, the maximum amount of the purchase of the Desktop Computers is \$2,864.00 and funds are available in the Capital Fund Account No. C-04-55-953-914-302 entitled “Ordinance 2013-09 Police Computer Acquisition”, and in Capital Fund Account C-04-55-953-913-700 entitled “Ordinance 2013-04 Acquisition of Computers” as evidenced by the Chief Financial Officer’s Certification No. C2016-001.

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 Finance Director are hereby authorized and directed to approve and forward a purchase requisition to C.M.I.T. Solutions, 7 Ridgewood Drive, Bordentown, NJ 08505 for the purchase of two (2) replacement desktop computers at \$1,432.00 per unit for the East Windsor Township Police Department Communications Center, in an amount not to exceed \$2,864.00, all in accordance with the attached quote.

It was **MOVED** by Rosenberg, **SECONDED** by Zoller to approve Resolution R2016-021 with the changes.

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

There being five (5) ayes and no (0) nays, Resolution R2016-021 was approved with the changes.

APPLICATIONS: None

REPORTS BY COUNCIL AND STAFF:

Mayor Mironov stated that the Township Economic Development Committee met on January 7 and elected George White as the new chairperson and the vice chairperson is Kelly Klein. The meeting schedule was set for the year and also discussed were a series of projects and goals for the upcoming year. Mayor Mironov also stated that she attended the Hightstown Pop Warner awards banquet the previous Sunday.

CORRESPONDENCE:

Mayor Mironov reported a letter was received from the New Jersey Turnpike Authority, dated January 4, 2016, that purports to respond to the Township's most recent letter to them on outstanding matters. A lovely letter was received from Womanspace thanking the Township for the participation in the Communities of Light program. Also received is a report from the Tax Collector for the period ending December 31, 2015.

APPOINTMENTS:

Alternate Municipal Prosecutors have been recommended for substitute prosecutors in the event the prosecutor is unable to attend a court session. Mayor Mironov asked that that Lyle Hough, William McGovern, Al Vuculo and Craig Hubert be appointed as Alternate Municipal Prosecutors for the year 2016.

It was **MOVED** by Zoller, **SECONDED** by Rosenberg to appoint Lyle Hough, William McGovern, Al Vuculo and Craig Hubert as Alternate Municipal Prosecutors for the year 2016.

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

There being five (5) ayes and no (0) nays, Lyle Hough, William McGovern, Al Vuculo and Craig Hubert were appointed as Alternate Municipal Prosecutors for the year 2016.

APPROVAL OF BILLS:

Mayor Mironov specified the bill lists presented for payment dated January 7, 2016. A list was presented hand-marked "Transportation", that Mayor Mironov feels should have been titled "Affordable Housing" and requested that it be double-checked as a mere a title error. On the Capital Bill list, the first item on the second page needs clarification and status update.

It was **MOVED** by Lippman, **SECONDED** by Rosenberg to approve the Bill Lists with the exceptions outlined by Mayor Mironov.

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

There being five (5) ayes and no (0) nays the presented Bill Lists dated January 7, 2016 were approved with the exceptions specified.

MATTERS BY COUNCIL:

Mayor Mironov announced the food drive ongoing through January. The Recreation Department is having an open house on Saturday, January 23, 2016 at the Senior Center. Also a flyer for the 5K walk/run has been distributed and the route has been set as discussed by Council.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. 2015 Kelly Bill Reimbursements

Materials have been distributed by the Public Works Director showing total with respect to the 2015 reimbursements. Council agreed to have the Public Works Director double check his numbers and get them sent out to the individual associations.

2. East Windsor Township Affordable Housing Plan

Mayor Mironov reminded Council that East Windsor, with along 350 other towns have filed a Declaratory Judgement in the Superior Court in order to protect the Township and maintain our immunity from legal action in complying with whatever Affordable Housing Fair Share obligations that the State and the Courts may require. The Court asked that the Township provide some additional detailed information regarding East Windsor's plans. In Council's folders are updated resolutions and the last Resolution was prepared by Township Affordable Housing Attorney. The intent here is to respond to the Court request. The Township currently has immunity through the end of January which will be extended through the end of June by providing some additional details on the plans submitted to the Court. The first three resolutions have either been prepared or reviewed by the Township's Housing Planner and the fourth resolution prepared by the Housing Attorney. The Township's numbers have not yet been determined but this at least presents a preliminary plan as requested. Mayor Mironov noted that the first three resolutions have a form memorandum of understanding that is not referenced exactly in the resolution because there might possibly be some tweaks, not material changes. The basic agreement is what has been provided.

- a. R2016-022 Approving Memorandum of Understanding with Community Investments Strategies

RESOLUTION R2016-022

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council and Community Investment Strategies, Inc. desire to enter into an agreement for the development of a municipally sponsored affordable housing development.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, that the Mayor and Municipal Clerk are hereby authorized and directed to execute a “Memorandum of Understanding” between East Windsor Township and Community Investment Strategies, Inc.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2016-022.

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

There being five (5) ayes and no (0) nays, Resolution R2016-022 was approved.

- b. R2016-023 Approving Memorandum of Understanding with SERV Behavioral Health

RESOLUTION R2016-023

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council and SERV Behavioral Health System, Inc. desire to enter into a partnership for the development of facilities for those with developmental disabilities.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, that the Mayor and Municipal Clerk are hereby authorized and directed to execute a “Memorandum of Understanding” between East Windsor Township and SERV Behavioral Health System, Inc.

It was MOVED by Zoller, SECONDED by Lippman to approve Resolution R2016-023.

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

There being five (5) ayes and no (0) nays, Resolution R2016-023 was approved.

- c. R2016-024 Approving Memorandum of Understanding with Eden Autism Services

RESOLUTION R2016-024

**EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council and EDEN Autism Services desire to enter into a partnership for the development of facilities for those with developmental disabilities.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, that the Mayor and Municipal Clerk are hereby authorized and directed to execute a “Memorandum of Understanding” between East Windsor Township and EDEN Autism Services.

It was MOVED by Rosenberg, SECONDED by Daniels to approve Resolution R2016-024.

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

There being five (5) ayes and no (0) nays, Resolution R2016-024 was approved.

d. R2016-025 Identifying Municipal Site

RESOLUTION R2016-025

TOWNSHIP OF EAST WINDSOR

MERCER COUNTY

**RESOLUTION ADDRESSING AFFORDABLE
HOUSING ISSUES TO RESPOND TO DECEMBER 18,
2015 COURT ORDER IN DOCKET NO.
MER-L-1522-15 (MOUNT LAUREL)**

WHEREAS, the Township of East Windsor invoked the Superior Court’s voluntary Mount Laurel compliance jurisdiction pursuant to N.J.S.A. 52:27-313 to have the Court review and approve the Township’s third round affordable housing initiatives in the matter encaptioned In the Matter of the Application of the Township of East Windsor, Docket No. MER-L-1522-15 (Mount Laurel); and

WHEREAS, the Township prepared and submitted a third round Preliminary Plan Summary pursuant to an Order entered by the Court on November 2, 2015 which was thereafter reviewed by the Court and its Mount Laurel Master; and

WHEREAS, the Preliminary Plan Summary outlined a number of mechanisms to facilitate satisfaction of a targeted third round fair share obligation which has yet to be confirmed by the Court including, inter alia, (a) a 100% affordable municipally sponsored family rental project on property to be acquired by the Township, (b) the provision of three to four affordable group homes to create at least 12 COAH credits by an experienced group home provider, and (c) the expansion of an existing mobile home park to create approximately 38 affordable units; and

WHEREAS, based upon the recommendations of its Mount Laurel Master, the Court entered an Order on December 18, 2015 which requires, inter alia, the Township to submit an Amended Plan Summary to the Court by January 29, 2015 which (a) identifies the location of the municipally sponsored 100% affordable family rental project and the entity that will own, construct and manage the project, (b) identifies the proposed affordable group home sites and the entity that will own and operate the homes, and (c) reports upon the status of negotiations with the owner of the mobile home park; and

WHEREAS, in response thereto the Township has undertaken the following:

- A. Reached a tentative agreement with Community Investment Strategies (“CIS”) to construct a 100% affordable family rental project consisting of approximately 100 units on a suitable property to be acquired by the Township using Affordable Housing Trust Funds that is capable of securing 9% Low Income Tax Credits (“LITCs”) pursuant to the New Jersey Housing Finance Agency’s (“HMFA’s”) competitive scoring and award criteria.
- B. Identified, in consultation with CIS, Block 11.01, Lot 5 (641 Main Street) as the site for the municipally sponsored project that the Township will endeavor to acquire through negotiations based upon the property’s appraised value and/or eminent domain if negotiations are unsuccessful.
- C. Identified SERV Behavioral Health Systems, Inc. (“SERV”) and EDEN Autism Services (“EDEN”) as entities that will create the affordable group homes.
- D. Worked with SERV to identify suitable properties to create the group homes after they are acquired to be funded, in whole or in part, using Affordable Housing Trust Funds.
- E. Continued negotiations with the owner of the mobile home park to create approximately 38 affordable units.

WHEREAS, it does not appear that negotiations with the mobile home park owner will be completed by the January 29, 2016 deadline established by the Court for submission of the Amended Preliminary Summary, thus the Township has elected to increase the number of units in the municipally sponsored project to accommodate any shortfall that exists when the Court establishes what its third round prospective need obligation is if negotiations are not successfully completed by that time with the mobile home park owner; and

WHEREAS, Dr. David Kinsey calculated the third round prospective need numbers for all New Jersey municipalities in July of 2015 which were perceived by many observers as being excessive and not based upon the correct methodology; and

WHEREAS, the Honorable Mary C. Jacobson, A.J.S.C. entered an Order on September 25, 2015 appointing Richard Reading as the Mercer County Regional Master to assist the Court in calculating the third round fair share prospective need obligations for the municipalities in Mercer County; and

WHEREAS, Mr. Reading’s preliminary calculation for East Windsor’s third round prospective need number from 1999 to 2025 was 415 units; and

WHEREAS, the Court entered an Order on November 19, 2015 allowing municipalities the choice of using Mr. Reading’s number or Dr. Kinsey’s number when preparing their Preliminary Plan Summaries for submission to the Court; and

WHEREAS, East Windsor elected to use Mr. Reading's number and the Preliminary Plan Summary that the Township prepared and submitted to the Court addressed a third round prospective need obligation of 415 units; and

WHEREAS, East Windsor is one of 271 municipalities that elected to retain Econsult Solutions ("Econsult") to perform an independent calculation of its third round prospective need obligation; and

WHEREAS, Econsult's calculations were released and filed with the Court on December 30, 2015 and concluded that East Windsor's third round prospective need obligation is 124 units; and

WHEREAS, the Court and Mr. Reading are currently in the process of reviewing Econsult's calculation and, if accepted by the Court as the correct number, the Township will no longer need to implement all of the compliance mechanisms in its initial Preliminary Plan Summary that was designed to address the 415 unit preliminary calculation established by Mr. Reading including (a) the 100% affordable municipally sponsored family rental project on Block 11.01, Lot 5, (b) additional affordable group homes, or (c) provision of additional affordable units in the mobile home park; and

WHEREAS, the Township desires to adopt this Resolution to partially satisfy its obligations under the December 18, 2015 Court Order with the understanding that (a) it may not need to implement the aforementioned compliance mechanisms if the Court accepts Econsult's lower third round prospective need calculation, and (b) the Court must approve expenditures from the Township's Affordable Housing Trust Fund to enable: (i) the funding of the acquisition of Block 11.01, Lot 5 and (ii) the implementation of the affordable group home sites.

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

A. Contingent upon the need to acquire Block 11.01, Lot 5 for a municipally sponsored affordable family rental project and (i) the availability of funds to support acquisition of the property in the Affordable Housing Trust Fund, and (ii) the Court's approval of the Affordable Housing Trust Fund expenditure, the Township is authorized to initiate steps to acquire the property through negotiations and, if necessary, condemnation if negotiations are not successful. This process includes, but is not limited to, ordering appraisals, environmental due diligence, ordering survey and title searches, filing a declaration of taking with the court, etc.

B. The Township authorizes the execution of an Agreement with CIS to facilitate the municipally sponsored 100% affordable family rental project on Block 11.01, Lot 5 contingent upon (i) the Township's need for the project to address its third round prospective need number once the number is established by the Court, (ii) the Court's permission to expend Affordable Housing Trust Funds to enable acquisition, and (iii) other acceptable terms as agreed to by the Township, CIS and the Court.

C. Contingent upon whether the Township needs to facilitate the creation of additional affordable group homes once its third round housing obligation is established by the Court and the Court approves needed Affordable Housing Trust Fund expenditures to support and implement the projects, the Township is authorized to enter into one or more Agreements with SERV or a similar producer of affordable group homes to implement the projects, which are intended to generate COAH credits on a per bedroom basis.

D. Contingent upon whether the Township needs to implement the proposed 100% affordable municipally sponsored family rental project once the Court determines its third round prospective need obligation, the Township is authorized to petition the Court to approve the Affordable Housing Trust Fund Spending Plan to authorize an expenditure to enable acquisition of the property including appraisal costs, costs of condemnation (if necessary), and other typical and customary costs associated with the acquisition of real estate.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be provided to the Court and its Mount Laurel Master as part of the Amended Preliminary Plan Summary that must be submitted to the Court on or before January 29, 2016.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2016-025.

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

There being five (5) ayes and no (0) nays, Resolution R2016-025 was approved.

MATTERS BY PUBLIC: None

ADJOURNMENT:

There being no further business Mayor Mironov declared the meeting adjourned at 8:25pm

Next Meeting: Tuesday, January 26, 2016 @ 7:30 p.m.

Gretchen McCarthy
Municipal Clerk

Janice S. Mironov
Mayor