

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, September 10, 2019

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, September 10, 2019.

VERIFICATION:

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 11, 2019 in the annual meeting notice and on September 6, 2019, 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 Police Sergeant David Oleksy

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

PRESENTATIONS & PROCLAMATIONS:

ADMINISTER OATH OF OFFICE TO:

NEW POLICE SERGEANT

NEW POLICE OFFICER

NEW POLICE OFFICER

Mayor Mironov administered the oaths of office to promoted new Police Sergeant David Oleksy and new police officers Bryan M. Butchon and Nicole M. Orbin, to fill existing openings in the police department, in front of a packed room of police, support staff, family and friends.

Sergeant Oleksy will be assigned as a platoon supervisor in Uniform Services Division. Police Officers Bryan Butchon and Nicole Orbin will be assigned to the Uniform Services Division.

INTERVIEWS FOR BOARDS AND COMMISSIONS:

Catherine Naughton was interviewed and is interested in volunteering for the Planning Board or the Recreation Commission.

PUBLIC FORUM:

No one spoke from the public.

MINUTES:

October 23, 2018
December 4, 2018
January 15, 2019
March 19, 2019
April 16, 2019
May 7, 2019
June 4, 2019
June 25, 2019
July 9, 2019
July 23, 2019
August 6, 2019

December 4, 2018

Mayor Mironov stated the motion and publication authorization needs to be revised on page 3 and 4.

It was MOVED by Rosenberg, SECONDED by Zoller to approve December 4, 2018 minutes.

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

There being seven (7) ayes, and no (0) nays, December 4, 2018 minutes were approved.

January 15, 2019

Mayor Mironov stated revisions needed to be made to pages 1, 3, 8, 12 and 13.

It was MOVED by Zoller, SECONDED by Rosenberg to approve January 15, 2019 minutes with changes.

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

There being seven (7) ayes, and no (0) nays, January 15, 2019 minutes were approved with changes.

April 16, 2019

Mayor Mironov stated revisions needed to be made on pages 7, 13, 14, 15 and 16.

It was MOVED by Yeager, SECONDED by Lippman to approve April 16, 2019 minutes with changes.

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

There being seven (7) ayes, and no (0) nays, April 16, 2019 minutes were approved with changes.

May 7, 2019

Mayor Mironov stated revisions needed to be made on pages 6, 7, 9 and 22.

It was MOVED by Zoller, SECONDED by Rosenberg to approve May 7, 2019 minutes with changes.

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

There being seven (7) ayes, and no (0) nays, May 7, 2019 minutes were approved with changes.

June 4, 2019

Mayor Mironov stated revisions needed to be made on pages 4, 5 and 6.

It was MOVED by Lippman, SECONDED by Zoller to approve June 4, 2019 minutes with changes.

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

There being seven (7) ayes, and no (0) nays, June 4, 2019 minutes were approved with changes.

June 25, 2019

Mayor Mironov stated revisions needed to be made on pages 8, 21, 22, 23, 24, 29, and 30.

It was MOVED by Yeager, SECONDED by Lippman to approve June 25, 2019 minutes with changes.

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

There being seven (7) ayes, and no (0) nays, June 25, 2019 minutes were approved with changes.

July 9, 2019

Mayor Mironov stated revisions needed to be made on pages 1, 2, 5, 10 and 10.

It was MOVED by Rosenberg, SECONDED by Lippman to approve July 9, 2019 minutes with changes.

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

There being seven (7) ayes, and no (0) nays, July 9, 2019 minutes were approved with changes.

Mayor Mironov held October 23, 2018, March 19, 2019 and July 23, 2019 minutes. August 6, 2019 minutes were rescheduled to the next meeting. All remaining minutes were rescheduled to the next regularly scheduled meeting.

ORDINANCE – PUBLIC HEARING:

ORDINANCE – INTRODUCTION:

RESOLUTIONS:

Resolution R2019-129 Action on Request for Release of Performance Guarantee by Arco Design/Build Industrial for Aurobindo Pharma USA, Inc.

Mayor Mironov stated Resolution R2019-129 was held from previous Council meetings regarding the roadwork. She stated a memo was received from the Director of Public Works, dated September 4, 2019, but the memo was intermingled with another subject and it needed to be corrected and redistributed to Mayor and Council. She further stated that the memo should pertain to the roadwork on Windsor Center Drive not the maintenance guarantee. The Director of Public works stated he spoke with Arco Design/Build Industrial and the option they provided was not acceptable to the Township and he is reaching back out to them for other options. He further stated he will keep Mayor and Council posted on the outcome prior to the winter months.

Resolution R2019-146 Action on Request for Release of Developer's Agreement with EMT Properties, LLC DBA Advance Auto Parts, 30 Princeton Highstown Road, Block 6.07, Lot 18, East Windsor

**RESOLUTION R2019-146
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township of East Windsor and Legends Holdings, LLC DBA Advance Auto Parts executed a Developer's Agreement dated March 2, 2004, affecting the premises at 30 Princeton Hightstown Road as Block 6.07, Lot 18 in the Township of East Windsor, County of Mercer County and State of New Jersey; and

WHEREAS, the Developer's Agreement was recorded on June 14, 2004 in the Office of the Mercer County Clerk in Deed Book 4773 on Pages 192-251; and

WHEREAS, on December 20, 2005, by Resolution 2005-282, Mayor and Council approved the assignment of the developer's agreement from Legend Holdings, LLC to EMT Properties, LLC DBA Advance Auto Parts; and

WHEREAS, the assignment of the Developer's Agreement to EMT Properties, LLC was recorded on December 5, 2005 in the Office of the Mercer County Clerk in Deed Book 5260 on Pages 257-263; and

WHEREAS, the Developer has fulfilled all of its obligations under the said Developer's Agreement, and the performance guarantees have been released by prior resolution of the Township Council; and

WHEREAS, the Township Council has reviewed the recommendation made by the Finance Director.

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 Satisfaction and Release of Developer's Agreement between the Township of East Windsor and EMT Properties, LLC DBA Advance Auto Parts.
2. A copy of this Resolution certified to be a true copy be forwarded to the Township Attorney and EMT Properties, LLC DBA Advance Auto Parts.

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 September 10, 2019.

Mayor Mironov requested that the "said" be removed from the fifth paragraph of the Resolution. Township Attorney David Orron recommended the release of the developer's agreement stating Advance Auto Parts has fulfilled all of their obligations. Council Member Zoller reported the sign on the front of the building is becoming unsightly and he would someone to address it. Mayor Mironov stated the building sign is not pertinent to the release but she will have staff follow-up on it.

It was MOVED by Yeager, SECONDED by Daniels to approve Resolution R2019-146 with the revisions.

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

There being seven (7) ayes, and no (0) nays, Resolution R2019-146 with the revisions was approved.

Resolution R2019-147 Approval of Agreement with Windsor Meadows Homeowners Association for Reimbursement for Private Community Services for 2018

**RESOLUTION R2019-147
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township Council of the Township of East Windsor and the Windsor Meadows Homeowners Association wish to enter into an Agreement for private community services for the year 2018 in the amount of \$2,354.94, pursuant to N.J.S.A. 40:67-23.2 et seq.; and

WHEREAS, the Chief Financial Officer has determined sufficient funds are available in the Current Fund Account No. 9-01-26-325-802-253 entitled “Condo Services”, in the amount of \$2,354.94, as evidenced by the Chief Financial Officer’s Certification No. B2019-029.

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

1. The attached Agreement for the year 2018 in the amount of \$2,354.94 is hereby approved.
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 September 10, 2019.

It was MOVED by Zoller, SECONDED by Rosenberg to approve Resolution R2019-147.

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

There being seven (7) ayes, and no (0) nays, Resolution R2019-147 was approved.

Resolution R2019-148

Approval of Interlocal Services Agreement between East Windsor Township and Robbinsville Township for the Realignment of the Intersection of State Route 130, Hankins Road, Conover Road Agreement

**RESOLUTION R2019-148
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the centerline of Hankins Road at the intersection with State Route 130 is the boundary line between Robbinsville and East Windsor; and

WHEREAS, Robbinsville and East Windsor desire to reconstruct the intersection of NJ Route 130, Hankins Road, and Conover Road, including the realignment of Conover Road, to create a four-way intersection at the location of the existing intersection of Hankins Road and State Route 130 and agree to share in the cost in accordance with the terms of the attached Shared Services Agreement; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. authorizes any municipal entity to enter into a contract with any other municipal entity for the joint provision of any service which either party is empowered to render within its own jurisdiction; and

WHEREAS, the Uniform Shared Services and Consolidation Act authorizes the approval of Shared Service Agreements by Resolution.

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

1. The Mayor and Municipal Clerk are hereby authorized to execute the attached Shared Services Agreement entitled “Shared Services Agreement between East Windsor Township and Robbinsville Township for the realignment of the intersection of State Route 130, Hankins Road, and Conover Road,” and is hereby approved in accordance with the provisions of N.J.S.A. 40:65-1, et seq.
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 September 10, 2019.

Mayor Mironov stated the second paragraph needs to be revised to read “to create a four-way intersection at the location of the existing intersection of Hankins Road and State Route 130” [which is incorporated into the above Resolution].

It was MOVED by Yeager, SECONDED by Lippman to approve Resolution R2019-148 with the revisions.

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

There being seven (7) ayes, and no (0) nays, Resolution R2019-148 with the revisions was approved.

Resolution R2019-149 Approval of Purchase of Computer and Network Maintenance Services with All Covered for the East Windsor Municipal Building

RESOLUTION R2019-149
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, there is a need for computer and network maintenance services for the East Windsor Township Municipal Building; and

WHEREAS, a notice of Request for Proposal was issued and posted on Township website on July 12, 2019, seven (7) companies were solicited and one (1) written quote was received on August 15, 2019, to provide this service; and

WHEREAS, the lowest cost proposal was submitted by All Covered; and

WHEREAS, these computer and network maintenance services are of a specialized and qualitative nature because they are based on the specific expertise for East Windsor's computer and network maintenance services and as such have been determined by the Township Manager to be an extraordinary and unspecifiable service; and

WHEREAS, N.J.S.A. 40A:11-5(1)(a)(ii) of the Local Public Contracts Law exempts extraordinary unspecifiable services from competitive bidding; and

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

WHEREAS, the maximum amount of the contract is \$19,380.00 and funds are available in the Current Fund Account No. 9-01-20-140-140-245 entitled "Data Processing," as evidenced by the Chief Financial Officer's Certification No. B2019-030.

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 Clerk are hereby authorized and directed to approve and forward a contract to All Covered, 7000 Commerce Parkway, Suite A, Mt. Laurel, NJ 08054, for computer and network maintenance services for the period commencing October 1, 2019 through September 30, 2020, for a total amount not to exceed \$19,380.00, all in accordance with the attached proposal.
2. This Contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5 (1)(a)(ii) of the Local Public Contracts Law because the contract service is of a specialized and qualitative nature and as such has been determined to be an extraordinary unspecifiable service.
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 September 10, 2019.

Mayor Mironov stated a recommendation memo was provided from the Manager's office.

It was MOVED by Zoller, SECONDED by Shapiro to approve Resolution R2019-149.

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

There being seven (7) ayes, and no (0) nays, Resolution R2019-149 was approved.

APPLICATIONS:

Mayor Mironov stated an application is being provided by the Clerk for a casino night that is being held on September 21, 2019 at Hightstown Elks Lodge by the Hightstown High School Parents Football Club.

Raffle License RL: 2019-005 Hightstown High School Parents Football Club – September 21, 2019 at Hightstown Elks Lodge, East Windsor, NJ – Casino Night

The Municipal Clerk read the application by title.

It was MOVED by Lippman, SECONDED by Daniels to approve Raffle License RL: 2019-005.

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, Raffle License RL: 2019-005 was approved.

REPORTS BY COUNCIL AND STAFF:

Council Member Zoller reported that the East Windsor Alliance for the Prevention of Substance Abuse (EWMAPSA) met on September 4 and discussed the new grant cycle and the options on the model logic choice survey that is being distributed amongst the police department, recreation camp, the Board of Education and PAL. Mayor Mironov reported that the Economic Development Committee met on September 5 and discussed several subjects including an entrepreneur type of event, sponsorships for the gateway signs for the town and promotional information that should be given out at National Night Out.

CORRESPONDENCE:

Mayor Mironov reminded Council Members that the September 11 event will be held tomorrow at the municipal building at 5:30 p.m. She also stated that the recycling event will be held on Saturday, September 21, 10:00 a.m. to 2:00 p.m. at the senior center. Mayor Mironov stated Friday, September 13, 3:00 p.m. to 7:00 p.m. will be the final car seat inspection program that is being held. Mayor Mironov stated a letter was received from Mercer County, dated August 20, regarding the ongoing resurfacing project at North Main Street and weather permitting it is expected to be complete by September 16. She also stated a report of tax receipts for the period ending July 31, 2019 was received from the Tax Collector. Mayor Mironov stated a letter was received from the NJ Department of Transportation, dated August 27, acknowledging the letter they received for the site view and easement issue at 269 Wyckoff Mills Road. Mayor Mironov stated a memo, dated August 13, was received from the Assistant Manager on the Union Transportation Trail project. She stated a memo was received from the Director of Public Works, dated August 24, regarding a bill question relating to Timber Tree service. She also stated the Manager provided a memo regarding an update on the tree stump removal. She stated a copy of a letter sent to the County Executive was provided to Council regarding a pedestrian issue regarding Route 571 and Lanning Blvd.

APPOINTMENTS:

Mayor Mironov recommended the appointment of James Brady as Alternate #1 Planning Board member.

It was MOVED by Rosenberg, SECONDED by Shapiro to appoint James Brady as Planning Board Alternate #1 member.

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

Nays – None

There being seven (7) ayes and no (0) nays James Brady was appointed as Alternate #1 Planning Board member.

Mayor Mironov requested that a letter and schedule be provided to him regarding the appointment as soon as possible.

APPROVAL OF BILLS:

Mayor Mironov stated a 2019 Current Bill list, 2018 Current Bill list, a Capital Bill List and other miscellaneous bill lists and trust accounts were provided.

Council Member Zoller questioned the range in cost of the shoes on page 12 of the current 2019 bill list as well as the garbage list. Mayor Mironov requested a clarification on the differences in pricing prior to paying the bills. Mayor Mironov also held the Health Officer bills at the top of current 2019 bill list.

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

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 requested clarifications and holds.

MATTERS BY COUNCIL:

*Matters by council was held until after the 2018 Municipal Audit.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. 2018 Municipal Audit

Resolution R2019-150

Acknowledging the Receipt of Audit and Signing of
Group Affidavit

RESOLUTION R2019-150 EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by Resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

**General Comments
Recommendations**

and;

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

**General Comments
Recommendations**

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such Resolution of certification shall be adopted by the governing body no later than forty-five (45) days after the receipt of the Annual Audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgation's of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more that one (1) year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of East Windsor, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968, and does hereby submit a certified copy of this Resolution and the required affidavit to said Board to show evidence of said compliance.

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 September 10, 2019.

East Windsor Township Auditor, Bud Jones from Nisivoccia and Company, LLP, reviewed the 2018 Audit and stated East Windsor Township is in great financial state and the Mayor and Council and officials have done a great job with preparing the budget and overseeing and managing expenditures and revenues.

Mayor Mironov stated staff needs to obtain the financial statement from the JIF.

It was MOVED by Yeager, SECONDED by Rosenberg to approve Resolution R2019-150.

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

There being seven (7) ayes, and no (0) nays, Resolution R2019-150 was approved.

***Matters by Council**

Mayor Mironov stated a letter was received May 24, 2019 from DEP for the NNL program and she requested, from three prior meetings, a report on how it is being handled. The Director of Public Works stated he will be providing a report to Mayor and Council. She requested that the Township Manager get a schedule and update on Brooktree Road. Mayor Mironov stated that there has not been a Township auction in over three years and she would like a plan within the next ninety days. Mayor Mironov requested that the Director of Public Works get someone out to fix the safety issue with the north bound left turn lane going into the Town Center Shopping Center. Mayor Mironov requested that if it is not taken care of, she would like it listed on the October 15 Council meeting. She further requested information on Resolution R2019-139 for asphalt, which was on a previous agenda and information has still not been provided. The Director of Public Works stated he will have a recommendation memo to Mayor and Council by Friday, September 13. Mayor Mironov requested to list the Resolution on the October 15 Council agenda hopefully for action. Mayor Mironov stated on One Mile Road South past the police building there is a huge hole in the road that is a safety issue and needs to be taken care of immediately. Mayor Mironov stated staff needs to follow up on the Sustainable Jersey grant and double check the timelines to ensure we are on track.

2. Improvements to Route 133 and Route 571 Intersection Signalization

Mayor Mironov stated a host of letters were received from Earl Jacobs as well as New Jersey Department NJDOT and the Chief of Police has provided a letter on the subject to Mayor and Council. She requested that the Clerk prepare a draft letter to Mercer County regarding the safety issue.

3. New Jersey Department of Community Affairs Small Cities Public Facility Grant Program

Mayor Mironov stated an updated application was provided in Mayor and Council folders for tonight's meeting. The Assistant Manager stated that thanks to the Mayors effort, the application has been expanded to include the areas of concern and he believes the application is strong and addresses all criteria that is necessary to receive an award. Mayor Mironov stated the application deadline is Friday, September 13, so the Resolution needs to be approved but Council can further review the application for additional changes. Mayor Mironov further stated the Resolution needs to read more like the Township's normal format.

Resolution R2019-151

Approving filing of New Jersey Small Cities Public Facility Grant Application for the Senior Center Expansion Project

**RESOLUTION R2019-151
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the New Jersey Department of Community Affairs (NJDCA) is soliciting grant applications under the Small Cities Public Facility Community Development Block Grant (CDBG) 2020; and

WHEREAS, East Windsor Township desires to submit a grant application for the expansion of the East Windsor Senior Center; and

WHEREAS, the Township is required to provide matching funds for this grant in the amount of \$80,000 and funds are available in the Grant Account No. G-02-40-950-968-299 entitled "2019 Mercer at Play, Round 2," as evidenced by the Chief Financial Officer's Certification #G2019-004.

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

1. The attached Small Cities Public Facility Community Development Block Grant (CDBG) 2020 grant application for the expansion of the East Windsor Senior Center is hereby approved.
2. The Mayor is hereby authorized to submit an electronic grant application identified as **2020-02292-0152** on behalf of East Windsor Township, to the New Jersey Department of Community Affairs (NJDCA) under the Small Cities Public Facility Community Development Block Grant (CDBG) 2020.

3. The Mayor is hereby authorized to sign the grant agreement on behalf of East Windsor Township and her signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

It was MOVED by Yeager, SECONDED by Zoller to approve Resolution R2019-151 with the revisions.

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

There being seven (7) ayes, and no (0) nays, Resolution R2019-151 was approved with the revisions.

4. Route 130/Hankins Road/Conover Road Improvement Project

Mayor Mironov stated a new Resolution was provided in Council folders for tonight's meeting. She stated she would like to speak on Resolution R2019-152 first and that there has been some revisions to the contract. She stated a letter is attached to the Resolution and on page 5 is the change in fees and breakdown of charges. Mayor Mironov also stated the project is still expected to be completed by November 1. She further stated that the Resolution and amendment needs to be revised with clear revisions on the costs. Mayor Mironov also questioned if the amendment needs to be published and if so she would like to see the draft notice prior to publication.

Resolution R2019-136

Approval of Change Order #1 to Contract with The Earle Asphalt Company for Intersection Improvements for Route 130/Hankins Road/Conover Road Intersection Improvements

RESOLUTION R2019-136 EAST WINDSOR TOWNSHIP MERCER COUNTY

WHEREAS, on December 4, 2018, by Resolution R2018-200 the East Windsor Township Council authorized a contract with The Earle Asphalt Company in the amount of \$2,002,213.13 to perform intersection improvements for New Jersey State Highway U.S. Route 130 and Hankins/Conover Road; and

WHEREAS, change order #1 has been requested to increase the contract amount by \$14,000 for additional drainage items that are required; and

WHEREAS, the Director of Public Works has reviewed and approved the need for this change order; and

WHEREAS, the maximum amount of the change order is \$14,000 and the Chief Finance Officer has determined that sufficient funds are available in the Municipal Trust Budget Account No. V-

20-56-852-856, entitled "Transportation Improvement Fund", to increase the contract amount by \$14,000 for a total amount not to exceed \$2,016,213.13, as evidenced by the Chief Finance Officer's Certification No. T2019-009.

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 attached Change Order No. 1 to the contract with The Earle Asphalt Company, to increase the contract amount by \$14,000 from \$2,002,213.13 to \$2,016,213.13 is approved.
2. The total contract amount for The Earle Asphalt Company including the \$14,000 increase to the contract is not to exceed \$2,016,213.13.
3. The Mayor and Municipal Clerk are hereby authorized and directed to execute the necessary documents to effect Change Order No. 1.

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 September 10, 2019.

It was MOVED by Daniels, SECONDED by Rosenberg to approve Resolution R2019-136.

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

There being seven (7) ayes, and no (0) nays, Resolution R2019-136 was approved.

Resolution R2019-152

Approval of Amendment to Agreement with Maser Consulting for Engineering Services for Route 130/Hankins Road/Conover Road Intersection Improvements

**RESOLUTION R2019-152
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, on August 4, 2009, the Township Council approved by Resolution R2009-178, a professional services agreement with Maser Consulting, P.A. for engineering services for Phase I, II and III of the Route 130/Hankins Road/Conover Road Intersection Improvement Project expressly conditioned that Phase II and Phase III could proceed only upon further action and written authorization of the Township Council; and

WHEREAS, on August 4, 2009, the Township Council, as approved by Resolution R2009-178, authorized Maser Consulting, P.A. to proceed with Phase I only for preliminary engineering; and

WHEREAS, on April 3, 2012, the Township Council, as approved by Resolution R2012-070, authorized Maser Consulting, P.A. to proceed with Phase II only for final design, permits, and bidding process, in accordance with the professional services agreement; and

WHEREAS, on March 19, 2019, the Township Council as approved by Resolution R2019-050, authorized Maser Consulting, P.A. to proceed to Phase III for Construction Management Services; and

WHEREAS, the Township needs to amend the professional services agreement with Maser Consulting, P.A. for engineering services, due to the additional requirements by New Jersey Department of Transportation and the work required by Maser Consulting, Inc, to increase the current contract by \$97,920 from \$40,800, for a total amount not to exceed \$138,720, and in accordance with the Consultant's Proposal, dated August 30, 2019 attached as "Exhibit A"; and

WHEREAS, the amount of compensation authorized under this Amendment to the Agreement for professional services with Maser Consulting, P.A. is \$97,920, for a total amount not to exceed \$138,720 and sufficient funds are available in Budget Account No. V-20-56-852-856 entitled "Reserve for Transportation Improvements", as evidenced by the Chief Financial Officer's Certification No. T2019-013.

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 Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Amendment to the Agreement for professional engineering services agreement for the Route 130/Hankins Road/Conover Road Intersection Improvement Project between the Township of East Windsor and Maser Consulting, P.A. in an amount not to exceed \$138,720.
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 September 10, 2019.

It was **MOVED** by Shapiro, **SECONDED** by Yeager to approve Resolution R2019-152 with the revisions to the Resolution and amendment.

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

There being seven (7) ayes, and no (0) nays, Resolution R2019-152 was approved with the revisions to the Resolution and amendment.

5. Installation of New Roof to Police/Court Building: Warranty Status

The Director of Public Works stated that a final inspection needed to be done on the roof and once the final inspection was done with the work intact then the recommendation for the maintenance bond release will be provided. The Township Attorney stated the maintenance bond expires automatically on October 25, 2019, if there are issues a letter needs to be sent to the bonding company certifying the issues prior to the expiration. Mayor Mironov questioned if there is enough time due to the engineering company stating completion would be about three weeks. The Assistant Manager stated if they act immediately there will be enough time. Mayor Mironov stated that the purchase order and inspection needs to be done ASAP.

Resolution R2019-153

Approval of Final Inspection and Report with
Tectonic Engineering Consulting PC for the
Police/Court Building Roof

**RESOLUTION R2019-153
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, on June 27, 2017, by Resolution R2017-110 the East Windsor Township Council authorized a contract with USA General Contractors Corporation, in the amount of \$296,000.00 for the Purchase and Installation of a New Roof for the Police/Court Building; and

WHEREAS, on October 25, 2017, Maintenance Bond No. 0204090, was issued by Berkley Insurance Company for a two (2) year maintenance bond in the amount of \$296,000 with USA General Contractors; and

WHEREAS, there is a need for engineering consulting services for a visual roof inspection with report and a thermal scan observation prior to the October 25, 2019 expiration of the maintenance guarantee; 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 Public Works recommendations on this purchase; and

WHEREAS, the maximum amount of the purchase is \$4,600 and funds are available in Capital Fund Account No. C-04-55-980-919-437 entitled, Capital Ordinance 2016-08 entitled "Police/Court Building Roof," as evidenced by the Chief Financial Officer's Certification No. C2019-014.

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 Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to Tectonic Engineering Consultants PC, 3951 Westerre Parkway, Suite 160, Henrico, Virginia 23233, for engineering consulting services for a visual roof inspection

and report and a thermal scan observation for the police/court building roof, for a total amount not to exceed \$4,600, 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 September 10, 2019.

It was MOVED by Lippman, SECONDED by Zoller to approve Resolution R2019-153.

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

There being seven (7) ayes, and no (0) nays, Resolution R2019-153 was approved.

6. Anker Park Improvements (Mercer County at Play Grant Program)

Mayor Mironov stated a discussion took place at the July 23 Council meeting with several questions regarding the Anker Park improvements including pricing and some differences between the tot lot surfaces. She stated follow-up needs to be done with other municipalities with pictures and a memo outlining answers to the questions that were raised. The Director of Public Works stated pictures and follow-up are being done and a memo will be distributed to Mayor and Council once complete. Mayor Mironov stated she would also like some recommendations on how to use the money to make other park improvements and she would like information on how DPW is moving forward. The Director of Public Works stated he will have the memo with the details by next week.

7. New Jersey Department of Transportation Grant Award for Probasco Road Freight Bypass Project

Mayor Mironov stated this grant award was unexpectedly received from NJDOT and the Township now needs an idea on how to use the money. She further stated she would like to develop a list of local professionals and property owners to meet and brainstorm ideas and a plan and concept on how we would be able to utilize the funds. Council Member Yeager asked if there was a time that the grant must be used by. The Assistant Manager stated the project needs to be complete within three years. Mayor Mironov requested staff to provide a potential list of people that could possibly add ideas and input into a project.

8. Dutch Neck Road/ Morrison Road Resurfacing Improvement Project – Report by Township Manager

Mayor Mironov stated that the project went out to bid on August 1, but had not been submitted to the NJDOT for approval. The Assistant Manager stated it went to NJDOT afterwards for approval but they required several changes and the Township revised and resubmitted to NJDOT and are awaiting approval of revised plans and specifications. Mayor Mironov questioned why the plans were not sent to NJDOT prior to going out to bid. The Director of Public Works stated

the specifications did go to NJDOT prior to the bid notice. Mayor Mironov stated the specifications were sent the same day that the bid notice went out and she does not approve of the process that took place. The Assistant Manager stated the project is now on hold until approval is received from the NJDOT. Mayor Mironov stated that the purpose was to get the project done prior to the cold weather setting in. The Director of DPW stated the project will get done prior to the cold weather setting in. Mayor Mironov did not see how that would be possible considering the timeline. The Assistant Manager stated once approval is provided by NJDOT he will notify Mayor and Council of the steps to follow.

9. East Windsor Township Public Transportation Program and Funding – Report by Township Manager

The Assistant Manager stated historically the grant application paperwork is in place in late August. He further stated there are three components of the public transportation program and funding which consists of the Interlocal shared services agreement with Mercer County and Hightstown Borough and the grant agreement. He stated that everything has been completed by the Township and we are still waiting on the grant agreement approval from Mercer County. He further stated once the grant agreement is received, all three Resolutions can all be listed on an upcoming agenda.

Resolution R2019-XXX

Approving Operating Assistance Agreement between New Jersey Transit Corporation and East Windsor Township for the Community Bus and Princeton Junction Shuttles for FY2019-2020 Grant Year

Resolution R2019-XXX

Approving Shared Services Agreement between Township of East Windsor and County of Mercer for Contribution to Public Transportation Services and Coordination of Transportation Services for the Use of FTA 5310 Vehicle

Resolution R2019-XXX

Approving Shared Services Agreement between Township of East Windsor and Borough of Hightstown for Contribution of Matching Local Share for Bus Services

MATTERS BY PUBLIC:

ADJOURNMENT:

There being no further business Mayor Mironov declared the meeting adjourned at 10:12 p.m.

Next Meeting: Tuesday, September 24, 2019 at 7:30 p.m.

Kelly Lettera
Municipal Clerk

Janice S. Mironov
Mayor

