

## **EAST WINDSOR TOWNSHIP COUNCIL**

Tuesday February 28, 2017

### **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 28, 2017.

#### **VERIFICATION:**

Deputy Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 27, 2017 in the annual meeting notice and on February 24, 2017, 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 Council Member Denise Daniels

#### **ROLL CALL:**

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

#### **PRESENTATIONS & PROCLAMATIONS:**

East Windsor Township 2016 Employees of the Year

- Administration – Karen Theer
- Public Works – Nicolas Hodul
- Law and Public Safety – Russ Hazzon

Mayor Mironov states the Employees of the Year are individuals who have excelled at serving the public. Mayor Mironov stated that Karen Theer has done an exceptional job and increased membership and number of services available at the Senior Center. Mayor Mironov presented the proclamation to Ms. Theer. Ms. Theer thanked everyone for coming out to support her and said she was happy to make a difference and to be a part of so many people's lives. Mayor Mironov stated that Nicolas Hodul is often praised by his coworkers and is reliable, dependable and possessing a strong work ethic. Mayor Mironov presented the proclamation to Mr. Hodul. Mayor Mironov stated that Russ Hazzon has been instrumental in installing computer systems for various departments and invaluable in developing the township website. Mayor Mironov said he is one of only two employees to be honored a third time, demonstrating his value and commitment to the Township. Mayor Mironov presented the proclamation to Mr. Hazzon.

Read Across America Day – (March 2, 2016)

**INTERVIEWS FOR BOARDS AND COMMISSIONS:** None

**PUBLIC FORUM:** No one spoke.

#### **MINUTES:**

October 18, 2016

November 22, 2016

November 22, 2016 Closed Session

Council Meeting Minutes  
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January 3, 2017  
January 31, 2017  
February 14, 2017

Mayor Mironov requested that all minutes listed on the agenda be rescheduled except for the January 3, 2017 meeting.

It was MOVED by Lippman, SECONDED by Zoller that the January 3, 2017 minutes be approved.

ROLL CALL: Ayes – Daniels, Lippman, Rosenberg, Zoller, Mironov

Nays - None

There being five (5) ayes and no (0) nays, the January 3, 2017 minutes were approved.

**ORDINANCE – PUBLIC HEARING:** None

**ORDINANCE – INTRODUCTION:**

**Ordinance 2017-06**                      Conveyance of Deed for Green Acres Property to New Jersey Turnpike Authority in connection with the New Jersey Turnpike Widening Project

**ORDINANCE NO. 2017-06  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A PORTION OF LOT 9 IN BLOCK 22.02, TOGETHER WITH AN UNDERGROUND UTILITY EASEMENT AND A SLOPE EASEMENT IN A PORTION OF LOT 9 IN BLOCK 22.02 TO THE NEW JERSEY TURNPIKE AUTHORITY IN CONNECTION WITH NEW JERSEY TURNPIKE WIDENING PROJECT**

**WHEREAS**, in connection with recently completed New Jersey Turnpike Widening Project (“Project”), the New Jersey Turnpike Authority (“Authority”) required the acquisition of certain right-of-way and easement property rights from Mercer County and East Windsor Township, specifically including in Township-owned property designated on the East Windsor Township Tax Maps as Lot 9 in Block 22.02, which property was subject to State of New Jersey Green Acres restrictions; and

**WHEREAS**, The New Jersey Department of Environmental Protection and the State House Commission (under application NJDEP SHC File #1101002) approved the permanent release of the Green Acres restrictions from the property interests described herein and the conveyance of these property interests to the Authority in connection with the Project;

**WHEREAS**, the Authority, Mercer County and East Windsor Township had reached and entered into Agreements regarding the consideration for the conveyance of property interests to the Authority;

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

**Section 1. Authorization to Execute Deeds**

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Deeds to the New Jersey Turnpike Authority to convey the following property interests, all as more fully described on the attached Deeds:
  - (a) Bargain and Sale Deed for a portion of Lot 9 in Block 22.02 as designated on East Windsor Township Tax Maps, containing 0.030 acres, more or less.
  - (b) Deed of Underground Utility Easement through a portion of Lot 9 in Block 22.02 as designated on East Windsor Tax Maps, with an easement area of 0.257 acres, more or less.
  - (c) Deed of Slope Easement through a portion of Lot 9 in Block 22.02 as designated on East Windsor Tax Maps, with an easement area of 0.023 acres, more or less.
  
2. The Municipal Clerk is hereby authorized and directed to deliver the executed Deeds to the appropriate representative of the New Jersey Turnpike Authority for recording.

**Section 2. 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 3. Effective Date**

This Ordinance shall take effect 20 days after final passage and publication according to law. Mayor Mironov stated the Ordinance fulfills the Township’s agreement with the New Jersey Turnpike Authority to convey property to it for the widening project. Mayor Mironov stated that the township will received funds for the property once the township provided the Authority with the properties’ deeds.

It was MOVED by Rosenberg, SECONDED by Daniels to approve Ordinance 2017-01 on introduction, authorize publication as required by law and set public hearing for March 21, 2017.

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

There being five (5) ayes and no (0) nays Ordinance 2017-06 was approved on introduction, authorized for publication as required by law and the public hearing was set for March 21, 2017.

**Ordinance 2017-07**                      An Ordinance of the Township of East Windsor, New Jersey, to Amend Ordinance 2014-09 to Establish for 2017 New Non-Union Position and Salary.

**ORDINANCE NO. 2017-07  
TOWNSHIP OF EAST WINDSOR  
COUNTY OF MERCER**

**AN ORDINANCE OF THE TOWNSHIP OF  
EAST WINDSOR, NEW JERSEY TO AMEND ORDINANCE 2014-09 TO ESTABLISH FOR  
2017 NEW NON-UNION POSITION AND SALARY**

**BE IT ORDAINED AND ENACTED** by the Township Council of the Township of East Windsor, County of Mercer, State of New Jersey, that Ordinance 2014-09, An Ordinance of the Township of

East Windsor, New Jersey, to Establish Salaries and Wages for Non-Union Employees for Fiscal Years 2012-2015, is hereby amended and supplemented as follows:

**SECTION I.**

Section 17 entitled, “Key Management Personnel for 2017”:

<u>Senior Citizen Director</u>	<u>\$42,712 - \$69,250</u>
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**SECTION II. SEVERABILITY**

If any section, subsection 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 III. REPEAL**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION IV. EFFECTIVE DATE**

This Ordinance shall take effect twenty (20) days after final passage and publication as required by law.

Mayor Mironov stated the Council had a memo from the Manager on this Ordinance.

It was **MOVED** by Zoller, **SECONDED** by Lippman to approve Ordinance 2017-07 on introduction, authorize publication as required by law and set public hearing for March 21, 2017.

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

There being five (5) ayes and no (0) nays Ordinance 2017-07 was approved on introduction, authorized for publication as required by law and the public hearing was set for March 21, 2017.

**RESOLUTIONS:**

**Resolution R2017-010** Authorizing Declarations of Taking for 6 Conover Road (Block 46, Lot 1) and 20 Conover Road (Block 46, Lot 2) in Connection with the Route 130/Hankins Road/Conover Road Realignment Project

Mayor Mironov carried to next meeting, with Council agreement.

**Resolution R2017-033** Approval of Extension of Lease of Farmland with Henry Estenes, Sandy Acre Farm for Property at Block 21, Lot 4 along Disbrow Hill Road

Mayor Mironov carried to next meeting, with Council agreement.

**Resolution R2017-035**

Approval of Purchase of Sig Sauer M400 Rifles from Atlantic Tactical, Hard Rifle Cases from Ameripak and Rifle SUV Mounts from Major Police Supply for the Police Department.

**RESOLUTION R2017-035  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, there is a need to replace twenty-six (26) Sig Sauer M400 rifles and the associated accessories, twelve (12) hard rifle cases and two (2) rifle SUV mounts for the East Windsor Township Police Department; and

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

**WHEREAS**, public bids are not required when the purchase is under a State Contract in accordance with N.J.S.A. 40A:11-12 of the Local Public Contracts Law; 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 lowest responsive cost proposal for the twenty-six (26) Sig Sauer M400 rifles was submitted by Atlantic Tactical, through State Contract No. A81319 which is valid through April 30, 2017; and

**WHEREAS**, the lowest cost proposal for the purchase of the twelve (12) hard rifle cases was submitted by Ameripack; and

**WHEREAS**, the lowest cost proposal for the purchase of the two (2) rifle SUV mounts was submitted by Major Police Supply; and

**WHEREAS**, the Township Council has reviewed the Chief of Police recommendations on said purchase; and

**WHEREAS**, the maximum amount of the purchase is \$20,072.94 and funds are available in the Capital Fund Account No. C-04-55-980-919-617 entitled Ordinance 2016-08 "Police Rifle Acquisition", as evidenced by the Chief Financial Officer's Certification No. C2017-002.

**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 Atlantic Tactical, 14 Worlds Fair Drive, Somerset, NJ 08873 for twenty-six (26) Sig Sauer M400 rifles and the associated accessories in an amount not to exceed \$15,856.76, all in accordance with the attached quote.

2. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to Ameripack, 107 North Gold Drive, Robbinsville, NJ 08691 for twelve (12) hard rifle cases in an amount not to exceed \$3,584.08, all in accordance with the attached quote.
3. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to Major Police Supply, 47 North Dell Avenue, Kenvil, NJ 07847 for two (2) rifle SUV mounts in an amount not to exceed \$632.10, all in accordance with the attached quote.
4. The total purchase amount is not to exceed \$20,072.94.

Mayor Mironov stated quotes are on record with the Police Department and were provided to the Council.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2017-035.

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

There being five (5) ayes and no (0) nays, Resolution R2017-035 was approved.

**Resolution R2017-036**      Approval of Professional Services Agreement with Jolanta Maziarz of Woolson, Anderson Maziarz for Affordable Housing Attorney

**RESOLUTION R2017-036  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, there exists a need for the services of an Affordable Housing Attorney for the Township of East Windsor, in the County of Mercer, State of New Jersey; and

**WHEREAS**, the Township solicited proposals on October 19, 2016, and received two (2) proposals, by the receipt date of November 11, 2016 for Planning Board Attorney Services; and

**WHEREAS**, the Township Planning Board has appointed Jolanta Maziarz of Woolson Anderson Maziarz for planning board attorney and the Township Council desires to also use her to provide affordable housing attorney services and

**WHEREAS**, the proposal received from Jolanta Maziarz of Woolson Anderson Maziarz was responsive for this purpose; 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 Committee’s recommendations; and

**WHEREAS**, the maximum amount of the contract 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. T2017-002.

**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 Mayor and Municipal Clerk are hereby authorized and directed to execute an Agreement for a term of March 1, 2017 to February 28, 2018, with Jolanta Maziarz, Woolson Anderson Maziarz, 11 East Cliff Street, Somerville, NJ 08876.
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.

Mayor Mironov stated the Resolution does not include the agreement which still requires some changes which will be handled administratively. Mayor Mironov asked that the Resolution be amended to remove the agreement.

It was **MOVED** by Rosenberg, **SECONDED** by Zoller to approve Resolution R2017-036 with the changes.

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

There being five (5) ayes and no (0) nays, Resolution R2017-036 was approved with the changes.

**Resolution R2017-037**      Closed Session: (Collective Negotiations: Interlocal Services Agreement with Hightstown Borough for Senior Program/Center Services; Hightstown Municipal Court) (Litigation: Declaratory Action; Rescue 2)

**RESOLUTION R2017-037**

**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:

Closed Session: (Collective Bargaining) (Contract Negotiations: Interlocal Services Agreement with Hightstown Borough for Senior Program/Center Services; Hightstown Municipal Court)  
(Litigation: Declaratory Action; Rescue 2)

3. It is anticipated at this time that the above stated subject matter will be made public when these matters are resolved or as soon thereafter as it is deemed to be in the public interest to do so.
4. This Resolution shall take effect immediately.

It was MOVED by Zoller, SECONDED by Lippman to approve Resolution R2017-037.

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

There being five (5) ayes and no (0) nays, Resolution R2017-037 was approved.

**Resolution R2017-XXX** Approval of Interlocal Services Agreement for Animal Control Services with West Windsor Township

Mayor Mironov carried to next meeting, with Council agreement.

**APPLICATIONS:** None

#### **REPORTS BY COUNCIL AND STAFF:**

Council Member Zoller reported on the Environmental Commission meeting held on February 15, 2017 to discuss the community forestry management plans and the Arbor Day seedling giveaway set for May 6

Council Member Daniels reported on the Commission on Aging meeting held on February 23, 2017 and now have 1,121 members. The Commission has instituted a lottery program for registering for some of its classes.

Mayor Mironov reported on the Clean Communities Committee met on Feb. 23 and discuss the Adopt a Stop wrap-up event which was a success in January. Mayor Mironov states that there is a recycling event scheduled for April 1 at the Senior Center and volunteers are needed. Mayor Mironov stated the recycling poster contest will be at the April 18 Council Meeting. Mayor Mironov stated the Committee will have a table at the Mercer County Green Fair on March 18<sup>th</sup>.

#### **CORRESPONDENCE:**

Mayor Mironov reported that the Tax Collector Annual Statement and Report for period ending Jan. 31, 2017 were received. Also Mayor Mironov states she shared the material on the Public Defender Mandate with the Council and the Township will monitor it.



**APPOINTMENTS:** None

**APPROVAL OF BILLS:**

Mayor Mironov specified the various bill lists and trust fund lists presented for payment. Mayor Mironov stated that she would like to pull Affordable Housing E-Consult bill on the February 22 bill list subject to further review. Mayor Mironov asked to hold the bill on the 2017 bill list, on page 3, second group, and first bill, subject to further review.

It was **MOVED** by Lippman, **SECONDED** by Rosenberg to approve the Bill Lists subject to the bills held or pulled.

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

There being five (5) ayes and no (0) nays, the various presented Bill Lists were approved subject to the bills held or pulled.

**MATTERS BY COUNCIL:**

1. Gun Lock Safety Program – March

Mayor Mironov stated that the gun lock giveaway program will be ongoing throughout March.

2. Passport Day – March 29

Mayor Mironov stated that there will be a Passport Day in conjunction with the County Clerk on March 29 at the Municipal Building

3. Community Garden

Mayor Mironov stated registration is open for the Community Garden for 2017 and information is available on the website and at the Clerk's Office.

**DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:**

1. National Night Out 2017 – Aug. 1, 2017

Mayor Mironov stated the Council has always reviewed and approved the event before proceeding with any planning. Mayor Mironov asked if Council supports the event again this year. The unanimous consensus of Council was to hold the event.

2. 2017 Municipal Budget Review

Mayor Mironov stated that there have been two workshop meetings on the budget and there are some outstanding items. Mayor Mironov stated there would be budget review at the next meeting as well. Mayor Mironov stated that budget information has been distributed to Council for its review and questions. Mayor Mironov asked if the Police list is updated. Mayor Mironov asked for more information on how projections were made on sick leave payment account. Mayor Mironov asked about what can be done with money in Matching Funds for Grants account. Mayor Mironov asked about the Capital Improvement Fund.

**MATTERS BY PUBLIC:**

Christopher Basso on behalf of Verizon Wireless spoke regarding two water tanks that they are hoping to install cellular phone equipment at Primrose Lane and Conover Road.

**ADJOURNMENT:** There being no further business Mayor Mironov declared the meeting adjourned at 9:05 pm

Next Meeting: Tuesday March 7, 2017 at 7:30 p.m.

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Kelly Lettera  
Acting Municipal Clerk

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Janice S. Mironov  
Mayor