

**MEETING TO BE  
LIVE STREAMED AT**  
<https://www.youtube.com/channel/UC8i0yw7lhozymgo4N68jJdg/live>

**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  
April 12, 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
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

2021-R071 Refund of Overpaid Sewer Rent

B. Minutes

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2021-R072 Authorizing the Business Administrator to Purchase One (1) 2021 Ford F150 Crew Cab for the Division of Fire and Emergency Services from Cherry Hill Winner Ford Under New Jersey State Contract #17-FLEET-00212 - \$40,433.00

2021-R073 Authorizing the Business Administrator to Purchase Toner for the Police from CDW Government Under New Jersey State Contract M0483-89974 - \$7,000.00

2021-R074 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with ACT Engineers for Construction Administration and Observation Services for the Project Known as ADA Accessible Ramps, Sidewalks, and Pedestrian Safety Improvements - \$12,280.00

2021-R075 Authorizing the Chief Financial Officer to Increase the Professional Services Agreement with ACT Engineers for Engineering Services by \$3,000.00 for a Total Not to Exceed of \$5,000.00

2021-R076 Consenting to the Proposed Amendment to the Mercer County Water Quality Management (WQM) Plan to Include Block 37 Lots 6 and 7 (Corner of Old Trenton Road and Dorchester Drive)

2021-R077 Certification of Compliance With the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964" In Accordance With N.J.S.A. 40A:4-5

2021-R078 Permitting Anticipated Miscellaneous Revenue in the 2021 Budget Using the Three-Year Average of Realized Revenues From the Prior Three Years

14. Introduction of Ordinances

2021-08 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

PUBLIC HEARING: May 10, 2021

2021 BUDGET INTRODUCTION

PUBLIC HEARING: May 10, 2021

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

16. Council Reports/Discussion/New Business

17. Administration Updates

18. Closed Session

19. Adjournment

RESOLUTION

WHEREAS, the Tax Collector, Kelly A. Montecinos, has certified that the following taxpayer overpaid their sewer rent; and

WHEREAS, the Tax Collector is requesting that the overpaid sewer rent be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the following refund be made:

Taxpayer	Refund
PAYEE: Powers, Dennis & Grace 2 Bush Court Princeton Junction, NJ 08550	\$127.20
OWNER: Powers, Dennis & Grace PROPERTY LOCATION: 77 Lillie Street BLOCK: 11.01 Lot: 9	
Total	\$127.20

Adopted: April 12, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12<sup>th</sup> day of April, 2021.

---

Gay M. Huber  
Township Clerk  
Township of West Windsor

## RESOLUTION

WHEREAS, the Township of West Windsor needs to purchase one (1) 2021 Ford F150 Crew Cab 4x2 for the Division of Fire and Emergency Services; and

WHEREAS, Cherry Hill Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034 has been awarded New Jersey State Contract #17-FLEET-00212; and

2021 Ford F150 Crew Cab 4x2	\$25,058.00
101A – Power Equipment, Cruise Control, Reverse Sensing	\$ 920.00
61S – STX Appearance Package	\$ 1,780.00
XL3 – E-Locking 3.31 axle	\$ 420.00
655 – Extended Range Fuel Tank	\$ 445.00
67T – Trailer Brake Controller	\$ 270.00
18B – Running Boards, Black Platform	\$ 250.00
53B – Class IV Trailer Hitch	\$ 205.00
96W – Bedliner – Spray-in	\$ 595.00
PQ – EXTERIOR COLOR RACE RED	<u>NC</u>
	\$29,948.00

WHEREAS, options that are not part of the state contract need to be built into the vehicle as follows:

W1E – 4X4 Upgrade	\$ 5,995.00
ARE Model CX Revo Cap	\$ 2,995.00
Cargo Glide 1000lb slide out tray	<u>\$ 1,495.00</u>
	\$10,485.00

WHEREAS, the Chief Financial Officer has certified that funds are available for said vehicle in the following account:

Fire and Emergency Services-Vehicles 405-2020-14-022

NOW, THEREFORE, BE IT RESOLVED by Township Council of the Township of West Windsor that the Township Business Administrator is hereby authorized to purchase one (1) 2021 Ford F150 Crew Cab 4x2 from Cherry Hill Winner Ford for a total not to exceed \$40,433.00.

Adopted: April 12, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12<sup>th</sup> day of April, 2021.

\_\_\_\_\_  
Gay M. Huber  
Township Clerk  
Township of West Windsor

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, CDW Government is an authorized vendor of HP Inc. under NJ State Contract M0483-89974 for toner, and

WHEREAS, As of March 18, 2021 the Township's total aggregate spending with CDW Government under NJ State Contract M0483-89974 is as follows:

Purchase Order # 55905	105-04-353	1/28/2021	\$ 12,000.00
Purchase Order # 53972	105-04-353	3/15/2021	\$ <u>1,962.50</u>
			<u>13,962.50</u>

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:

Police - Office Supplies	105-18-332	\$7,000.00
--------------------------	------------	------------

NOW, THEREFORE, BE IT RESOLVED, that the Township Council authorizes the Business Administrator Marlana Schmid to purchase toner from CDW Government under NJ State Contracts M0483-89974; and

BE IT FURTHER RESOLVED, that the authorization to the New Jersey State Contract M0483-88974 is amended to reflect the \$7,000.00 increase from \$13,962.50 to \$20,962.50.

Adopted: April 12, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of April, 2021.

\_\_\_\_\_  
Gay M. Huber  
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 has submitted a proposal on March 9, 2021 indicating they will provide professional construction administration and observation services for the ADA Accessible Ramps, Sidewalks, and Pedestrian Safety Improvements project for Twelve Thousand Two Hundred Eighty Dollars (\$12,280.00); and

WHEREAS, ACT Engineers 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 for the aforesaid services; and

WHEREAS, the total amount of the contract is Twelve Thousand Two Hundred Eighty Dollars (\$12,280.00); 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 accounts:

Roadway Improvements	405-2019-18 011	\$12,280.00
----------------------	-----------------	-------------

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 professional services agreement with ACT Engineers, 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 Twelve Thousand Two Hundred Eighty Dollars (\$12,280.00).
- (2) The Agreement so authorized shall require the Provider to provide construction administration and observation services pursuant to its proposal dated March 9, 2021. 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 and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: April 12, 2021

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of April 2021.

---

Gay M. Huber  
Township Clerk  
West Windsor Township

## RESOLUTION

WHEREAS, the Township of West Windsor enter into a services agreement with ACT Engineers for professional services on a consultant basis for Professional Engineering Services performed for miscellaneous engineering projects as assigned; and

WHEREAS, a Certification of Funds for the original contract was received from the Chief Financial Officer and funds for said contract were available in the following line item appropriation account:

<u>Engineering-Consultant Services</u>	<u>105-30-210</u>	<u>\$ 2,000.00</u>
Account Title	Account Number	Amount to date

WHEREAS, the scope of work authorized in the original contract remains in force and effect; and

WHEREAS, there is a need for a contract increase for services in accordance with the original contract; and

WHEREAS, the Chief Financial Officer has certified that funds are available for said contract in the following line item appropriation accounts:

<u>Engineering-Consultant Services</u>	<u>105-30-210</u>	<u>\$3,000.00</u>
Account Title	Account Number	Amount

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Chief Financial Officer is hereby authorized to increase the contract amount with ACT Engineers to a revised total contract amount of \$5,000.00.

Adopted: April 12, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of April 2021.

---

Gay M. Huber, Township Clerk  
West Windsor Township

RESOLUTION

WHEREAS, Toll Brothers, Inc., through their professional consultant ESE Consultants, has submitted a request for municipal consent to an amendment to the Mercer County Water Quality Management (WQM) Plan for planned development to the Hilton Realty property located at the corner of Old Trenton Road and Dorchester Drive, known as “Hilton West Windsor Property” (Old Trenton Road; Block 37, Lots 6 and 7); and

WHEREAS, by action of West Windsor Township Council on November 9, 2020 the Township of West Windsor amended the zoning of the identified property to a Residential Retirement Community designation, which includes a low- and moderate-income set aside requirement, so as to allow for additional dwelling opportunities for the elderly population within the State of New Jersey; 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, *et seq.* as the method of incorporating additional facilities into a WQM Plan; and

WHEREAS, the proposed WQM Plan amendment application dated January 18, 2021 for “Hilton West Windsor Property”, prepared by ESE Consultants, has been reviewed by the Township Engineer and recommended for endorsement.

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

1. The Township hereby consents to the proposed Hilton West Windsor Property amendment, prepared by ESE Consultants dated January 18, 2021, for the purpose of its incorporation into the applicable WQM plan.
2. This consent shall be submitted to the NJDEP pursuant to N.J.A.C. 7:15-3.5(g)6.

Adopted: April 12, 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 12th day of April 2021.

---

Gay M. Huber  
Township Clerk  
Township of West Windsor

RESOLUTION

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE  
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S  
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in  
Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of West Windsor, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Adopted: April 12, 2021

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 12<sup>th</sup> day of April, 2021.

---

Gay M. Huber  
Township Clerk  
Township of West Windsor

## RESOLUTION

WHEREAS, the State of New Jersey, Division of Local Government Services (DLGS) now requires a resolution from municipalities that desire to use a three (3)-year average for the calculation of anticipated revenues in the 2021 Budget because of COVID-19; and

WHEREAS, said calculation is authorized pursuant to Section 1 of P.L. 2020 c.74 which amended N.J.S.A. 40A:4-26 and is in accordance with Local Finance Notice 2020-24 (October 9, 2020); and

WHEREAS, the need to use the three (3)-year average method to compute certain revenues in the 2021 Budget is beneficial to the Township as well as necessary; and

WHEREAS, John V. Mauder, Chief Financial Officer of the Township of West Windsor, certifies that the following revenues were affected in 2020 by the COVID-19 pandemic and that the 3-year average of the amounts realized in 2018, 2019, and 2020 be anticipated in the 2021 Budget:

<u>Revenue Category</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>Average</u>
Recreation - Swim Pool	\$326,947.00	\$302,253.00	\$62,500.00	\$230,567.00

\_\_\_\_\_  
John V. Mauder, CMFO  
Township Chief Financial Officer

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of West Windsor in the County of Mercer, State of New Jersey that it approves the utilization of the three (3)-year average method in computing the maximum amount of Recreation – Swim Pool Revenue to be anticipated in the 2021 Budget; and

BE IT FURTHER RESOLVED that a certified copy of this resolution is to be forwarded to the Director of the Division of Local Government Services.

Adopted: April 12, 2021

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12<sup>th</sup> day of April, 2021.

\_\_\_\_\_  
Gay M. Huber  
Township Clerk  
Township of West Windsor

**2021-08**

**TOWNSHIP OF WEST WINDSOR**

**COUNTY OF MERCER**

**CALENDAR YEAR 2021**

**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 1.0 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 2021 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 \$304,738.07 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 2021 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 \$1,066,583.25 and that the CY 2021 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: April 12, 2021

Public Hearing:

Adoption:

Mayor's Approval:

Effective Date: