

**MEETING TO BE BROADCAST ON COMCAST CHANNEL 27
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**AGENDA FOR THE REGULAR BUSINESS MEETING
OF THE COUNCIL OF WEST WINDSOR TOWNSHIP
271 CLARKSVILLE ROAD
TO THE EXTENT KNOWN**

June 8, 2020

7:00 P.M.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - January 10, 2020 to The Times and the Princeton Packet. This meeting is being held electronically for the public. See posted instructions.
4. Salute to the Flag
5. Ceremonial Matters and/or Topic for Priority Consideration

2020-R119 Authorizing the Appointment of Allison D. Sheehan as Deputy Township Clerk Effective July 1, 2020

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

May 11, 2020 Business Session - as amended

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2020-R120 Authorizing the Sale of Two Hotel/Motel Exception
Plenary Retail Consumption Licenses Per the
Procedures as Set Forth in N.J.S.A. 33:1-19.3 et.
seq.

2020-R121 Authorizing the Mayor and Clerk to Execute a
Professional Services Agreement with Mason, Griffin
& Pierson as Special Counsel for Land Use Litigation
- \$25,000.00

2020-R122 Authorizing the Mayor and Township Attorney to
Execute Green Acres Project Agreement #13 with the
New Jersey Department of Environmental Protection
Green Acres Program which will Increase the Grant
Funding Received by \$500,000.00

2020-R123 Authorizing the Reduction of Performance Guarantees
for Private Site Improvements for the Project Known
as Freedom Village (PB16-09)

2020-R124 Authorizing the Mayor and Clerk to Execute a
Developers Agreement with Bear Creek Senior Housing
Condominium Association, Inc. (PB96-07 and PB97-07)

14. Introduction of Ordinances

2020-14 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL
IMPROVEMENTS IN AND BY THE TOWNSHIP OF WEST WINDSOR,
IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING
\$6,822,300 THEREFORE AND AUTHORIZING THE ISSUANCE OF
\$6,497,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE
PART OF THE COST THEREOF

PUBLIC HEARING: June 22, 2020

2020-15 BOND ORDINANCE PROVIDING FOR GENERAL IMPROVEMENTS AND
REQUIRED UPGRADES TO THE SWIM POOL COMPLEX IN AND BY
THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER,
NEW JERSEY, APPROPRIATING \$50,400 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$48,000 BONDS OR NOTES OF
THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

PUBLIC HEARING: June 22, 2020

2020-16 CAPITAL IMPROVEMENT ORDINANCE PROVIDING FOR VARIOUS
CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN OR
FOR THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER,
STATE OF NEW JERSEY APPROPRIATING THE AMOUNT OF
\$410,000.00

PUBLIC HEARING: June 22, 2020

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

2020-14

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$6,822,300 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$6,497,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of West Windsor, in the County of Mercer, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$6,822,300, including a grant expected to be received from the State of New Jersey Department of Transportation in the amount of \$558,000 for the purpose of Bennington Avenue reconstruction which is a part of Section 3(C)(5) (the "State Grant") and further including the aggregate sum of \$325,300 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made

available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments and in anticipation of receipt of the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$6,497,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
A) ADMINISTRATION 1) <u>Acquisition of Equipment</u> Network, computer, printer and scanner replacement and/or upgrades, copier machine replacement and the acquisition of furniture for the Municipal Court, including all related costs and expenditures incidental thereto.	\$282,450	\$269,000	5 years
2) <u>Municipal Facilities and Related Improvements</u> Improvements to the Municipal Administration Building, including all work and materials necessary therefor and incidental thereto.	\$25,200	\$24,000	15 years

<u>Purpose</u>	Appropriation and Estimated <u>Cost</u>	Estimated Maximum Amount of Bonds or <u>Notes</u>	<u>Period of Usefulness</u>
3) <u>Municipal Facilities and Related Improvements</u> Improvements to the Health and Recreation Building and carpet and flooring replacement at the Senior Building, including all work and materials necessary therefor and incidental thereto.	\$50,400	\$48,000	15 years
4) <u>Municipal Facilities and Related improvements</u> Security system upgrade projects for various municipal buildings, including all work and materials necessary therefor and incidental thereto.	\$10,185	\$9,700	15 years
5) <u>Municipal Facilities and Related Improvements</u> Generator replacement for the Police/Court Building, including all work and materials necessary therefor and incidental thereto.	\$151,200	\$144,000	10 years
6) <u>Municipal Facilities and Related Improvements</u> Improvements to the Art's Council Building, including all work and materials necessary therefor and incidental thereto.	\$5,040	\$4,800	15 years
7) <u>Municipal Facilities and Related Improvements</u> General improvements to the Schenck Historical Farmstead, including all related costs and expenditures incidental thereto.	\$10,185	\$9,700	15 years
B) COMMUNITY DEVELOPMENT – CODE ENFORCEMENT <u>Acquisition of Equipment – Vehicular</u> Acquisition of a four-wheel drive vehicle, including all related costs and expenditures incidental thereto.	\$29,400	\$28,000	5 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
C) COMMUNITY DEVELOPMENT – ENGINEERING 1) <u>Acquisition of Equipment</u> Acquisition of digital tax map conversion and replacement of engineering plotter and monitor, including all work and materials necessary therefor and incidental thereto.	\$166,950	\$159,000	10 years
2) <u>Bicycle and Pedestrian Improvements</u> The Sidewalk Extension Program, Crosswalk Improvement Program and sidewalk repairs – street trees, all as shown on a list on file in the office of the Clerk, which list is hereby incorporated by reference, including all work and materials necessary therefor and incidental thereto.	\$299,250	\$285,000	10 years
3) <u>Drainage Improvements</u> Emergency road and drainage repairs, all as shown on a list on file in the office of the Clerk, which list is hereby incorporated by reference, including all work and materials necessary therefor and incidental thereto.	\$50,400	\$48,000	20 years
4) <u>Municipal Facilities and Related Improvements</u> Renovations to the existing Fire and Emergency Services Facility, including all work and materials necessary therefor and incidental thereto.	\$151,200	\$144,000	15 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
<p>5) <u>Roadway Improvements</u> Annual Residential Road Improvement Program, as well as Annual Road Improvement Program – Collector Roads, all as shown on a list on file in the office of the Clerk, which list is hereby incorporated by reference, including all work and materials necessary therefor and incidental thereto.</p>	<p>\$2,679,000 (including a grant expected to be received from the State of New Jersey Department of Transportation in the amount of \$558,000 for Bennington Avenue reconstruction)</p>	<p>\$2,551,000</p>	<p>10 years</p>
<p>6) <u>Traffic Safety Improvements - Hazard Mitigation & Other Improvements</u> Signage and striping improvements; Grover's Mill Dam inspection and repairs, Wallace Road Bus Garage remediation program; compost facility remediation; annual flood abatement program; EAB Management Program-street trees and annual utility maintenance and improvements program, including all work and materials necessary therefor and incidental thereto.</p>	<p>\$441,000</p>	<p>\$420,000</p>	<p>10 years</p>
<p>7) <u>Municipal Facilities and Related Improvements-Sewer</u> Sewer extension and pump station improvements, including all work and materials necessary therefor and incidental thereto.</p>	<p>\$252,000</p>	<p>\$240,000</p>	<p>40 years</p>
<p>D) COMMUNITY DEVELOPMENT – LAND USE</p>			
<p>1) <u>Municipal Properties Improvements</u> The Street Tree Planting Program, including all work and materials necessary therefor and incidental thereto.</p>	<p>\$20,475</p>	<p>\$19,500</p>	<p>10 years</p>

<u>Purpose</u>	Appropriation and Estimated <u>Cost</u>	Estimated Maximum Amount of Bonds or <u>Notes</u>	<u>Period of Usefulness</u>
2) <u>Municipal Park Improvements</u> Park improvements, all as shown on a list on file in the office of the Clerk, which list is hereby incorporated by reference, including all work and materials necessary therefor and incidental thereto.	\$25,200	\$24,000	15 years
3) <u>Municipal Facilities and Related Improvements</u> Improvements to the Senior Center, including all work and materials necessary therefor and incidental thereto.	\$25,200	\$24,000	15 years
4) <u>Acquisition of Equipment</u> Acquisition of office furniture for the Senior Center, including all work and materials necessary therefor and incidental thereto.	\$5,040	\$4,800	5 years
E) PUBLIC SAFETY – FIRE & EMERGENCY SERVICES			
1) <u>Acquisition of Equipment – Non Vehicular</u> Fire hose, nozzle and equipment replacement, including all related costs and expenditures incidental thereto.	\$50,400	\$48,000	10 years
2) <u>Acquisition of Equipment - Vehicular</u> Acquisition of a fire engine and a four-wheel drive vehicle, including all related costs and expenditures incidental thereto.	\$863,100	\$822,000	15 years
3) <u>Municipal Facilities and Related Improvements</u> Building and general improvements to the PJ Firehouse, including all work and materials necessary therefor and incidental thereto.	\$25,200	\$24,000	15 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
<p>4) <u>Municipal Facilities and Related Improvements</u> Building and general improvements to the Fire & Emergency Services Facility, including all work and materials necessary therefor and incidental thereto.</p>	\$25,200	\$24,000	15 years
F) PUBLIC SAFETY – POLICE			
<p>1) <u>Acquisition of Equipment – Office/Computer Technology</u> and computer replacement, software replacement, security systems upgrade project and CAD-Records System, including all related costs and expenditures incidental thereto.</p>	\$268,800	\$256,000	5 years
<p>2) <u>Acquisition of Equipment – Vehicular</u> Acquisition of two four-wheel drive vehicles, including all related costs and expenditures incidental thereto.</p>	\$132,300	\$126,000	5 years
<p>3) <u>Acquisition of Equipment – Non Vehicular</u> The acquisition of firearms, portable radios, emergency equipment for patrol vehicles and mobile data terminals and the unmanned aircraft system program, including all related costs and expenditures incidental thereto.</p>	\$121,275	\$115,500	10 years
<p>4) <u>Municipal Facilities and Related Improvements</u> Improvements to the Municipal Police/Court Building, including all work and materials necessary therefor and incidental thereto.</p>	\$25,200	\$24,000	15 years
G) PUBLIC WORKS			
<p>1) <u>Acquisition of Equipment – Non Vehicular</u> Acquisition of laser guided line painter, including all related costs and expenditures incidental thereto.</p>	\$26,250	\$25,000	10 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
2) <u>Acquisition of Equipment – Vehicular</u> Acquisition of trucks, a compactor truck and a mason dump truck, including all related costs and expenditures incidental thereto.	\$306,600	\$292,000	5 years
3) <u>Municipal Facilities and Related Improvements</u> Building/general improvements to the Municipal Public Works Complex, including all work and materials necessary therefor and incidental thereto.	\$25,200	\$24,000	15 years
4) <u>Municipal Facilities and Related Improvements – Sewer</u> Sanitary sewer system improvements and storm sewer improvements, including all work and materials necessary therefor and incidental thereto.	<u>\$273,000</u>	<u>\$260,000</u>	40 years
TOTALS	<u>\$6,822,300</u>	<u>\$6,497,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall

determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the

Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 12.55 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$6,497,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$700,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the

improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

INTRODUCTION: June 8, 2020

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

2020-15

BOND ORDINANCE PROVIDING FOR GENERAL IMPROVEMENTS AND REQUIRED UPGRADES TO THE SWIM POOL COMPLEX IN AND BY THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$50,400 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$48,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of West Windsor, in the County of Mercer, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$50,400, including the sum of \$2,400 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$48,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and

within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is general improvements and required upgrades to the Swim Pool Complex, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the

amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$48,000, and the obligations authorized herein will be

within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$5,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with

its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

INTRODUCTION: June 8, 2020

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

2020-16
TOWNSHIP OF WEST WINDSOR

CAPITAL IMPROVEMENT ORDINANCE PROVIDING FOR VARIOUS CAPITAL
IMPROVEMENTS AND OTHER RELATED EXPENSES IN OR FOR THE
TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW
JERSEY APPROPRIATING THE AMOUNT OF \$410,000.00

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY, AS FOLLOWS:

SECTION 1. The improvements described in Section 2 of this Capital Improvement Ordinance are hereby authorized to be undertaken by the Township of West Windsor, New Jersey as General Improvements. For the improvements described in Section 2 there is hereby appropriated the sum of \$410,000.00.

SECTION 2. The description of the improvements required are as follows:

GENERAL IMPROVEMENT APPROPRIATIONS

1) Parks Open Space - Maintenance Program	\$ 100,000.00
2) Parks Open Space – Development Program	\$ 200,000.00
3) Preserve Open Space - Maintenance Program	\$ 90,000.00
4) Preserve Open Space - Development Program	\$ 20,000.00

TOTAL **\$ 410,000.00**

SECTION 3. The improvements described in Section 2 of this Capital Improvement Ordinance are financed from funds already received by the Township of West Windsor which are presently being held in the following accounts:

1) Reserve for Open Space Tax Trust Fund	\$ 100,000.00
2) Reserve for Open Space Tax Trust Fund	\$ 200,000.00
3) Reserve for Open Space Tax Trust Fund	\$ 90,000.00
4) Reserve for Open Space Tax Trust Fund	\$ 20,000.00

TOTAL **\$ 410,000.00**

SECTION 4. This Ordinance shall take effect twenty (20) 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. Publication shall be in accordance to law.

INTRODUCTION: June 08, 2020

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

RESOLUTION

WHEREAS, in November of 2017, Ms. Allison D. Sheehan was hired to work part-time as a Secretary II in the Clerk's Office; and

WHEREAS, in September of 2018, Ms. Sheehan transitioned to a full-time position in the Clerk's Office as a Secretary III; and

WHEREAS, Ms. Sheehan started taking the Registered Municipal Clerk's courses in October of 2018 and completed these courses in October of 2019; and

WHEREAS, Ms. Sheehan was scheduled to take the Registered Municipal Clerk's examination in April of 2020 but due to the COVID 19 outbreak the test was postponed; and

WHEREAS, Ms. Sheehan is qualified by way of experience, has good work ethics and has proven to be a positive influence in the Clerk's Office; and

WHEREAS, West Windsor Township's Administrative Code provides that the Township Council may appoint a Deputy Township Clerk to "serve during the absence or disability of the Township Clerk" and who shall "have been qualified by training or experience to perform the duties of said office"; and

WHEREAS, the Township Clerk, Gay M. Huber recommends the appointment of Allison Sheehan as the Deputy Township Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Township Council hereby appoints Allison D. Sheehan to be and is hereby appointed Deputy Clerk of West Windsor Township effective July 1, 2020.

Adopted: June 8, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Committee at their meeting held on the 8th day of June 2020.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, N.J.S.A.33:1-12.20 provides, in part, that a municipality may issue through the public bidding process a Hotel/Motel Exception Plenary Consumption License to an applicant who operates a hotel/motel containing at least 100 guest sleeping rooms or who is constructing a new hotel/motel containing at least 100 guest sleeping rooms; and

WHEREAS, there exists in the Township of West Windsor an opportunity to sell two new Hotel/Motel Exception Plenary Consumption Licenses for the sale of alcoholic beverages; and

WHEREAS, it is the desire of the Township of West Windsor to accept bids for said new licenses as required by law.

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

1. That the Township of West Windsor hereby determines that it will sell at public sale two new Hotel/Motel Exception Plenary Consumption Licenses for the sale of alcoholic beverages, in accordance with the procedures set forth at *N.J.S.A. 33:1-19.3 et seq.*
2. That the Township Clerk shall publish a notice of the proposed issuance of the alcoholic beverage licenses, indicating that applications therefore will be accepted by the Township at the time, date and place specified in the notice, after which no further applications will be accepted.
3. That said notice shall be published in a newspaper circulating generally in the municipality at least two times, at least one week apart, the second of which shall be at least 30 days prior to the date of sale.
4. That the minimum bid price for each new alcoholic beverage consumption license shall be \$25,000 plus \$50 per sleeping room.
5. That bids must be made upon the Proposal Form available in the Office of the Township Clerk. The name and address of the bidder shall appear on the outside of the sealed envelope. All bidders must be qualified to have an interest in the new Hotel/Motel Exception Plenary Consumption License under the standards set forth in the Alcoholic Beverage Control Act, the Rules and Regulations promulgated thereunder, and any applicable municipal ABC Ordinances.

6. That the bid must contain a deposit in the form of a certified check for 20% of the bid price. The highest bidder shall pay the balance of the bid to the Township Clerk in the form of cash or certified check within 72 hours of the adoption of a resolution accepting the highest qualified bid. In the event of a default or breach of promise by the successful bidder, all deposit monies shall be forfeited to the Township.
7. That the Township reserves the right to reject any and all bids if the highest bid is not accepted.
8. That the municipality shall only award the license to the person who is the highest qualified bidder with the understanding that the license will actually be situated subsequently through the place-to-place transfer application process and must be in use within two years of award of the license.
9. That the successful applicant must comply with all ordinances of West Windsor Township in locating the license.
10. The sale may be postponed or canceled at any time prior to the opening of the bids.

Adopted: June 8, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 8th day of June, 2020.

Gay M. Huber
Township Clerk
West Windsor Township

PUBLIC NOTICE

NOTICE TO ACCEPT BIDS FOR TWO HOTEL/MOTEL EXCEPTION PLENARY
CONSUMPTION LICENSE

The Township Council of West Windsor has adopted Resolution 2020-R authorizing the issuance of two new Hotel/Motel Exception plenary retail consumption licenses. The consumption licenses will be sold at a public sale to the highest qualified bidder. The minimum acceptable bid for each is \$25,000 plus \$50 per guest sleeping room and the Township reserves the right to reject all bids where the highest bid is not accepted.

Bids shall be accepted only from those bidders who qualify to have an interest in a retail alcoholic license under the standards set forth in the Alcoholic Beverage Control Act, the Rules and Regulations promulgated thereunder, and any applicable municipal ABC ordinance. Interested bidders may obtain copies of the forms necessary to qualify to be a bidder from the West Windsor Township Clerk. All prospective bidders must complete the forms and all paperwork associated and be determined to be a qualified bidder to have their bids considered. All bids shall be sealed and proof of qualification must be included separately with the bid.

Application, bid, and associated materials shall be accepted until 3:00 p.m. on Monday, July 20, 2020 at the West Windsor Township Municipal Building, 271 Clarksville Road, West Windsor Township, Mercer County, New Jersey. Bids of applicants who do not preliminarily qualify will be returned unopened. On Monday, July 27, 2020 at 10:00 a.m., the Township Clerk shall publicly announce those applicants who preliminarily meet the qualifications for bidding as fixed by law, Rules and Regulations and Resolution. On Tuesday, August 10, 2020 at 10 a.m. the sealed bids of the preliminarily qualified bidders shall be opened.

All bids must contain a deposit in the form of a certified check for 20% of the bid price. By resolution of the Township Council, the highest, preliminarily qualified bidder will be accepted; and within 72 hours of the adoption of said resolution, the balance of the bid amount shall be paid to the Township by cash or certified check (which monies shall be kept in an interest-bearing account with interest payable to the Township), until such time as the person to person licensing process is complete. (Completion of said process includes payment of the State application fee, the annual municipal retail license fee; satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license, the receipt of favorable State and/or Federal criminal background checks; as well as compliance with the publication, hearing and resolutions requirements under N.J.A.C. 13:2-2.1 et seq.)

A new license must be issued within six months after the closing date established for acceptance of applications and must be in use within two years of the award of the license. If the applicant defaults or otherwise breaches its promise to purchase, then all monies held by the Township shall be paid to and become the property of the Township.

The successful applicant must comply with all ordinances of West Windsor Township in locating the license.

Gay M. Huber, RMC, CMC
Township Clerk
Township of West Windsor
271 Clarksville Road
P.O. Box 38
West Windsor, New Jersey 08550

RESOLUTION

WHEREAS, the Township of West Windsor has a need to retain counsel to handle land use litigation brought by or against it and Township Council and Township officials and employees; and

WHEREAS, Mason, Griffin & Pierson has the expertise to perform such services and has done so in the past for the Township; and

WHEREAS, it is in the best interest of the Township to enter into an Agreement with Mason, Griffin & Pierson to provide such services; and

WHEREAS, a Certification of Funds has been received from the Chief Financial Officer and funds for said Agreement are available in the following line item appropriation account:

Affordable Housing – Legal Fees 106-25-223 \$25,000.00

NOW, THEREFORE, BE IT RESOLVED on this 8th day of June, 2020 by the West Windsor Township Council as follows:

- (1) The Mayor and Clerk are hereby authorized and directed to execute the Professional Services Agreement.
- (2) The contract may be awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a) because the services are professional in nature.
- (3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.

Adopted: June 8, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 8th day of June, 2020.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM**

ENABLING RESOLUTION

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

WHEREAS, the Township of West Windsor has previously obtained a grant of \$6,825,000.00 from the State to fund the following request:

**#1113-97-144
West Windsor Planning Incentive**

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

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

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

1. The Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as **West Windsor Planning Incentive #1113-97-144**, and;
2. The applicant has its matching share of the project, if a match is required, in the amount of \$7,325,000.00.
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. This resolution shall take effect immediately.

CERTIFICATION

I, Gay M. Huber, West Windsor Township Clerk do hereby certify that the foregoing is a true copy of a resolution adopted by the West Windsor Township Council at a meeting held on the 8th day of June, 2020. IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 8th day of June, 2020.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, Project Freedom, Inc. has made a request for a reduction of the performance guarantee posted for private site improvements in connection with construction associated with the affordable housing area of the project known as Freedom Village (PB16-09); and

WHEREAS, the performance guarantee is currently at 100% of its original amount; and

WHEREAS, the West Windsor Township Consulting Engineer for the project, Van Cleef Engineering Associates, and the Township Landscape Architect have performed inspections and recommended that the performance guarantee for private site improvements be reduced to 30% of the original amounts in connection with construction associated with the affordable housing area of the project known as Freedom Village (PB16-09), as follows:

<u>Performance Guarantee</u>	<u>Original Amount</u>	<u>Date Issued</u>	<u>Current Amount</u>	<u>Recommended Reduced Amount</u>
Bond # B1197431	\$966,859.00	2/22/2018	\$966,859.00	\$290,058.00
Cash	\$107,428.75	2/05/2018	\$107,428.75	\$ 32,229.00

WHEREAS, the Township Engineer has reviewed the reports from the Consulting Engineer and Landscape Architect and recommends that this action be approved by the Township Council.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor, the following performance guarantee posted by Project Freedom, Inc. for private site improvements in connection with construction associated with the project known as Freedom Village (PB16-09), be reduced, as follows:

<u>Performance Guarantee</u>	<u>Original Amount</u>	<u>Date Issued</u>	<u>Current Amount</u>	<u>Recommended Reduced Amount</u>
Bond # B1197431	\$966,859.00	2/22/2018	\$966,859.00	\$290,058.00
Cash	\$107,428.75	2/05/2018	\$107,428.75	\$ 32,229.00

BE IT FURTHER RESOLVED, the making of such estimates of the bond reduction based thereon shall not be taken or construed as an approval of any work so estimated, even if any individual line item(s) shows 100% completion. Final acceptance does not occur until the release of all applicable bonds and guarantees.

ADOPTED: June 8, 2020

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 8th day of June 2020.

 Gay M. Huber
 Township Clerk
 West Windsor Township

RESOLUTION

WHEREAS, the development known as The Esplanade at Bear Creek (formerly known as The Cascades) dates back to 1996, when the property received a series of Planning Board approvals, including General Development Plan approval (PB96-07), and Preliminary and Final Major Site Plan Approval in March of 1999 (PB97-07); and

WHEREAS, the development at Block 33, Lot 1.02 on the Township tax maps was to include a total of 5 buildings consisting of both assisted and independent senior living units, together with recreation and service amenities, and supporting infrastructure improvements; and

WHEREAS, the initial Developer declared bankruptcy after construction of only the assisted living units and certain common amenities and infrastructure being completed; and

WHEREAS, the current owners, represented by the Bear Creek Senior Housing Condominium Association, Inc. have made request of the Township to be allowed to correct current site deficiencies and defects in the constructed improvements that have evolved as a result of the aforementioned bankruptcy and incomplete construction; and

WHEREAS, a Developer's Agreement has been prepared by Bear Creek Senior Housing Condominium Association, Inc. and by counsel for the Township; and

WHEREAS, it is in the best interest of the Township to enter into the Developer's Agreement with Bear Creek Senior Housing Condominium Association, Inc. to ensure that the site deficiencies in the constructed improvements are corrected to the benefit of the current and future senior residential population.

NOW, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Developer's Agreement in the form attached hereto be approved and that the Mayor and the Clerk be authorized and directed to execute the same.

Adopted: June 8, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 8th day of June 2020.

Gay M. Huber
Township Clerk
West Windsor Township