

**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 20, 2020**

5:00 P.M.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - January 10, 2020 to The Times and the Princeton Packet. Notice for change of time was sent to the Princeton Packet and The Times on April 9, 2020
4. Salute to the Flag
5. Ceremonial Matters and/or Topic for Priority Consideration
6. Public Comment: (30 minutes comment period; 3-minute limit per person)
7. Administration Comments
8. Council Member Comments
9. Chair/Clerk Comments
10. Public Hearings
11. Consent Agenda

A. Resolutions

B. Minutes

February 10, 2020 - Closed Session - as amended  
March 23, 2020 - Business Session

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2020-R102 Granting the Extension of the Annual Cat Licenses Issued in 2019 through 2020

2020-R103 Authorizing the Mayor and Clerk to Execute the Professional Services Agreement with Parker McCay for Township Attorney Services for 2020 -

2020-R104 Authorizing the Mayor and Clerk to Execute Amendment #2 to the Professional Services Agreement with Spiezle Architectural Group, Inc. to Provide Supplemental Architectural Services for the Project Known as Renovating and Upgrading of Municipal Building - \$7,900.00

2020-R105 Authorizing the Business Administrator to Purchase Replacement Network Firewall Software and Installation and Configuration Services from CDW-Government for the Police Division Network - \$12,980.00

2020-R106 Authorizing the Mayor and Clerk to Execute a Land Development Performance Guarantee Agreement with DDR Hendon for Nassau Park II LP (PB19-04 Nassau Park - Gateway Outparcel)

2020-R107 Authorizing the Mayor and Clerk to Execute Amendment #3 with BANC3 Inc. for Supplemental Work for Cranbury Road Sidewalk Project - \$27,851.00

14. Introduction of Ordinances

2020-11 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 82 "FEES" SECTION 82-4 CONSTRUCTION FEES; and SECTION 82-5 ELECTRICAL SUB-CODE FEES IN ACCORDANCE WITH STATE REVISIONS FOR AGRICULTURAL AND BIG BOX BUILDING FEES AND SUBCODE RESPONSIBILITIES

Public Hearing: May 11, 2020

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

16. Council Reports/Discussion/New Business
17. Administration Updates
18. Closed Session
19. Adjournment

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 82 “FEES” SECTION 82-4 CONSTRUCTION FEES AND SECTION 82-5 – ELECTRICAL SUBCODE FEES OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR

WHEREAS the Township of West Windsor adopted Chapter 82 of the Code of the Township of West Windsor (“Code”) establishing fees; and

WHEREAS, the Township performs a number of public services at substantial cost to the Township taxpayers, and

WHEREAS, the Construction Official has reviewed and requests the following changes be approved by the Township Council.

NOW, THEREFORE BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey that the following changes be made:

§ 82-4 **Construction fees.**

A. Construction fees shall be as follows:

<b>Use Group</b>	<b>Fee</b>
E	Volume x .04
A-1	Volume x .04
A-2	Volume x .04
A-3	Volume x .04
A-4	Volume x .04
A-5	Volume x .04
I-1	Volume x .04
I-2	Volume x .04
I-3	Volume x .04
I-4	Volume x .04
R-1	Volume x .04
R-2	Volume x .04
R-3	Volume x .04
R-4	Volume x .04
R-5	Volume x .04
H	Volume x .04
F-1	Volume x .04

Use Group	Fee
F-2	Volume x .04
B	Volume x .04
M	Volume x .04
S-1	Volume x .03 – <u>Large open volume buildings – See Section E</u>
<u>S-1 Commercial Farm Buildings</u>	<u>Volume x.01 – Not to exceed \$1800.00 – See Section E</u>
S-2	Volume x .03 – <u>Large open volume buildings – See Section E</u>
<u>S-2 Commercial Farm Buildings</u>	<u>Volume x .01 – Not to exceed \$1800.00 – See Section E</u>
U	Volume x .04

- B. Building addition: addition cubic content times unit rate equals building fee.
- C. Alterations, renovations, repairs and minor work: estimated cost per thousand times \$35. The applicant shall submit to the Division of Code Enforcement cost data by a licensed architect or engineer, qualified estimating firm or by contractor bid. The Division of Code Enforcement shall review the estimated construction cost for acceptance.
- D. Additions and renovations, alterations or repairs: combination of rates provided in Subsections B and C.
- E. For purposes of calculating the volume to determine the fee for large, open-volume, single story spaces in buildings, such as barns, silos, greenhouses, warehouses, distribution centers, and other agricultural and storage-use occupancies, the height shall be limited to 20 feet notwithstanding the fact that the actual height of the space may be greater than 20 feet.

[E]E. Use Group U and miscellaneous uses. Flat fees are as follows:

- (1) Swimming pools, aboveground:
  - (a) Private pool: \$100.
  - (b) Public pool: \$300.
  - (c) Hot tub/spa: \$100.
- (2) Swimming pools, in-ground:
  - (a) Private pool: \$260.
  - (b) Public pool: \$650.
- (3) Fences:
  - (a) Group R-5: \$100.
  - (b) All other groups: \$35 per \$1,000.

(4) Retaining walls:

(a) Group R-5: \$100.

(b) All other groups: \$35 per \$1,000.

**[F]G.** Signs.

(1) Facade skins shall be \$4 per square foot.

(2) Freestanding signs shall be \$4 per square foot for the first 100 square feet, \$3 per square foot for the next 400 square feet and \$2 per square foot thereafter.

(3) Ground signs or wall signs shall be \$3 per square foot for the first 100 square feet, \$2.10 per square foot for the next 400 square feet and \$1.40 per square foot thereafter.

**[G]H.** The fee for tents, in excess of 16,800 square feet or more than 140 feet in any direction, shall be \$325.

**[H]I.** Demolition. Flat rate depending on building class when occupied shall be as follows:

(1) Class I: \$650.

(2) Class II: \$520.

(3) Class III: \$260.

**[I. Underground storage tank removal: residential: \$100. All other groups: \$325.]**

J. Limited certificates of approval.

(1) Limitations.

(a) Equipment herein below listed shall be granted a certificate of approval by the appropriate subcode official or other approved agency for the duration specified herein:

**[1](1)** Cross-connections/backflow preventers, 12 months: \$50.

(b) Such equipment shall be periodically re-inspected or tested in accordance with the provisions of the regulations prior to expiration of such certificate of approval and any violations corrected before a new certificate may be issued.

(c) No such system or assembly shall continue in operation unless a valid certificate of approval has been reissued. It shall be a violation of the regulations for an owner to fail to provide for such periodic inspection and testing.

(2) Revocation. The enforcing agency may revoke a certificate of approval whenever a condition of a certificate has been violated.

(3) Time limit. The provisions of the regulations do not preclude periodic certification pursuant to other applicable laws and ordinances.

K. Certificate of occupancy.

- (1) The fee shall be in the amount of 10% of the new construction permit fee. The minimum fee shall be \$165.
- (2) For one- and two-family dwellings, the minimum fee shall be \$100.
- (3) The fee for a certificate of continued occupancy shall be \$400.
- (4) The fee for a certificate of occupancy granted to a change of use group shall be \$400.
- (5) The fee for the first issuance and renewal of a temporary certificate of occupancy shall be \$35.

L. Fire protection and hazardous equipment.

- (1) Said fees shall be based upon the number of heads or detectors being installed.

**Number of Heads, Detectors  
or Other Initiating Devices**

	<b>Fee</b>
1 to 20	
Residential	\$100
Commercial	\$165
21 to 100	\$234
101 to 200	\$448
201 to 400	\$1,160
401 to 1,000	\$1,605
Over 1,000	\$2,048

- (2) Independent pre-engineered systems (per system): \$165.
- (3) Gas- or oil-fired appliance which is not connected to the plumbing system (per appliance):
  - (a) Use group R-5: \$100.
  - (b) All other groups: \$165.
- (4) Smoke control systems, flammable combustible liquid tank or fire alarm control panel replacement (per system): \$165.
- (5) Kitchen exhaust system (per system):
  - (a) Use group R-5: \$100.
  - (b) All other groups: \$165.

- (6) Supervisory devices: \$100.
- (7) Signaling devices: \$165.
- (8) Engineered suppressions pre-action systems, or dry pipe/alarm valves: \$165.
- (9) Underground storage tank removal:
  - (a) Group R-5: \$100
  - (b) All other use groups: \$35
- (10) Above ground flammable combustible liquid tank removal/installation:
  - (a) Group R-5 \$100
  - (b) All other use groups: \$165
- (11) Wood, coal or solid-fuel burning appliances: \$125
- (12) Spray booths, spaces or rooms – flat fee per room, space or booth: \$325
- (13) Fireplace venting/metal chimney (each): \$75
- M. Standpipe, hydrant or fire pump (each): \$325.
- N. Underground water service for protection.
  - (1) One foot to 500 feet of pipe: \$400.
  - (2) Each additional 100 feet of pipe: \$100.
- O. Roofing and siding. [Amended 6-24-2019 by Ord. No. 2019-19]
  - (1) Roofing: [**\$100 Group R-5; (townhouse and duplex structures only); all other groups \$35 per \$1,000.**]
    - (a) Group R-5: \$100 (Townhouse and duplex structures only)
    - (b) All other use groups: \$35 per \$1,000
  - (2) Siding: [**\$100 Group R-5; (polypropylene siding only); all other groups \$35 per \$1,000.**]
    - (a) Group R-5: \$100 (Polypropylene siding only)
    - (b) All other use groups: \$35 per \$1,000
- P. Administrative fees for asbestos hazard abatement.
  - (1) An administrative fee of \$118 for each construction permit issued for an asbestos hazard abatement project.



(2) An administrative fee of \$24 for each certificate of occupancy issued following the successful completion of an asbestos hazard abatement project.

Q. Lead abatement.

(1) The fee for a permit for lead hazard abatement work shall be \$196.

(2) The fee for a lead abatement clearance certificate shall be \$39.

R. The fee of \$65 per hour or part thereof shall be charged for all plan review revisions. Said fee shall be remitted to the Township of West Windsor at the time of revision. No revision shall be released until payment is received by the Township.

S. **[The] [c]Change of contractor\_ [fee shall be \$100 for group R-5; all other use groups: \$165 per contractor.] [Amended 6-24-2019 by Ord. No. 2019-19]**

(1) Group R-5: \$100

(2) All other use groups: \$165 per contractor

T. Variation.

(1) Group R-5: \$150.

(2) All other groups: \$500.

(3) Resubmissions, residential: \$65.

(4) Resubmissions, all others: \$200.

U. Plumbing. **[Amended 6-24-2019 by Ord. No. 2019-19]**

(1) Fees shall be \$35 for each fixture, appliance, appurtenance, vent or stack, but may not be all inclusive: Water closets, urinals, bidets, lavatories, sinks, garbage disposals, bathtubs, showers, floor drains, washing machines, dishwashers, hose bibs, drinking fountains, roof drains, leaders, non-testable backflow preventers, air admittance valves, vents, stacks, water hammer arrestors water filters, indirect connections, expansion tanks, trap primers, mixing valves for lavatories, swimming pool piping. Gas pipe connections, oil pipe connections, fuel oil connections, Air conditioning units, condensate pumps and line sets.

(2) Fees shall be \$60 for each of the following items, but may not be all inclusive: Water heater, water softener, swimming pool heaters, chimney liners, air distribution systems, solar systems.

(3) Fees shall be \$85 for each of the following items, but may not be all inclusive: Hot air furnaces, hot water boiler, fuel oil equipment, hydronic systems, solar heating systems, split systems.

(4) Fees shall be \$100 for each of the following items, but may not be all inclusive: Water service connections, sewer connections, generators, permanent LPG tanks.

(5) Fees shall be \$135 for each of the following items, but may not be all inclusive: Sewer ejectors, grease

interceptors, oil interceptors, testable backflow device, pumps, commercial-industrial water heaters, commercial rooftop air-conditioning units, commercial refrigeration piping/systems, commercial solar system.

- (6) Yearly backflow testing fee shall be \$50.
- (7) Notwithstanding the individual fee set forth above, the total plumbing subcode fee for a single-family residence[s] shall be \$100 and the minimum total fee for all other structures shall be \$165.
- (8) All plumbing installation shall be installed by a New Jersey State licensed master plumber; except in the case of single-family residences, a homeowner shall be allowed to perform his/her own plumbing work on their own dwelling unit.

V. Mechanical fees. **[Amended 6-24-2019 by Ord. No. 2019-19]**

- (1) Fees shall be as follows for R3 and R5 under the responsibility of the Plumbing Subcode Official:
  - (a) The fee shall be \$85 for each of the following items, but may not be all inclusive; Hot air furnace, hot water boiler, fuel oil equipment, steam boiler, oil tank, solar heating systems, hydronic systems and split systems.
  - (b) The fee shall be \$60 for each of the following items, but may not be all inclusive: Water heater, chimney liner and air distribution systems.
  - (c) The fee shall be \$35 for each of the following items, but may not be all inclusive; Each gas pipe connection, each temporary LPG tank, each fuel oil connection, air-conditioning unit, coils, condensate pumps, refrigerant lines, fireplace inserts, and combustion air.
- (2) All mechanical installations shall be installed by a New Jersey State licensed master HVACR contractor, except in the case of a single-family residence which is owned and occupied by the homeowner, in which the homeowner shall be allowed to perform their own work on their own dwelling. Except for refrigeration piping and chimney verification forms may not be done by the homeowner.

W. Technical section. The minimum fee for a technical section shall be as follows:

- (1) Group R-5 use: \$100.
- (2) All other groups: \$165.

X. Plan review. The plan review fee shall be 5% of the total of the building, electric, plumbing and fire fees.

Y. State of New Jersey training. In order to provide for the training and certification and technical support programs required by the State Uniform Construction Code Act, the enforcing agency, including the Division of Code Enforcement when acting as the local agency, shall collect a surcharge fee to be based upon the volume of new construction within the municipality. The fee shall be in the amount of \$0.00371 per cubic foot volume of new construction and additions. The fee for all other construction shall be \$1.90 per \$1,000 of cost. The minimum permit surcharge shall be \$1. (Elevators, lead and

asbestos per state fee schedule)

Z. Annual construction permit. The fee to be charged for an annual construction permit shall be charged annually. This fee shall be a flat fee based upon the number of maintenance workers who are employed by the facility and who are primarily engaged in work that is governed by a subcode. Managers, engineers and clericals shall not be considered maintenance workers for the purpose of establishing the annual construction permit fee. Annual permits may be issued for building, fire protection, electrical and plumbing. Fees shall be as follows: per state fee schedule.

AA. Contractor registration: The fee shall be \$125 for a three-year term (commercial contractor's license only). [**Amended 6-24-2019 by Ord. No. 2019-19**]

BB. Waiver of construction permit fees.

- (1) No person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing private structure or any of the facilities contained herein.
- (2) A disabled person, or a parent or sibling of a disabled person, shall not be required to pay any municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvement which promotes accessibility to his or her own living unit.
- (3) "Disabled person" means a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness, and shall include but not be limited to any resident of this state who is disabled pursuant to the federal Social Security Act (42 U.S.C. § 416), or the federal Railroad Retirement Act of 1974 (45 U.S.C. § 231 et seq.) or is rated as having a 60% disability or higher pursuant to any federal law administered by the United States Veterans' Act. For purposes of this subsection, "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20° shall be considered as having a central visual acuity of 20/200 or less.

CC. Penalties. Penalties may be levied by an enforcing agency as follows:

- (1) Up to \$1,000 per violation for failure or refusal to comply with any lawful order, unless the failure or refusal to comply is done with the knowledge that it will endanger the life or safety of any person, in which case the penalty shall be up to \$2,000 per violation;
- (2) Up to \$2,000 per violation for failure to obtain a required permit prior to commencing construction or for allowing a building to be occupied without a certificate of occupancy;
- (3) Up to \$2,000 per violation for failure to comply with a stop construction order;
- (4) Up to \$2,000 per violation for willfully making a false or misleading written statement, or willfully omitting any required information or statement in any application or request for approval;
- (5) Up to \$500 per violation for any violation not covered under Subsection CC (1) through (4) above.

- (6) For purposes of this subsection, in an occupied building, a code violation involving fire safety, structural soundness or the malfunctioning of mechanical equipment that would pose a life safety hazard shall be deemed to endanger the life or safety of a person. In an unoccupied building, a code violation of a requirement intended to protect members of the public who are walking by the property shall be deemed to endanger the life or safety of a person.
- (7) All monies collected shall be collected under penalty provisions of the UCC. All penalties collected shall be retained by the **[Department]**Division of Code Enforcement and shall be placed in a special trust fund to be applied to the cost to the **[department]**division for training, technical support programs, certification, new equipment and transportation. An independent fund shall be set up and retained by the Director of Finance to be the trustee of this account.

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**82-5 Electrical subcode fees.**

**[Amended 3-22-2004 by Ord. No. 2004-08; 12-8-2008 by Ord. No. 2008-48; 3-27-2017 by Ord. No. 2017-09]**

Electrical subcode fees shall be as follows:

A. Electrical fixtures and devices. **[Amended 6-24-2019 by Ord. No. 2019-20]**

- (1) Fees.
- (a) From one to 40 receptacles, fixtures or switches: \$90.
- (b) Increments of 25 additional items: \$65.
- (c) Residential garbage disposals: \$25.
- (d) Residential heaters, boilers, etc.: \$25.
- (e) Floor heat: \$25.
- (f) Heated towel bars: \$25.
- (g) Residential sump pumps: \$25.
- (h) Residential dishwashers: \$25.
- (i) Sewer ejector pump: \$25.

**[(j) Signs:]**

**[1] [First sign: \$165. ]**

**[2] [Each additional sign: \$80.]**

**[(k)](j) Closed-circuit TV and intercom:**

**[1](1) Up to five: \$165.**

[2](2) Five to[25]twenty-five cameras or intercoms additional: \$195.

[3](3) Twenty-six or more additional cameras or intercoms: \$260.

B. Card reader mag locks:

(1) First door: \$165.

(2) Each additional door: \$30.

C. Motors, variable frequency drives (VFD's) and control systems. **[Amended 6-24-2019 by Ord. No. 2019-20]**

(1) Greater than 1/2 hp or less than or equal to 10 hp: \$25.

(2) Greater than 10 hp or less than or equal to 50 hp: \$125.

(3) Greater than 50 hp or less than or equal to 100 hp: \$200.

(4) Greater than 100 hp: \$500.

D. Electrical devices: transformers and generators.

(1) Greater than 1 kw or less than or equal to 10 kw: \$75.

(2) Greater than 10 kw or less than or equal to 45 kw: \$100.

(3) Greater than 45 kw or less than or equal to 112.5 kw: \$300.

(4) Greater than 112.5 kw: \$500.

E. Service equipment. Term includes service panel, service entrance and subpanels.

(1) Each equipment piece priced as follows:

(a) Greater than 0 amp, less than or equal to 200 amps: \$80.

(b) Greater than 200 amps, less than or equal to 1,000 amps: \$350.

(c) Greater than 1,000 amps: \$1,000.

(d) Service equipment: fees for transfer switches equal to service as above.

F. Temporary pole/construction service: \$125.

G. Pools.

(1) Residential: permanently installed pools, in-ground or aboveground, including hot tub/spa, fountains (each): \$125.

(2) Public: for fees, apply Subsections A, C and E.

- (a) If applicable, underwater light (each): \$30.
- (b) If applicable, panel board (each): \$80.
- (c) Annual pool inspection: \$130.
- H. Light standards exceeding eight feet in height (each): \$75.
- I. Light standards less than eight feet in height: refer to item Subsection A.
- J. Smoke detectors, heat detectors, fire and burglar alarm expansion modules: **[Amended 6-24-2019 by Ord. No. 2019-20]**
  - (1) Group R-5 flat rate: \$55.
  - (2) All other groups:
    - (a) One to ~~[20]~~twenty: \$200 each.
    - (b) Each ~~[25]~~twenty-five additional: \$100.
  - (3) Electrically operated fire dampers (each): \$25.
- K. Commercial alarm control unit: \$150. **[Amended 6-24-2019 by Ord. No. 2019-20]**  
**[(1) Note: price does not include devices; refer to item Subsection A.]**  
**[(a) For smoke and heat detectors; refer to item Subsection J.]**  
**[(2)](1) Communications EF, MDF, IDF, TL: \$125.**
- L. Commercial lighting control panels (each): \$80. **[Amended 6-24-2019 by Ord. No. 2019-20]**
- M. Commercial building automation systems and satellite systems (each) \$165. **[Added 6-24-2019 by Ord. No. 2019-20]**
- N. Signs.
  - (1) First sign: \$165
  - (2) Each additional sign: \$80
- [N]O. Penalties. Penalties may be levied by an enforcing agency as follows: [Amended 6-24-2019 by Ord. No. 2019-20]**
  - (1) Up to \$1,000 per violation for failure or refusal to comply with any lawful order, unless the failure or refusal to comply is done with the knowledge that it will endanger the life or safety of any person, in which case the penalty shall be up to \$2,000 per violation;
  - (2) Up to \$2,000 per violation for failure to obtain a required permit prior to commencing construction or for allowing a building to be occupied without a certificate of occupancy;

- (3) Up to \$2,000 per violation for failure to comply with a stop construction order;
- (4) Up to \$2,000 per violation for willfully making a false or misleading written statement, or willfully omitting any required information or statement in any application or request for approval;
- (5) Up to \$500 per violation for any violation not covered under Subsection [N]O(1) through (4) above.
- (6) For purposes of this subsection, in an occupied building, a code violation involving fire safety, structural soundness or the malfunctioning of mechanical equipment that would pose a life safety hazard shall be deemed to endanger the life or safety of a person. In an unoccupied building, a code violation of a requirement intended to protect members of the public who are walking by the property shall be deemed to endanger the life or safety of a person.
- (7) All monies collected shall be collected under penalty provisions of the UCC. All penalties collected shall be retained by the **[Department]**Division of Code Enforcement and shall be placed in a special trust fund to be applied to the cost to the **[department]**division for training, technical support programs, certification, new equipment and transportation. An independent fund shall be set up and retained by the Director of Finance to be the Trustee of this account.

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: April 20, 2020

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

RESOLUTION

WHEREAS, Chapter 40 Article II “Licensing of Cats” establishes an annual license renewal each April; and

WHEREAS, the Division of Health is unable to conduct a Rabies Clinic and renew cat licenses this April due to the COVID 19 crisis; and

WHEREAS, the Division of Health is requesting that all cat licenses issued in 2019 be extended through the 2020 licensing year.

NOW, THEREFORE BE IT RESOLVED that the West Windsor Township Council does hereby grant the extension of the Annual Cat Licenses issued in 2019 to extend through 2020 due to the COVID 19 crisis.

Adopted: April 20, 2020

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 20<sup>th</sup> day of April, 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township



RESOLUTION

- WHEREAS, there exists a need for the Township to obtain counsel to provide legal services to the Township for the year 2020 and appointment of a municipal attorney is authorized by State law; and
- WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-5(1)(a) permits an award of contract for “professional services “without competitive bids, and the services contemplated to be rendered by the Attorneys qualify as “Professional Services” under this law; and
- WHEREAS, the Township wishes to enter into a professional services agreement with Parker McCay P.A., a firm of licensed N.J. Attorneys, for the performance of the aforesaid services
- WHEREAS the Township is permitted to award contract as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19A:44A-20.5; and
- WHEREAS the Chief Financial Officer has certified that funds are available for the period January 1, 2020 through December 31, 2020 for said contract in the following line item appropriation accounts for 2020:

Legal – Legal Fees	105-46-223	\$35,000
Legal – Legal Fees – Tsp. Council -	105-46-224	\$10,000
Legal – Litigation	105-46-228	<u>\$20,000</u>
	Total	\$65,000

NOW, THEREFORE, BE IT RESOVLED, 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 Parker McCay P.A. for the performance of legal services and the appointment of a municipal attorney, for an amount not to exceed \$65,000 for the period of January 1, 2020 through December 31, 2020.
2. 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.
3. An executed copy of the agreement between the Township and Parker McCay, P.A. and a copy of this resolution shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: April 20, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 20<sup>th</sup> day of April 2020.

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Gay M. Huber  
 Township Clerk  
 West Windsor Township

## RESOLUTION

- WHEREAS, the Township of West Windsor has a need to acquire Professional Architectural Services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and
- WHEREAS, on April 15, 2019, the Township Council passed Resolution 2019-R085 authorizing a Professional Services Agreement with the Spiezle Architectural Group, Inc. of Hamilton, NJ in the amount of Eight Thousand Five Hundred Dollars (\$8,500.00) for Professional Architectural Services associated with the initial review and evaluation of the conceptual layout proposed for the Municipal Building; and
- WHEREAS, on September 16, 2019, the Township Council passed Resolution 2019-R200 authorizing the first amendment to the Professional Services Agreement with the Spiezle Architectural Group, Inc. of Hamilton, NJ in the amount of Three Hundred Fifty Thousand Seven Hundred Fifty Dollars (\$350,750.00) for Professional Architectural Services associated with preparation of construction documents for the Municipal Building Renovations for a revised total amount of \$359,250.00; and
- WHEREAS, the Spiezle Architectural Group has submitted a proposal dated April 1, 2020 in the amount of \$7,900.00 for supplemental Professional Architectural Services associated with the Municipal Building Renovations for a revised total amount of Three Hundred Sixty Seven Thousand One Hundred Fifty Dollars (\$367,150.00); and
- WHEREAS, the Township wishes to amend the Professional Services Agreement with the Spiezle Architectural Group, Inc. to incorporate the aforesaid Professional Architectural Services; and
- WHEREAS, the total revised contract for the Spiezle Architectural Group, Inc. for this project will not exceed Three Hundred Sixty Seven Thousand One Hundred Fifty Dollars (\$367,150.00), which includes \$750.00 for miscellaneous reimbursable items; 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:

Municipal Complex Renovations	405-2018-15 010	\$7,900.00
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WHEREAS, said Amendment to the Agreement for Professional Services has been reviewed by the Facilities Maintenance Manager 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 an Amended Professional Services Agreement with the Spiezle Architectural Group, Inc., for the performance of services in an amount not to exceed Three Hundred Sixty Seven Thousand One Hundred Fifty Dollars (\$367,150.00), which includes \$750.00 for miscellaneous reimbursable items.
- (2) The Agreement so authorized shall require the Provider to provide Professional Architectural Services pursuant to its proposal dated April 1, 2020. A contract amendment may be executed 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 Amended Professional Services Agreement between the Township and the Spiezle Architectural Group, 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 20, 2020

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 20th day of April 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township

## RESOLUTION

WHEREAS, the Township of West Windsor, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of West Windsor has the need on a timely basis to purchase technological goods or services utilizing State contracts; and

WHEREAS, the Township is in need of a replacement network firewall and installation and configuration services; and

WHEREAS, CDW Government is an authorized vendor under NJ State Approved Co-op #65MCESCCPS, Bid #ESCNJ 18/19-03-Technology Supplies & Services, and

WHEREAS, As of March 31, 2020 the Township's total aggregate spending with CDW Government under NJ State Approved Co-op #65MCESCCPS, Bid #ESCNJ 18/19-03-Technology Supplies & Services was as follows:

2020-R064	CDW-Government	2/24/20	<u>\$19,866.34</u>	COF 2020-22
			<u>\$19,866.34</u>	

WHEREAS, the total cost of the hardware and installation and configuration services necessary is \$12,980.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in the following account for these purchases:

4 05 2018 15 021	Acquisition of Office/Computer Equipment	\$ 12,980.00
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NOW, THEREFORE, BE IT RESOLVED, by the Township Council of West Windsor that the Business Administrator Marlena Schmid is hereby authorized to purchase the above from CDW-Government under New Jersey State approved cooperative purchasing agreement ESCNJ 18/19-03.

BE IT FURTHER RESOLVED, that the authorization to the existing New Jersey State Contract M0003-89849 is amended to reflect the \$12,980.00 increase from \$19,866.34 to \$32,846.34.

Adopted: April 20, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 20<sup>th</sup> day of April, 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township

RESOLUTION

WHEREAS, DDR Hendon Nassau Park II LP (PB19-04 Nassau Park – Gateway Outparcel) received preliminary and final site plan approval with variance and waivers from the West Windsor Township Planning Board for the construction of certain public improvements for Block 7, Lots 78.01 & 78.15 (PB19-04); 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 Performance Bond issued by Travelers Casualty And Surety Company of America in the amount of \$40,073.40, number 107173515 with a cash deposit in the amount of \$4,452.60 and a \$5,000.00 – Safety & Stabilization Bond (#107173516) 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 20th day of April, 2020 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 20, 2020

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 20<sup>th</sup>, day of April, 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor required professional engineering services on a consultant basis in conjunction with the project known as Cranbury Road Sidewalk Project; and

WHEREAS, BANC3, Inc. was awarded the contract on July 13, 2015, for the total contract amount of Ninety-One Thousand Seven Hundred Eighty-Four Dollars (\$91,784.00); and

WHEREAS, BANC3, Inc. was awarded Amendment #1 to their contract on April 4, 2016, for a revised total contract amount of One Hundred Seven Thousand Eighty-Four Dollars (\$107,084.00); and

WHEREAS, BANC3, Inc. was awarded Amendment #2 to their contract on December 17, 2018 for a revised total contract amount of One Hundred Seven Thousand Eighty-Four Dollars (\$124,884.00); and

WHEREAS, there is a need for additional work which was not known at the time of Amendment #2 for Phase 2B of the project to obtain additional survey information, redesign the sidewalk to remain within the existing right-of-way to the extent practical, prepare easement maps and descriptions where acquisitions on private property are required, and obtain required environmental permits, that additional work is outlined in documents dated March 30, 2020 and April 8, 2020; and

WHEREAS, the amount of additional services is Twenty-Seven Thousand Eight Hundred Fifty-One Dollars (\$27,851.00) for a total revised contract amount of One Hundred Fifty-Two Thousand Seven Hundred Thirty-Five Dollars (\$152,735.00); 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 405-2014-13 005 \$27,851.00

WHEREAS, said Amendment #3 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 #3 to the Agreement for Professional Engineering Services with BANC3, Inc. of Princeton, 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 BANC3, Inc. dated July 13, 2015 remain in full force and effect.
- (4) An Executed copy of the revised Agreement between the Township and BANC3, 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 20, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 20th day of April 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township