

**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**

March 26, 2018

The Business Session will begin promptly after the close of the adequately noticed
Closed Session

1. Call to Order
2. Statement of Adequate Notice – January 5, 2018 to The Times and the Princeton Packet. Closed Session was noticed on March 19, 2018 to the Princeton Packet and The Times.
3. Salute to the Flag
4. Ceremonial Matters and/or Topic for Priority Consideration

**Proclamation for Autism Awareness Month
and
World Autism Awareness Day**

Chief Garofalo – Public Safety Presentation

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

2018-09 ORDINANCE AUTHORIZING THE ACQUISITION OF RIGHT-OF-WAY FROM THE HUNTER FAMILY REAL ESTATE TRUST LOCATED AT BLOCK 16.12, LOT 23 – 18 North Post Road - \$18,000.00

2018-10 AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) AMENDING THE REDEVELOPMENT PLAN REGULATING PROVISIONS IN THE RP-5 ZONING DISTRICT OF THE PRINCETON JUNCTION REDEVELOPMENT PLAN CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR

2018-11 AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) AN ORDINANCE AMENDING THE REDEVELOPMENT PLAN FOR PRINCETON JUNCTION BY CLARIFYING PROVISIONS PERTAINING TO DISTRICT RP-5

10. Consent Agenda

A. Resolutions

2018-R096 Advice and Consent of Appointment for Melissa Pirrera as an Alternate 2 Member of the Board of Recreation Commissioners

B. Minutes

C. Bills & Claims

11. Items Removed from Consent Agenda

12. Recommendations from Administration and Council/Clerk

2018-R091 Authorizing the Mayor and Clerk to Execute a Contract with Sunset Creations Inc. for EAB Management Street Tree Replacement Year Two of the Project - \$164,900 (a portion of the cost is reimbursed through a State Grant)

2018-R092 Granting the Request from West Windsor Gardens II LLC for Full Release of Performance Guarantees for Private On-Site Landscape Improvements for The Glen (PB10-01)

2018-R093 Granting the Request from West Windsor Gardens II LLC for Full Release of Performance Guarantees for Public Improvements to Clarksville Road and Meadow Road Intersection (PB05-03MR)

2018-R094 Denial of Request from West Windsor Gardens II LLC for Full Release of Performance Guarantees for The Glen Sales Trailer Removal and Restoration (PB-10-01)

2018-R095 Certification of Compliance With the United States Equal Employment Opportunity Commission's In Accordance With N.J.S.A. 40A:4-5

13. Introduction of Ordinances

2018 Municipal Budget:

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

Public Hearing: April 23, 2018

2018 BUDGET INTRODUCTION

Public Hearing: April 23, 2018

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

15. Council Reports/Discussion/New Business

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

SUPPORTING RESOLUTION OPPOSING U.S. SENATE BILL 446 AND SUPPORTING GUN CONTROL LEGISLATION PENDING IN THE NEW JERSEY LEGISLATURE

16. Administration Updates

17. Closed Session (Room C if needed)

18. Adjournment

2018-09

TOWNSHIP OF WEST WINDSOR
ORDINANCE AUTHORIZING THE ACQUISITION OF
RIGHT-OF-WAY FROM
THE HUNTER FAMILY REAL ESTATE TRUST
LOCATED AT BLOCK 16.12, LOT 23

WHEREAS, the Township of West Windsor has determined that it is necessary to acquire Right-of-Way on certain real property owned by the Hunter Family Real Estate Trust (Sellers) located at Block 16.12, Lot 23 (#18 North Post Road) in the Township of West Windsor, Mercer County, NJ for the purpose of constructing certain roadway improvements; and

WHEREAS, the Seller is willing to dedicate such Right-of-Way; and

WHEREAS, the Township and Seller have agreed upon fair compensation for the Right-of-Way; and

WHEREAS, the Local Lands and Buildings Law, *N.J.S.A. 40A:12-1 et. seq.*, requires that an Ordinance be adopted permitting the Township to acquire the Right-of-Way.

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

- (1) The Township wishes to acquire Right-of-Way on certain real property owned by the Hunter Family Real Estate Trust (Sellers) located at Block 16.12, Lot 23 (#18 North Post Road) in the Township of West Windsor, Mercer County, NJ for the purpose of constructing certain roadway improvements for the purchase price of Eighteen Thousand Dollars (\$18,000.00).
- (2) The Mayor and Clerk are hereby authorized and directed to acquire and accept the Deed of Dedication of Right-of-Way from the Seller for the acquisition of said right-of-way upon final passage, approval and publication of said ordinance according to law.

Section 2. This ordinance shall take effect twenty days after action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Council, whichever is applicable; and upon publication according to law.

INTRODUCTION: March 12, 2018

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

ORDINANCE 2018-10

**AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) CHAPTER 200 LAND
USE, PART 4, ZONING, ARTICLE XXXIV, LAND USE CONTROLS, SECTION 200-
264, RP-5 DISTRICT, SUBSECTION A(2)(B)[3] CLARIFYING DISTRICT RP-5
REGULATIONS**

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 200 of the Code of the Township of West Windsor (1999), Land Use, Part 4, Zoning, Article XXXIV, Land Use Controls, Section 200-264, RP-5 District, Subsection A(2)(b)[3] is amended to read as follows. Added text is underlined, and text being eliminated is in brackets.

- [3] Pursuant to N.J.S.A. 40:55D-68, the existing use/structure as of the date of the adoption of this ordinance may be continued indefinitely in the absence of any changes to the building, site, intensification of use or abandonment of the uses in existence at the time of adoption of this ordinance. The property owner shall have no obligation [n] to allow the Township to use a portion of the site for storm water management and wetlands mitigation unless and until the property owner files an application with the West Windsor Planning Board, seeking approval of a planned development pursuant to Section 200-264A(2)(a) or to expand the existing building in accordance with Section 200-264A(2)(b)[1]. The property owner may sublease a portion of its property for any of the uses permitted by Section 200-26[0]4(A)(2)[(b)] without incurring an obligation to allow the Township to use a portion of the site for storm water management and wetlands mitigation[, provided the use under the sublease does not require the issuance of any construction permits].

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

Introduction: March 12, 2018

Public Hearing:

Adoption:

Mayor's Approval:

Effective Date:

ORDINANCE 2018-11

**AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)**

**AN ORDINANCE AMENDING THE REDEVELOPMENT PLAN FOR PRINCETON
JUNCTION BY CLARIFYING PROVISIONS PERTAINING TO DISTRICT RP-5**

WHEREAS, by Resolution adopted on December 19, 2005, the governing body of the Township of West Windsor (“the Township”) designated the properties consisting of Block 5, Lots 8.05, 14, 19, 20 and 78, and Block 6, Lots 6, 8- 12, 14, 16.01, 16.02, 17, 18, 27, 32, 33, 41, 44, 48, 54, 55.01, 57, 60, 64-70, 76, 78.01, 79.01, 84.01, 84.02, 84.03, and 88, and Block 6.20 Lots 20-22, 49, 73, 74, and 88, and Block 12.04, Lots 2, 10, 17, 18, 25, 26, and 27, and Block 13 Lots 1, 9-13 and Block 57, Lot 1, and Block 59, Lots 1-3, and Block 64, Lot 170.01 (collectively, the “Princeton Junction Redevelopment Area”) as an area in need of redevelopment under the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*; and

WHEREAS, by ordinance adopted on March 23, 2009, the Township adopted a redevelopment plan for the Princeton Junction Redevelopment Area entitled the “Township of West Windsor Redevelopment Plan for Princeton Junction” (the “Princeton Junction Redevelopment Plan”); and

WHEREAS, the Redevelopment Plan was subsequently the subject of four amendments; and

WHEREAS, one of the amendments provided for modifications to the District 5 regulations; and

WHEREAS, amendments clarifying the District 5 amendments have been prepared.

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows. Text being eliminated is in brackets.

Section 1. The Section entitled “RP-5 District use regulations” is amended by modifying subsection B(2)(c) as follows.

- (c) Pursuant to N.J.S.A. 40:55D-68, the existing use/structure as of the date of the adoption of this ordinance may be continued indefinitely in the absence of any changes to the building, site, intensification of use or abandonment of the uses in existence at the time of adoption of this

ordinance. The property owner shall have no obligation to allow the Township to use a portion of the site for storm water management and wetlands mitigation unless and until the property owner files an application with the West Windsor Planning Board seeking approval of a planned development pursuant to Subsection B(1) of this Section or to expand the existing building in accordance with Subsection B(2)(a) of this section. The property owner may sublease a portion of its property for any of the uses permitted by Subsection B[(2)] of this Section without incurring an obligation to allow the Township to use a portion of the site for storm water management and wetlands mitigation[, provided the use under the sublease does not require the issuance of any construction permits].

Section 2. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law or an override of a mayoral vote by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

INTRODUCTION: March 12, 2018

PUBLIC HEARING:

ADOPTION:

MAYORAL APPROVAL:

EFFECTIVE DATE:

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:
Adoption:
Mayor's Approval:
Effective Date:

RESOLUTION

WHEREAS, the Township of West Windsor has determined the need for landscape maintenance for Municipal Ash trees in decline due to the emerald Ash Borer (EAB); and

WHEREAS, said contracts were put out to public bid seeking bids for the fourth phase (Y2-2) of this project, and said bids were opened on March 13, 2018; and

WHEREAS, six contractors picked up bids and the Township received one bid from the following bidders:

<u>Contractor</u>	<u>Base Bid</u>
Sunset Creations	\$164,900.00

WHEREAS, the Township staff has reviewed all bids and determined that the lowest responsible bid was submitted by Sunset Creations, Inc.; 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:

Traffic Safety Improvements (EAB Mgmt. Program) 405 2017 21 010 \$164,900.00

NOW, THEREFORE, BE IT RESOLVED, by the Township of West Windsor that the contract for the West Windsor EAB Management, Street Tree Replacement, Y2-1, be awarded to Sunset Creations, Inc., 355 Route 601, Belle Mead, NJ 08502, 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: March 26, 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 26th day of March 2018.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, West Windsor Gardens II has made a request for a full release of the performance guarantees posted for private site landscape improvements in connection with construction associated with the project known as West Windsor Gardens II aka The Glen (PB10-01); and

WHEREAS, the West Windsor Township Landscape Architect has recommended that the performance guarantees for private site landscape improvements in connection with construction associated with the project known as West Windsor Gardens II aka The Glen (PB10-01) be released as follows:

Performance Guarantee	Original Amount	Date Issued	Current Amount	Recommended Action
Bond FP0019931	\$402,539.76	3/26/13	\$402,539.76	Full release
Cash	\$ 44,726.64	4/15/13	\$ 44,726.64	Full release

WHEREAS, a maintenance guarantee in the amount of \$55,900.00, which is 15% of the estimated cost for the private improvements for this project, is required to be posted for a period of one (1) year; and

WHEREAS, the Township Engineer has reviewed the report from the Township Landscape Architect and recommends that the release of guarantees be approved by the Township Council.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor, the following performance guarantees posted by West Windsor Gardens II aka The Glen for private site landscape Improvements in connection with construction associated with the project known as West Windsor Gardens II-aka The Glen (PB10-01), be released in full, as follows:

Performance Guarantee	Original Amount	Date Issued	Current Amount	Recommended Action
Bond FP0019931	\$402,539.76	3/26/13	\$402,539.76	Full release
Cash	\$ 44,726.64	4/15/13	\$ 44,726.64	Full release

BE IT FURTHER RESOLVED, that a one-year maintenance guarantee in the amount of \$55,900.00, which is 15% of the estimated cost for the private site improvements for this project, is required to be posted.

ADOPTED: March 26, 2018

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 26th day of March 2018.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, West Windsor Gardens, LLC has made a request for a full release of the performance guarantees posted for Public Improvements to Clarksville Road (County Route 638) and Meadow Road intersection in connection with construction associated with the project known as West Windsor Gardens (PB05-03MR); and

WHEREAS, West Windsor Township approved a reduction of the performance guarantees to 30% of their original amounts on February 13, 2012; and

WHEREAS, the Office of the Mercer County Engineer has found the required improvements to be substantially complete and; therefore, recommends that the performance guarantees for Public Improvements to Clarksville Road and Meadow Road intersection in connection with construction associated with the project known as West Windsor Gardens (PB05-03MR) be released as follows:

<u>Performance Guarantee</u>	<u>Original Amount</u>	<u>Date Issued</u>	<u>Current Amount</u>	<u>Recommended Action</u>
Bond FP0014138	\$ 1,270,740.42	3/19/09	\$ 381,222.12	Full release
Cash	\$ 141,193.38	3/19/09	\$ 42,358.00	Full release

WHEREAS, a maintenance guarantee in the amount of \$176,492.00, which is 15% of the estimated cost for the public improvements for this project, is required to be posted for a period of two (2) years; and

WHEREAS, the Township Engineer has reviewed the report from the Office of the Mercer County Engineer and recommends that the release be approved by the Township Council, subject to the posting of the maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor, the following performance guarantees posted by West Windsor Gardens, LLC for Public Improvements to Clarksville Road and Meadow Road intersection in connection with construction associated with the project known as West Windsor Gardens (PB05-03MR), be released in full, as follows:

<u>Performance Guarantee</u>	<u>Original Amount</u>	<u>Date Issued</u>	<u>Current Amount</u>	<u>Recommended Action</u>
Bond FP0014138	\$ 1,270,740.42	3/19/09	\$ 381,222.12	Full release
Cash	\$ 141,193.38	3/19/09	\$ 42,358.00	Full release

BE IT FURTHER RESOLVED, that a two-year maintenance guarantee in the amount of \$176,492.00, which is 15% of the estimated cost for the public improvements for this project, is required to be posted.

ADOPTED: March 26, 2018

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 26th day of March 2018.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, The Glen at West Windsor, LLC 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 West Windsor Gardens II aka The Glen - Sales Trailer Removal and Restoration (PB10-01); and

WHEREAS, the West Windsor Township Engineer and the Township Consulting Engineer for the project have inspected the project and prepared reports indicating that significant work remains to be completed; and

WHEREAS, the West Windsor Township Engineer, has recommended that the performance guarantee bond and cash for private improvements in connection with construction associated with the project known as West Windsor Gardens II aka The Glen - Sales Trailer Removal and Restoration (PB10-01) be retained at their current amounts, as follows:

<u>Performance Guarantee</u>	<u>Original Amount</u>	<u>Date Issued</u>	<u>Current Amount</u>	<u>Recommended Action</u>
Bond FP0018426	\$48,384.00	8/3/12	\$14,515.00	Denial
Cash	\$ 5,376.00	8/7/12	\$ 1,613.00	Denial

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor, the request for release of the following performance bonds and cash posted by The Glen at West Windsor, LLC for private improvements in connection with construction associated with the project known as West Windsor Gardens II aka. The Glen - Sales Trailer Removal and Restoration (PB10-01), be denied and the performance guarantees remain in their current amounts as follows:

<u>Performance Guarantee</u>	<u>Original Amount</u>	<u>Date Issued</u>	<u>Current Amount</u>	<u>Recommended Action</u>
Bond FP0018426	\$48,384.00	8/3/12	\$14,515.00	Denial
Cash	\$ 5,376.00	8/7/12	\$ 1,613.00	Denial

ADOPTED: March 26, 2018

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 26th day of March 2018.

 Sharon L. Young
 Township Clerk
 West Windsor Township

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: March 26, 2018

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 26th day of March 2018.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, there is a vacancy to fill the Alternate 2 Member position on the Board of Recreation Commissioners; and

WHEREAS, Melissa Pirrera has expressed her interest in serving on the Board of Recreation Commissioners; and

WHEREAS, it is recommended that Melissa Pirrera be appointed to fill this vacancy with a term ending December 31, 2022; and

WHEREAS, Mayor Hemant Marathe recommends this appointment and seeks the Council's consent to appoint Melissa Pirrera to the Board of Recreation Commissioners.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Windsor hereby approves (consents to) the following Board of Recreation Commissioners:

Melissa Pirrera Alternate 2 Member Term Expires 12/31/2022

Adopted:

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 26th day of March, 2018.

Sharon L. Young
Township Clerk
West Windsor Township