

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

March 22, 2021

VIA Zoom Video Communications

7:00 P.M.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - Statement of Adequate Notice - January 8, 2021 to The Times and the Princeton Packet and posted on the Township web-site. All Council meetings are open to the public with access via Zoom for those who wish to attend virtually. Please see Township web-site for further details.
4. Salute to the Flag
5. Ceremonial Matters and/or Topics for Priority Consideration

Proclamation for World Autism Awareness
6. Public Comment: (30 minutes comment period; 3-minute limit per person)
7. Administration Comments

Update from Mayor on Sewers
8. Council Member Comments

Council Sewer Discussion
9. Chair/Clerk Comments

10. Public Hearings

2021-07 AN ORDINANCE TO REPEAL CHAPTER 4 SECTION
26 ENTITLED "SWIMMING POOL UTILITY" AND
CHAPTER 162 ARTICLE I ENTITLED
"WATERWORKS AT WEST WINDSOR COMMUNITY
POOL" OF THE GENERAL CODE OF THE TOWNSHIP
OF WEST WINDSOR AND ESTABLISH THE
COLLECTION AND RELEASE OF POOL MONIES
WITHIN THE MUNICIPAL BUDGET

11. Consent Agenda

A. Resolutions

B. Minutes

Closed Session-February 8, 2021
Business Session-February 8, 2021
Closed Session-February 22, 2021
Business Session-February 22, 2021

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2021-R064 Granting the Full Release of Performance
Guarantees for Private Improvements Associated
with Princeton Theological Seminary Replacement
Housing Project (PB09-08)

2021-R065 Authorizing the Mayor and Clerk to Execute a
Contract with Meco, Inc. for the Project Known as
Southfield Road Roadway Construction -
\$532,894.45

2021-R066 Authorizing Contract Amendment #2 for Roberts
Engineering Group for the Project Known as ADA
Accessible Ramps, Sidewalks and Pedestrian Safety
Improvements - \$357.50 for a total of \$23,357.50

2021-R067 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with ACT Engineers for Remedial Action Work Plan for the Former Landfill/Compost Facility - \$8,000.00

2021-R068 Authorizing the Mayor and Clerk to Execute the Reimbursement Agreement with Colonnade Pointe Condominium Association for Refuse Collection, Recycling, and Snow Removal for 2019 - \$29,646.09

2021-R069 Authorizing the Second Quarter 2021 Emergency Temporary Appropriations (Requires a 2/3 vote of the full membership)

2021-R070 Authorizing the Mayor and Clerk to Execute Amendment #1 with the Princeton Baptist Church of Penns Neck for Affordable Housing Units at the Parsonage

14. Introduction of Ordinances
15. Additional Public Comment (three-minute limit per person)
16. Council Reports/Discussion/New Business
Budget Discussion (if needed)
17. Administration Updates
18. Closed Session
19. Adjournment

ORDINANCE 2021-07

**AN ORDINANCE TO REPEAL CHAPTER 4 SECTION 26
ENTITLED "SWIMMING POOL UTILITY" AND CHAPTER 162
ARTICLE I ENTITLED "WATERWORKS AT WEST WINDSOR
COMMUNITY POOL" OF THE GENERAL CODE OF THE
TOWNSHIP OF WEST WINDSOR AND ESTABLISH THE
COLLECTION AND RELEASE OF POOL MONIES WITHIN
THE MUNICIPAL BUDGET**

WHEREAS, in 1995 West Windsor Township sought to construct an aquatic pool facility in the Township; and

WHEREAS, as part of this process, the Township created via Ordinance a Swimming Pool Utility, providing for a separate budget apart from the Municipal Budget which could only be utilized for the pool; and

WHEREAS, the Township now determines a separate Utility is no longer necessary, and desires to repeal the existing ordinances and dissolve the Swimming Pool Utility to meet the current needs of the Township and municipal pool facility.

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

1. Chapter 4 Section 26 of the Township Code entitled "Swimming Pool Utility" is hereby repealed in its entirety.
2. Chapter 162 Article I of the Township Code entitled "WaterWorks at the West Windsor Community Pool" is hereby repealed in its entirety.
3. The Township shall charge and collect for the use and operation of the Municipal Pool, and all fees, rents and other charges shall be placed in a separate account of the Township pursuant to N.J.S.A. 40:61-22.26.
4. The anticipated revenues from the operation of the Municipal Pool and the appropriations to be made therefor shall be set forth in a separate section of the annual budget as a recreation line item.
5. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Council hereby declares its intent that the balance of the Ordinance, not affected by said invalidity, shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
6. This Ordinance shall take effect upon proper passage in accordance with the law.

INTRODUCTION: March 8, 2021

PUBLIC HEARING: March 22, 2021

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

RESOLUTION

WHEREAS, Princeton Theological Seminary has made a request for a release of the performance guarantees posted for private improvements in connection with construction associated with the project known as Princeton Theological Seminary Replacement Housing project (PB09-08), which guarantee was posted as follows; and

<u>Performance Guarantee</u>	<u>Original Amount</u>	<u>Date Issued</u>	<u>Current Amount</u>	<u>Recommended Action</u>
LC #18113372-00-000	\$4,479,312.80	6/2/2010	\$1,343,793.80*	Full release
Cash	\$ 497,701.38	6/2/2010	\$ 149,310.40*	Full release

*Represents allowable 30% of the Original Amount permitted to be retained as per NJSA 40:55D-53e.

WHEREAS, the West Windsor Township Engineer has found the work to be complete and recommends that the performance guarantees for private improvements in connection with construction associated with the project known as Princeton Theological Seminary Replacement Housing project (PB09-08) be released.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor, that the following performance guarantees posted by Princeton Theological Seminary for private improvements in connection with construction associated with the project known as Princeton Theological Seminary Replacement Housing project (PB09-08) be released to Princeton Theological Seminary as follows:

<u>Performance Guarantee</u>	<u>Original Amount</u>	<u>Date Issued</u>	<u>Current Amount</u>	<u>Recommended Action</u>
LC #18113372-00-000	\$4,479,312.80	6/2/2010	\$1,343,793.80*	Full release
Cash	\$ 497,701.38	6/2/2010	\$ 149,310.40*	Full release

*Represents allowable 30% of the Original Amount permitted to be retained as per NJSA 40:55D-53e.

ADOPTED: March 22, 2021

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 22nd day of March 2021.

Gay M. Huber
Township Clerk
Township of West Windsor

RESOLUTION

WHEREAS, the Township of West Windsor has determined the need to repair and reconstruct portions of Southfield Road from Village Road to Princeton-Hightstown Road (Mercer County Route 571); and

WHEREAS, said contract was put out to public bid and the following bids were received and opened on Thursday, February 25, 2021; and

WHEREAS, the Township has received Eleven (11) bids from the following bidders:

No.	Contractor	Price
1	MECO, Inc.	\$532,894.45
2	Lucas Brothers	\$594,594.00
3	Topline Construction	\$614,403.30
4	Capital Paving & Contracting	\$624,488.24
5	Earle Asphalt	\$635,213.13
6	Esposito Construction	\$680,666.93
7	S&G Paving	\$711,410.92
8	S. Brothers	\$729,007.80
9	Black Rock	\$731,449.31
10	JADS Construction	\$763,853.25
11	DeFino Contracting	\$882,857.37

WHEREAS, the Township Engineering staff have reviewed the bids and have determined that Meco, Inc. submitted the lowest responsible and responsive bid; 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>Annual Road Program NJDOT Grant</u>	<u>405-2019-18 012</u>	<u>\$532,894.45</u>
Account Title	Account Number	Amount

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the contract for the Roadway Improvements to Southfield Road project be awarded to **Meco, Inc., 37 Prodelin Way, Millstone, New Jersey 07726**, and the Mayor and Clerk are authorized to execute said contract; and

Adopted: March 22, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 22nd day of March, 2021.

 Gay M. Huber
 Township Clerk
 Township of West Windsor

RESOLUTION

- WHEREAS, the Township of West Windsor required professional surveying and engineering design services for the ADA Accessible Ramps, Sidewalks and Pedestrian Safety Improvements Project; and
- WHEREAS, Roberts Engineering Group was awarded the contract on June 24, 2019 for the total contract amount of Eighteen Thousand Dollars (\$18,000.00); and
- WHEREAS, there was a need for additional supplementary work to address additional regrading for a raised intersection and crosswalk at Alexander Road and Scott Avenue, as outlined in their April 17, 2020 letter; and
- WHEREAS, the amount of additional services of Five Thousand Dollars (\$5,000.00) for a total revised contract amount of Twenty-Three Thousand Dollars (\$23,000.00) was approved on May 11, 2020; and
- WHEREAS, there is a need for additional copies of the contract documents due to a much larger number of bidders than was anticipated; 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:
- | | | |
|-------------------------------------|-----------------|-----------|
| Bicycle and Pedestrian Improvements | 405-2013-09 004 | \$ 357.50 |
|-------------------------------------|-----------------|-----------|
- WHEREAS, said Amendment #2 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 #2 to the Agreement for Professional Engineering Services with Roberts Engineering 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 Roberts Engineering Group, dated June 24, 2019 remain in full force and effect.
- (4) An Executed copy of the revised Agreement between the Township and Roberts Engineering Group and a copy of this Resolution shall be on file and available for public inspection in the Office of the Township Clerk

Adopted: March 22, 2021

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 22nd day of March 2021.

Gay M. Huber
Township Clerk
Township of West Windsor

RESOLUTION

WHEREAS, the Township of West Windsor has a need to acquire professional engineering 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 have submitted a proposal dated February 26, 2021 indicating they will provide professional engineering services for the former West Windsor Township Landfill/Compost Facility – Environmental Monitoring for Eight Thousand Dollars (\$8,000.00); and

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

WHEREAS, the total amount of the contract is Eight Thousand Dollars (\$8,000.00); 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:

Traffic Safety Improvements Hazard Mitigation 405 2020 14 015 \$8,000.00

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 services agreement with ACT Engineers to cover the period March 22, 2021 through completion of the project.
- (2) The Agreement so authorized shall require the Provider to provide professional engineering services related to the remediation of the former West Windsor Township Landfill / Compost Facility, pursuant to their proposal dated February 26, 2021. The contract shall 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 and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: March 22, 2021

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 22nd day of March 2021.

Gay M. Huber
Township Clerk
Township of West Windsor

RESOLUTION

WHEREAS, C.299 of P.L. 1989 (NJSA 40:67-23.2 et seq.) establishes a policy and schedule of the reimbursement of costs for refuse and recycling collection and disposal, snow removal and street lighting costs incurred by qualified private communities as defined by the law; and

WHEREAS, Colonnade Pointe Condominium Association; and

WHEREAS, the Township of West Windsor has agreed to reimburse the above-mentioned Condominium Association for refuse and recycling collection and snow removal costs for 2019;

WHEREAS, funds are available as evidenced by the Chief Financial Officer's certification of funds;

Colonnade Pointe Condominium Association

Refuse Collection- Other Expenses	101001	\$ 29,473.89
Snow Trust	121407	\$ 172.20

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, County of Mercer, and State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute agreement with this Association to reimburse them for certain snow removal and refuse and recycling costs pursuant of NJSA 40:67-23.2 ET. Seq. in the following amounts.

Colonnade Pointe Condominium Association

Refuse Collection- Other Expenses	\$ 29,473.89
Snow Removal (2019)	\$ 172.20

Adopted: March 22, 2021

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 22nd day of March, 2021.

Gay M. Huber
Township Clerk
Township of West Windsor

EMERGENCY TEMPORARY RESOLUTION

WHEREAS, an emergent condition has arisen with respect to the ability of the Township of West Windsor to continue paying its employees and vendors; and

WHEREAS, the Township Council has not yet adopted the 2021 budget; and

WHEREAS, no adequate provision has been made in the 2021 temporary budget for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2021 pursuant to the provisions of Chapter 96, P.L.1951 (N.J. S. 40A:4-20) including this resolution total \$10,563,239.50;

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for:

CURRENT FUND TEMPORARY APPROPRIATIONS - 2021			
	<u>S & W</u>	<u>O.E.</u>	<u>TOTAL</u>
1 Clerk & Governing Body	53,191.00	24,827.00	78,018.00
2 Elections	425.00	3,762.50	4,187.50
3 Council	6,176.25	1,312.50	7,488.75
4 Administration	119,619.25	62,862.50	182,481.75
5 Mayor	10,560.50	0.00	10,560.50
6 Financial Administration	110,574.50	0.00	110,574.50
7 Audit & Accounting Services		11,201.25	11,201.25
8 Data Processing		0.00	0.00
9 Assessment of Taxes	50,389.50	0.00	50,389.50
10 Collection of Taxes	39,631.50	5,437.50	45,069.00
12 Supplemental Fire Safety Program		0.00	0.00
13 Uniform Fire Code	43,139.25	5,294.50	48,433.75
14 Emergency Services	324,383.75	56,431.25	380,815.00
15 Princeton Jct. Vol. Fire Co.		17,500.00	17,500.00
16 West Windsor Vol. Fire Co. #1		17,500.00	17,500.00
18 Police	1,753,363.19	104,728.75	1,858,091.94
18 Police - ILSA - WWPRSD	75,000.00	46,250.00	121,250.00
20 Animal Control		1,275.00	1,275.00
20 ILSA-East Windsor Township		5,000.00	5,000.00
21 Board of Health	170,465.00	14,237.50	184,702.50
22 Recreation	176,699.25	52,500.00	229,199.25
24 Senior Citizen Program	47,227.50	19,218.25	66,445.75
25 Affordable Housing	250.00	0.00	250.00
29 Community Development	6,806.25	250.00	7,056.25
30 General Engineering	84,928.75	15,532.50	100,461.25
33 Land Use	54,529.00	32,418.75	86,947.75
34 Planning Board		4,775.00	4,775.00
35 S.P.R.A.B.		0.00	0.00
36 Zoning Board		4,100.00	4,100.00

37	Environment Commission		762.50	762.50
38	Construction Official	380,256.25	9,500.00	389,756.25
40	Public Works	320,721.75	57,444.25	378,166.00
41	Snow Removal	0.00	0.00	0.00
42	Sewer System	118,423.00	27,687.50	146,110.50
43	Stony Brook Reg. Sewer Auth.		816,840.00	816,840.00
44	Facilities and Open Space		145,500.00	145,500.00
46	Legal Services & Costs		75,000.00	75,000.00
47	Municipal Prosecutor		7,500.00	7,500.00
48	Public Defender		4,250.00	4,250.00
50	Municipal Court	65,515.75	7,705.75	73,221.50
50	ILSA - Hopewell Township		0.00	0.00
51	Group Insurance		486,384.85	486,384.85
52	Other Insurance - Workers Comp		0.00	0.00
52	Other Insurance - Liability		0.00	0.00
53	Building & Grounds	58,335.00	39,693.75	98,028.75
54	Fire Hydrant Service		180,250.00	180,250.00
55	Postage		10,000.00	10,000.00
56	Utilities - Street Lighting		106,000.00	106,000.00
56	Utilities - Electric/Natural Gas		113,000.00	113,000.00
56	Utilities - Telephone and Telegraph		31,250.00	31,250.00
56	Utilities - Water		12,875.00	12,875.00
57	Gasoline		68,750.00	68,750.00
58	Refuse Collection - In Cap		456,025.00	456,025.00
58	Refuse Collection - Out of Cap		144,175.00	144,175.00
60	Extended Sick Leave	0.00	0.00	0.00
76	Social Security System		155,587.96	155,587.96
77	Public Employees Retirement System		947,212.00	947,212.00
78	Police & Firemen's Retirement System		2,080,320.00	2,080,320.00
79	Defined Contribution Retirement System		2,500.00	2,500.00
72	Down Payment on Improvements		0.00	0.00
80	Payment of Bond Principal		0.00	0.00
82	Interest on Bonds		0.00	0.00
83	Interest on Notes		0.00	0.00
84	Green Trust Loan Program		0.00	0.00
	Total Temporary Operating Budget	4,070,611.19	6,492,628.31	10,563,239.50

2. That said emergency temporary appropriations have been provided for in the 2021 budget under the aforementioned line items.

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

Adopted: March 22, 2021

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 22nd day of March, 2021.

 Gay M. Huber
 Township Clerk
 Township of West Windsor

RESOLUTION

WHEREAS, the Princeton Baptist Church of Penn's Neck ("the Church") and the Township of West Windsor entered into an agreement entitled Township-Princeton Baptist Church of Penn's Neck Agreement With Respect to Affordable Housing, dated February 10, 2020 (the "Agreement"); and

WHEREAS, pursuant to the Agreement, the Township agreed to provide a grant ("Grant") in the amount of \$295,000.00 from its Affordable Housing Trust Fund to the Church for renovation of its two dwelling units as group homes creditable for affordable housing purposes to the Township; and

WHEREAS, the Township has already paid \$215,102.00 of the Grant to the Church (\$140,000.00 on May 12, 2020 and \$75,102.00 on October 14, 2020) and \$5,103.00 to the Building Department for the permits; and

WHEREAS, \$74,795.00 of the Grant remains to be paid to the Church, which amount was scheduled to be paid upon completion of the project and issuance of certificates of occupancy; and

WHEREAS, the Church requested an amendment to the Agreement to modify payment of the final installment of the Grant so that \$60,000.00 is transferred to the Church when 80% of the work is completed and the balance of \$14,795.00 is paid upon issuance of certificates of occupancy.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Mayor and Clerk are hereby authorized and directed to execute Amendment No. 1.

Adopted: March 22, 2021

I hereby certify this is a true copy of a Resolution adopted by the West Windsor Township Council at their meeting held on the 22nd day of March, 2021.

Gay M. Huber
Township Clerk
Township of West Windsor