

EAST WINDSOR TOWNSHIP COUNCIL

Tuesday August 4, 2020

5:30 p.m.

via Teleconference

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, August 4, 2020.

VERIFICATION:

Municipal Clerk Kelly Lettera certified that the meeting was noticed on January 10, 2020 in the annual meeting notice and on July 31, 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 by Council Member Peter Yeager.

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:

INTERVIEWS FOR BOARDS AND COMMISSIONS:

PUBLIC FORUM:

No one from the public spoke.

MINUTES:

Mayor Mironov stated January 14, 2020 and July 21, 2020 minutes were held till the next regularly scheduled meeting.

December 17, 2019

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

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

ORDINANCE – PUBLIC HEARING:

ORDINANCE – INTRODUCTION:

RESOLUTIONS:

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

**RESOLUTION R2020-114
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the Township of East Windsor is the owner of certain property which has been declared by Resolution R2020-113, to be surplus, that is, no longer needed for public use and is desirous of selling this surplus property through an on-line auction; and

WHEREAS, the Township of East Windsor desires to utilize the online auction services of Muncibid, pursuant to State Contract No. T2581, in accordance with the terms and conditions of the State Contract, which is valid until April 8, 2022 with an option to be extended up to two years with no single extension exceeding one year; 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 sales are being conducted pursuant to N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services' Local Finance Notice 2019-15.

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 Township approves of the attached terms and conditions set forth in New Jersey State Contract No. T2581 with Muncibid, an online auction, to dispose of Township declared surplus property.

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 August 4, 2020.

Mayor Mironov requested to revise item one in the Now therefore section to state "The Township approves of the attached terms and conditions set forth in New Jersey State Contract No. T2581 with Muncibid, an online auction, to dispose of Township declared surplus property." She also requested to remove any remaining numbers in the section.

[NOTE: The changes requested are reflected in the above Resolution.]

It was MOVED by Daniels, SECONDED by Lippman to approve Resolution R2020-114 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 R2020-114 was approved with the revisions.

Resolution R2020-118 Authorizing Purchase of Police Records Management Computer Server from Motorola Solutions for the Police Department

Resolution R2020-118 was held till the next regularly scheduled meeting pending additional information.

Resolution R2020-119 Action on Purchase of Fire Truck for East Windsor Volunteer Fire Company No. 2

**RESOLUTION R2020-119
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, the East Windsor Volunteer Fire Company No. 2 is a 100% volunteer fire company providing fire-fighting and emergency services to the Township of East Windsor; and

WHEREAS, pursuant to N.J.S.A. 40A:14-34, East Windsor may authorize such sums as it may deem necessary for the purchase of fire equipment for use by the Fire Company, the title to which shall remain with East Windsor, provided that the funds shall be controlled and disbursed by East Windsor; and

WHEREAS, there is a need to replace East Windsor Volunteer Fire Company No. 2's 1976 MAC, Baker pumper fire truck; and

WHEREAS, the Township and Fire Company have determined that there is a need to purchase a replacement fire truck for use by East Windsor Volunteer Fire Company 2; 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, the Township has required that E-One and Absolute Fire Protection Company Inc. provide a cost proposal to post a performance bond, protecting and insuring the Township will receive an aerial ladder truck in conformance with the proposal submitted to the Township by E-One and Absolute Fire Protection Company Inc., and such additional cost to the Township would be \$4,184.00; and

WHEREAS, the maximum amount of the purchase is \$1,011,574.00 and funds are available in the Capital Fund Account No. C-04-55-980-919-925 entitled Ordinance 2016-08 "FC#1 Ladder Fire Truck Acquisition", as evidenced by the Chief Financial Officer's Certification No. C2017-029.

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 E-One, 1601 SW 37th Avenue, Ocala, FL 34474 for the purchase of an E-One Cyclone II HP100RM Platform aerial ladder truck, in an amount not to exceed \$1,011,574.00, all in accordance with the attached Absolute Fire Protection Company, Inc. proposal dated September 5, 2017, and the terms and conditions set forth herein.
2. The following terms and conditions shall apply to the purchase.
 - A. Mayor and Council Members authorize the use of the 100% prepayment option, reducing the cost of the ladder truck by \$38,694.
 - B. Mayor and Council Members require Absolute Fire Protection Company, Inc. and E-One to post a performance bond, resulting in an additional \$4,184.00 cost to the Township.
 - C. Mayor and Council Members decline the trade-in option provided for in the Absolute Fire Protection Company, Inc. September 5, 2017 proposal submitted to the Township.
3. The purchase and payment is conditioned upon Absolute Fire Protection Company, Inc. and E-One posting a performance bond in a form acceptable to and approved by the Township.
4. The Mayor and Clerk are hereby authorized and directed to execute an "End User Agreement" with E-One/Absolute Fire Protection Company, Inc. pursuant to the terms of its nationally-recognized and accepted cooperative purchasing agreement with the Houston-Galveston Area Council.

Mayor Mironov requested a satisfactory agreement for signature prior to the processing of a purchase order. She further stated the contract should include the following: specifications including options to be or not to be included, terms and conditions, delivery and terms of performance bond, a timeline and enforcement options, where the vehicle will be manufactured and warranty information. She further requested that staff reach out and confirm that the pricing has not changed since the original quote, including all discounts. She stated the Resolution also needs to be revised to reflect the same information.

[NOTE: The changes requested are reflected in the above Resolution.]

It was MOVED by Lippman, SECONDED by Shapiro to conditionally approve Resolution R2020-119 upon the revisions and additional terms and conditions included in the contract.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-119 was conditionally approved upon the revisions and additional terms and conditions included in the contract.

Resolution R2020-120 Authorizing Release of Deed Restriction for Property Located at 148
Princeton Hightstown Road (Block 5.01, Lot 13)

**RESOLUTION NO. R2020-120
EAST WINDSOR TOWNSHIP
MERCER COUNTY**

WHEREAS, McGraw Hill Financial, Inc. is the owner of property located at 148 Princeton-Hightstown Road, East Windsor Township, Mercer County, New Jersey, designated on the East Windsor Township Tax Maps as Block 5.01 (formerly Block 5), Lot 13 (“the Property”); and

WHEREAS, the Property is encumbered by a Deed and Declaration of Restriction dated February 20, 1985 and recorded in the Mercer County Clerk’s Office on March 4, 1985 in Deed Book 2283, Page 40 (“the Deed Restriction”), a copy of which is attached hereto; and

WHEREAS, the purpose and effect of the Deed Restriction was to reserve the encumbered portion of the Property for off-street parking or open space, in conjunction with a site plan approval granted by East Windsor Township Planning Board Resolution 4-85, adopted on January 14, 1985. Paragraph 3 of the Deed Restriction states: “This restriction shall run to the benefit of the Township of East Windsor, may be duly enforced by the Township, and may be released only upon the passage of a resolution duly adopted by the Township Council pursuant to law”; and

WHEREAS, by Resolution No. 2020-10 adopted by the East Windsor Township Planning Board on May 4, 2020 on Application No. PB19-004, granted to the contract purchaser, TC NE Metro Development, Inc., the Property, along with contiguous Lots 12, 14 and 15 in Block 5.01, were approved for subdivision and redevelopment, which Planning Board resolution includes appropriate provisions for off-street parking and open space that are consistent with the approved new development; and

WHEREAS, the Deed Restriction no longer serves a useful purpose for the Township or its residents; and

WHEREAS, the Township Council has reviewed the Township Attorney’s memorandum on this subject; and

WHEREAS, the Township Council has determined that the release of the Deed Restriction is in the best interests of the Township.

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

1. The attached Deed and Declaration of Restriction dated February 20, 1985 and recorded in the Mercer County Clerk’s Office on March 4, 1985 in Deed Book 2283, Page 40 shall be released and discharged of record.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Release of Deed Restriction.

3. The Release of Deed Restriction authorized by this Resolution shall be held in escrow by the Township Attorney pending confirmation that the closing on the sale of Lots 12, 13, 14 and 15 in Block 5.01 to TC NE Metro Development, Inc. has taken place and that the minor subdivision approved by Planning Board Resolution 2020-10 has been perfected.
4. Upon the satisfaction of the condition set forth in paragraph 3 above, the Township Attorney shall release the Release of Deed Restriction from escrow and shall provide it to the Municipal Clerk for recording in the Office of the Mercer County Clerk.

I certify the foregoing to be a true copy of a Resolution adopted by the East Windsor Township Council at a meeting held on August 4, 2020.

It was MOVED by Zoller, SECONDED by Rosenberg to approve Resolution R2020-120.

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

There being seven (7) ayes, and no (0) nays, Resolution R2020-120 was approved.

APPLICATIONS:

REPORTS BY COUNCIL AND STAFF:

Mayor Mironov requested feedback regarding the July 29 Recycling Day event.

CORRESPONDENCE:

Correspondence was done during the Matters by Council section.

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.

Mayor Mironov stated on the Current 2020, page 11, bill list, the nursing services should be coded for COVID-19.

It was MOVED by Yeager, SECONDED by Rosenberg to approve the Bill Lists with the revision.

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 revision

MATTERS BY COUNCIL:

Mayor Mironov stated a memo, dated July 27, from the Director of Public Works was received and referenced as wood chipper but, is regarding leaf vacuum parts. She requested that the memo get updated with the accurate title. She further stated that Resolution R2020-101 and Resolution R2020-115, which were conditionally approved at a prior Council meeting, has been satisfied and staff can proceed with processing the Resolutions. Mayor Mironov requested that staff reach out to New Jersey Department of Transportation to confirm they received Resolution R2020-086, supporting the Route 130 Bridge over Millstone River repairs. She also requested status updates for the Exeter Road resurfacing project, the renewal for Dispatch Communication Services with IXP and the Shoppes of East Windsor project.

DISCUSSION ITEMS AND COUNCIL ACTION WHERE APPROPRIATE:

1. 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

**RESOLUTION R2020-107
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, on September 10, 2019, by Resolution R2019-136 the East Windsor Township Council authorized change order #1 to increase the contract amount by \$14,000, from \$2,002,213.13 to \$2,016,213.13, for final as-is built out; and

WHEREAS, on June 25, 2019, by Resolution R2019-136, the Township Council authorized payment #1 to Earle Asphalt Company in the amount of \$263,622.54; and

WHEREAS, on August 6, 2019, the Township Council authorized payment #2 to Earle Asphalt Company in the amount of \$279,689.07; and

WHEREAS, on December 17, 2019, the Township Council authorized payment #3 to Earle Asphalt Company in the amount of \$798,263.07; and

WHEREAS, on January 28, 2020, the Township Council authorized payment #4 to Earle Asphalt Company in the amount of \$504,616.27; and

WHEREAS, Maser Consulting and the Township Manager have reviewed and approved the need for Change Order #2 and have recommended approval of Payment #5; and

WHEREAS, Change Order #2 results in a reduction of the total final contract amount by \$25,389.30 from \$2,016,213.13 to \$1,990,823.83; and

WHEREAS, the Township Council authorizes final payment #5 in the amount of \$106,955.52 plus the 2% retainage previously held in the amount of \$37,677.37, for a total amount not to exceed \$144,632.88, to Earle Asphalt Company; and

WHEREAS, the maximum amount of the change order is -\$25,389.30 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 reduce the contract amount by \$25,389.30 for a total amount not to exceed \$1,990,823.83, as evidenced by the Chief Finance Officer's Certification No. T2020-007.

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. 2 to the contract with The Earle Asphalt Company, to reduce the contract amount by \$25,389.30 from \$2,016,213.13 to \$1,990,823.83 is approved.
2. The total contract amount for The Earle Asphalt Company including the \$25,389.30 reduction to the contract is not to exceed \$1,990,823.83.
3. The Mayor and Municipal Clerk are hereby authorized and directed to execute the necessary documents to effect Change Order No. 2.
4. The Chief Financial Officer is hereby authorized and directed to release final payment #5 to Earle Asphalt Company in the amount of \$144,632.89.

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 August 4, 2020.

Mayor Mironov requested that the Resolution reflect the actual payment and full payment breakdown. She stated that the Township would be willing to pay what is necessary to get the project moving but the requirements need to be provided in the change order.

[NOTE: The changes requested are reflected in the above Resolution.]

It was MOVED by Yeager, SECONDED by Shapiro to approve Resolution R2020-107 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 R2020-107 was approved with the revisions.

MATTERS BY PUBLIC: No one from the public spoke.

ADJOURNMENT:

There being no further business Mayor Mironov declared the meeting adjourned at 8:05 p.m.

Next Meeting: August 18, 2020

Kelly Lettera
Municipal Clerk

Janice S. Mironov
Mayor