

**MEETING TO BE BROADCAST ON COMCAST CHANNEL 27
AND VERIZON CHANNELS 41 AND 42**

**AGENDA FOR THE REGULAR BUSINESS MEETING
OF THE COUNCIL OF WEST WINDSOR TOWNSHIP
271 CLARKSVILLE ROAD
TO THE EXTENT KNOWN**

April 9, 2018

7:00 P.M.

1. Call to Order
2. Statement of Adequate Notice – January 5, 2018 to The Times and the Princeton Packet.
3. Salute to the Flag
4. Ceremonial Matters and/or Topic for Priority Consideration
5. Public Comment: (30 minutes comment period; 3-minute limit per person)
6. Administration Comments
7. Council Member Comments
8. Chair/Clerk Comments
9. Public Hearings

2018-013 AN ORDINANCE TO AMEND THE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF WEST WINDSOR AND PROVIDE FOR THE ADMINISTRATION THERE OF – FACILITIES MAINTENANCE MANAGER

10. Consent Agenda

A. Resolutions

2018-R098 Endorsing the Submission of the 2017 Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and Designating Laurie Gable, as Certified Municipal Recycling Coordinator to Ensure Application is Properly Filed

2018-R099 Approving the Application and Agreement to the New Jersey Department of Transportation for the 2017 Safe Corridors Highway Safety Fund Reimbursement - \$21,814.30

2018-R100 Authorizing the Cancellation of Sewer Rent Billing because the Dwelling was Demolished in October of 2015 – 217 North Post Drive

B. Minutes

February 20, 2018 Budget Session #1– as amended

February 21, 2018 Budget Session #2– as amended

February 26, 2018 – Business Session– as amended

February 26, 2018 Budget Session #3

February 27, 2018 Budget Session #4– as amended

March 1, 2018 Budget Session #5

March 1, 2018 Closed Budget Session #5

March 6, 2018 Budget Session #6– as amended

March 6, 2018 Closed Budget Session #6 – as amended

March 12, 2018 – Business Session– as amended

March 12, 2018 – Closed Session– as amended

C. Bills & Claims

11. Items Removed from Consent Agenda

12. Recommendations from Administration and Council/Clerk

2018-R101 Authorizing the Mayor and Clerk to Execute a Management Agreement with NJDEP-Division of Parks and Forestry with Regard to the Astura Property (Block 5, Lots 15 and 16) – 27 Cranbury Road

2018-R102 Authorizing the Chief Financial Officer to Release Affordable Housing Money to Community Options Pursuant to the October 30, 2017 Agreement between Community Options and West Windsor Township - \$200,000.00

2018-R103 Authorizing the Mayor and Clerk to Execute a Land Development Performance Guarantee Agreement with Ellsworth Realty Associates LLC (ZB13-01) for Phase 3 and Building N-3 Improvements

2018-R104 Authorizing the Mayor and Clerk to Execute Land Development Performance Guarantee Agreement with Project Freedom Inc. (PB16-09)

2018-R105 Approval of Appraisal and Authorization to Submit an Offer to Acquire and to Negotiate the Purchase of the Hall Farm Property based on the Appraised Value and in the Event that Negotiations Fail, Authorize the Filing of a Condemnation Action and the Deposit of the Appraised Value to the Treasurer State of New Jersey - \$1,575,000.00

2018-R106 Authorizing the Mayor and Clerk to Execute Contract Amendment #1 with Van Cleef Engineering Associates for Supplemental Work for the Project known as Cranbury Road Sidewalk Phase 2A Project - \$26,945.00

2018-R107 Authorizing the Mayor and Clerk to Execute a Contract with Discover Construction LLC for the Cranbury Road Sidewalk Phase 2A Project - \$320,992.60

2018-R108 Authorizing the Increase of Contract Amount with Scheideler Excavating Company, Inc. for Snow Removal Services for the Period of November 1, 2017 through October 31, 2018 - \$26,880.00

13. Introduction of Ordinances

2018-14 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 152 "STREETS AND SIDEWALKS" OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WEST WINDSOR

14. Additional Public Comment (three-minute limit per person)

15. Council Reports/Discussion/New Business

16. Administration Updates

17. Closed Session (Room C if needed)

18. Adjournment

ORDINANCE 2018-13

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR

AN ORDINANCE TO AMEND THE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF WEST WINDSOR AND PROVIDE FOR THE ADMINISTRATION THERE OF – FACILITIES MAINTENANCE MANAGER

Section 1. BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY that the salary and wage plan for employees and officers of the Township is as follows:

B. JOB CLASSIFICATIONS AND SALARY RANGES FOR EMPLOYEES whose positions are Supervisory shall be as noted below:

JOB CLASS D	\$56,004-96,742
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Facilities Maintenance Manger

Section 2. This Ordinance shall be in force after action or inaction by the Mayor as provided by law or an override of mayoral veto by the Council, whichever is applicable. Publication will be according to law.

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

ORDINANCE 2018-14
AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 152 “STREETS AND SIDEWALKS,” ARTICLE II OF
THE TOWNSHIP CODE OF THE TOWNSHIP OF WEST WINDSOR

WHEREAS, Chapter 152 of the Township Code of West Windsor regulates Streets and Sidewalks; and

WHEREAS, there is a need to incorporate insurance requirements and indemnifications to the benefit of the Township; and

WHEREAS, there is a need to incorporate language that addresses the installation of retaining walls in the public right-of-way.

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

Section 1. Chapter 152 of the Code of the Township of West Windsor (1999), Streets and Sidewalks, Article II, Excavations, is amended as follows. Deleted language is bracketed and added language is underlined and in italics.

Article II: Excavations

§ 152-6 Definitions.

As used in this article, the following terms shall have the meanings indicated:

FAR-SIDE OPENINGS

Any openings which cross the center line of the surface of a road.

IMPROVED ROAD

A. CLASS A

Any road surfaced with a pavement such as asphalt, concrete, brick or similar pavement; and/or any road having a concrete base.

B. CLASS B

Any road surfaced with stone or slag uniformly deposited in layers, with a total thickness of not less than four inches, where said stone or slag has been compacted by the use of a power roller and bound together by the application of oil.

C. CLASS C

Any old macadam or other road surfaced with a light coat of stone and oil or any water-bound macadam road without oil treatment; and any gravel and/or cinder road with oil treatment.

LONGITUDINAL OPENINGS

Openings which run parallel to the center line of the road.

NEAR-SIDE OPENINGS

Any openings which do not cross the center line of the surface of a road.

RIGHT-OF-WAY

The land used or intended for use as streets, as shown on deeds, plats, tax maps or the master plan.

UNIMPROVED ROAD

Any cinder, dirt or gravel road without oil treatment.

§ 152-7 Permit required.

No person shall cut, dig, drill or make any hole, trench or other excavation in any public right-of-way, road, street, alley or highway under the jurisdiction of the township without first having obtained from the township a permit therefor.

§ 152-8 Applications requirements.

- A. The application for a permit required by § 152-7 shall be made to the Township Engineer, who is hereby authorized to issue the same, subject to the provisions of this article; the applications shall be made, in writing, on the forms furnished by the township, and signed by the applicant.
- B. The permit shall state the name and address of the applicant, the name of the street or road where the opening is to be made and the house number and tax map lot and block number of the property for which the opening is to be made. It shall set forth the reasons for the work proposed, the type of surface to be opened, the classification of the opening under this article, the amount of the fee paid and the time limit for the completion of the work for which the permit is issued.

§ 152-9 Fees; bond in lieu of fees; general street improvements.

- A. The application for the permit required by § 152-7 shall pay to the Township Engineer for the use of the township the fee fixed by the schedule contained in Chapter 82, Fees, § 82-13, and post the appropriate bond as outlined in Subsection E below.
- B. A municipal or utility corporation may, in lieu of posting of individual bonds, file an approved bond with the township in the penal sum of [\$1,000]\$10,000, conditioned for the complete restoration to the satisfaction of the Township Engineer of the foundation and surface of any road permitted by the Township Council to be opened by it.
- C. A municipal or utility corporation may, in lieu of the payment of individual permit fees herein prescribed, pay an annual permit fee of \$1,000 to cover the costs of administration [and inspection] of said opening[s] applications. The municipal entity or public utility corporation shall be responsible for all inspection fees incurred by the Township, and will reimburse the Township for the cost of said inspections upon receipt of billings from the Township.
- D. No fee shall be required for any permit to open any street to make an underground conduit extension demanded by the township because of a proposed improvement to an unimproved road.
- E. In the event that the applicant does not have an existing or previously approved bond, the amount of the bond to be posted shall be calculated as follows:
 - (1) Near-side opening: \$500.
 - (2) Far-side opening: \$1,000.
 - (3) Longitudinal openings: \$500 for the first 15 feet, plus \$30 per foot for anything in excess of 15 feet.

§ 152-10 Rules and regulations for openings.

All permits issued under § 152-7 shall be subject to the following rules and regulations:

- A. Protection for traveling public. The party or parties to whom the permit is issued shall keep such opening properly guarded and at night shall place lights thereat and, in doing the work, shall interfere as little as possible with the travel along the road and not close the road to traffic unless the party or parties to whom the permit was issued was granted permission so to do by resolution of the Township Council.
- B. Time limit. In case the work has not been completed before the date of expiration as stated in the permit and the party or parties to whom the permit was issued have not requested an extension of time, the Township Engineer may, if deemed advisable, take steps to backfill the trench and replace a permanent pavement over the opening for which the permit had been issued, and if any extension of time beyond said date is needed for the completion of the work, a new application must be filed.
- C. Excavation. The work shall be so conducted as not to interfere with any water main, sewer or their connections with houses until permission of the proper authorities shall have been obtained. All rock within five feet of a water main or other pipe which will be damaged thereby shall be removed without blasting. No excavation which will damage trees or township property shall be made without the approval of the township.
- D. Trench restoration. All trenches in existing township roads shall be restored to the satisfaction of the Township Engineer, and such restoration shall include the following:
 - (1) All bedding material in the haunch portion of the bedding area shall be:
 - (a) Choked clean stone using approximately one part clean sand to two parts clean, uniformly graded crushed stone or river gravel; or
 - (b) Sandy gravel (insitu material), if approved by the Engineer on a site specific basis; or
 - (c) Clean stone, only if enveloped with filter fabric of a type approved by the Engineer.
 - (2) Above the bedding haunch area to one foot above the pipe shall be clean sand with not more than 10% passing the number 100 sieve size. This material shall be compacted to 90% maximum dry density.
 - (3) Above the bedding area as described in Subsection D(2) above shall be sand/cement backfill.
 - (a) If placed wet, sand/cement material shall be vibrated sufficiently to ensure that no voids remain, using 180 cycles per second in head motor vibrator or equal.
 - (b) If placed dry, the placement of sand/cement shall be in layers not more than 12 inches deep and compacted to 95% maximum density at optimum moisture content.
 - (c) In the case of either Subsection D(3)(a) or D(3)(b) above, the sand/cement backfill shall be brought to a level six inches below the bituminous concrete stabilized base course and FABC of such thickness as is specified in § 200-91 of the Code of the Township of West Windsor for the specific class of road being restored.
 - (d) Following the placement of the sand/cement backfill, the contractor shall line cut the existing edges of pavement so that the minimum length and width of the existing sound pavement removal shall be not less than 24 inches wider than the widest and longest disturbed portion of the trench excavation. Such line cuts shall be in a clean, single straight line so as to permit proper compaction of 1 to 5 soil aggregate and bituminous stabilized base course.

(e) Six inches of 1-5 soil aggregate is required in the area identified in Subsection D(3)(d) above. Careful attention should be paid to the percent of content of fines in any portion of the restoration, and such content shall not exceed the current New Jersey Department of Transportation standards for 1-5. This soil aggregate shall be compacted to 95% maximum density at optimum moisture content.

(f) Upon proper placement and compaction of the 1-5 soil aggregate and bituminous concrete base course, the edges of the existing pavement of the FABC shall be tack coated with an approved tack coat material. In no case shall the existing pavement thickness reduce the thickness of the pavement restoration requirements.

(g) The two inches FABC shall be placed in such a level so as to support the entire weight of the roller on the newly placed FABC so that when the rolling is finished, the FABC shall be consolidated to the density consistent with the requirements of the current NJDOT specifications and be 1/4 inch higher than the existing and/or surrounding pavement. In the event that the 1/4 inch higher pavement could cause drainage problems, the exact elevation of the patch FABC shall be as approved by the Township Engineer.

(h) All edges shall be sealed with the same material used for tack coat, such as rapid curing cutback asphalt, grades RC70 or RC-(e) Six inches of 1-5 soil aggregate is required in the area identified in Subsection D(3)(d) above. Careful attention should be paid to the percent of content of fines in any portion of the restoration, and such content shall not exceed the current New Jersey Department of Transportation standards for 1-5. This soil aggregate shall be compacted to 95% maximum density at optimum moisture content.

(f) Upon proper placement and compaction of the 1-5 soil aggregate and bituminous concrete base course, the edges of the existing pavement of the FABC shall be tack coated with an approved tack coat material. In no case shall the existing pavement thickness reduce the thickness of the pavement restoration requirements.

(g) The two inches FABC shall be placed in such a level so as to support the entire weight of the roller on the newly placed FABC so that when the rolling is finished, the FABC shall be consolidated to the density consistent with the requirements of the current NJDOT specifications and be 1/4 inch higher than the existing and/or surrounding pavement. In the event that the 1/4 inch higher pavement could cause drainage problems, the exact elevation of the patch FABC shall be as approved by the Township Engineer.

(h) All edges shall be sealed with the same material used for tack coat, such as rapid curing cutback asphalt, grades RC70 or RC-T or approved equal.

- E. Violations and penalties. Any person violating Subsection D of this section shall, upon conviction, pay a penalty of not less than [\$100] \$500.00 for each violation. Every day in which a violation exists shall constitute a separate violation, with the minimum penalty as heretofore described. The maximum penalty shall be as is otherwise provided in Chapter 1, General Provisions, Article II, Penalty, § 1-3 of this Code.
- F. Backfills in tunnels. In cases where it becomes necessary to resort to tunneling operations to reach the point of connection with the main line, the backfill in such tunnel shall be of rammed cement concrete composed of a mixture by volume of one part cement to six parts of coarse aggregate material not inferior to cinders.
- G. Special conditions. The township reserves the right to impose special conditions in special cases.
- H. Whenever any road opening shall require the closing of a road or the disruption of any utilities, 72 hours advance notice of such opening shall be provided to the Township Engineer.

- I. Indemnification of Township. Each permittee shall, as a condition of accepting any permit issued hereunder, save, hold and keep harmless and indemnify the Township, its officers, agents, servants and employees from and against any loss, damage, claim, demand or expense arising out of any suit or claim for damage or injury alleged to have been sustained as a result of any work done under such permit.
- J. Insurance. No permit shall be issued until the applicant has furnished the Engineer with satisfactory proof that he/she is insured against injury to persons and damage to property caused by any act or omission of the applicant, his/her agents, employees or subcontractors done in the course of the work to be performed under the permit. The insurance shall cover all hazards likely to arise in connection with the work, including, but not limited to, collapse and explosion, and shall also insure against liability arising from the completed operations. The limits of the insurance shall be \$300,000 for injury to any one person, \$500,000 for injuries to more than one person in the same accident and \$300,000 for property damage for a single incident. The governing body may waive the requirements of this subsection for public utilities on the presentation of satisfactory proof that they are capable of meeting claims against them up to the amount of the limits of the insurance policy which would otherwise be required. The insurance required by this Section shall name West Windsor Township as Additional Certificate Holder and Additional Insured.
- K. Acceptance of work: Acceptance or approval of any excavation work by the Township Engineer shall not prevent the Township from asserting a claim against the permittee and his/her or its surety under the surety bond required hereunder for incomplete or defective work, if discovered within 12 months from the completion of the excavation work. The Township Engineer's presence during the performance of any excavation work shall not relieve the permittee of its responsibilities hereunder.

Section 2. Chapter 152 of the Code of the Township of West Windsor (1999), Streets and Sidewalks, Article III, Sidewalk Maintenance, is amended as follows. Deleted language is bracketed and added language is underlined and in italics.

Article III: [Sidewalk Maintenance] Maintenance, Repair and Construction of Sidewalks and Retaining Walls in the Public Right-of-Way

§ 152-18 Snow and ice removal or treatment required.

The owner, occupant or tenant of the premises abutting or bordering upon any street in the township shall remove all snow and ice from the abutting sidewalks of such streets or, in the event of ice which may be so frozen as to make removal impracticable, shall cause the same to be thoroughly covered with sand, ashes or rock salt within 24 hours after the same shall cease to fall or be formed thereon.

§ 152-19 Depositing snow or ice upon streets or sidewalks prohibited.

No person, owner, tenant or occupant of any premises abutting on any street or sidewalk shall throw, place or deposit any snow or ice accumulated on private property into or upon any such street or sidewalk in the township.

§ 152-20 Maintenance and repair; notice; failure to comply.

- A. Duties of owners/occupants. The owner, occupant or tenant of the premises abutting or bordering upon any street in the township shall repair and maintain the abutting sidewalks and retaining walls of such streets in accordance with the [S]standard [C]construction [D]details for [S]sidewalks and retaining walls on file in the office of the Township Engineer. This standard does not apply to those types of large retaining walls typically constructed as part of grade separated roadway intersection improvements projects.
- B. Notice to repair. Whenever an owner, occupant or tenant of such property shall fail to maintain and repair the sidewalks and retaining walls abutting said owner's, occupant's or tenant's property or shall permit them to deteriorate into such condition that the safety of the public is impaired, written notice shall be given to the owner and occupant or tenant, if any, directing said owner, occupant or tenant to perform such maintenance or repairs within 30 days after the giving of the notice.
- C. Contents of notice; service. The notice shall contain a description of the property sufficient to identify it, but need not contain a legal description. Notice may be given in the same manner as provided for the service of judicial process in any of the courts of the State of New Jersey or by sending it registered mail, return receipt requested, addressed to the owner and occupant or tenant, if any, at his or her last known post office address.
- D. Noncompliance procedure. If the owner and occupant or tenant, if any, of such lands to whom such notice shall have been given as aforesaid shall refuse or neglect to perform such repairs or maintenance within the thirty-day period, then the work may be performed by the township. The cost of said work, when certified to the Township Engineer and found by it to be correct, shall be charged against the property affected, as provided for in N.J.S.A. 40:65-14 et seq. The amount so charged shall forthwith become a lien upon such lands and shall be added to the taxes next to be assessed and levied upon such lands, bearing interest at the same rate as taxes and collected and enforced in the same manner as taxes.
- E. Nothing herein contained shall be construed to relieve any property owner from the obligation of inspecting and maintaining any sidewalks or retaining walls located in the public right-of-way abutting their property, nor be construed as an assumption by the township of any responsibility to inspect sidewalks.

§ 152-20.1 Construction feasibility; permits; standards and specifications; grades.

- A. Feasibility. A retaining wall in the public right-of-way is permitted only where it can be demonstrated to the satisfaction of the Township Engineer that there is no feasible, reasonable alternative to either construct the retaining wall outside of the public right-of-way, or to perform an alternative slope treatment to solve the grade differential problem. No wall is permitted where it may present a danger or hazard to public welfare. No wall is permitted where it may violate clear sight triangle requirements at street corners.
- B. Permits. No sidewalk or retaining wall located in the public right-of-way shall be constructed, altered, repaired or replaced except pursuant to a permit issued by the Township Engineer on application and payment of an application fee in accordance with the requirements of this

Chapter. Repairs of a minor nature shall be exempt from the requirement for the filing of a plan and from the fee requirement.

C. Standards. All sidewalks and retaining walls in the public right-of-way shall be constructed, repaired or altered in accordance with the standard construction details for sidewalks and retaining walls on file in the office of the Township Engineer.

D. Specifications and grades for sidewalks. All new sidewalks shall be constructed of Portland cement air-entrained concrete, having a standard compressive strength of 4,500 pounds per square inch, of natural color, to lines and grades approved by the Township Engineer, and in the manner and under the conditions hereinafter specified in this Chapter. All repairs, replacements or alterations to existing sidewalks may be constructed of the same material used in the existing sidewalk.

E. Specifications and grades for retaining walls. Upon the approval of the Township Engineer, retaining walls may be constructed of steel reinforced Portland cement concrete, a commercial modular concrete block retaining wall system, brick or stone, or a combination of the above, to lines and grades approved by the Township Engineer, and in the manner and under the conditions hereinafter specified in this Chapter. Design requirements for walls are subject to proposed height, surcharge loads from adjacent structures and/or driveways, and site soil conditions. In instances where the slope on the upper side of the retaining wall exceeds 3:1 and/or wall height exceeds 47 inches, a guard rail or other restraining device must be provided at the top of the retaining wall.

§ 152-21 Violations and penalties.

Any owner, occupant or tenant violating any provision of this article shall be liable to the penalties established in Chapter 1, General Provisions, Article II, Penalty, § 1-3.

Section 3. This ordinance shall be in force after action or inaction by the Mayor as provided by law or an override of mayoral veto by the Council, whichever is applicable, and publication according to law.

Introduction:

Public Hearing:

Adoption:

Mayor's Approval:

Effective Date:

RESOLUTION

- WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and
- WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and
- WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and
- WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and
- WHEREAS, a resolution authorizing West Windsor Township to apply for the 2017 Recycling Tonnage Grant will memorialize the commitment of West Windsor Township to recycling and to indicate the assent of West Windsor Township Council to the efforts undertaken by West Windsor Township and the requirements contained in the Recycling Act and recycling regulations; and
- WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.
- WHEREAS, the Township Council designates Laurie Gable, Certified Municipal Recycling Coordinator, to ensure that said application is properly filed with the New Jersey Department of Environmental Protection.
- NOW THEREFORE BE IT RESOLVED by the West Windsor Township Council of West Windsor Township that West Windsor Township hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Laurie Gable, Certified Municipal Recycling Coordinator, P. O. Box 38, West Windsor, New Jersey 08550 to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Adopted:

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of April , 2018.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has within its boundaries a section of Route One that has been designated by the State of New Jersey as a Safe Corridors area; and

WHEREAS, the Township wishes to submit an application for reimbursement for monies spent to enforce traffic safety programs with the Safe Corridors area amounting to \$21,814.30; and

WHEREAS, the State of New Jersey, as part of the application process, requires Council approval/authorization to submit an application and grant agreement to the New Jersey Department of Transportation for the Safe Corridors Initiative of 2017.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Windsor formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application regarding Safe Corridors reimbursement to the New Jersey Department of Transportation on behalf of West Windsor Township.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Windsor and their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Adopted: April 9, 2018

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of April, 2018.

Sharon L. Young
Township Clerk
West Windsor Township

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

Sharon L. Young
Township Clerk
West Windsor Township

Hemant Marathe, Ph.D.
Mayor
West Windsor Township

RESOLUTION

WHEREAS, the Tax Collector of the Township of West Windsor has certified that the following property, 217 North Post Road in West Windsor was demolished on October 28, 2015; and

WHEREAS, the owners have not used any additional sewer services.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Tax Collector be authorized to cancel the first half of 2018 sewer rent billing on the following property:

PROPERTY ADDRESS	AMOUNT
217 North Post Road	\$249.00

Adopted: April 9, 2018

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of April, 2018.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, West Windsor Township previously acquired an interest in certain real estate property known as Block 5, Lots 15 and 16, West Windsor Township Tax Map from Astura, LLC; and

WHEREAS, the Township holds title with a 35% interest in the Property along with the State of New Jersey holding a 50% interest and the County of Mercer holding a 15% interest as tenants in common; and

WHEREAS, in connection with certain funding for the purchase which was made by the State of New Jersey, Department of Environmental Protection, the Township has been asked to enter into a management agreement pursuant to which the Township would perform all administrative, management, maintenance and property monitoring pursuant to a management plan which is to be developed by the Township in conjunction with the New Jersey Department of Environmental Protection and the County of Mercer.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Mayor and Clerk are hereby authorized and directed to execute the attached Property Management Agreement.

Adopted: April 9, 2018

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of April, 2018.

Sharon Young
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, Community Options, Inc. is a not-for-profit corporation incorporated in the State of New Jersey; and
- WHEREAS, it entered into an Agreement with the Township on October 30, 2017 whereby the Township would pay Community Options an amount not to exceed \$200,000.00 from the Affordable Housing Trust Fund to help defray the cost of acquisition of and provide renovation funds for a four bedroom group home at 4 West Kincaid Drive to be occupied by very-low income adults with development disabilities with such payment contingent upon entry of an order by a court of competent jurisdiction authorizing the payment and providing that the Township will receive affordable housing credit for each bedroom occupied by a tenant of the group home; and
- WHEREAS, Judge Jacobson has entered an order authorizing the release of up to \$200,000.00 from the Trust Fund, but has deferred judgment on whether the group home is creditworthy for affordable housing purposes until she reviews the Township's overall fair share plan, as she has done with respect to Haven House and elsewhere; and
- WHEREAS, Community Options is an established provider of housing and related services for the developmentally disabled and has secured affordable housing credit on a bedroom basis for its group homes; and
- WHEREAS, Community Options has provided the Township with the documentation required by the Agreement; and
- WHEREAS, it is in the best interest of the Township to release \$200,000.00 from the Affordable Housing Trust Fund to Community Options to defray the cost of acquisition for and renovation of the home at 4 West Kincaid Drive.
- NOW, THEREFORE, BE IT RESOLVED by the Township of West Windsor that the Chief Financial Officer is authorized to release \$200,000.00 to Community Options pursuant to the above-referenced Agreement.

Adopted: April 9, 2018

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of April 2018.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, Ellsworth Realty Associates LLC received preliminary and final site plan and variance approval from the West Windsor Township Zoning Board of Adjustment for the construction of on-site and off-site improvements for Block 5, Lots 20, 76 and 62 (ZB13-01); and

WHEREAS, in accordance with the West Windsor Township Code, the Township wishes to enter into an agreement with the Developer to ensure the installation of certain public and quasi-public improvements, on-site and off-tract, including, but not limited to, the payment for the costs of construction and inspection therefore as estimated by the Township Engineer and more particularly as shown on the approved plans and set forth in the Site Improvement Bond Estimate attached hereto as Exhibit A and made a part hereof; and

WHEREAS, the Developer has posted a Letter of Credit issued by The Bank of Princeton, being an irrevocable standby Letter of Credit, No. 1053 in the amount of \$9,476.55 with a cash bond in the amount of \$1,052.95 to serve as performance guarantees to secure the installation of on-site improvements in accordance with Phase 3 (Bldg. N-3) of the approved plans; and

WHEREAS, the Developer has posted a Letter of Credit issued by the Bank of Princeton, being an irrevocable standby Letter of Credit, No. 1052 in the amount of \$10,798.20 with a cash bond in the amount of \$1,199.80, to serve as performance guarantees to secure the installation of improvements in accordance with (Bldg. N-3) of the approved plans; and

WHEREAS, the Developer has signed a Land Development Performance Guarantee Agreement, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESLVED on this 9th day of April, 2018 that the Mayor and the Clerk are authorized and directed to execute the Land Development Performance Guarantee Agreement attached hereto.

BE IT FURTHER RESOLVED that the agreement shall be recorded with the Mercer County Clerk's Office upon execution by the Mayor and Clerk.

Adopted: April 9, 2018

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of April, 2018.

Sharon Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, Project Freedom Inc. received preliminary and final site plan approval from the West Windsor Township Planning Board for the construction of on-site and off-site improvements for Block 10, Lot 108.01 (PB 16-09); and

WHEREAS, in accordance with the West Windsor Township Code, the Township wishes to enter into an agreement with the Developer to ensure the installation of certain public and quasi-public improvements, on-site and off-tract, including, but not limited to, the payment for the costs of construction and inspection therefore as estimated by the Township Engineer and more particularly as shown on the approved plans and set forth in the Site Improvement Bond Estimate attached hereto as Exhibit A and made a part hereof; and

WHEREAS, the Developer has posted a Bond issued by Selective Insurance Company of America, Bond Number B-1197431 in the amount of \$966,859.00 with a cash bond in the amount of \$107,428.75 to serve as performance guarantees to secure the installation of on-site and off-site improvements in accordance with the approved plans; and

WHEREAS, the Developer has signed a Land Development Performance Guarantee Agreement, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED on this 9th day of April, 2018 that the Mayor and the Clerk are authorized and directed to execute the Land Development Performance Guarantee Agreement attached hereto.

BE IT FURTHER RESOLVED that the agreement shall be recorded with the Mercer County Clerk's Office upon execution by the Mayor and Clerk.

ADOPTED: April 9, 2018

I hereby certify this is a true copy of a Resolution adopted by the West Windsor Township Council at its meeting held on the 9th day of April, 2018.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, Section 200-146 of the Township’s Code recognizes the natural right to farm and the inherent benefits that farming bestows on the neighborhood, community, and society in general by the preservation of open space, the beauty of the countryside, and clean air, by the preservation and continuance of farming operations in West Windsor Township; and

WHEREAS, Block 33, Lots 2.01 and 3, located on Village Road East and owned by Joseph Hall (the “Hall Property”) were identified by the August 18, 2010, West Windsor Farmland Preservation Plan Element within the Mercer County Agricultural Development Area as a target property for preservation; and

WHEREAS, the Township has determined that it wishes to acquire the Hall Property, either through voluntary sale or through eminent domain, for the public purpose of farmland preservation; and

WHEREAS, on April 26, 2017, the West Windsor Planning Board considered the Township Council’s referral of this matter, pursuant to *N.J.S.A. 40:55D-31(a)*, and unanimously determined that the acquisition of the Hall Property would be consistent with the Land Use, Open Space and Recreation, and Farmland Preservation Plan Elements of the Master Plan and unanimously voted to recommend that the Hall Property be acquired for preservation or recreation purposes; and

WHEREAS, by Ordinance 2017-22, adopted on June 12, 2017, the Township has authorized its power of eminent domain to acquire the Hall Property in accordance with the Eminent Domain Act, *N.J.S.A. 20: 3-1, et seq.*, subject to an appraisal of the Hall Property, and the approval of the appraised value by resolution of the Township Council; and

WHEREAS, by Ordinance 2018-05, adopted on March 12, 2018, the Township has appropriated funds in the amount of \$1,575,000 for the acquisition of the Hall Property; and

WHEREAS, Certification of Funds has been received from the Chief Financial Officer and funds for said acquisition are available in the following line item appropriation account:

Acquisition of Hall Parcels Fund Acct# 405-2018-05-001
\$1,575,000.00; and

WHEREAS, the Hall Property having been appraised in fee simple by Richard J. Carabelli, MAI in the amount of \$1,575,000 as set forth in the appraisal report dated November 30, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey that the appraisal of the Hall Property, in fee simple, by Richard J. Carabelli, MAI in the amount of \$1,575,000 as set forth in the appraisal report dated November 30, 2017, is approved; and

BE IT FURTHER RESOLVED that the Director of the West Windsor Department of Community Development, or his/her designee is authorized to submit an offer to acquire the Hall Property in the amount of \$1,575,000 and to engage in good faith negotiations with the owner of the Hall Property or its representative to purchase the property; and

BE IT FURTHER RESOLVED that if an agreement to purchase the Hall Property is not achieved through negotiations, the Director of the West Windsor Department of Community Development, or his/her designee is authorized to initiate condemnation on behalf of the Township through the filing of a Verified Complaint and Order to Show Cause and the Chief Financial Officer shall disburse funds equal to the amount of the estimated just compensation by check payable to the Treasurer, State of New Jersey for deposit in accordance with the Eminent Domain Act; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to execute and file with the Superior Court, on behalf of the Township, a Declaration of Taking of the Hall Property.

Adopted: April 9, 2018

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of April, 2018.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, the Township of West Windsor required professional construction administration and observation services on a consultant basis in conjunction with the project known as Cranbury Road Sidewalk Phase 1 Project; and
- WHEREAS, Van Cleef Engineering Associates was awarded a contract on October 16, 2017 (Resolution 2017-R267) for the total contract amount of Twenty Three Thousand One Hundred Fifteen Dollars (\$23,115.00); and
- WHEREAS, there is a need for additional construction administration and observation services associated with the Cranbury Road Sidewalk Phase 2A Project; and
- WHEREAS, the amount for the additional construction administration and observations services for the Cranbury Road Sidewalk Phase 2A Project detailed in March 27, 2018 letter from Van Cleef Engineering is Twenty Six Thousand Nine Hundred Forty Five Dollars (\$26,945.00) for a total revised contract amount of Fifty Thousand Sixty Dollars (\$50,060.00); and
- WHEREAS, Certification of Funds has been received from the Chief Financial Officer and funds for said contract are available in the following line item appropriation account:
- | | | |
|-------------------------------------|-----------------|-------------|
| Bicycle and Pedestrian Improvements | 405-2012-08 003 | \$26,945.00 |
|-------------------------------------|-----------------|-------------|
- WHEREAS, said Amendment #1 to the Agreement for Professional Services has been reviewed by the Township Engineer and recommended to be executed; and
- WHEREAS, services to be performed may be retained by the Township without public advertising for bids pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because the aforesaid services are professional in nature; and
- WHEREAS, the Local Public Contracts Law requires a resolution authorizing the award of a contract for the services without competitive bidding be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor as follows:

- 1) The Mayor and Clerk are hereby authorized to execute, on behalf of the Township, Amendment #1 to the Agreement for Professional Construction Administration and Observation Services with Van Cleef Engineering Associates of Hamilton, NJ.
- 2) This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law.
- 3) All other terms and conditions of the Agreement with Van Cleef Engineering Associates, dated October 16, 2017 remain in full force and effect.
- 4) An Executed copy of the revised Agreement between the Township and Van Cleef Engineering Associates and a copy of this Resolution shall be on file and available for public inspection in the office of the Township Clerk

Adopted: April 9, 2018

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of April 2018.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has determined the need to construct pedestrian sidewalk improvements along a portion of Cranbury Road (Mercer County Route 615) located between Sunnydale Way and Stobbe Lane, a.k.a. the Cranbury Road Sidewalk Phase 2A Project; and

WHEREAS, a contract was put out to public bid seeking bids for this project, and said bids were opened at 11:00am on Tuesday, March 20, 2018; and

WHEREAS, the Township received seven (7) bids from the following bidders; and

<u>Company</u>	<u>Base Bid</u>
Think Pavers Hardscaping, LLC	\$310,061.80
Discover Construction, LLC	\$320,992.60
Pioneer General Contracting	\$365,768.80
Earle Asphalt Company	\$371,913.13
A Team Concrete Inc.	\$426,962.80
Your Way Construction, Inc.	\$451,318.30
Diamond Construction	\$548,792.80

WHEREAS, the Township staff has reviewed the bids and determined that the Think Pavers Hardscaping, LLC bid submission exceeded the maximum amount for the “Mobilization” item permitted by the bid specifications, and the firm has indicated they cannot perform the project if required to reduce their Mobilization to the maximum amount allowed; therefore, their bid should be rejected; and

WHEREAS, the second lowest responsible and responsive bid, was submitted by Discover Construction, LLC; and

WHEREAS, Certification of Funds has been received from the Chief Financial Officer and funds for said contract are available in the following line item appropriation accounts:

<u>Bicycle and Pedestrian Improvements</u>	<u>405-2012-08 003</u>	<u>\$81,041.36</u>
Account Title	Account Number	Amount
<u>Traffic Safety Impvmnt Hazard Mitigation – Cranbury Rd</u>	<u>405-2015-06 008</u>	<u>\$239,951.24</u>
Account Title	Account Number	Amount

NOW, THEREFORE, BE IT RESOLVED, by the Township of West Windsor that the bid for the Cranbury Road Sidewalk Phase 2A Project submitted by Think Pavers Hardscaping, LLC is rejected.

BE IT FURTHER RESOLVED, that the contract for the Cranbury Road Sidewalk Phase 2A Project be awarded to Discover Construction, LLC, 2207 US HWY 130, Dayton, NJ 08810 and the Mayor and Clerk are authorized to execute said contract.

BE IT FURTHER RESOLVED, this contract is awarded pursuant to a fair and open process.

Adopted: April 9, 2018

I hereby certify that the above resolution was adopted by the Township Council of the Township of West Windsor at their meeting held on the 9th day of April 2018.

Sharon L. Young
Township Clerk,
West Windsor Township

RESOLUTION

- WHEREAS, West Windsor Township has by public bid solicited proposals for Snow Removal Services; and
- WHEREAS, at the bid opening on September 20, 2017 one bid was received in response to such solicitation; and
- WHEREAS, the bid has been reviewed and Scheideler Excavating Company Inc. of 149 Penn Lyle Road, Princeton Jct., NJ 08550 is a responsive responsible bidder; and
- WHEREAS, Resolution 2017-R244 awarded a contract to Scheideler Excavating Company Inc. for Snow Removal Service/Maintenance for a total of not to exceed \$60,000.00; and
- WHEREAS, due to the large storms the Township has experienced during March there is a need to increase Scheideler Excavating Companies contract by \$26,880.00 to cover the expenses incurred; and
- WHEREAS, the Township's Chief Financial Officer has certified that monies for these additional services are available in Snow Removal Service/Maintenance Contracts subject to the adoption of the 2018 Municipal Budget:

Snow Removal – Service Maintenance Contracts 105-41-251- \$26,880.00

NOW, THEREFORE, BE IT RESOLVED by the West Windsor Township Council that the Contract for Snow Removal Services be revised with Scheideler Excavating Company Inc. for the period November 1, 2017 through October 31, 2018 to a new total not to exceed of \$86,880.00.

Adopted: April 9, 2018

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 9th day of April 2018.

Sharon L. Young
Township Clerk
West Windsor Township