

EAST WINDSOR TOWNSHIP COUNCIL
Tuesday, May 16, 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 May 16, 2017.

VERIFICATION:

Acting Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 27, 2017 in the annual meeting notice and on May 12, 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 Chief Robert Manlio

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 Acting Municipal Clerk Kelly Lettera.

PRESENTATIONS & PROCLAMATIONS:

Emergency Medical Services Week -- May 21 to 27, 2017

Mayor Mironov stated the Township recognizes the important contributions the EMS/Fire Department provides. Mayor Mironov presented Arlen Frost with a proclamation for his selection as 2017 EMT of the Year. Mayor Mironov thanked Arlen for his service to the community.

Mayors "Shining Star" Gala – 50th Anniversary (May 20, 2017)

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Ragini Nagi was interviewed for appointment to a volunteer board or commission. Ragini expressed interest in the Recreation Commission or the Clean Communities Committee. Mayor Mironov thanked Ragini for interviewing for a volunteer board. Mayor Mironov stated someone from the Township would be in contact with her shortly.

PUBLIC COMMENT:

No one spoke

MINUTES:

February 14, 2017

The Mayor held the February 14 minutes to the next meeting.

November 22, 2016 Closed Session

January 31, 2017

February 28, 2017

February 28, 2017 Closed Session

March 7, 2017
March 21, 2017
April 4, 2017
April 18, 2017
April 18, 2017 Closed Session
May 2, 2017
May 2, 2017 Closed Session

Mayor Mironov requested that all remaining minutes listed on the agenda be rescheduled for the next Council meeting.

ORDINANCE – PUBLIC HEARING: NONE

ORDINANCE - INTRODUCTION: NONE

RESOLUTIONS:

Resolution R2017-078 Action on Request for Release of Performance Guarantee for Patel Subdivision

Mayor Mironov stated the Manager's Office and the Clerk's Office are still working on the Resolution.

Mayor and Council held Resolution R2017-078

RESOLUTION R2017-089
EAST WINDSOR TOWNSHIP
MERCER COUNTY

Resolution R2017-089 Chapter 159 – Amending the 2017 Municipal Operating Budget Providing an Item of Revenue and Appropriation for 2017 Child Safety Seat Program

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount; and

WHEREAS, the Township Director of Finance has advised that the funds have been received by the Township as set forth below.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the following:

1. The insertion of an item of revenue in the budget of the year 2017 in the sum of \$6,000.00, which item is now available as revenue from the 2017 Child Passenger Safety Seat Program grant.
2. A like sum of \$6,000.00 is hereby appropriated under the caption of 2017 Child Passenger Safety Seat Program grant.

Mayor Mironov requested that one of the “2017s” be omitted from the second paragraph following the Now, Therefore and the word “grant” be added to the Resolution.

It was MOVED by Yeager, SECONDED by Lippman to approve Resolution R2017-089 as amended.

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

There being seven (7) ayes and no (0) nays, Resolution R2017-089 was approved as amended.

Resolution R2017-090 Approval of Developers Agreement with Fordoz Pharma (69 Princeton Hightstown Road, Block 63.01, Block 1)

**RESOLUTION R2017-090
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, ForDoz Pharma Corp, the owners of property known as Block 63.01 , Lot 1, 2, 3, 4, 5, 6 and 7 as shown on the official tax map of the Township of East Windsor, received Minor Site Plan Approval from the Planning Board on February 27, 2017 bearing application No. PB16-006; and

WHEREAS, the developer is required to enter into a Developer’s Agreement and the same has been prepared by the Township Attorney.

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 to execute the Developer’s Agreement with ForDoz Pharma Corp, in the form attached hereto.
2. The Township Engineer is authorized to take any and all action necessary to carry out the terms and conditions of the Agreement.
3. A copy of this Resolution certified to be a true copy be forwarded to the Township Attorney, Engineer, Finance Director, Construction Official, and ForDoz Pharma Corp.

Mayor Mironov stated the Council Members had copies of the agreement distributed for review. Mayor Mironov requested a numerical correction on paragraph of the final agreement.

It was MOVED by Rosenberg, SECONDED by Zoller to approve Resolution R2017-090 as amended.

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

There being seven (7) ayes and no (0) nays, Resolution R2017-090 was approved as amended.

Resolution R2017-091 Approval of Award of Contract for Third Party Administrator Services to MagnaCare

**RESOLUTION R2017-091
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for a Third Party Administrative (TPA) Services for the administration and processing of health insurance benefits in the Township of East Windsor; and

WHEREAS, on April 3, 2017, the Township solicited proposals, and on May 5, 2017 the Township received one (1) proposal for Third Party Administrative (TPA) Services; and

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

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

WHEREAS, the maximum amount of the contract is \$24,003.00 and funds are available in the Current Fund Account No. 7-01-23-220-109-249, entitled, “Group Insurance – Licensed Professional,” as evidenced by the Chief Financial Officer’s Certification No. B2017-019.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the Agreement with MagnaCare, 1600 Stewart Avenue, 7th Floor, Westbury, NY 11590 for a term of June 1, 2017 to May 31, 2018, in an amount not to exceed \$24,003.
2. This Contract is awarded without competitive bidding as a “Extraordinary Unspecifiable Services” in accordance with N.J.S.A. 40A:11-5(1)(a)(ii) of the Local Public Contracts Law because the contract is for services which are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor and which is not susceptible to competitive bidding, 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 Council Members were provided with an updated Resolution and a recommendation from the Township Manager for review. Mayor Mironov corrected the amount of the Resolution in addition to adding the word “on” to the second paragraph.

It was MOVED by Zoller, SECONDED by Rosenberg to approve Resolution R2017-091 as amended

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

There being seven (7) ayes and no (0) nays, Resolution R2017-091 was approved as amended.

Resolution R2017-092 Authorizing Purchase of Uniforms from Specialty Graphics LLC for the Department of Public Works

**RESOLUTION R2017-092
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

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

WHEREAS, five (5) written quotes were obtained for this purchase; and

WHEREAS, the lowest cost proposal was submitted by Specialty Graphics LLC; and

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

WHEREAS, the Township Council has reviewed the Director of Department of Public Work's recommendations on this purchase; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are available in Current and Garbage Fund Accounts in the following 2017 line item appropriation accounts:

7-01-26-290-401-204 Roads \$3,870.00; 7-01-26-315-403-204 Mechanics \$1,935.00; 7-01-26-300-405-204 Administration \$350.00; 7-01-26-310-409-204 Police B & G \$1,290.00; 7-01-28-375-412-204 Parks \$2,435.00; and 7-30-26-305-150-204 Sanitation \$6,450.00, for a total not to exceed \$16,330.00, as evidenced by the Chief Financial Officer's Certification No. B2017-021.

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

1. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to Specialty Graphics LLC, 1950 Old Cuthbert Road, Unit H, Cherry Hill, NJ 08034 for the purchase of uniforms for the East Windsor Public Works Department, in an amount not to exceed \$16,330, all in accordance with the attached quote.

Mayor Mironov stated Council Members were provided with a recommendation from the Director of Public Works.

It was MOVED by Yeager, SECONDED by Daniels to approve Resolution R2017-092.

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

There being seven (7) ayes and no (0) nays, Resolution R2017-092 was approved.

Resolution R2017-093 Authorizing Closed Session (Litigation: Declaratory Action)

**RESOLUTION R2017-093
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: (Litigation: Declaratory Action)

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 Lippman, SECONDED by Zoller to approve Resolution R2017-093.

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

There being seven (7) ayes and no (0) nays, Resolution R2017-093 was approved.

Resolution R2017-094 Approval of Settlement Agreement between East Windsor Township and Fair Share Housing

Mayor and Council held Resolution R2017-94 for discussion and action after closed session.

Following closed session Mayor and Council reconvened at 9:18 pm.

It was **MOVED** by Lippman, **SECONDED** by Rosenberg to approve Resolution R2017-094 with changes.

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

There being seven (7) ayes and no (0) nays, Resolution R2017-094 was approved with changes.

Resolution R2017-095 Authorizing Purchase of Police Communication Services Maintenance Agreement for the Police Department Communications Center with KML Technology, Inc.

**RESOLUTION R2017-095
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there exists a need for support and maintenance services for the Emergency 911 terminals in the Communications Center at the Police/Court Building; and

WHEREAS, KML Technology, Inc. is the sole provider for the Emergency 911 support and maintenance services; 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 recommendation on these services; and

WHEREAS, the maximum amount of the contract is \$4,725.00 and the Chief Financial Officer has determined funds are available in the Current Fund Account No. 7-01-25-250-308-254 entitled “Police Communication Contracts,” as evidenced by the Chief Financial Officer’s Certification No. B2017-020.

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

1. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to KML Technology, Inc., 1460 Grandview Avenue, Unit 4, West Deptford, NJ 08066, for support and maintenance services for the Emergency 911 terminals in the Police Communications Center at the Police/Court Building, in an amount not to exceed \$4,725.00.

Mayor Mironov stated the Council Members received an updated Resolution and a recommendation from the Police Chief.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2017-095.

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

There being seven (7) ayes and no (0) nays, Resolution R2017-095 was approved.

Resolution R2017-096 Authorizing Purchase of Body Worn Cameras from Advanced Electronics Design for the Police Department

**RESOLUTION R2017-096
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need to purchase thirty (30) WatchGuard Vista HD Extended Capacity Wearable Cameras and the related accessories for the Police Department; and

WHEREAS, WatchGuard is a trademark product manufactured solely by WatchGuard Video Inc.; and

WHEREAS, two (2) 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, Wearable Cameras and related accessories can be purchased from Advanced Electronics Design, DBA Patrol PC as the awarded vendor under New Jersey State Contract #A813000 which is valid through August 28, 2017; and

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

WHEREAS, the maximum amount of the purchase is \$27,502.50 and funds are available in the Capital Fund Account No. C-04-55-953-914-301 entitled Ordinance 2013-09 “Police Recording System” in the amount of \$12,502.50 and in Trust Fund Account No. F-18-56-852 entitled “Forfeiture Property Trust” in the amount of \$15,000.00 from funding received from the New Jersey Attorney Generals’ Body Worn Camera Grant Program, as evidenced by the Chief Financial Officer’s Certification No. C2017-013.

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 Advanced Electronics Design, DBA Patrol PC, 344 John Dietsch Blvd, Units 1 & 2, North Attleboro, MA 02763, for thirty (30) WatchGuard Vista HD Extended Capacity Wearable Cameras and the related accessories, in an amount not to exceed \$27,502.50, all in accordance with the attached quote.

Mayor Mironov stated the Council Members were provided with an updated Resolution. Mayor Mironov corrected an omission on the Resolution, to add “thirty (30) WatchGuard Vista HD Extended Capacity Wearable Cameras and the related accessories, in an amount not to exceed \$27,502.50, all in accordance with the attached quote.” Mayor Mironov stated Council Members were provided with a recommendation from the Police Chief. Council Member Zoller stated he was very happy with the Resolution and he believes this would greatly benefit the Police Department.

It was MOVED by Zoller, SECONDED by Yeager to approve Resolution R2017-096 with changes.

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

There being seven (7) ayes and no (0) nays, Resolution R2017-096 was approved with changes.

APPLICATIONS: None

REPORTS BY COUNCIL AND STAFF:

Mr. Shapiro reported the Planning Board met on May 15 and discussed an application for the Promenade at East Windsor, a multi-use commercial development. Mayor Mironov stated no action was taken and the developers would return in July.

Mayor Mironov reported the Economic Development Committee met on May 4, and discussed having an event with one of the two Chambers of Commerce for the Fall. Mayor Mironov stated the members of the EDC reviewed some promotional material for the Township.

Mayor Mironov reported on a meeting between Hightstown and East Windsor, on May 10 and they discussed a new shared services agreement for addiction and mental health services.

CORRESPONDENCE:

Mayor Mironov stated a memo was provided to the Council Members from the Manager’s Office, dated May 8, regarding bill list questions from the prior Council Meeting.

Mayor Mironov stated a report was provided to the Council Members from the Tax Collector for the period ending April 30. Mayor Mironov stated that all of the Council Members were provided with a revenue report, dated March 30, from the Finance Director.

Mayor Mironov stated that an additional Passport Service Day with the County Clerk will take place on Thursday, May 25. Mayor Mironov affirmed everyone had an update on the Police & Fireman Retirement System management bill which was conditionally vetoed by Governor Christie. Mayor Mironov stated she hoped the State Legislature will improve upon the bill.

APPOINTMENTS:

APPROVAL OF BILLS:

Mayor Mironov stated that 2017 Current Bill List, 2016 Current Bill List along with a number of other trust funds and miscellaneous accounts were provided to the Council Members.

Mayor Mironov asked if there were any questions regarding the Bills List. Mr. Zoller asked several questions about various bills. Mr. Rosenberg asked a couple questions about Insurance Bill List. Mayor Mironov inquired as to what the Other Trust Account is. Mayor Mironov held bills for the Other Trust Account.

It was MOVED by Lippman, SECONDED by Rosenberg to approve the Bills List with omissions and questions.

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

There being seven (7) ayes and no (0) nays, the Bills List was approved with omissions and questions.

MATTERS BY COUNCIL:

Mayor Mironov stated the County Clerk would be holding a Passport Day on Thursday, May 25, in the Township.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. Redevelopment of 269 Wyckoff Mills Road (Block 12, Lot 2)

Resolution R2017-097 Approving Investigation of 269 Wyckoff Mills Road (Block 12, Lot 2) for Designation as Area in Need of Redevelopment

Mayor Mironov stated she spoke with the property owner about potentially redeveloping the site and a memo was distributed to the Council on the potential project. Mayor Mironov stated the Council would have to request that the Planning Board review the site and pursue as a non-condemnation redevelopment site. Mayor Mironov stated this would be pursued as a partnership with the landowner.

Council Member Zoller stated the property was landlocked and inquired as to whether or not a street would need to be constructed in order to make the site viable. Mayor Mironov stated that she believed an easement already exists for a street but that would be a part of the review by the Planning Board.

It was MOVED by Shapiro, SECONDED by Lippman to approve Resolution R2017-097.

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

There being seven (7) ayes and no (0) nays, Resolution R2017-097 was approved.

MATTERS BY PUBLIC: No one spoke

Closed Session: (Litigation: Declaratory Action)

Mayor and Council came out of executive session. Mayor and Council reopened the Public Hearing to discuss Resolution R2017-094

Resolution R2017-094 Approval of Settlement Agreement between East Windsor Township and Fair Share Housing

**RESOLUTION R2017-094
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township of East Windsor has filed a Declaratory Judgement Action in the Superior Court of New Jersey, in furtherance of the Supreme Court’s March 10, 2015 decision, captioned In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015); and

WHEREAS, the Township of East Windsor and the Fair Share Housing Center (“FSHC”) have negotiated and reached terms to settle the Declaratory Action matter; and

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute an Agreement between the Township of East Windsor, and the Fair Share Housing Center.

It was MOVED by Lippman, SECONDED by Shapiro to approve Resolution R2017-094.

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

There being seven (7) ayes and no (0) nays, Resolution R2017-094 was approved.

Resolution R2017-098 Township of East Windsor is in the process of preparing an update to the Township Master Plan Housing Element and Fair Share Housing Plan.

**RESOLUTION R2017-098
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township of East Windsor is in the process of preparing an update to the Township Master Plan Housing Element and Fair Share Housing Plan; and

WHEREAS, The Blackpoint Group, L.L.C. and Benjamin Zaitz and The Zaitz Trust is willing to create housing in the community for low and moderate income households through the construction of an inclusionary family rental 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:

1. The Mayor and Township Council approve the Township entering into a Memorandum of Understanding with The Blackpoint Group, L.L.C. and Benjamin Zaitz and The Zaitz Trust to further this project, subject to the following conditions:

- a. The Memorandum of Understanding is approved by the Court as a component in the Township Third Round Master Plan Housing Element and Fair Share Plan.
 - b. All of the normal and required procedures and hearings provided for in the Municipal Land Use Law and Township Ordinances shall apply.
2. The Mayor is hereby authorized and directed to execute a Memorandum of Understanding, subject to the conditions above.

It was MOVED by Shapiro, SECONDED by Lippman to approve Resolution R2017-098.

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

There being seven (7) ayes and no (0) nays, Resolution R2017-098 was approved.

ADJOURNMENT:

Meeting adjourned at 9:31 p.m.

Next Meeting: Tuesday, June 6, 2017 @ 7:30 p.m.

Kelly Lettera
Acting Municipal Clerk

Janice S. Mironov
Mayor