

**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 23, 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

Mayor Marathe's State of the Township Address

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

**2018-12 AN ORDINANCE TO EXCEED THE MUNICIPAL
BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK**

2018 MUNICIPAL BUDGET - PUBLIC HEARING

2018-R119 Authorizing the Amendment to the 2018 Municipal Operating Budget per State Review

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

10. Consent Agenda

A. Resolutions

2018-R109 Authorizing the Release of Inspection Escrow Fees to Pulte Group Inc. for the Elements at West Windsor PB04-01

B. Minutes

March 26, 2018 – Closed Session as amended

C. Bills & Claims

11. Items Removed from Consent Agenda

12. Recommendations from Administration and Council/Clerk

2018-R110 Authorizing the Mayor and Clerk to Execute a Contract Extension with Econsult for Post-Trial Services Related to Affordable Housing - \$20,000.00

2018-R111 Authorizing the Mayor and Chief Financial Officer to Pay the Matching Funding to Tri-State Light and Energy for Lighting and HVAC Upgrades to the Township Municipal, Police/Court, Fire Emergency Services and Princeton Junction Firehouse Buildings under the New Jersey Board of Public Utilities Direct Install Program - \$42,158.87

- 2018-R112** Authorizing the Mayor and Clerk to Execute Green Acres Project Agreement #12 with the New Jersey Department of Environmental Protection which will Increase the Grant Funding Received by \$500,000.00
- 2018-R113** Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with ACT Engineers for Construction Administration and Observation Services for the Roadway Improvements at Meadow Road Project - \$26,725.00
- 2018-R114** Authorizing the Mayor and Clerk to Execute a Contract with Earle Asphalt Company for the Roadway Improvements at Meadow Road Project - \$265,913.13
- 2018-R115** Authorizing the Mayor and Clerk to Execute a Contract with Munn Roofing Corporation for the Municipal Building Roof Replacement Project - \$373,600.00
- 2018-R116** Authorizing the Mayor and Clerk to Execute a Contract with Life Roofing LLC for the Princeton Junction Volunteer Fire Station Roof Replacement - \$141,564.52
- 2018-R117** Authorizing the Mayor and Clerk to Execute Contract Amendment #2 with Spiezle Architectural Group for Supplement Work and Observation Services for the Roof Replacement of the Municipal Building and Princeton Junction Volunteer Fire Station - \$36,400.00
- 2018-R118** Authorizing the Mayor and Clerk to Execute an Amendment to the Mercer County Water Quality Management Plan for Properties in West Windsor Township

- 13. Introduction of Ordinances
- 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

2018-12

TOWNSHIP OF WEST WINDSOR

COUNTY OF MERCER

CALENDAR YEAR 2018

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

- WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5 percent unless authorized by ordinance to increase it to 3.5 percent over the previous year's final appropriations, subject to certain exceptions; and,
- WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5 percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,
- WHEREAS, the Township Council of the Township of West Windsor in the County of Mercer finds it advisable to increase its CY 2018 budget by up to 3.5 percent over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,
- WHEREAS, the Township Council hereby determines that a 1.0 percent increase in the budget for said year, amounting to \$283,132.32 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,
- WHEREAS the Township Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Windsor, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Township of West Windsor shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50 percent, amounting to \$990,963.11, and that the CY 2018 municipal budget for the Township of West Windsor be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, is filed with said Director within 5 days after such adoption.

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: March 26, 2018
Public Hearing: April 23, 2018
Adoption:
Mayor's 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 following Developer completed the construction of a land development project approved through the West Windsor Township Planning Board; and

WHEREAS, in conjunction with the project, the Developer deposited inspection fee escrow with the Township of West Windsor pursuant to Section 82-3G of the Revised General Ordinances of the Township of West Windsor; and

WHEREAS, professional services undertaken on behalf of the Township in conjunction with said project have been completed; and

WHEREAS, there remains a partial balance in the Developer's inspection fee escrow account, which the Developer is entitled to have refunded; and

WHEREAS, the Office of the Township Attorney recommends that the balance remaining in the inspection fee escrow account for the project be refunded as follows:

<u>Deposit Date</u>	<u>Developer</u>	<u>Project ID</u>	<u>Project Name</u>	<u>Escrow Balance</u>
12-27-2017	Pulte Homes	PB04-01	Renaissance @ West Windsor	\$ 7,772.18

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Chief Financial Officer is hereby authorized and directed to refund to the Developer the balance of the escrow deposit, and any applicable interest to which the Developer is entitled.

Adopted: April 23, 2018

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 23rd day of April 2018.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, on December 8, 2016, the Township, along with other Mercer County municipalities, contracted with Econsult Solutions, Inc. to provide analytical services with respect to fair share methodology issues and such other issues as may arise in the consolidated methodology trial scheduled in the Mercer County declaratory judgment actions to begin in January 2017; and

WHEREAS, Econsult has provided such services; and

WHEREAS, the methodology trial ended in June 2017; and

WHEREAS, on March 8, 2018, the court rendered an Opinion in the case; and

WHEREAS, an analysis by Econsult of the methodological decisions made by the court in the Opinion and the basis for the fair share number assigned to the Township are necessary; and

WHEREAS, the December 8, 2016 contract provided that it would terminate on December 31, 2017 unless otherwise extended by mutual agreement to the parties; and

WHEREAS, it is necessary for the contract to be extended so as to ensure payment by Econsult for post-trial services it is rendering; and

WHEREAS, the attached Agreement between Econsult Solutions, Inc. (ESI) and West Windsor Township does so; and

WHEREAS, it is in the best interest of the Township to execute such Agreement; 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:

Affordable Housing-Consultant Fees 106-25-210 \$20,000.00

NOW, THEREFORE, BE IT RESOLVED on this 23rd day of April 2018 by the West Windsor Township Council as follows:

- (1) The Mayor and Clerk are authorized and directed to execute the attached Agreement with an amount not to exceed \$20,000.00 for Methodology analysis for DJ action.
- (2) The contract may be awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to *N.J.S.A. 40A:11-5(1)(a)* because the services are professional in nature.
- (3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.

Adopted: April 23, 2018

I hereby certify this is a true copy of a Resolution adopted by the West Windsor Township Council at their meeting held on the 23rd day of April, 2018.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, the Township of West Windsor strives to support projects and initiatives that will benefit the residents of the Township now and into the future by exploring and adopting sustainable, economically-sound local government practices; and,
- WHEREAS, the Township of West Windsor has previously participated in and continually explores alternative funding opportunities available through the New Jersey Board of Public Utilities, Office of Clean Energy in order to achieve this objective; and,
- WHEREAS, Tri-State Light and Energy, the pre-qualified state contractor for the Direct Install Program, has been approved to implement at total of \$140,529.59 in upgrades of lighting, and heating, ventilation and air conditioning (HVAC) at the West Windsor Township Municipal; Police / Court; Fire / Emergency Services and Princeton Junction Firehouse buildings, based upon an approved audit and scope of work prepared by Tri-State Light and Energy, through the New Jersey Board of Public Utilities, Office of Clean Energy Direct Install Grant Program; and,
- WHEREAS, Seventy percent, 70% (\$98,370.72) of the funding for these upgrades will be provided by the New Jersey, Board of Public Utilities, Office of Clean Energy through the Direct Install Grant Program; and,
- WHEREAS, Thirty percent, 30% (\$42,158.87) of the funding for these upgrades is to be provided by the Township of West Windsor in the form of a cash match; 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:

Police/Court Bldg General Improvements	405 2011 14 013	\$ 5,097.21
Police/Court Bldg General Improvements	405 2012 08 014	\$17,800.00
Municipal Facilities Adm/PO Bldgs	405 2017 21 002	\$ 3,498.44
Fire/ES Facility Generator/General Improvements	405 2017 21 019	\$ 7,376.62
PJ Firehouse Bldg Improvements	405 2017 21 018	\$ 8,386.60

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Mayor and Chief Financial Officer are hereby authorized to pay, on behalf of West Windsor Township, the matching funding for the upgrades at the West Windsor Township Municipal; Police / Court; Fire / Emergency Services; and Princeton Junction Firehouse buildings as detailed in the Scope of Work for each facility under the Direct Install Program.

Adopted: April 23, 2018

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 23rd. day of April 2018.

Sharon L. Young
 Township Clerk
 West Windsor Township

RESOLUTION

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM

ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of West Windsor has previously obtained a grant of \$6,325,000.00 from the State to fund the following request:

West Windsor Planning Incentive #1113-97-144

WHEREAS, the State and Township of West Windsor intend to increase Green Acres funding in the Amount of \$500,000.00; and

WHEREAS, the Township of West Windsor is willing to use the State’s funds in accordance with its rules, Regulations and applicable statutes, and is willing to enter into the Project Agreement with the State for the above-named project;

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

1. The Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as **West Windsor Planning Incentive #1113-97-144**, and;
2. The applicant has its matching share of the project, if a match is required, in the amount of \$6,825,000.00.
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. This resolution shall take effect immediately.

CERTIFICATION

I, Sharon L. Young, West Windsor Township Clerk do hereby certify that the foregoing is a true copy of a resolution adopted by the West Windsor Township Council at a meeting held on the 23rd day of April, 2018. IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 23rd day of April, 2018.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has a need to acquire professional construction administration and observation services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, ACT Engineers, Inc. has submitted a proposal dated April 9, 2018 indicating they will provide professional construction administration and observation services for the Roadway Improvements at Meadow Road Project for Twenty Six Thousand Seven Hundred Twenty Five Dollars (\$26,725.00); and

WHEREAS, ACT Engineers, Inc. has indicated a performance period for the construction administration and observation services concurrent with the construction project; and

WHEREAS, the Township wishes to enter into an agreement with ACT Engineers, Inc. for the aforesaid services; 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:

Annual Road Improvement Program	405-2010-18005	\$2,356.75
Roadway Improvements	405-2017-21008	\$24,368.25

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 a professional services agreement with ACT Engineers, Inc., with a performance period concurrent with the construction project from the date of project initiation for construction administration and observation services, for an amount not to exceed Twenty Six Thousand Seven Hundred Twenty Five Dollars (\$26,725.00).
- (2) The Agreement so authorized shall require the Provider to provide professional construction administration and observation services pursuant to its proposal dated April 9, 2018. The contract may be awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a) because the services are professional in nature.
- (3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.

- (4) An executed copy of the Contract between the Township and ACT Engineers, Inc. and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: April 23, 2018

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 23rd day of April 2018.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has determined the need for road repairs and resurfacing along Meadow Road; and

WHEREAS, said contracts for the Roadway Improvements at Meadow Road Project were put out to public bid seeking bids for this project, and said bids were opened on Tuesday, March 13, 2018; and

WHEREAS, the Township has received eight (8) bids from the following bidders:

<u>Company</u>	<u>Base Bid</u>
Earle Asphalt Company	\$265,913.13
Topline Construction Corp.	\$270,311.37
Hale Built	\$391,659.68
Black Rock Enterprises	\$331,474.80
Cardinal Construction	\$354,890.90
MECO, Inc.	\$362,751.25
S. Brothers, Inc.	\$392,608.42
L&L Paving, Inc.	\$397,399.15

WHEREAS, the Township staff has reviewed all bids and determined that the lowest responsive and responsible bid, was submitted by Earle Asphalt Company; 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>Traffic Safety Improvement-Hazard Mitigation</u>	<u>405-2016-09 005</u>	<u>\$61,314.06</u>
Account Title	Account Number	Amount
<u>Traffic Safety Improvement-Hazard Mitigation</u>	<u>405-2017-21 008</u>	<u>\$204,599.07</u>
Account Title	Account Number	Amount

NOW, THEREFORE, BE IT RESOLVED, by the Township of West Windsor that the contract for the Roadway Improvements at Meadow Road Project be awarded to Earle Asphalt Company, 1800 Route 34-Bldg 2-Suite 205, Wall NJ 07719 and the Mayor and Clerk are authorized to execute said contract.

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

Adopted: April 23, 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 23rd day of April 2018.

Sharon L. Young
 Township Clerk
 West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has determined the need to refurbish the existing roof at the Township Municipal Building; and

WHEREAS, a contract was put out to public bid seeking bids for this project, and said bids were opened at 2:00 pm, on Tuesday, March 27, 2018; and

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

<u>Company</u>	<u>Base Bid</u>	<u>Unit Price UP- 1</u>	<u>Alt. Bid AB-1</u>
Munn Roofing Corporation	\$348,000.00	\$8.00/SF	\$18,800.00
Roof Management, Inc.	\$354,000.00	\$15.00/SF	\$40,000.00
More Consulting Corporation	\$361,210.00	\$5.00/SF	\$12,000.00
Journey Contracting Company	\$437,000.00	\$4.00/SF	\$24,525.00
Arista Builders & Designers	\$478,000.00	\$5.00/SF	\$18,000.00
D.A. Nolt, Inc.	\$568,968.00	\$6.50/SF	\$14,031.00
Padovanni Construction	\$595,000.00	\$3.90/SF	\$4,300.00

WHEREAS, the Township staff in conjunction with the Architect of Record have reviewed the bids and recommend awarding the Base Bid along with a \$25,600 contingency for any possible unforeseen conditions that may arise with the subsurface plywood sheathing; and

WHEREAS, the Township staff in conjunction with the Architect of Record have determined that the lowest responsible and responsive bid, was submitted by Munn Roofing Corporation; 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>Municipal Complex Renovations</u>	<u>405-2016-10 001</u>	<u>\$155,961.95</u>
Account Title	Account Number	Amount
<u>Municipal Complex Renovations</u>	<u>405-2017-21 006</u>	<u>\$217,638.05</u>
Account Title	Account Number	Amount

NOW, THEREFORE, BE IT RESOLVED, that the contract for the West Windsor Township Municipal Building Roof Replacement Project consisting of the Base Bid and \$25,600 contingency be awarded to Munn Roofing Corporation, 3413 Unionville Pike, Hatfield, PA 19440 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 23, 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 23rd day of April 2018.

Sharon L. Young
 Township Clerk
 West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has determined the need to refurbish the existing roof and siding at the Princeton Junction Volunteer Fire Station; and

WHEREAS, a contract was put out to public bid seeking bids for this project, and said bids were opened at 11:00 am, on Tuesday, March 27, 2018; and

WHEREAS, the Township received ten (10) bids from the following bidders; and

<u>Company</u>	<u>Base Bid</u>	<u>Unit Price UP- 1</u>	<u>Unit Price UP- 2</u>
Life Roofing, LLC	\$112,000.00	\$7.00/SF	\$9.00/LF
Journey Contracting Company	\$148,630.00	\$3.50/SF	\$25.00/LF
Munn Roofing Corporation	\$152,800.00	\$8.00/SF	\$25.00/LF
Padovanni Construction	\$168,505.00	\$3.80/SF	\$12.00/LF
More Consulting Corporation	\$174,210.00	\$5.00/SF	\$10.00/LF
Red Group Services Corporation	\$175,900.00	\$4.00/SF	\$45.00/LF
White Rock Corporation	\$184,000.00	\$4.00/SF	\$9.00/LF
Roof Management, Inc.	\$186,000.00	\$15.00/SF	\$70.06/LF
Arista Builders & Designers	\$217,000.00	\$5.00/SF	\$30.00/LF
Anko General Contracting	\$480,000.00	\$14.00/SF	\$18.00/LF

WHEREAS, the Township staff in conjunction with the Architect of Record have reviewed the bids and recommend awarding the project with the Base Bid along with a \$29,564.52 contingency for unforeseen conditions with the plywood sheathing that may arise, and for the installation of new gutters; and

WHEREAS, the Township staff in conjunction with the Architect of Record have determined that the lowest responsible and responsive bid, was submitted by Life Roofing, 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>Construction of Princeton Junction Firehouse</u>	<u>405-2001-21 010</u>	<u>\$18,922.85</u>
Account Title	Account Number	Amount
<u>Princeton Junction Fire House – Roof Replacement</u>	<u>405-2015-06 015</u>	<u>\$60,000.00</u>
Account Title	Account Number	Amount
<u>Princeton Junction Fire House – Roof Replacement</u>	<u>405-2017-21 018</u>	<u>\$62,641.67</u>
Account Title	Account Number	Amount

NOW, THEREFORE, BE IT RESOLVED, that the contract for the Princeton Junction Volunteer Fire Station Roof Replacement Project consisting of the Base Bid along with a \$29,564.52 contingency for unforeseen conditions and installation of new gutters, be awarded to Life Roofing, LLC, 419 South White Horse Pike, Audubon, New Jersey 08106 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 23, 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 23rd day of April 2018.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, the Township of West Windsor required professional architectural services on a consultant basis in conjunction with the project known as Municipal Building Roof Replacement Project and the Princeton Junction Volunteer Fire Station Roof Replacement Project; and
- WHEREAS, On April 24, 2017, Township Council passed Resolution 2017-R126 authorizing a professional services agreement with the Spiezle Architectural Group of Hamilton, NJ in the amount of \$30,650.00 for architectural services associated with Municipal Building Roof Replacement and the Princeton Junction Volunteer Fire Station Roof Replacement Projects; and
- WHEREAS, On January 29, 2018, Township Council passed Resolution 2018-R054 authorizing the first amendment to the professional services agreement with the Spiezle Architectural Group of Hamilton, NJ in the amount of \$375.38 for reproduction costs of public bidding documents associated with the projects for a revised total amount of \$31,025.38; and
- WHEREAS, the Spiezle Architectural Group has submitted a proposal dated April 5, 2018 for enhanced construction administration and observation services associated with the roof replacement projects that would increase their base service of one site visit per week during construction (per the original contract) to five site visits per week; and
- WHEREAS, the Princeton Junction Volunteer Fire Station Roof Replacement Project has a 60 calendar day completion date from the issuance of the Notice to Proceed and the Municipal Building Roof Replacement Project has a 90 calendar day completion date from the issuance of the Notice to Proceed; and
- WHEREAS, the maximum amount for enhanced services under Option B: four additional visits/week (total of five days/week) for Period 1 (60 days at both projects) and Period 2 (30 additional days at Municipal Building) is Thirty Six Thousand Four Hundred Dollars (\$36,400.00); and
- WHEREAS, the Spiezle proposal permits the Township to reduce their inspection frequency during the work if it is determined to be in the best interest of the Township to do so and at a savings to the Township; 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:

Municipal Complex Renovations 405-2017-21 006 \$36,400.00

WHEREAS, said Amendment #2 to the Agreement for Professional Services has been reviewed by the Division of Engineering Staff and is being 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 #2 to the Agreement for Professional Architectural Services with the Spiezle Group 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 the Spiezle Architectural Group, dated April 24, 2017 remain in full force and effect.
- 4) An Executed copy of the revised Agreement between the Township and the Spiezle Group and a copy of this Resolution shall be on file and available for public inspection in the office of the Township Clerk

Adopted: April 23, 2018

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 23rd day of April 2018.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the County of Mercer, through their professional consultant CME Associates, has submitted a request for municipal consent to an amendment to the Mercer County Water Quality Management (WQM) Plan for existing and planned improvements to the park facilities located within Mercer County Park (#1638 Old Trenton Road; Block 23, Lots 24 and 25; Block 25, Lots 28, 35 and 40); and

WHEREAS, the Township of West Windsor supports the development and improvement of recreation facilities that increase recreational opportunities and aid in meeting the current and future needs of the residents of West Windsor Township; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, conform within an approved WQM Plan; and

WHEREAS, the NJDEP has established the WQM Plan amendment procedure through the WQM Plan rules at NJAC 7:15-3.5 as the method of incorporating unplanned facilities into a WQM Plan; and

WHEREAS, the proposed WQM Plan amendment, publicly noticed in the New Jersey Register on March 5, 2018 for “Mercer County Park West Windsor”, has been prepared by CME Associates.

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

1. The Township hereby consents to the proposed Mercer County Park West Windsor amendment, and publicly noticed on March 5, 2018, prepared by CME Associates, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP pursuant to N.J.A.C. 7:15-3.5(g)6.

Adopted: April 23, 2018

I hereby certify this is a true copy of a Resolution adopted by the West Windsor Township Council at their meeting held on the 23rd day of April 2018.

Sharon L. Young
Township Clerk
Township of West Windsor

Township of West Windsor

Resolution 2018-R119

Whereas, the local budget for the year 2018 was approved on the 26th day of March, 2018 and
Whereas, the public hearing on said budget has been held as advertised, and
Whereas, it is desired to amend said approved budget, now
Therefore be it resolved, by the Governing Body of the Township of West Windsor
County of Mercer that the following amendments to the approved budget of 2018 be made:

Recorded Vote:

Ayes

Nays

Abstained

CURRENT FUND

Appropriations

	<u>From</u>	<u>To</u>
(D) Municipal Debt Service		
Payment of Bond Principal	\$ 4,240,000.00	\$ 4,140,000.00
Total Municipal Debt Service	4,898,375.00	4,798,375.00
(E) Deferred Charges (Excluded from "CAPS")		
Unfunded Ordinance - Ordinance 2017-21		100,000.00
Total Deferred Charges	<u>577,479.00</u>	<u>677,479.00</u>
9. Total General Appropriations	<u>\$ 40,726,220.57</u>	<u>\$ 40,726,220.57</u>

DEDICATED ASSESSMENT BUDGET

Dedicated Revenues

Assessment Cash \$ _____ \$ 100,000.00

Total Assessment Revenues \$ _____ \$ 100,000.00

Appropriations for Assessment Debt

Payment of Bond Principal \$ _____ \$ 100,000.00

Total Appropriations for Assessment Debt \$ _____ \$ 100,000.00

Be it further resolved, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for their certification of the 2018 municipal budget so amended.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 23rd day of April, 2018.

Certified by me
April 23, 2018

Sharon Young
Township Clerk