

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday, July 21, 2020

5:30 p.m.

MINUTES

CALL TO ORDER:

The meeting of the East Windsor Township Council was called to order by Mayor Janice S. Mironov at 5:30 p.m. on Tuesday, July 21, 2020.

VERIFICATION:

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 8, 2020 in the annual meeting notice and on July 17, 2020, 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 virtually by Council Member Denise Daniels.

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 Manager James Brady and Municipal Clerk Kelly Lettera.

PRESENTATIONS & PROCLAMATIONS:

Girl Scout Gold Award: Ellie Wilton, Girl Scout Troop 70913 (July 17, 2020)

Eagle Scout Court of Honor: Andrew Luczak, Boy Scout Troop 5700 (July 18, 2020)

INTERVIEWS FOR BOARDS AND COMMISSIONS:

PUBLIC FORUM:

No one spoke from the public.

MINUTES:

December 17, 2019

January 14, 2020

February 11, 2020

February 25, 2020

March 10, 2020

March 24, 2020

April 7, 2020

April 21, 2020

May 5, 2020

May 19, 2020

June 2, 2020

June 16, 2020

July 7, 2020

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

ORDINANCE – PUBLIC HEARING:

Ordinance 2020-09 Bond Ordinance Providing a Supplemental Appropriation of \$1,500,000 for the Senior Center Expansion Project in and by the Township of East Windsor, in the County of Mercer, New Jersey, and Authorizing the Issuance of \$1,500,000 Bonds or Notes of the Township to Finance the Cost Thereof

**ORDINANCE NO. 2020-09
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

**BOND ORDINANCE PROVIDING A SUPPLEMENTAL
APPROPRIATION OF \$1,500,000 FOR THE SENIOR CENTER
EXPANSION PROJECT IN AND BY THE TOWNSHIP OF EAST
WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY, AND
AUTHORIZING THE ISSUANCE OF \$1,500,000 BONDS OR NOTES OF
THE TOWNSHIP TO FINANCE THE COST THEREOF.**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance has heretofore been authorized to be undertaken by the Township of East Windsor, in the County of Mercer, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the supplemental amount of \$1,500,000, such sum being in addition to the \$400,000 appropriated by a grant from New Jersey Small Cities CDBG Grant Program (the "State Grant") in Section 3(f)(10) of Bond Ordinance #2020-07 of the Township, finally adopted June 16, 2020 (the "Original Bond Ordinance"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the project herein since the project is being partially funded by the State Grant in Section 3(f)(10) of the Original Bond Ordinance.

Section 2. In order to finance the additional cost of the improvement or purpose not covered by application of the State Grant in Section 3(f)(10) of the Original Bond Ordinance, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,500,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is the Senior Center Expansion Project, including all work and materials necessary therefor and incidental thereto, as described in Section 3(f)(10) of the Original Bond Ordinance.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is \$1,500,000, including \$1,500,000 bonds or bond anticipation notes authorized herein. No bonds or bond anticipation notes were authorized in Section 3(f)(10) of the Original Bond Ordinance.

(c) The estimated cost of the improvement or purpose is \$1,900,000, including the \$400,000 appropriated by Section 3(f)(10) of the Original Bond Ordinance and the \$1,500,000 appropriated herein.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years. Since the Original Bond Ordinance was a multipurpose bond ordinance, the average useful life of the Original Bond Ordinance is amended to be 10.88 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,500,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$450,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, \$300,000 was estimated for these items of expense in the Original Bond Ordinance and an additional \$150,000 is estimated therefor herein.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or, if other than the State Grant in Section 3(f)(10) of the Original Bond Ordinance, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Mironov stated the Ordinance was introduced at the meeting of July 7 and the Public Hearing set for tonight. Mayor Mironov declared the public hearing open on Ordinance 2020-09. With no comment from the public being made, Mayor Mironov declared the public hearing closed.

It was MOVED by Lippman, SECONDED by Yeager to adopt Ordinance 2020-09 and authorize publication as required by law.

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

There being seven (7) ayes, and no (0) nays, Ordinance 2020-09 was adopted and publication authorized as required by law.

ORDINANCE – INTRODUCTION:

RESOLUTIONS:

Resolution R2020-106 Authorizing Purchase of Dump Truck with Snowplow and Tailgate Style Spreader from Gabrelli Truck Sales for Department of Public Works

**RESOLUTION R2020-106
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need to purchase one replacement dump truck with snow plow for the Public Works Department; and

WHEREAS, four quotes were obtained to provide this equipment; and

WHEREAS, East Windsor Township is a member of the Sourcewell (formerly NJPA) Cooperative Pricing System and, in accordance with N.J.S.A. 40A:11-10 and N.J.A.C. 5:34-7.11, the Township can purchase goods and services through an approved cooperative pricing system recognized by the State of New Jersey without public bidding when the vendor is an approved state contractor or part of an approved cooperative; and

WHEREAS, Gabrielli Truck Sales is the lowest cost proposal for one replacement dump truck with snow plow, through Sourcewell (Formerly NJPA) Contract #081716-KTC; and

WHEREAS, this equipment can and will be purchased through Sourcewell Formerly NJPA contract #081716-KTC, which is valid through November 15, 2020; and

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

WHEREAS, the maximum amount of the purchase is \$147,497.00 and funds are available in the Capital Fund Account No. C-04-55-980-924-912 entitled Ordinance 2020-07 "Dump Truck 7CY w/plow & spreader", as evidenced by the Chief Financial Officer's Certification No. C2020-020.

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

1. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to Gabrielli Truck Sales, 80 Green Pond Road, Rockaway, NJ 07660, for one 2021 Kenworth T370 Dump Truck with snow plow, for a total amount not to exceed \$147,497.00, 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 July 21, 2020.

Mayor Mironov stated Resolution R2020-106 was held at a previous Council meeting requiring further clarification on what vendor was recommended by the Director of Public Works. She further stated a revised memo, dated July 13, 2020, was provided to Mayor and Council from the Director of Public Works clarifying and recommending Gabrelli Truck Sales.

It was MOVED by Rosenberg, SECONDED by Daniels to approve Resolution R2020-106.

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

Nays – None

There being seven (7) ayes, and no (0) nays, Resolution R2020-106 was approved.

Resolution R2020-108 Authorizing Purchase of Tow behind Stump Grinder from Vermeer North Atlantic for the Department of Public Works

**RESOLUTION R2020-108
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need to purchase one tow behind stump grinder for the Public Works Department; and

WHEREAS, five quotes were obtained to provide this equipment; and

WHEREAS, East Windsor Township is a member of the Sourcewell (formerly NJPA) Cooperative Pricing System and, in accordance with N.J.S.A. 40A:11-10 and N.J.A.C. 5:34-7.11, the Township can purchase goods and services through an approved cooperative pricing system recognized by the State of New Jersey without public bidding when the vendor is an approved state contractor or part of an approved cooperative; and

WHEREAS, Vermeer North Atlantic, Inc. is the lowest cost proposal for one tow behind stump grinder, through Sourcewell (Formerly NJPA) Contract #062117-VRM; and

WHEREAS, this equipment can and will be purchased through Sourcewell Formerly NJPA contract #062117-VRM, which is valid through August 17, 2020; and

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

WHEREAS, the maximum amount of the purchase is \$55,261.00 and funds are available in the Capital Fund Account No. C-04-55-980-924-625 entitled Ordinance 2020-07 "Stump/Root Grinder Acquisition", as evidenced by the Chief Financial Officer's Certification No. C2020-022.

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 Vermeer North Atlantic, Inc., 7 Maple Avenue, Lumberton, NJ 08048, for one SC802 tow behind Stump Grinder, for a total amount not to exceed \$55,261.00, 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 July 21, 2020.

Mayor Mironov stated a memo was provided to Mayor and Council from the Director of Public Works on the purchase.

It was MOVED by Zoller, SECONDED by Rosenberg to approve Resolution R2020-108.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-108 was approved.

Resolution R2020-109 Authorizing Purchase of Hook Lift Tandem Dump Truck with Snowplow
from Burgey's Truck Center for Department of Public Works

**RESOLUTION R2020-109
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need to purchase one replacement Chassis Dump Truck with hook lift frame and snow plow for the Public Works Department; and

WHEREAS, four quotes were obtained to provide this equipment; and

WHEREAS, East Windsor Township is a member of the Sourcewell (formerly NJPA) Cooperative Pricing System and, in accordance with N.J.S.A. 40A:11-10 and N.J.A.C. 5:34-7.11, the Township can purchase goods and services through an approved cooperative pricing system recognized by the State of New Jersey without public bidding when the vendor is an approved state contractor or part of an approved cooperative; and

WHEREAS, Bergey's Truck Center is the lowest cost proposal for one replacement Chassis Dump Truck with Hook Lift frame, through Sourcewell (Formerly NJPA) Contract #081716-VCE; and

WHEREAS, the Chassis Dump Truck with hook lift can and will be purchased through Sourcewell Formerly NJPA contract #081716-VCE, which is valid through November 17, 2020; and

WHEREAS, the lowest cost proposal for the purchase and installation of the snow plow was submitted by Norcia Corporation; and

WHEREAS, since the purchase for the snow plow 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 Work's recommendations on these purchases; and

WHEREAS, the maximum amount of the purchase is \$186,029.50 and funds are available in the Capital Fund Account No. C-04-55-980-924-911 entitled Ordinance 2020-07 "Large Dump Truck Acq.", as evidenced by the Chief Financial Officer's Certification No. C2020-023.

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 Bergey's Truck Center, 5 Cross Roads Drive, Trenton, NJ 08691, for one 2020 Volvo Chassis Dump Truck with Hook Lift frame, in the amount of \$172,832.00, all in accordance with the attached quote.
2. The Manager and Chief Financial Officer are hereby authorized and directed to approve and forward a purchase requisition to Norcia Corporation, 451 Blackhorse Road, North Brunswick, NJ 08902, for one Henke reversible snow plow, in the amount of \$13,197.50, 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 July 21, 2020.

Mayor Mironov stated a memo was provided to Mayor and Council from the Director of Public Works on the purchase.

It was MOVED by Yeager, SECONDED by Lippman to approve Resolution R2020-109.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-109 was approved.

Resolution R2020-110 Authorizing Repairs of Electrical and Phone System Lines in Municipal Building by Connelly Electric

RESOLUTION R2020-110
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, on April 5, 2020 a water line expectantly broke and an emergency arose regarding the immediate need to install a new water line for the fire suppression system serving the Municipal Building; and

WHEREAS, pursuant to the New Jersey Local Public Contracts Law, specifically N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1, the Township Manager has transmitted and certified the existence of an emergency purchasing need including actual emergency, the need for purchase could not have been reasonably foreseen, and the contract is limited to meet the immediate needs of the emergency, which is attached and incorporated in this Resolution; and

WHEREAS, during the emergency repair to the suppression system, the contractor damaged the electrical and phone line system in the Municipal Building requiring the use of an electrician to make repairs which were extensive and took several days to restore; and

WHEREAS, the Township Council has reviewed the Director of Public Work's and the Township Manager's recommendation which declares this to be an emergency procurement under the New Jersey Local

Public Contracts Law N.J.S.A.40A:11-6 et. seq., and finding that the contract award may be made without public bidding; and

WHEREAS, the Township Council reviewed the Township Manager's on the Director of Public Work's memo, dated July 9, 2020, recommending to deduct \$6,730.14 from the contractor's bill and pay Connelly Electric directly; and

WHEREAS, the maximum amount for the repair to the electrical and phone line system for the Municipal Building is \$6,730.14 and funds are available in Capital Fund Account No. C-04-55-980-919-400 entitled Ordinance 2016-08 "General Bldg Repairs" in the amount of \$6,018.10 and in the 2020 Current Account No. 0-01-26-310-408-253 entitled "Other Contractual Services-Municipal Bldg" in the amount of \$712.04, for a total amount not to exceed \$6,730.14 as evidenced by the Chief Financial Officer's Certification No. C2020-025.

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 George Connelly Electric, 1 Hightstown-Cranbury Station Road, Cranbury, NJ 08512, for the repairs to the electrical and phone line system in the Municipal Building, in an amount not to exceed \$6,730.14, 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 July 21, 2020.

Mayor Mironov stated a memo was provided to Mayor and Council from the Director of Public Works on the purchase. She further stated that Resolution R2020-110 needs to be revised to reflect the Manager's recommendation and a few minor revisions [which are incorporated in the above Resolution] need to be made.

It was **MOVED** by Daniels, **SECONDED** by Lippman to approve Resolution R2020-110 with revisions.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-106 was approved with revisions.

Resolution R2020-111 Authorizing Repairs and Installation of New Water Line for Fire Suppression System for Municipal Building by Waters & Bugbee

RESOLUTION R2020-111
EAST WINDSOR TOWNSHIP
MERCER COUNTY

WHEREAS, on April 21, 2020, by Emergency Resolution R2020-074, the Township Council approved the immediate need for the installation of new water line for the fire suppression system at the Municipal Building by Waters & Bugbee; and

WHEREAS, based off the work that was performed the Township needs to amend the contract to increase the current contract by \$21,837.96 from \$58,890.00 to \$80,727.96 for the installation of a new water line for the fire suppression system serving the Municipal Building following an unexpected water line break; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, an emergency contract may be awarded without public advertisement for bids and bidding due to the lack of a water supply for the municipal building fire suppression system which created an unforeseen emergency affecting public health and safety; and

WHEREAS, the Township Council has reviewed the Township Manager's recommendation which declares this to be an emergency procurement under the New Jersey Local Public Contracts Law N.J.S.A.40A:11-6 et. seq., and finding that the contract award amendment may be made without public bidding; and

WHEREAS, the amount of compensation authorized under this Amendment to the Agreement with Waters & Bugbee is \$21,837.96 and sufficient funds are available in Capital Fund Account No. C-04-55-980-924-400 entitled Ordinance 2020-07 "General Bldg Repairs" for a total contract amount not to exceed \$80,727.96, as evidenced by the Chief Financial Officer's Certification No. C2020-021.

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 Council approves amendment of Emergency Resolution R2020-074 to increase the contract amount by \$21,837.96, from \$58,890.00 to \$80,727.96, for the installation of a new water line for the fire suppression system serving the Municipal Building following an unexpected water line break.

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 July 21, 2020.

Mayor Mironov stated a memo was provided to Mayor and Council from the Township Manager on the emergency increase. She further stated that the Resolution needs to reflect the same format as emergency Resolution R2020-074.

It was **MOVED** by Rosenberg, **SECONDED** by Yeager to approve Resolution R2020-111 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 R2020-111 was approved with the revisions.

Resolution R2020-112 Approval of Developers Agreement with Novitium Pharma (Block 20.06, Lot 193) for 70 Lake Drive Expansion

**RESOLUTION R2020-112
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, Novitium Pharma, Inc., the owners of property located at 70 Lake Drive, East Windsor, New Jersey, Block 20.06, Lot 193, as shown on the official tax map of the Township of East Windsor, received Preliminary and Final Major Site Plan Approval from the Planning Board on April 15, 2019, bearing application No. PB18-007, for the construction of a 17,760 square foot addition to the existing 35,963 pharmaceutical manufacturing facility; and

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

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

1. The Mayor and Municipal Clerk are hereby authorized to execute the Developer's Agreement with Novitium Pharma, Inc., in the form attached hereto.
2. The Township Engineer is authorized to take any and all action necessary to carry out the terms and conditions of the Agreement.
3. A copy of this Resolution certified to be a true copy be forwarded to the Township Attorney, Engineer, Finance Director, Construction Official, and Novitium Pharma, Inc.

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 July 21, 2020.

Mayor Mironov stated a memo was provided to Mayor and Council from the Township Attorney on the developer's agreement for the 17,760 square foot expansion to Novitium Pharma located at 70 Lake Drive, East Windsor.

It was MOVED by Zoller, SECONDED by Lippman to approve Resolution R2020-112.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-112 was approved.

Resolution R2020-113 Declaring Township Personal Property as Surplus for Disposition

**RESOLUTION R2020-113
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-36, provides for the disposition of personal property owned by a municipality; and

WHEREAS, on February 3, 2020, the Township Manager certified there are items of Township public property that are no longer of use and the items should be disposed of as set forth on Schedule "A (attached); 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 list of personal property contained on the attached Schedule "A" is hereby declared surplus property as it is no longer needed for a public purpose.
2. The Municipal Clerk and Finance Director are authorized to take the necessary actions to have the auction conducted.

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 July 21, 2020.

Mayor Mironov stated as previously requested, the Resolution needs to be revised and reformatted.

It was MOVED by Rosenberg, SECONDED by Shapiro to approve Resolution R2020-113 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 R2020-113 was approved with the revisions.

Resolution R2020-114 Approving Contract with Muncibid.com, LLC for Conduct of On-line Auction

Mayor Mironov requested that Resolution R2020-114 be held, noting that there was no agreement, no contract terms and conditions.

Resolution R2020-115 Authorizing Purchase of Replacement Turn-Out Gear from Continental Fire & Safety for East Windsor Volunteer Fire Company No. 1

**RESOLUTION R2020-115
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, there is a need to purchase turn-out gear, (structural firefighting boots) for the East Windsor Volunteer Fire Company No. 1; and

WHEREAS, quotes were solicited from three (3) vendors to provide this equipment; 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, public bids are not required when the purchase is under a State Contract in accordance with N.J.S.A. 40A:11-12 of the Local Public Contracts Law; and

WHEREAS, the lowest responsive quote was submitted by Continental Fire & Safety through State Contract No. 17-FLEET-00805 which is valid through June 14, 2022; and

WHEREAS, the Township Council has reviewed the Township Manager's and the East Windsor Volunteer Company No. 1 Fire Chief's recommendations on this purchase; and

WHEREAS, the maximum amount of the purchase is \$2,170.00 and funds are available in Account No. C-04-55-980-924-531 entitled Ordinance 2020-07, entitled "FC#1 Turnout Gear", as evidenced by the Chief Financial Officer's Certification No.C2020-024.

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 under State Contract No. 17-FLEET-00805, to Continental Fire & Safety, 2740 Kuser Road, Hamilton, NJ 08691, for the purchase of five 14" Supreme Structural Pull-on Leather Bunker Boots in an amount of \$434.00 each for a total amount not to exceed \$2,170.00, as set forth in 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 July 21, 2020.

Mayor Mironov stated a memo was provided to Mayor and Council from the Township Manager and the East Windsor Volunteer Fire Company No 1 chief recommending the purchase. Mayor Mironov stated three quotes need to be provided for every purchase with names, addresses and accurate prices in the memo.

It was MOVED by Yeager, SECONDED by Rosenberg to CONDITIONALLY APPROVE Resolution R2020-115 conditioned upon the provision of three complete quotes for memo and file.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-115 was conditionally approved conditioned upon the provision of three complete quotes for memo and file.

Resolution R2020-116 Authorizing Refund of Tax Overpayments

**RESOLUTION R2020-116
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 2020 Refund of Taxes List Number 3 dated July 13, 2020.

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 July 21, 2020.

Mayor Mironov stated a certified list was provided to Mayor and Council from the Tax Collector.

It was MOVED by Shapiro, SECONDED by Lippman to approve Resolution R2020-116.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-116 was approved.

Resolution R2020-117 Action on Award of Bid for Addition to the Senior Center

**RESOLUTION R2020-117
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, a Notice of Bids was issued and posted/advertised on June 19, 2020 for the Additions to the East Windsor Senior Center and fourteen bids were received by the East Windsor Township Municipal Clerk's Office on July 10, 2020; and

WHEREAS, based upon the recommendation of the Township Attorney and Kevin Settembrino of Settembrino Architects, it is in the best interest of the Township to reject the bids as they are substantially over budget and over the architects projected estimate in accordance with N.J.S.A. 40A:11-13.2a; and

WHEREAS, the bids received were substantially over the architect's projected estimate; and

WHEREAS, the Township Council has reviewed the recommendation made by the Township Attorney and Settembrino Architects on said bid.

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 fourteen bids received on July 10, 2020 for the Additions to the East Windsor Senior Center are hereby rejected.
2. The Municipal Clerk's Office is hereby authorized and directed to return the certified checks or bid bonds to all fourteen bidders.

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 July 21, 2020.

Mayor Mironov stated a memo was provided to Mayor and Council from the Township Attorney and Kevin Settembrino of Settembrino Architects recommending a rejection of the fourteen bids that were received on July 10, 2020 and submission of a re-bid with the bid opening on August 7, 2020. She further stated that the Resolution needs to be revised in accordance with the attorney's comments.

It was **MOVED** by Shapiro, **SECONDED** by Daniels to approve Resolution R2020-117 with revisions.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-117 was approved with revisions.

APPLICATIONS:

Raffle License RL: 2020-003 Veterans of Foreign Wars Post 5700 – April 12, 2020 through April 12, 2021 at 140 Dutch Neck Road, East Windsor, NJ – 50/50 On Premise Raffle

It was **MOVED** by Rosenberg, **SECONDED** by Shapiro to approve Raffle License RL: 2020-003.

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

There being six (1) ayes, no (0) nays, and one (1) abstention, Raffle License RL: 2020-003 was approved.

REPORTS BY COUNCIL AND STAFF:

Mayor Mironov reported a Recycling Day event was held on July 15 and the turnout was unprecedented with an overwhelming response of residents that attended the event. She further reported due to the turnout and having to turn residents away, another Recycling shred only

event is being held on July 29. She also reported that she attended a nice Eagle Scout Court of Honor on July 18 for Andrew Luczak.

CORRESPONDENCE:

APPOINTMENTS:

APPROVAL OF BILLS:

Mayor Mironov stated a 2020 Current Bill list, 2019 Current Bill list, a Capital Bill List and other miscellaneous bill lists and trust accounts were provided. Council Member John Zoller requested to hold for clarification an item on page 5 of the Current 2020 questioning if the item was under the wrong category.

It was MOVED by Zoller, SECONDED by Shapiro to approve the Bill Lists with the clarification and hold.

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 clarification and hold.

MATTERS BY COUNCIL:

Mayor Mironov requested an update on the Exeter Road project and stated she is looking for a status in order to go out to bid. She also requested a status updates on the Shoppes of East Windsor, Magnolia Ridge and the Lightbridge bond release that was received in the Clerk's office in March. She also requested a report on the electric usage.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. Construction Department Permit Fees Recommendations

Mayor Mironov stated a memo was received from the Community Development Director and Construction Official, dated June 30, 2020 recommending the town to adopt an ordinance to implement minimum permit fees to recoup the expenses related to construction inspection costs. Mayor Mironov stated the current permit fees had not been changed in several years, and staff reached out to several other municipalities throughout Mercer County regarding their permit fees to get an idea as to the current standards in the area. Mayor and Council requested that an ordinance be listed on an upcoming agenda.

2. Sustainable Jersey Grant Project: Etra Lake Park Arboretum Restoration

Mayor Mironov stated prior to tonight's council meeting, a special joint meeting with Township Council, the Environmental Commission and Township Landscaper was held to answer any questions and provide

the members with a plan on how to move forward with the Etra Lake Park Arboretum Restoration project. Council Member John Zoller requested staff to look into the expiration of the grant and if we have enough time to complete the restoration or if an extension is needed.

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

Resolution R2020-107 Approval of Change Order #2 to Contract with The Earle Asphalt Company for Intersection Improvements for Route 130/Hankins Road/Conover Road Intersection Improvements

Mayor Mironov held Resolution R2020-107 until the next regularly scheduled meeting, as Council is still awaiting information as previously requested.

MATTERS BY PUBLIC:

ADJOURNMENT:

There being no further business Mayor Mironov declared the meeting adjourned at 6:35 p.m.

Next Meeting: August 4, 2020

Kelly Lettera
Municipal Clerk

Janice S. Mironov
Mayor