

**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**

January 30, 2017

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 6, 2017 to the Trenton Times and the Princeton Packet. Closed Session noticed.
3. Salute to the Flag
4. Ceremonial Matters and/or Topic for Priority Consideration

Presentation by Princeton Power for Proposed Micro-Grid for the West Windsor Township Municipal Complex
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
10. Consent Agenda
 - A. Resolutions
 - 2017-R042 Authorizing the Refund of a Zoning Permit for 20 Globeflower Lane
 - 2017-R043 Authorizing the Reappointment of Eric Sela as a Resident Representative of the Site Plan Review Advisory Board (SPRAB) to Serve a Term to Expire December 31, 2019
 - 2017-R044 Authorizing the Reappointment of Dr. Robert Bartolini to the Stony Brook Regional Sewerage Authority (SBRSA) to Serve a Term to Expire December 31, 2021
 - B. Minutes
 - C. Bills & Claims
11. Items Removed from Consent Agenda
12. Recommendations from Administration and Council/Clerk
 - 2017-R045 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Parker Mc Cay P.A. for legal services from January 1, 2017 through December 31, 2017 - \$130,000.00
 - 2017-R046 Approving the Submission of a Grant Application and Agreement to the New Jersey Department of Transportation for the 2016 Safe Corridors Highway Safety Fund Program Reimbursement - \$19,601.22

- 2017-R047 Authorizing the Release of Inspection Escrow Balance for Advantage Tennis (PB07-06A)
- 2017-R048 Endorsing the Modification of the Existing Traffic Signal at Princeton-Hightstown Road and Southfield Road Intersection for a Dedicated Left-Turn.
- 2017-R049 Authorizing the Mayor to Endorse Two Letters of Concurrence with the New Jersey Department of Transportation (NJDOT) to Outline the Future Responsibilities Associated with Two (2) Generator Adapted Traffic Signal Controller Cabinets at Harrison Street and Washington Road along Route One
- 2017-R050 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Arora and Associates P.C. for Miscellaneous Engineering Services through December 31, 2017 - \$475.00
- 2017-R051 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Van Cleef Engineering Associates for Engineering Construction Administration and Observation Services for the Canal Pointe Boulevard Reconstruction Project - \$60,364.00
- 2017-R052 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Maser Consulting for Affordable Housing Planning Services Relation to MER-920.15 - \$75,000.00
- 2017-R053 Authorizing the Mayor and Clerk to Execute the Collective Bargaining Agreement with the West Windsor Professional Firefighters Association Local 3610 (IAFF) for the Period of January 1, 2016 through December 31, 2018

13. Introduction of Ordinances

2017-02 AN ORDINANCE TO AMEND AND
SUPPLEMENT CHAPTER 168 “TRAFFIC AND
PARKING” OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF WEST
WINDSOR

PUBLIC HEARING: February 13, 2017

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

15. Council Reports/Discussion/New Business

16. Administration Updates

17. Closed Session

18. Adjournment

RESOLUTION

WHEREAS, the Manager of the Division of Land Use, Samuel J. Surtees, has verified that the following applicant has applied for, and submitted payment for, a Zoning Permit which was withdrawn; and

WHEREAS, the Manager of the Division of Land Use is requesting that this payment be refunded.

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

<u>Applicant</u>	<u>Refund</u>
Diane Sherman 20 Globeflower Lane West Windsor, NJ 08550	\$ 35.00

ADOPTED: January 30, 2017

I hereby certify this is a true copy of a resolution adopted by the West Windsor Township Council at their meeting held on the 30th day of January, 2017.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, Eric Sela has expressed his interest in continuing to serve on the Site Plan Review Advisory Board; and

WHEREAS, it is recommended that Eric Sela be re-appointed as a Resident Representative to the Site Plan Review Advisor Board whose term will expire on December 31, 2019; and

WHEREAS, Mayor Shing-Fu Hsueh recommends this re-appointment and seeks the Council's consent to re-appoint Eric Sela to the Site Plan Review Advisory Board.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Windsor hereby approves (consents to) the following Site Plan Review Advisory Board appointment:

Eric Sela Resident Representative Term Expires 12/31/2019

Adopted: January 30, 2017

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of January, 2017.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the term of Dr. Robert Bartolini, as a Representative to the Stony Brook Regional Sewerage Authority expired December 31, 2016; and

WHEREAS, Dr. Bartolini has expressed an interest in continuing to serve on the Stony Brook Sewerage Authority; and

WHEREAS, it is recommended that Dr. Bartolini be re-appointed to serve a 5 year term to begin January 1, 2017 and expire on December 31, 2021; and

WHEREAS, Mayor Shing-Fu Hsueh recommends this appointment and seeks the Council's consent to appoint Dr. Robert Bartolini to the Stony Brook Regional Sewerage Authority.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Windsor hereby approves (consents to) the following Stony Brook Sewerage Authority re-appointment:

Dr. Robert Bartolini	Member	Term Expires 12/31/2021
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Adopted: January 30, 2017

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of January, 2017.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, West Windsor Township would like to retain the firm of Parker McCay P.A. due to the disbandment of Herbert, Van Ness, Cayci & Goodell as of December 31, 2016. Michael Herbert will still serve as the lead attorney for the Township; and

WHEREAS, the legal services to be performed are professional services which are exempt from public bidding under the Local Public Contracts Law; and

WHEREAS, the funds have been certified as available by the Township Chief Financial Officer in Accounts and Titles: "Legal Services" -- Account No. 105-46-223; and "Legal Services Litigation" -- Account No. 105-46-228.

NOW THEREFORE BE IT RESOLVED by the Council of the Township of West Windsor as follows:

A. The Mayor and Clerk are hereby authorized to enter into a contract for the aforesaid professional services with Parker McCay P.A., 3840 Quakerbridge Road, Suite 200, Hamilton, New Jersey 08619

1. The contract (as per Attachment A) so authorized shall require Parker McCay P.A. to provide professional services and other related duties, as follows:

General legal services for the Township, including but not limited to, litigation, drafting resolutions, ordinances, agreements, and all necessary legal documents, attendance at Township Council meetings as required, providing legal advice to the Mayor and Township Council and all departments of the Township.

This Agreement shall be effective from January 1, 2017, until December 31, 2017.

2. The contract shall further provide compensation for Parker McCay P. A. for complete and satisfactory performance as follows:

One Hundred Fifty Dollars (\$150.00) per hour for all attorneys with the firm. All these attorneys will be under the supervision of Michael W. Herbert. The Township shall also pay Parker McCay P.A. for any and all reimbursable expenses for postage, telephone, reproduction, filing fees and other miscellaneous expenses. Monthly payments are to be made for fees, plus expenses, as set forth in itemized monthly statements from Parker McCay P.A.

The payment for legal representation as set forth above is subject to budgetary amounts appropriated for services performed hereunder during the term of this Agreement, as well as to provide reimbursement for all reasonable and necessary expenses incurred in connection therewith.

3. This contract shall be awarded without competitive bidding as a contract for professional services under the provisions of the Local Public Contracts Law because the subject services will be performed by a person or persons authorized by law to practice a recognized profession and whose practice is regulated by law.
4. A notice of this action shall be published in a legal publication as required by law within ten (10) days of its passage.
5. An executed copy of the contract between the Township and Parker McCay P.A. and a copy of this resolution shall be on file and available for public inspection in the Office of the Township Clerk.

Adopted: January 30, 2017

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of January, 2017.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has within its boundaries a section of Route One that has been designated by the State of Jersey as a *Safe Corridors* area, and

WHEREAS, the Township wishes to submit an application for reimbursement for monies spent to enforce traffic safety programs within the *Safe Corridors* area amounting to \$19,601.22, and

WHEREAS, the State of New Jersey, as part of the application process, requires Council approval/authorization to submit an application grant agreement with the New Jersey Department of Transportation for the *Safe Corridors* initiative of 2016

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Windsor formally approves the grant application for the above state project; and

BE IT FURTHER RESOLVED that the Mayor of West Windsor and Clerk are hereby authorized to submit an electronic grant application regarding *Safe Corridors* reimbursement to the New Jersey Department of Transportation on behalf of West Windsor Township; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Windsor and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Adopted: January 30, 2017

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of January 2017.

Sharon L Young
Township Clerk
West Windsor Township

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above,

Sharon L. Young
Township Clerk
West Windsor Township

Shing-Fu Hsueh
Mayor
West Windsor Township

RESOLUTION

WHEREAS, the following Developer completed the construction of a land development project approved through the West Windsor Township Planning Board; and

WHEREAS, in conjunction with the project, the Developer deposited inspection fee escrow with the Township of West Windsor pursuant to Section 82-3G of the Revised General Ordinances of the Township of West Windsor; and

WHEREAS, professional services undertaken on behalf of the Township in conjunction with said project have been completed; and

WHEREAS, there remains a partial balance in the Developer's inspection fee escrow account, which the Developer is entitled to have refunded; and

WHEREAS, the Township Engineer recommends that the balance remaining in the inspection fee escrow account for the project be refunded as follows:

<u>Deposit Date</u>	<u>Developer</u>	<u>Project ID</u>	<u>Project Name</u>	<u>Escrow Balance</u>
2-18-2015	Advantage Tennis	PB07-06A	Advantage Tennis	\$ 25,625.67

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Chief Financial Officer is hereby authorized and directed to refund to the Developer the balance of the escrow deposit, and any applicable interest to which the Developer is entitled.

Adopted: January 30, 2017

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of January 2017.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Mercer County has reviewed the operation of the traffic signal at the intersection of Princeton-Hightstown Road (CR 571) with Southfield Road and recommends the addition of a left turn phase as a result of the difficulty turning onto Princeton-Hightstown Road (C571) from Southfield Road due to the amount of through traffic continuing on Southfield Road; and

WHEREAS, the Mercer County Engineer is recommending the addition of a left turn arrow phase to the existing traffic signal operation, with no other widening or pavement marking changes since stacking lanes for left turns currently exist; and

WHEREAS, Mercer County has requested the Township Council adopt a Resolution formally supporting the recommendation and improvement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of West Windsor Township, support and endorse an Ordinance by Mercer County to add a left turn arrow phase to the traffic signal at the intersection of Southfield Road and Princeton-Hightstown Road (CR 571).

ADOPTED: January 30, 2017

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of January 2017.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, New Jersey, as well as West Windsor Township, have experienced an abundance of severe weather events in past years, which have caused extensive utility outages; and

WHEREAS, the New Jersey Department of Transportation (NJDOT) is in the process of upgrading two (2) traffic signal controller cabinets along U.S. Route 1 in West Windsor Township, at the intersections with Harrison Street and Washington Road, which will allow for the connection of external generators; and

WHEREAS, the new controller cabinets will provide a method of keeping the traffic signals operative during extended periods of utility outages through the connection of external generators; and

WHEREAS, the New Jersey Department of Transportation (NJDOT) requires that West Windsor Township endorse a letter of concurrence for each modified signal which outlines the Township responsibilities for all aspects of the use of emergency generators at these locations.

NOW, THEREFORE, BE IT RESOLVED that the Council of West Windsor Township, formally supports these efforts.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to endorse each letter of concurrence on behalf of West Windsor Township, and that their signatures constitute acceptance of the terms and conditions of the letters of concurrence.

Adopted: January 30, 2017

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of January, 2017.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor requires professional engineering services on a consultant basis for inspection and certification of construction performed by developers, conformance reviews, and miscellaneous engineering projects as assigned; and

WHEREAS, the Township wishes to enter into a services agreement with Arora and Associates for the aforesaid services; and

WHEREAS, the maximum amount of the contract is subject to the final adoption of the 2017 Local Municipal Budget and funds are available through various developers' escrow accounts and account 105-30-210 "Engineering Costs & Services: Consultants;" and

WHEREAS, additional services may be required for various capital projects as assigned and may be certified to if funds are available as certified by the Township's Chief Financial Officer; and

WHEREAS, services to be performed may be retained by the Township without public advertising for bids pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. because the aforesaid services are professional in nature; and

WHEREAS, the Local Public Contracts Law requires a resolution authorizing the award of contract for the services without competitive bidding being publicly advertised.

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

- (1) The Mayor and Clerk are hereby authorized to execute, on behalf of the Township a services agreement with Arora and Associates to cover the period January 30, 2017 through December 31, 2017.
- (2) The Agreement so authorized shall require the Provider to provide professional engineering services, including development inspection services pursuant to its proposal dated December 21, 2016. The contract shall be awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-1 because the services are professional in nature.

Adopted: January 30, 2017

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of January 2017.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, the Township of West Windsor has a need to acquire professional engineering 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, Van Cleef Engineering Associates has submitted a proposal dated November 28, 2016 indicating they will provide professional engineering construction administration and observation services for the Canal Pointe Boulevard Reconstruction Project for Sixty Thousand Three Hundred Sixty Four Dollars (\$60,364.00); and
- WHEREAS, Van Cleef Engineering Associates 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 Van Cleef Engineering Associates for the aforesaid services; and
- WHEREAS, the total amount of the contract is Sixty Thousand Three Hundred Sixty Four Dollars (\$60,364.00); 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:
- | | | |
|--|----------------|-------------|
| Traffic Safety Improvement Hazard Mitigation | 405-2011-14006 | \$60,364.00 |
|--|----------------|-------------|

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 Van Cleef Engineering Associates, 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 Sixty Thousand Three Hundred Sixty Four Dollars (\$60,364.00).
- (2) The Agreement so authorized shall require the Provider to provide professional engineering construction administration and observation services pursuant to its proposal dated November 28, 2016. 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.

Adopted: January 30, 2017

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of January 2017.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township is the Petitioner in a lawsuit entitled *In the matter of West Windsor Township* MER-920.15; and

WHEREAS, it has a need for a planning expert to assist it in the preparation of a Housing Element and Fair Share Plan to be filed with the court and to testify at trial with respect thereto; and

WHEREAS, Darlene Green of Maser Consulting has assisted the Township in preparing Fair Share plans and related documents, including a preliminary fair share plan filed with the court in the matter referenced above; and

WHEREAS, it is in the best interest of the Township to retain Ms. Green to continue as an expert in the litigation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Windsor that the Township Council President and Clerk are authorized and instructed to execute the Professional Services Agreement for Maser Consulting.

ADOPTED: January 30, 2017

I hereby certify this is a true copy of a Resolution adopted by the West Windsor Township Council at their meeting held on the 30th day of January, 2017.

Sharon L. Young
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS in May 2016, negotiations between the Township of West Windsor and the West Windsor Professional Firefighters Association Local 3610 of the International Firefighters Association (IAFF) were initiated; and

WHEREAS, the collective bargaining negotiations process has recently been completed with the approval of a contract for the period from January 1, 2016 through December 31, 2018; and

WHEREAS, the negotiation teams of both the Township of West Windsor and the West Windsor Professional Firefighters Association Local 3610 of the IAFF recommend to the Mayor and Township Council that the agreement attached hereto reflects accurately all of the matters bargained and is in the best interest of both the employees in the bargaining unit and the Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Mayor and Township Clerk are hereby authorized and directed to execute an agreement with the West Windsor Professional Firefighters Association Local 3610 of the IAFF.

Adopted: January 30, 2017

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 30th day of January, 2017.

Sharon L. Young
Township Clerk
West Windsor Township

2017-02

AN ORDINANCE TO AMEND AND SUPPLEMENT
THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF WEST WINDSOR

AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 168, "TRAFFIC AND PARKING," OF THE
REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF WEST WINDSOR

WHEREAS, the Township Engineer, upon request, has evaluated a section of Wallace Road between Scott Avenue and Princeton-Hightstown Road (CR 571) for a mid-block pedestrian crossing; and

WHEREAS, Pursuant to *N.J.S.A. 39:4-8*, the Township Engineer has provided a certification stating that a mid-block crosswalk is appropriate at this location after an investigation has been undertaken by said Office in conjunction with the traffic engineering consulting firm of Arora and Associates, P.C. and the West Windsor Township Police Department Traffic Safety Division, and it appears to the Township Engineer that it is in the interest of public safety and the expedition of traffic on this section of Wallace Road to implement a mid-block crosswalk at said location; and

WHEREAS, the Township of West Windsor desires to implement a mid-block crosswalk along Wallace Road, between Scott Avenue and Princeton-Hightstown Road, which is entirely within the Township of West Windsor; and

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

Section 1: Part II, General Legislation, Chapter 168, "Traffic and Parking," Article II, Traffic Regulations, shall be amended as follows:

A: Ordinance 168-18.1, Mid-Block Crosswalks

Name of Street

Location

Wallace Road

From a point 540 feet west of the most westerly curbline of Princeton-Hightstown Road (CR 571) to a point 6 feet westerly therefrom

Section 2: If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the ordinance. All ordinances or parts of ordinances inconsistent with this ordinance shall be repealed as to their inconsistencies only.

Section 3: This ordinance shall take effect as follows: 1) after action or inaction by the Mayor as provided by law or an override of a Mayoral Veto by the Council, whichever is applicable; 2) after publication in accordance with the law.

Introduction:

Public Hearing:

Adoption:

Mayor's Approval:

DOT Approval: Not Necessary

Effective Date:

Explanation – Matter enclosed in bold-faced brackets **[thus]** in the above ordinance is not enacted and is intended to be omitted in the ordinance. Matter underlined thus is new matter.