

## **EAST WINDSOR TOWNSHIP COUNCIL**

Tuesday, December 4, 2018

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, December 4, 2018.

#### **VERIFICATION:**

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 4, 2018 in the annual meeting notice and on November 30, 2018, 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 Clean Communities Member Jack Donnelly.

#### **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 Orron, Township Assistant Manager Jay Delaney and Municipal Clerk Kelly Lettera.

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

East Windsor Township Sustainable Jersey Silver Re-Certification

Mayor Janice S. Mironov and Green Team members were presented with the Sustainable Jersey *Silver Level Certification* by Sustainable Jersey Program Manager Samantha McGraw. Sustainable Jersey is a certification program for municipalities that want to go green, save money and take steps to sustain their quality of life over the long term. Launched in 2009, Sustainable Jersey is a 100% voluntary certification program for municipalities in New Jersey.

Mayor Mironov also requested that the plaques from the various organization be assembled and put up on the walls of the Township building.

#### **INTERVIEWS FOR BOARDS AND COMMISSIONS:**

**PUBLIC FORUM:** No one spoke.

#### **MINUTES:**

August 7, 2018

Mayor Mironov requested a few grammatical changes on pages 10, 11 and 12.

It was MOVED by Lippman, SECONDED by Rosenberg to approve August 7, 2018 minutes with the changes.

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

There being six (6) ayes, no (0) nays, and one (1) abstention August 7, 2018 minutes were approved with the changes.

September 4, 2018

It was MOVED by Yeager, SECONDED by Rosenberg to approve September 4, 2018 minutes.

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

There being six (6) ayes, no (0) nays, and one (1) abstention, September 4, 2018 minutes were approved.

All remaining minutes were rescheduled to the next regularly scheduled meeting.

April 10, 2018  
May 8, 2018  
September 4, 2018  
October 9, 2018  
October 23, 2018  
November 7, 2018  
November 20, 2018

#### **ORDINANCE – PUBLIC HEARING:**

**Ordinance No. 2018-10**      An Ordinance Amending Chapter XX, Zoning, for Creation of a New Zoning District Titled AH-1 Affordable Housing District to Facilitate Development of an Inclusionary Affordable Housing Development at the Property Located at 641 North Main Street, (Block 11.01, Lot 5), of the Revised General Ordinances of the Township of East Windsor

[NOTE: Ordinance 2018-10 is not included in the minutes but is provided in full on the East Windsor Township website due to the size of the ordinance.]

Mayor Mironov stated the Planning Board provided a memo to Mayor and Council endorsing the Ordinance for tonight's meeting and deemed not inconsistent with the master plan.

Mayor Mironov declared the public hearing open on Ordinance 2018-10. With no comment from the public being made, Mayor Mironov declared the public hearing closed.

It was MOVED by Zoller, SECONDED by Lippman to adopt Ordinance 2018-10 and authorize publication as required by law.

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

There being seven (7) ayes, no (0) nays, Ordinance 2018-10, was adopted and publication authorized as required by law.

**Ordinance No. 2018-11**      An Ordinance Amending Chapter XX, Zoning, for Creation of a New Zoning District Titled R-M AH Residential Multifamily Affordable Housing District to Facilitate Development of an Inclusionary Multifamily Affordable Housing Development, of the Revised General Ordinances of the Township of East Windsor\

[NOTE: Ordinance 2018-11 is not included in the minutes but is provided in full on the East Windsor Township website due to the size of the Ordinance.]

Mayor Mironov stated several changes were made to section 20-11c.7b including adding a sentence. Mayor Mironov further stated the Ordinance was endorsed at the December 3, 2018 Planning Board meeting and was deemed not inconsistent with the master plan.

Mayor Mironov declared the public hearing open on Ordinance 2018-11. With no comment from the public being made, Mayor Mironov declared the public hearing closed.

It was MOVED by Yeager, SECONDED by Shapiro to amend section 20-11c.7b of Ordinance 2018-11.

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

There being seven (7) ayes, no (0) nays, section 20-11c.7b of Ordinance 2018-11 was amended.

It was MOVED by Zoller, SECONDED by Yeager to adopt Ordinance 2018-11 and publication authorized as required by law.

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

There being seven (7) ayes, no (0) nays, Ordinance 2018-11 was adopted and publication authorized as required by law.

**RESOLUTIONS:**

**Resolution R2018-188**      Establishing Date, Time and Place for East Windsor Township  
2019 Reorganization Meeting

**RESOLUTION R2018-188**  
**EAST WINDSOR TOWNSHIP**  
**MERCER COUNTY**

**WHEREAS**, Section 2-2.2 of the Administrative Code of the Township of East Windsor directs that at the annual organization meeting the members of the Township Council will assemble at a place designated in December of each year by Resolution of the governing body and organize and elect one (1) of the members of the Council as Mayor.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of East Windsor, County of Mercer, State of New Jersey, that the annual reorganizational meeting for the year 2019 shall be held on Monday, January 7, 2019 at 5:30 p.m. at the Municipal Building located at 16 Lanning Boulevard, East Windsor, New Jersey.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on December 4, 2018.

Mayor and Council agreed to hold the Reorganization meeting on Monday, January 7, 2019 at 5:30 p.m. at the Township Municipal Building, 16 Lanning Blvd, East Windsor.

It was MOVED by Daniels, SECONDED by Shapiro to approve Resolution R2018-188.

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

There being seven (7) ayes, no (0) nays, Resolution R2018-188 was approved.

**Resolution R2018-189** Chapter 159 – Amending the 2018 Municipal Operating Budget  
Providing an Item of Revenue and Appropriation for the 2018  
Drive Sober or Get Pulled Over Year End Holiday Crackdown

**RESOLUTION R2018-189**  
**EAST WINDSOR TOWNSHIP**  
**MERCER COUNTY**

**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 2018 in the sum of \$5,500.00, which item is now available as revenue from the Drive Sober or Get Pulled Over Year End Holiday Crackdown grant.
2. A like sum of \$5,500.00 is hereby appropriated under the caption of Drive Sober or Get Pulled Over.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on December 4, 2018.

Mayor Mironov stated a memo was provided to Mayor and Council by the Finance Director.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2018-189.

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

There being seven (7) ayes, no (0) nays, Resolution R2018-189 was approved.

**Resolution R2018-190**      Authorizing Cancellation of 2018 Budget Appropriations

**RESOLUTION R2018-190  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, N.J.S.A 40A:4-60 provides that any unexpended balances of appropriations may be cancelled prior to the end of the fiscal year; and

**WHEREAS**, it is necessary that Current Fund budget appropriation balances which remain unexpended be formally cancelled so that the unexpended balances may be credited to fund balance.

**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 attached listed unexpended balances of the Current Fund be cancelled.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on December 4, 2018.

Mayor Mironov stated the Resolution needed to be revised to reflect the correct date on the attachment.

It was MOVED by Zoller, SECONDED by Shapiro to approve Resolution R2018-190 with the changes.

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

There being seven (7) ayes, no (0) nays, Resolution R2018-190 was approved with the changes.

**Resolution R2018-191**      Authorizing Cancellation of Ordinance 2016-08 Balance to  
General Capital Fund

**RESOLUTION R2018-191  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, Ordinance 2016-8, which was adopted on July 19, 2016, providing for various capital improvements and certain capital appropriation balances remain dedicated to projects now completed; and

**WHEREAS**, it is necessary to formally cancel No Net Loss Restoration Phase III in the amount of \$300,000.00 so that the unexpended balance may be returned to each

respective Capital Improvement Fund or credited to surplus, and unused debt authorizations may be cancelled.

**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 unexpended and dedicated balance of \$300,000.00 be cancelled.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on December 4, 2018.

Mayor Mironov stated a recommendation was provided to Mayor and Council by the Finance Director.

It was MOVED by Yeager, SECONDED by Rosenberg to approve Resolution R2018-191.

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

There being seven (7) ayes, no (0) nays, Resolution R2018-191 was approved.

**Resolution R2018-192**      Authorizing Refund of Tax Overpayments

**RESOLUTION R2018-192  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, the East Windsor Tax Collector has certified that there have been overpayments for various reasons on certain properties; and

**WHEREAS**, the taxpayers are entitled to refunds.

**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 Chief Financial Officer is hereby authorized and directed to make payments to the taxpayers for overpayments according to the attached Tax Collector's 2018 Refund of Taxes List Number 5 dated November 13, 2018.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on December 4, 2018.

Mayor Mironov stated a recommendation was provided to Mayor and Council by the Tax Collector.

It was MOVED by Zoller, SECONDED by Daniels to approve Resolution R2018-192.

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

There being seven (7) ayes, no (0) nays, Resolution R2018-192 was approved.

**Resolution R2018-193**      Authorizing Cancellation of Small Tax Balances

**RESOLUTION R2018-193**  
**EAST WINDSOR TOWNSHIP**  
**MERCER COUNTY**

**WHEREAS**, the East Windsor Tax Collector has certified that small balances exist on various properties; and

**WHEREAS**, these balances should be cancelled.

**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 Tax Collector is hereby authorized and directed to cancel balances as detailed on the attached Tax Collector's list, dated November 20, 2018, to Cancel Small Balances pursuant to N.J.S.A. 40A:5-17.

I hereby certify the foregoing to be a true copy of a Resolution adopted the East Windsor Township Council at a meeting held on December 4, 2018.

Mayor Mironov stated a recommendation was provided to Mayor and Council by the Tax Collector.

It was MOVED by Lippman, SECONDED by Rosenberg to approve Resolution R2018-193.

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

There being seven (7) ayes, no (0) nays, Resolution R2018-193 was approved.

**Resolution R2018-194**      Approval of Purchase of Replacement Turn-Out Gear Pants from Firefighter One, for East Windsor Volunteer Fire Company No. 2

**RESOLUTION R2018-194**  
**EAST WINDSOR TOWNSHIP**  
**MERCER COUNTY**

**WHEREAS**, there is a need to purchase one (1) pair of turnout gear pants to fully equip a new firefighter for the East Windsor Volunteer Fire Company No. 2; and

**WHEREAS**, three (3) quotes were obtained to provide the turn-out gear pants; and

**WHEREAS**, the lowest cost proposal was submitted by Firefighter One; and

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

**WHEREAS**, the Township Council has reviewed the Township Manager's recommendations on this purchase; and

**WHEREAS**, the maximum amount of the purchase is \$1,155.60 and funds are available in Capital Account No. C-04-55-980-919-531 entitled Ordinance 2016-08 "FC #2 Turnout Gear", as evidenced by the Chief Financial Officer's Certification No. C2018-021.

**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: Firefighter One, 34 Wilson Drive, Sparta, New Jersey 07871, for one (1) Fire Dex FXR Custom Turnout Gear Pant, in an amount not to exceed \$1,155.60, in accordance with the attached quote.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on December 4, 2018.

Mayor Mironov stated in the first paragraph "a new firefighter" needs to be added to the Resolution.

It was MOVED by Shapiro, SECONDED by Yeager to approve Resolution R2018-194 with the changes.

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

There being seven (7) ayes, no (0) nays, Resolution R2018-194 was approved with the changes.

**Resolution R2018-195** Authorize Purchase of New Police Vehicle Equipment and Vehicle Conversions from East Coast Emergency Lighting Inc. for the Police Department

**RESOLUTION R2018-195  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, there is a need to purchase equipment and perform equipment conversions of five (5) marked police vehicles and one (1) unmarked police vehicle for the Police Department; and

**WHEREAS**, three (3) quotes were obtained for this service; and

**WHEREAS**, the lowest cost proposal was submitted by East Coast Emergency Lighting, Inc.; and

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

**WHEREAS**, the Township Council has reviewed the Chief of Police's recommendation on this purchase; and

**WHEREAS**, the maximum amount of the purchase is \$11,747.64 and funds are available in Municipal Budget Police Uniform Services Account No. 8-01-25-240-301-263 entitled "Motor Vehicles" as evidenced by the Chief Financial Officer's Certification No. B2018-035.

**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: East Coast Emergency Lighting, Inc, 200 Meco Drive, Millstone Township, NJ 08535 for the equipment conversion of five (5) marked police vehicles in the amount of \$10,847.64 and one (1) unmarked police vehicle in the amount of \$900.00, for a total amount not to exceed \$11,747.64, in accordance with the attached quote.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on December 4, 2018.

Mayor Mironov stated a recommendation was provided to Mayor and Council by the Chief of Police for the purchase.

It was MOVED by Zoller, SECONDED by Rosenberg to approve Resolution R2018-195.

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

There being seven (7) ayes, no (0) nays, Resolution R2018-195 was approved.

**Resolution R2018-196**      Approval of Amendment to Resolution R2018-017 for Purchase of  
Untreated Rock Salt with Chemical Equipment Labs for Public  
Works Department

**RESOLUTION R2018-196**  
**EAST WINDSOR TOWNSHIP**  
**MERCER COUNTY**

**WHEREAS**, by Resolution R2018-017, adopted on January 23, 2018, the Township Council authorized the purchase of 1,200 tons of rock salt in the amount of \$64,788.00; and

**WHEREAS**, there is a desire to purchase additional rock salt through the Mercer County Cooperative Contract Purchasing System CK09-MERCER-2017-23; and

**WHEREAS**, in accordance with N.J.S.A. 40A:11-11, the Township can cooperatively purchase materials which have been bid by the County Government under a County Cooperative Pricing System; and

**WHEREAS**, Chemical Equipment Labs, 3920 A. Providence Road, Newton Square, PA 19073 was the lowest responsible Mercer County bidder resulting in the award of Contract CK09-MERCER-2017-23 for rock salt; and

**WHEREAS**, the Township Council has reviewed the Assistant General Foreman's recommendation on behalf of the Department of Public Works on this purchase; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in the Current Fund Account No. 8-01-26-290-401-223 entitled "DPW Rock Salt/Snow & Ice Removal," in the amount of \$25,537.27 and in Current Fund Account No. 8-01-26-290-501-223 entitled "Snow Emergency Snow & Ice Removal" in the amount of \$17,654.73 for a total amount not to exceed \$43,192.00, as evidenced by the Chief Financial Officer's Certification No. B2018-037.

**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 Chemical Equipment Labs, 3920 A. Providence Road, Newton Square PA 19073, under the attached Mercer County Cooperative Contract Purchasing System CK09-MERCER-2017-23 for rock salt at \$53.99 per ton, for 800 tons of rock salt, in a total amount not to exceed \$43,192.00.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the East Windsor Township Council at a meeting held on December 4, 2018.

Mayor Mironov stated the previous contract needs to be attached. She also recommended that the tonnage and the amount read as “800 tons and \$43,192” and the Finance Director also needs to change the certification. Mayor Mironov also recommended that the administrative assistant gets trained on how to use the calendar for scheduling of these items and other important items and dates in the Public Works Department.

It was MOVED by Rosenberg, SECONDED by Yeager to approve Resolution R2018-196 with the changes.

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

There being seven (7) ayes, no (0) nays, Resolution R2018-196 was approved with the changes.

**Resolution R2018-197**      Approval of Professional Services Agreement with Robert White  
for Pediatric Nurse Practitioner

**RESOLUTION R2018-197**  
**EAST WINDSOR TOWNSHIP**  
**MERCER COUNTY**

**WHEREAS**, there exists a need for Pediatric Nurse Practitioner Services, for the term of January 1, 2019 through December 31, 2019, in the Township of East Windsor, in the County of Mercer, State of New Jersey; and

**WHEREAS**, on October 3, 2018 the Township solicited proposals and on November 5, 2018 received one (1) proposal for Pediatric Nurse Practitioner Services; and

**WHEREAS**, the proposal received from Dr. Robert White 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**, the Township Council has reviewed the Executive Assistant to the Township Manager’s recommendation; and

**WHEREAS**, the maximum of the contract is \$7,680.00 and funds are available in the Current Fund Account No. 9-01-27-330-601-249 entitled “Licensed Professional,” pending the adoption of the 2019 Municipal Budget, as evidenced by the Chief Financial Officer’s Certification No. B2018-036.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement for a term of January 1, 2019 to December 31, 2019, with Dr. Robert White, DNP, APRN, BC, 4 Blue Heron 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.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on December 4, 2018.

Mayor Mironov stated a recommendation was provided to Mayor and Council by the Township Manager.

It was MOVED by Zoller, SECONDED by Daniels to approve Resolution R2018-197.

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

There being seven (7) ayes, no (0) nays, Resolution R2018-197 was approved.

**Resolution R2018-198**      Approval of Professional Services Agreement for Landscape Architect Services with Daniel Dobromilsky of Daniel Dobromilsky and Associates

**RESOLUTION R2018-198  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, there exists a need for the services of a Landscape Architect, for the term of January 1, 2019 through December 31, 2019, in the Township of East Windsor, in the County of Mercer, State of New Jersey; and

**WHEREAS**, the Township solicited proposals on September 25, 2018 and received five (5) proposals for Landscape Architect by the receipt date of November 8, 2018; and

**WHEREAS** the lowest and 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. E2018-001.

**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, 2019 to December 31, 2019.
1. 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.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on December 4, 2018.

Mayor Mironov stated a recommendation was provided to Mayor and Council by the Township Manager.

It was MOVED by Shapiro, SECONDED by Rosenberg to approve Resolution R2018-198.

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

There being seven (7) ayes, no (0) nays, Resolution R2018-198 was approved.

**Resolution R2018-199**      Authorizing the Re-examination of the Township Master Plan

**RESOLUTION R2018-199  
TOWNSHIP OF EAST WINDSOR  
MERCER COUNTY**

**WHEREAS**, pursuant to N.J.S.A. 40:55D-89, a governing body, at least every 10 years, shall provide for a general periodic reexamination of its master plan and development regulations by the Planning Board; and

**WHEREAS**, the last master plan reexamination report was adopted by the Planning Board on December 15, 2008, by Resolution #PB2008-28; and

**WHEREAS**, the Planning Board requires the services of a licensed professional planner to perform the required periodic reexamination of the master plan and development regulations; and

**WHEREAS**, by Resolution R2018-021, adopted on January 23, 2018, the Township Council awarded a professional services contract to Burgis Associates, Inc. 25 Westwood Avenue, Westwood, NJ 07675, for the services of a Planning Consultant, for the term of January 1, 2018 through December 31, 2018, in the Township of East Windsor, in the County of Mercer, State of New Jersey; and

**WHEREAS**, on November 5, 2018 by Resolution #PB2018-17, the Planning Board authorized its professional planner, Edward Snieckus, Jr. of Burgis Associates, to assist in a preliminary investigation and reexamination of the master plan; and

**WHEREAS**, on April 30, 2018 Edward Snieckus, Jr. of Burgis Associates submitted a proposal for consulting services to prepare a report for the required periodic reexamination of the master plan; and

**WHEREAS**, the Township finds that consulting proposal from Edward Snieckus, Jr. of Burgis Associates is in the best interests of the Township; and

**WHEREAS**, there is a need to amend that contract to perform the required periodic reexamination of the master plan; and

**WHEREAS**, an amendment to the existing 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 was awarded in accordance with the Fair and Open Process as defined in N.J.S.A. 19:44A-20.5, et seq.; and

**WHEREAS**, the maximum amount of the contract is increased from \$10,000.00 to \$25,500.00, an amendment for up to a maximum additional \$15,500.00 is needed and funds are available in the Current Fund Account No. 8-01-21-180-107-249 entitled "Planning Bd-Licensed Professional" in the amount of \$11,500.00 and in Current Fund Account No. 8-01-21-185-106-249 entitled "Zoning Board-Licensed Professional" in the amount of \$4,000.00, as evidenced by the Chief Financial Officer's Certification No. B2018-038.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Amendment to Agreement with Edward Snieckus, Jr. of Burgis Associates, Inc., 25 Westwood Avenue, Westwood, NJ 07675 for consulting services to prepare the master plan periodic reexamination report, as required under N.J.S.A. 40:55D-89.
2. This Contract is amended 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.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on December 4, 2018.

Mayor Mironov stated the funding for the re-examination will come out of the 2018 Planning and Zoning accounts. She further stated the contract needs to be corrected to reflect the funding.

It was MOVED by Lippman, SECONDED by Zoller to approve Resolution R2018-199 with the condition to correct the contract.

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

There being seven (7) ayes, no (0) nays, Resolution R2018-199 was approved with the condition to correct the contract.

#### **APPLICATIONS:**

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

Council Member Shapiro stated the Planning Board met on December 3 and spoke about the Master Plan re-examination. They also reappointed the Planning Board attorney Jolanta Maziarz and an application for Fordoz Pharma was scheduled but will be returning due to lack of information. Mayor Mironov stated the Communities of Light event was on December 3 with a great turn-out and many Peddie students, Council Members and residents joined to celebrate this important event. Mayor Mironov further noted the Police Benevolent Association (PBA) is having their annual kid party on Sunday, December 9 from 10am to 12 noon.

#### **CORRESPONDENCE:**

#### **APPOINTMENTS:**

Mayor Mironov appointed Aayush Gandhi and Akkshath Subrahmanian as student members to the East Windsor Municipal Alliance of the Prevention of Substance Abuse (EWMAPSA). She requested reaching out to Akkshath Subrahmanian to confirm that he agrees to be a student member of that board.

#### **APPROVAL OF BILLS:**

Mayor Mironov stated a 2018 Current Bill list, 2017 Current Bill list, a Capital Bill List and other miscellaneous bill lists and trust accounts were provided. Mayor Mironov removed three bills from the bill list for clarification.

It was MOVED by Lippman, SECONDED by Shapiro to approve the Bill Lists with the holds and clarifications.

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

There being seven (7) ayes and no (0) nays, the various presented Bill Lists were approved with the holds and clarifications.

#### **MATTERS BY COUNCIL:**

Mayor Mironov stated that the December 18 Council meeting will be cancelled and the Township Clerk needs to send out the notice. She stated a memo was also received from the manager regarding bill list questions from the June 5, October 23 and November 7 meetings and the bills are approved for release. Mayor Mironov stated a memo was received on October 24, 2018 from DVRPC regarding the Recreational Trails program funding round opening on Dec. 14. She requested that the Manager's office look into and provide Mayor and Council with a memo with details on the funding. Mayor Mironov stated the Sustainable Jersey grant deadline is February 15, 2019 and the Manager's office needs to provide Mayor and Council with project ideas as soon as possible. Mayor Mironov requested that the Township Manager and Township Attorney look into the Comcast franchise and provide details to Mayor and Council, based on the letter received. She further requested that the Manager's office look into addressing the issue raised about the ditches on Conover Road. Mayor Mironov noted that the Windsor Center Drive Lights are still an outstanding issue and the Director of Public Works needs to evaluate the issue and come up with a solution.

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

1. Windsor Center Roadway Paving Project

Mayor Mironov stated the issue remains unresolved and Public Works needs to provide information on the status of and any corrective action that is needed including for the ponding of the road. She further requested that staff provide information on the required bonds and the funding/payment process and needs to be listed on the next scheduled agenda.

2. JCP&L Dead Tree Program – Township Plan

Mayor Mironov requested upon her return from vacation that she receive a full plan from the Manager's office and follow-up information from Jersey Central Power and Light (JCP&L).

3. Open Space Acquisition Proposed Projects

Assistant Manager Jay Delaney provided a full explanation of the possible proposed projects for open space acquisition. Mayor and Council stated they are interested in 104 Disbrow Hill and 641 Etra Road and would like more information on 605 Etra Road for affordable housing or open space projects. Mayor Mironov also requested that the Assistant Township Manager reach out to New Jersey Department of Environmental Protection, Martha Saap, regarding an application extension and funding. Mayor Mironov requested the item to be listed on the next agenda.

4. 2019 Summer Concerts and Events

Mayor and Council requested that the Recreation Director provide more info on Eaglemania, Tusk, Queen cover bands, cross generational groups like am, Broadway and Billy Joel. Mayor Mironov requested the item to be listed on the next agenda.

5. New Jersey Department of Transportation (NJDOT) FY2018 Local Freight Impact Fund Proposals

Mayor Mironov stated the deadline to submit the 2018 Local Freight Impact Fund application is January 11, 2019. She further requested that Public Works reach out to John Kainer and get assistance from his engineer for ideas for Route 133 truck access. Staff was directed to look into other possible projects and provide information on those projects to Mayor and Council.

6. Route 130/Route 33 and Hankins Road/Conover Road Intersection Improvements

**Resolution R2018-200**      Approval of Award of Bid for Intersection Improvements for New Jersey State Highway US Route 130/Route 33 and Hankins Road/Conover Road to Earle Asphalt

**RESOLUTION R2018-200  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, there is a need to perform intersection improvements for New Jersey State Highway U.S. Route 130 and Hankins/Conover Road; and

**WHEREAS**, a Notice of Bids was issued and posted/advertised on September 12, 2018, and five (5) bids for intersection improvements for New Jersey State Highway U.S. Route 130 and Hankins/Conover Road were received by the East Windsor Township Municipal Clerk's Office on October 31, 2018; and

**WHEREAS**, the Township Council has reviewed the recommendations made by the Township Assistant Manager on these bids; and

**WHEREAS**, the lowest responsible bid was submitted by Defino Contracting Company; and

**WHEREAS**, on November 7, 2018, Defino Contracting Company submitted a letter withdrawing their bid within five (5) business days after bid opening pursuant to N.J.S.A. 40A:11-23.3 guidelines; and

**WHEREAS**, the second lowest responsible bid was submitted by Earle Asphalt Company; and

**WHEREAS**, the maximum amount of the purchase is \$2,002,213.13 and sufficient funds are available in the Capital Account No. C-04-55-9740-915-894 entitled Ordinance 2014-08 "Realign Rte 130 & Hankins/Conover Rd" in the state grant amount of \$525,000.00, and in the Municipal Trust Budget Account No. V-20-56-852-856, entitled "Transportation Improvement Fund" in the amount of \$1,477,213.13 for a total not to exceed \$2,002,213.13, as evidenced by the Chief Finance Officer's Certification No. T2018-008.

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

1. Pursuant to N.J.S.A. 40A:11-23.3, the bid of Defino Contracting Company is deemed withdrawn.
2. The contract is awarded to The Earle Asphalt Company, PO Drawer 556, Farmingdale, NJ 07727, in an amount not to exceed \$2,002,213.13, for the intersection improvements for New Jersey State Highway U.S. Route 130 and Hankins/Conover Road.
3. The Mayor and Municipal Clerk are hereby authorized and directed to execute the contract for the same.
4. The Municipal Clerk is hereby authorized and directed to return the certified checks or bid bonds of the successful bidder and the next lowest bidder, upon the receipt of a fully executed contract.

5. The Municipal Clerk is hereby authorized and directed to return the certified check and bid bond of the following unsuccessful bidders: Black Rock Enterprises LLC, 1316 Englishtown Road, Old Bridge, NJ 08857; Hutton Construction LLC, 41 Village Park Road, Cedar Grove, NJ 07009; Z Brothers Concrete Contractors, Inc., 304 Jernee Mill Road, Sayerville, NJ 08872.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on December 4, 2018.

Mayor Mironov requested that the certification of funds paragraph be completed. She further requested that a draft funding agreement needs to be provided based on the meeting that took place with Robbinsville. Mayor and Council also requested weekly updates on the progress of the project.

It was MOVED by Lippman, SECONDED by Zoller to approve Resolution R2018-200 subject to proceeding with an agreement with Robbinsville and the revised resolution.

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

There being seven (7) ayes, no (0) nays, Resolution R2018-200 was approved subject to proceeding with an agreement with Robbinsville and the revised Resolution.

**MATTERS BY PUBLIC:**

**ADJOURNMENT:**

There being no further business Mayor Mironov declared the meeting adjourned at 9:37 p.m.

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Kelly Lettera  
Municipal Clerk

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Janice S. Mironov  
Mayor



