

## **EAST WINDSOR TOWNSHIP COUNCIL**

Tuesday, April 24, 2018

7:00 p.m.

### **MINUTES**

#### **CALL TO ORDER:**

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 7:00 p.m. on Tuesday, April 24, 2018.

#### **VERIFICATION:**

Acting Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 4, 2018 in the annual meeting notice and on April 20, 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 East Windsor Clean Communities Chairperson John Donnelly.

#### **ROLL CALL:**

Present were Council Members Denise Daniels, Marc Lippman, Perry Shapiro, Peter Yeager, John Zoller and Mayor Janice Mironov. Absent was Council Member Alan Rosenberg. Also present were Township Attorney David Orron, Township Manager Richard Brand and Acting Municipal Clerk Kelly Lettera.

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

Earth Day – (April 22, 2018)

##### **RECYCLING POSTER CONTEST AWARDS**

Mayor Mironov honored the winners of the recycling poster contest and presented the Earth Day Proclamation to the Grace N. Rogers School for having the most participation in the contest.

Mayor Mironov stated the Arbor Day, Autism Awareness Month, The Month of a Young Child and Donate Life will be held at various locations and dates outside the Township building.

Arbor Day- (April 27, 2018)

Autism Awareness Month – April 2018

The Month of the Young Child – April 2018 -- (May 5, 2018)

“Donate Life” Month -- April 2018

\*EAGLE SCOUT PROJECT PRESENTATION BY MICHAEL BELLARS, BOY SCOUT TROOP 5700

Michael Bellars presentation was a power point explaining his Eagle Scout project to paint house numbers on the curbs on over 219 homes in East Windsor.

**INTERVIEWS FOR BOARDS AND COMMISSIONS:** No Interviews.

**PUBLIC FORUM:** No one spoke.

**MINUTES:**

**September 12, 2017**

It was MOVED by Zoller, SECONDED by Yeager to approve the September 12, 2017 minutes.

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

There being five (5) ayes, no (0) nays and one (1) abstention, the September 12, 2017 minutes were approved.

**December 5, 2017 Closed Session**

It was MOVED by Yeager, SECONDED by Shapiro to approve the December 5, 2017 Closed Session minutes.

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

There being five (5) ayes, no (0) nays and one (1) abstention, the December 5, 2017 Closed Session minutes were approved.

**January 23, 2018 Closed Session**

It was MOVED by Zoller, SECONDED by Shapiro to approve the January 23, 2018 Closed Session minutes.

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

There being six (6) ayes and no (0) nays, the January 23, 2018 Closed Session minutes were approved.

May 2, 2017  
October 10, 2017  
November 8, 2017 Closed Session  
March 6, 2018  
March 6, 2018 Closed Session  
April 10, 2018  
April 10, 2018 Closed Session

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

**ORDINANCE – PUBLIC HEARING:**

**Ordinance 2018-03** An Ordinance to Exceed the Municipal Budget Appropriation Limits to Establish a Cap Bank

**ORDINANCE NO. 2018-03  
TOWNSHIP OF EAST WINDSOR  
MERCER COUNTY, NEW JERSEY**

**AN ORDINANCE TO EXCEED THE  
MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO  
ESTABLISH A CAP BANK**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Township Council of the Township of East Windsor in the County of Mercer finds it advisable to permit an increase of its CY 2018 budget by up to 3.5%, if necessary, over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Township Council hereby determines that a an increase of up to 1.0 % increase in the budget for said year, amounting to \$188,038.98 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Township Council hereby determines that any amount authorized herein that is not appropriated as part of the final CY 2018 budget shall be retained as an exception to final appropriations in either of the next two succeeding years.

**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:

**I**

1. In the CY 2018 budget year, the final appropriations of the Township of East Windsor shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$658,136.43 and that the CY 2018 municipal budget for the Township of East Windsor be approved and adopted in accordance with this ordinance; and,

2. Any amount authorized herein that is not appropriated as part of the final CY 2018 budget shall be retained as an exception to final appropriations in either of the next two succeeding years.

3. A certified copy of this ordinance as introduced shall be filed with the Director of the Division of Local Government Services within 5 days of introduction.

4. A certified copy of this ordinance upon adoption, with the recorded vote included thereon, shall be filed with said Director within 5 days after such adoption.

## **II REPEAL**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

## **III 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.

## **IV EFFECTIVE DATE**

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

Mayor Mironov stated Ordinance 2018-03 was introduced at the April 10, 2018 Council meeting and Public Hearing was scheduled for tonight. Mayor Mironov declared the public hearing open on Ordinance 2018-03. With no comment from the public being made, Mayor Mironov declared the public hearing closed.

It was MOVED by Lippman, SECONDED by Shapiro to adopt Ordinance 2018-03 and authorize publication as required by law.

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

There being six (6) ayes and no (0) nays, Ordinance 2018-03 was adopted and authorized publication as required by law.

**ORDINANCE – INTRODUCTION:**

**Ordinance No. 2018-04**      An Ordinance of the Township of East Windsor, New Jersey, Accepting the Deed for 73 Twin Rivers Drive, East Windsor, New Jersey, Block 20, Lot 189.01, from East Windsor Township Rescue Squad, District II, Inc.

**ORDINANCE NO. 2018-04  
TOWNSHIP OF EAST WINDSOR  
COUNTY OF MERCER AN ORDINANCE TO AUTHORIZE ACCEPTANCE OF A  
DEED FROM EAST WINDSOR TOWNSHIP RESCUE SQUAD DISTRICT II, INC.  
FOR 73 TWIN RIVERS DRIVE, BLOCK 20, LOT 189.01**

**WHEREAS**, by Resolution R2018-51, adopted on March 6, 2018, the Township Council approved the execution of a Global Settlement Agreement (“Agreement”) to settle a lawsuit instituted by East Windsor Township Rescue Squad District II, Inc. (“Rescue II”) entitled East Windsor Township Rescue Squad District II, Inc. v. PNC Bank, et als, pending in the Superior Court of New Jersey, Law Division, Mercer County, under Docket No. MER-L-2817-14, and to settle the law suit instituted by the Township entitled The Township of East Windsor v. East Windsor Rescue Squad District II, Inc., Amanda Brooks, Jonathan Wassef, Brian Foley, Michael Foley, Matthew Potts, et. al. pending in the Superior Court of New Jersey, Chancery Division, Mercer County, under Docket No. MER-C-36-15; and

**WHEREAS**, among the terms of the Agreement, Rescue II shall execute and deliver to the Township a Deed for the property located at 73 Twin Rivers Drive, East Windsor Township, and designated on the East Windsor Township Tax Maps as Block 20, Lot 189.01; and

**WHEREAS**, on March 23, 2018, a Consent Order of Settlement was filed with the Superior Court of New Jersey, Chancery Division dismissing East Windsor Township Rescue Squad District II, Inc. v. PNC Bank, et als; and

**WHEREAS**, on March 27, 2018, a Consent Order of Settlement was filed with the Superior Court of New Jersey, Chancery Division dismissing The Township of East Windsor v. East Windsor Rescue Squad District II, Inc., Amanda Brooks, Jonathan Wassef, Brian Foley, Michael Foley, Matthew Potts, et. al.; and

**WHEREAS**, The Township Council has determined that it is in the Townships best interest to accept the Deed in the attached form.

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

**I**

The Mayor, Municipal Clerk, Township Manager and Township Attorney are hereby authorized and directed to take all necessary action to accept and record the attached Deed from East Windsor Township Rescue Squad District II, Inc. for the property located at 73 Twin Rivers Drive, in East Windsor Township, and designated on the East Windsor Township Tax Maps as Block 20, Lot 189.01.

**II**

**REPEAL**

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

**III**

**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.

**IV**

**EFFECTIVE DATE**

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

It was **MOVED** by Zoller, **SECONDED** by Lippman to approve Ordinance 2018-04 on introduction, authorize publication as required by law and set public hearing for May 8, 2018.

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

There being six (6) ayes, no (0) nays, Ordinance 2018-04 was approved on introduction, authorized for publication as required by law and public hearing set for May 8, 2018.

**Ordinance No. 2018-05**      An Ordinance of the Township of East Windsor, New Jersey, Authorizing the Lease of 73 Twin Rivers Drive, East Windsor, New Jersey, Block 20, Lot 189.01, to East Windsor Township Rescue Squad, District II, Inc. for Emergency Medical Services Purposes

**ORDINANCE NO. 2018-05  
TOWNSHIP OF EAST WINDSOR  
COUNTY OF MERCER**

**AN ORDINANCE AUTHORIZING THE LEASE OF 73 TWIN RIVERS DRIVE,  
EAST WINDSOR, NEW JERSEY, BLOCK 20, LOT 189.01, TO  
EAST WINDSOR TOWNSHIP RESCUE SQUAD, DISTRICT II, INC.  
FOR EMERGENCY MEDICAL SERVICES PURPOSES**

**WHEREAS**, the Township has acquired ownership of 73 Twin Rivers Drive, in East Windsor Township (Block 20, Lot 189.01), which property has historically been utilized for the delivery of emergency medical services within and on behalf of East Windsor Township; and

**WHEREAS**, by Resolution R2018-52, adopted on March 6, 2018, East Windsor Township Rescue Squad, District II, Inc. ("Rescue II") was recognized by East Windsor Township as being authorized to respond to emergency calls and to provide emergency medical services within and on behalf of East Windsor Township; and

**WHEREAS**, in accordance with N.J.S.A. 40A:12-14(c), Rescue II is a nonprofit corporation and the provision emergency medical services within and on behalf of East Windsor Township is a public purpose; and

**WHEREAS**, the Township has determined that it is the best interest of East Windsor Township that the property located at 73 Twin Rivers Drive, in East Windsor Township, be leased to Rescue II under the terms of the attached Lease:

**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 Lease. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Lease between East Windsor Township and East Windsor Township Rescue Squad, District II, Inc. for the property located at 73 Twin Rivers Drive, in East Windsor Township (Block 20, Lot 189.01).

**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.



It was MOVED by Shapiro, SECONDED by Yeager to approve Ordinance 2018-05 on introduction, authorize publication as required by law and set public hearing for May 8, 2018.

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

There being six (6) ayes, no (0) nays, Ordinance 2018-05 was approved on introduction, authorized for publication as required by law and public hearing was set for May 8, 2018.

## **RESOLUTIONS:**

**Resolution R2018-063** Authorizing Cancellation of Uncollectible Taxes

### **RESOLUTION R2018-063 EAST WINDSOR TOWNSHIP MERCER COUNTY**

**WHEREAS**, the Tax Collector has indicated that the property located at 618 Route 33 West, identified as Block 53.03, Lot 99 on the Township Tax Map, was acquired through an In Rem Foreclosure in 2017 by the Township and, therefore, is tax exempt for certain quarters of 2017; and

**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 taxes are hereby cancelled for the property located at 618 Route 33 West, Block 53.03, Lot 99, in the amount of \$2,443.01.
2. The Municipal Clerk is hereby authorized to forward a certified copy of this Resolution to the Chief Financial Officer, Tax Collector, Tax Assessor, and the Mercer County Board of Taxation.

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 April 24, 2018.

Mayor Mironov stated Resolution R2018-063 was carried from the last meeting. Mayor Mironov furthered included a few revisions in the first paragraph of the Resolution.

It was MOVED by Lippman, SECONDED by Daniels to approve Resolution R2018-063 with the changes.

ROLL CALL: Ayes – Daniels, Lippman, Shapiro, Yeager, Zoller, Mironov

Nays – None

There being six (6) ayes and no (0) nays, Resolution R2018-063 was approved with the changes.

**Resolution R2018-071**      Approval of Interlocal Services Agreement for Senior Service/Center Agreement with Borough of Hightstown

**RESOLUTION R2018-071  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, by Resolution R2017-067, adopted on April 18, 2017, the Township Council entered into a successor Agreement, with the Borough of Hightstown to continue the provision of Senior Program/Center Services, commencing on March 1, 2017 through February 28, 2018; and

**WHEREAS**, the parties desire to enter into another successor Agreement, commencing on March 1, 2018 through February 28, 2019, to continue the provision of Senior Program/Center Services by the Township to the Borough of Hightstown; 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's recommendations on this 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:

1. The attached Shared Services Agreement between East Windsor Township and Hightstown Borough for Senior Program/Center Services is hereby approved for the period March 1, 2018 through February 28, 2019, 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.

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 April 24, 2018.

Mayor Mironov stated this agreement was previously discussed by Mayor and Council and the agreement has been submitted to Hightstown and has been executed.

It was MOVED by Lippman, SECONDED by Shapiro to approve Resolution R2018-071.

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

There being six (6) ayes and no (0) nays, Resolution R2018-071 was approved.

**Resolution R2018-072** Approval of Shared Services Agreement with Mercer County for Grant Funding for East Windsor Municipal Alliance for the Prevention of Substance Abuse

**RESOLUTION R2018-072  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, the East Windsor Municipal Alliance for the Prevention of Substance Abuse has been awarded a grant by the Mercer County Department of Human Services, Division of Drug and Alcohol, for the year 2018-2019 in the amount of \$22,104.00; and

**WHEREAS**, in order to obtain such grant, it is necessary that the Mayor and Township Council approve the Contract with the County of Mercer.

**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 Acting Municipal Clerk are hereby authorized and directed to execute the attached Contract with the County of Mercer.
2. The East Windsor Municipal Alliance for the Prevention of Substance Abuse and the Township of East Windsor agree to perform services described in the program specifications in the manner and upon the terms specified and to complete and file the required programmatic reports.

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 April 24, 2018.

It was MOVED by Yeager, SECONDED by Zoller to approve Resolution R2018-072.

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

There being six (6) ayes and no (0) nays, Resolution R2018-072 was approved.

**Resolution R2018-073**      Approval of Award of Bid for the Resurfacing and Associated Improvements for Probasco Road between Route 33 and Twin Rivers Drive to Richard T. Barrett.

**RESOLUTION R2018-073  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, there is a need for resurfacing and associated improvements to Probasco Road between Route 33 and Twin Rivers Drive North; and

**WHEREAS**, a Notice to Bidders was issued and posted/advertised on March 13, 2018, and four (4) bids for the resurfacing and associated improvements to Probasco Road between Route 33 and Twin Rivers Drive North were received by the East Windsor Township Municipal Clerk's Office on April 13, 2018; and

**WHEREAS**, the Township Council has reviewed the recommendations made by the Director of Public Works and Project Engineer on these bids; and

**WHEREAS**, the lowest responsible bid was submitted by Richard T. Barrett Paving Company, Inc; and

**WHEREAS**, the maximum amount of the purchase is \$327,937.80 and sufficient funds are available in the Capital Account No. C-04-55-980-919-893 entitled Ordinance 2016-08 "DOT Grant-Probasco Road" in the amount of \$260,000.00 and in Capital Account No. C-04-55980-920-890 entitled Ordinance 2017-02 "Annual Road Program" in the amount of \$67,937.80 for a total not to exceed \$327,937.80, as evidenced by the Chief Finance Officer's Certification No. C2018-004.

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

1. The contract for the Roadway Resurfacing and Associated Improvements to Probasco Road between Route 33 and Twin Rivers Drive North is awarded to Richard T. Barrett Paving Company, Inc., 400 Prospect Street, Trenton, NJ 08618, in an amount not to exceed \$327,937.80.

2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the contract.

3. 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.

4. The Municipal Clerk is hereby authorized and directed to return the certified check and bid bond of the following unsuccessful bidders: Top Line Construction Corp., 22 Fifth Street, Somerville, NJ 08876; S. Brothers Inc., P.O. Box 317, South River, NJ 08882; S. Brothers, Inc., PO Box 317, South River, NJ 08882; Meco, Inc, PO Box 536, Clarksburg, NJ 08510.

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 April 24, 2018.

Mayor Mironov stated the attachment needs to be removed from the Resolution, but a contract acceptance does need to be included. Mayor Mironov also stated this bid is for Probasco Road for the entirety from Route 33 to Twin Rivers Drive and a \$260,000 grant will help underwrite most of the funding. Mayor Mironov further provided a few revisions to the Resolution that needed to be reflected.

It was MOVED by Zoller, SECONDED by Lippman to approve Resolution R2018-073 with the changes.

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

There being six (6) ayes and no (0) nays, Resolution R2018-073 was approved with the changes.

Mayor Mironov further stated Mayor and Council would like to see this done at the next feasible opportunity, weather dependent, and all necessary forms, calendars and information need to be submitted.

**Resolution R2018-074**      Approval of Purchase of Grills from Gametime for Etra Lake Park

**RESOLUTION R2018-074  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, there is a need to purchase grills for Etra Lake Park in East Windsor Township; and

**WHEREAS**, four (4) written quotes were obtained to provide for this equipment; and

**WHEREAS**, the lowest cost proposal was submitted by GameTime c/o Marturano Recreation; 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 the Public Works Department's recommendations for this purchase; and

**WHEREAS**, the maximum amount of the purchase is \$2,044.28 and funds are available in Capital Account No. C-04-55-970-916-870 entitled Ordinance 2015-02, titled "Parks and Playground Equipment", as evidenced by the Chief Financial Officer's Certification No. C2018-005.

**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 Manager and Chief Finance Officer are hereby authorized and directed to approve and forward a purchase requisition to GameTime c/o Marturano Recreation, PO Box 106, Spring Lake, NJ 07762, for the

purchase of six (6) GameTime- Economy Stoves, in the amount of \$232.00 each, for a total of \$1,392.00 and shipping and handling in an amount not to exceed \$652.28, for the East Windsor Township Public Works Department, for a total amount not to exceed \$2,044.28, all 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 April 24, 2018.

Mayor Mironov stated a few revisions needed to be made to the Resolution.

It was MOVED by Lippman, SECONDED by Shapiro to approve Resolution R2018-074 with the changes.

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

There being six (6) ayes and no (0) nays, Resolution R2018-074 was approved with the changes.

**Resolution R2018-075**      Approving Extension of Contract for Public Transportation Services with Irvin Raphael, Inc.

**RESOLUTION R2018-075  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, on June 7, 2016, by Resolution R2016-096, the East Windsor Township Council approved a four (4) year contract with Irvin Raphael, Inc., for an initial two (2) year term and option for two (2) one-year renewal terms, with the contract beginning July 1, 2016 for Public Transportation Services for a contract price not to exceed \$316,955.00 over four years; and

**WHEREAS**, the Township Council has reviewed the recommendation of the Township Manager; and

**WHEREAS**, the maximum annual amount of the contract for year three (3) is \$79,330.00 and the Chief Financial Officer has determined that sufficient funds are available in the Grant Fund Account No. G-02-40-732-949-200 entitled “2018 NJ Transit Section 5307 Bus Grant and Local Matches,” as evidenced by the Chief Financial Officer’s Certification No. G2018-001.

**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 contract for Public Transportation Services is awarded to Irvin Raphael, Inc., 550 Old Stage Road, East Brunswick, New Jersey 08816, is hereby renewed for one (1) year from July 1, 2018 through June 30, 2019, in an amount not to exceed \$79,330.00.

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 April 24, 2018.

Mayor Mironov stated a few revisions needed to be made to the Resolution.

It was MOVED by Daniels, SECONDED by Yeager to approve Resolution R2018-075 with the changes.

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

There being six (6) ayes and no (0) nays, Resolution R2018-075 was approved with the changes.

**Resolution R2018-076**      Authorizing Refund of Tax Overpayments

**RESOLUTION R2018-076  
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 2 dated April 3, 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 April 24, 2018.

It was MOVED by Zoller, SECONDED by Shapiro to approve Resolution R2018-076.

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

There being six (6) ayes and no (0) nays, Resolution R2018-076 was approved.

**Resolution R2018-077**      Approval of Professional Services Agreement for Township Auditors with Nisivoccia and Company, LLP

**RESOLUTION R2018-077**  
**EAST WINDSOR TOWNSHIP**  
**MERCER COUNTY**

**WHEREAS**, there exists a need for Auditing and Accounting Services, for the term of January 1, 2018 through December 31, 2018, for the Township of East Windsor; and

**WHEREAS**, on October 5, 2017, the Township solicited proposals and received one (1) proposal by the receipt date of November 2, 2017 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 \$36,916.00 and funds are available in the Current Fund Account No. 8-01-20-135-203-249 entitled “Current Fund Audit & Accounting” in the amount of \$33,000.00 and Current Fund Account No. 8-30-26-305-150-249 entitled “Garbage District-Audit & Accounting Services,” in the amount of \$3,916.00, as evidenced by the Chief Finance Officer’s Certification No. B2018-019.

**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 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.
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 Agreement 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 April 24, 2018.

It was MOVED by Yeager, SECONDED by Lippman to approve Resolution R2018-077.

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

There being six (6) ayes and no (0) nays, Resolution R2018-077 was approved.

**Resolution R2018-078**      Approving Appointment of Municipal Clerk

**RESOLUTION R2018-078  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, Kelly Lettera has completed all certification requirements as administered by the Division of Local Government Services in the New Jersey Department of Community Affairs and on October 11, 2017 received her Registered Municipal Clerk certificate in accordance with N.J.S.A. 40A:9-133, et seq, and has Municipal Clerk experience;

**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. Kelly Lettera is hereby appointed to the position of East Windsor Township Municipal Clerk for a three (3) year term from April 18, 2018 through April 17, 2021.

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 April 24, 2018.

Mayor Mironov stated a few revisions needed to be made to the Resolution.

It was MOVED by Lippman, SECONDED by Daniels to approve Resolution R2018-078 with the changes.

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

There being six (6) ayes and no (0) nays, Resolution R2018-078 was approved with the changes.

**Resolution R2018-079**      Action on Request for Release of Performance Guarantee by  
Hovione, Block 20.01, Lot 23

**RESOLUTION R2018-079  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, pursuant to N.J.S.A. 40:55D-53 of the Municipal Land Use Law, Filipe Tomas, General Manager of Hovione, LLC, requested by letter dated January 31, 2018, a release of the performance guarantees being held by the Township for a 28,000 SF expansion to Hovione, LLC; and

**WHEREAS**, the Township Engineer has inspected the site work for the Hovione Expansion and filed a written report with the Township Council dated February 28, 2018, which is attached hereto and made a part of this Resolution; and

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

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

1. The Township Council agrees to reduce Letter of Credit number 8411 issued by Santander Bank, N.A, as the performance guarantee, from \$666,538.20 to \$199,960.87 and cash guarantee in the amount of \$74,059.80 to \$22,217.94.
2. The Municipal Clerk is authorized and directed to forward a certified copy of this Resolution and a copy of the Township Engineer's report to Philip Tomas of Hovione, LLC.

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 April 24, 2018.

It was MOVED by Lippman, SECONDED by Shapiro to approve Resolution R2018-079.

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

There being six (6) ayes and no (0) nays, Resolution R2018-079 was approved.

**Resolution R2018-080**      Approving Establishment of Updated Township "Complete Streets" Policy

**RESOLUTION R2018-080  
EAST WINDSOR TOWNSHIP  
MERCER COUNTY**

**WHEREAS**, East Windsor Township is committed to creating a pedestrian and bikeway system to the extent feasible, by creating street corridors that safely accommodate all road users of all ages, abilities and disabilities; and

**WHEREAS**, the New Jersey Department of Transportation Complete Streets policy states "A Complete Street is defined as means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options."; and

**WHEREAS**, as part of this policy, the New Jersey Department of Transportation strongly encourages the adoption of similar policies by regional and local jurisdictions who apply for funding through Local Aid programs; and

**WHEREAS**, the benefits of complete streets include: improving safety for pedestrians, bicyclists, children, older citizens, non-drivers and the mobility challenged as bicycling and walking trip generators such as employment, education, residential, recreation, retail centers and public facilities; promoting healthy lifestyles; creating more livable communities; reducing traffic congestion and reliance on carbon fuels thereby reducing greenhouse gas emissions; and saving money by incorporating sidewalks, bike lanes, safe crossings and transit amenities into the initial design of a project, thus sparing the expense of retrofits later; and

**WHEREAS**, complete streets have the potential for improving physical and mental health either directly or indirectly in the following ways:

- a) Incorporating physical activity into our daily lives by increasing pedestrian activity and bicycle use.
- b) Reducing rates of several chronic diseases related to increases in physical activity from walking and bicycling. Key impacted diseases include diabetes, heart disease, depression, and some cancers.
- c) Reducing rates of injury and death from decreased traffic crashes and improved road safety for all users.
- d) Reducing rates of asthma and other respiratory issues due to improved air quality through emissions reductions and vegetative air filtration.
- e) Multiplying health and wellness benefits resulting from improved access to necessary amenities for vulnerable populations.
- f) Reducing the risk of illnesses related to water-borne pathogens resulting from improved stormwater infiltration.
- g) Increasing the sense of social connectivity and sense of community belonging.
- h) Improving aesthetics through decorative and functional vegetation.

**WHEREAS**, the East Windsor Township Council supports, to the extent practicable, the application of an East Windsor Township “Complete Streets” policy that will apply to all road, bridge, and building projects undertaken by East Windsor.

**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. All public street projects, both new construction and reconstruction undertaken by the Township of East Windsor shall be designed and constructed as “Complete Streets” whenever feasible to do so, and subject to municipal considerations including scarcity of population and travel, outweighed by detrimental environmental or social impacts, disproportionate costs generated, and project timing, in order to safely accommodate travel by pedestrians, bicyclists, public transit and motorized vehicles and their passengers with special priority given to pedestrian safety.
2. All initial planning and design studies of complete street infrastructure projects shall consider opportunities to improve public health
3. Pedestrian and bicycle facilities and other alternate forms of transportation shall not be required where they are prohibited by law.
4. Public transit facilities shall not be required on streets not serving as transit routes and the desirability of transit facilities will be determined on a project specific basis.

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 April 24, 2018.

Mayor Mironov stated the Complete Streets policy is sponsored by Council Member Yeager in conjunction with the Sustainable Jersey application and continuation of the Silver certification.

It was MOVED by Yeager, SECONDED by Daniels to approve Resolution R2018-080.

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

There being six (6) ayes and no (0) nays, Resolution R2018-080 was approved.

**Resolution R2018-081**      Approving Certification to Comply with Requirements of  
N.J.A.C. 7:26A-11 for the Filing of 2017 Recycling Tonnage  
Grant Application and Expenditure Report

**RESOLUTION R2018-081**  
**EAST WINDSOR TOWNSHIP**  
**MERCER COUNTY**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of East Windsor Township to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling requirements; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the certification to comply with requirements in N.J.A.C. 7:26A-11 is properly completed and timely filed.

**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. East Windsor Township hereby endorses the submission of the 2017 recycling tonnage grant certification to comply with the requirements in N.J.A.C. 7:26A-11 and New Jersey Department of Environmental Protection and designates certified Recycling Coordinator, Anna Eaves, to ensure that the requirements are properly filed.

2. The monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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 April 24, 2018.

Mayor Mironov stated this is an area that the town has been trying to promote, improve and increase the recycling tonnage.

It was MOVED by Zoller, SECONDED by Lippman to approve Resolution R2018-081.

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

There being six (6) ayes and no (0) nays, Resolution R2018-081 was approved.

#### **APPLICATIONS:**

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

Deputy Mayor John Zoller stated the Environmental Commission met on April 18 and discussed the Community Forestry Management Plan, Etra Park Stream Clean-up on Saturday April 21 and the Arbor Day event at the Pal fields scheduled for May 5.

Council Member Peter Yeager stated the EWMAPSA met on April 11 and discussed a couple of outreach programs that they have been working on to promote the medicine drop box. One of the programs will be an ad at the Prestige Diner placemat. He further stated the Recreation Commission also met and discussed the events and summer camp that will be following the next few months.

Council Member Denise Daniels stated on April 19 the Health Advisory Board met to discuss the opening of the community garden that took place on April 21 with a great turn out and further discussed some incentives that will help the town.

Mayor Mironov stated most of Council attended opening day at the PAL fields and the Recycling Day on April 14. Mayor Mironov also stated Saturday April 28 is Operation Medicine drop off and any unexpired or unneeded medicines can be disposed of properly. Mayor Mironov is having the State of the Township on May 24 in conjunction with MidJersey Chamber of Commerce at the Holiday Inn in East Windsor.



**CORRESPONDENCE:**

Mayor Mironov stated a tax collectors report was received for a period ending March 31, a letter was received from Mercer County on April 12, 2018 for future participation in the HOME program, a letter was received from Hickory Corner Library regarding the library event and a letter from the Arbor Day foundation for East Windsor being in the 2017 Tree City USA. Also a memo was distributed from the Recreation Department regarding the July 4, 2018 fireworks event. Mayor Mironov further stated the removal of the trees from the roads need to be done this week and is taking far too long.

**APPOINTMENTS:**

None

**APPROVAL OF BILLS:**

Mayor Mironov stated a 2018 Current Bill list, 2017 Current Bill list, Capital Bill List and other miscellaneous bill lists and trust accounts were provided.

Deputy Mayor John Zoller questioned on page 1 of the 2017 Current bill list a utility trailer and the accessory. Director of DPW explained that this was a purchase that was made and Mayor Mironov stated she would like to hold the bills with further clarification.

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

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

There being six (6) ayes and no (0) nays, the various presented Bill Lists were approved with the requested holds.

**MATTERS BY COUNCIL:**

None

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

1. \*Eagle Scout Project Presentation By Michael Bellars, Boy Scout Troop 5700

**2. New Jersey Division of Highway Traffic Safety Fiscal Year 2019 Grant Program**

Mayor Mironov stated information was received from the Chief of Police regarding the grant program, which expires April 30, 2018. The child safety seat, the message board and school zone flashers were the topics up for discussion. Mayor and Council decided to move forward with the application for the message board.

**3. Route 130/Hankins Road/Conover Road Realignment**

Assistant Manager Jay Delaney prepared a short presentation to Mayor and Council answering any questions on the challenges and stages that this project exhibits for the Route 130/Hankins Road/Conover Road realignment. Mayor stated that they are on the verge of going out to bid. They are excited to get this project moving and it has been a long time in the waiting. Mayor Mironov further stated that the construction on the project will be around six months and she is looking for a timeline on the bids, specs, construction, equipment, etc. Mayor and Council are all excited to move forward on a plan and are looking forward to seeing the timeline.

**4. Police/Court Building Roof and Professional Report Updates and Status**

Mayor and Council received a memo from the Director of Public Works on April 17, which states an amount with no basis and what they are agreeing to cover. Also the warranty issue is still unresolved seven months later with no further plan. Mayor and Council are looking for an updated report with a plan and how this will come to closure.

**5. Municipal Building HVAC Status and Professional Report Updates and Status**

Mayor Mironov had several questions pertaining to the memo that was submitted on the timeline and what work has been done.

**MATTERS BY PUBLIC:**

Mary Douglas, 25 Barclay Drive, Hightstown, NJ spoke regarding the truck traffic on Wyckoff Mills Road and would like to put a weight restriction for tractor trailers.

James Douglas, 25 Barclay Drive, Hightstown, NJ spoke regarding the amount of truck traffic and would like Mayor Mironov and Mayor Quattrone to work together to fix the issue.

Marc Platizky, 183 Twin Rivers Drive North, East Windsor, spoke as a resident from East Windsor and he would not like the truck traffic to be rerouted.

**ADJOURNMENT:**

There being no further business Mayor Mironov declared the meeting adjourned at 9:06 p.m.

Next Meeting: Tuesday, May 8, 2018 @ 7:30 p.m

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Kelly Lettera  
Municipal Clerk

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Janice S. Mironov  
Mayor

