

**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
April 15, 2019**

6:30 P.M.

1. Call to Order
2. Statement of Adequate Notice - January 11, 2019 to The Times and the Princeton Packet. Notice for Closed Session April 11, 2019 to the The Times and Princeton Packet
3. Closed Session
4. Salute to the Flag
5. Roll Call
6. Ceremonial Matters and/or Topic for Priority Consideration
7. 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
 - B. Minutes

February 25, 2019 Budget Session #1 - as amended
February 25, 2019 Closed Session #1
February 26, 2019 Budget Session #2 - as amended

February 26, 2019 Closed Session #2 - as amended
March 4, 2019 Budget Session #3 - as amended
March 18, 2019 Business Session - as amended
March 25, 2019 - Special Business Session

C. Bills & Claims

11. Items Removed from Consent Agenda
12. Recommendations from Administration and Council/Clerk
 - 2019-R082 Supporting an Accurate 2020 Census
 - 2019-R083 Authorizing the Mayor and Clerk to Execute a Grant Agreement with Mercer at Play Program Round 2 for Conover Park Improvements
 - 2019-R084 Authorizing the Third Year Extension of the Shared Services Agreement with Hamilton Township for Use of Ecological Facility - \$75,000.00
 - 2019-R085 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Spiezle Architectural Group, Inc. to Provide Architectural Services Associated with the Municipal Building Renovation - \$8,500.00
 - 2019-R086 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Spiezle Architectural Group, Inc. to Provide Architectural Services Associated with a Storage Building at the Township Fire and Emergency Services Facility - \$29,000.00
 - 2019-R087 Authorizing the Affordable Housing Attorney to Record 14 Declarations for Affordable Housing Units in Windsor Haven
 - 2019-R088 Authorizing the Affordable Housing Attorney to Record the Amended Affordable Housing Agreement, Declaration of Covenants, Conditions and Restrictions on 13 Affordable Housing Units at Windsor Haven

- 2019-R089 Authorizing Bonding for Rehabilitation and Special Needs Programs if a Shortfall Occurs in the Affordable Housing Trust Fund In Accordance with the Township's Affordable Housing Program
- 2019-R090 Authorizing and Directing the West Windsor Planning Board to Conduct an Investigation on Block 38 Lots 1, 2, 3, 25, and 45 and Block 39 Lots 4, 5, 7, 16 and 27 Pursuant to N.J.S.A. 40:A12A-6 to Determine Whether the Study Area Satisfies the Criteria set forth in N.J.S.A. 40A:12A-5 to be Designated as an area in need of Redevelopment under the Redevelopment and Housing Law
- 2019-R091 Requesting the Commissioner of the New Jersey Department of Transportation to Grant a Seven Month Extension of Time for Award of the Project Known as Alexander Road Reconstruction - Phase 4
- 2019-R092 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with GeoTrek Environmental and Surveying LLC for Miscellaneous Engineering Services - \$5,000.00
- 2019-R093 Authorizing an Increase of \$5,500.00 to CDW-G Through New Jersey State Contract M0003-89851 for the Procurement of VMware Software and Support and Sophos Software and Support for the Police Division
- 2019-R094 Authorizing the Business Administrator to Purchase 25 hours of Network Support from StarNet Solutions Inc. for the Police Division - \$4,000.00
- 2019-R095 Authorizing an Increase of \$14,900.00 to SHI International Through New Jersey State Contract M0003-89851 for the Procurement of Software Licenses for Time Accounting Program for the Department of Community Development

13. Introduction of Ordinances

2019-R14 AN ORDINANCE EXTENDING THE AFFORDABILITY
CONTROLS FOR AN INCLUSIONARY DEVELOPMENT
KNOWN AS WINDSOR HAVEN

PUBLIC HEARING: April 29, 2019

2019-R15 AN ORDINANCE AMENDING THE CODE OF THE
TOWNSHIP OF WEST WINDSOR (1999) BY MODIFYING
THE E DISTRICT AFFORDABLE HOUSING
REQUIREMENT

PUBLIC HEARING: April 29, 2019

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

ORDINANCE 2019-14

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

**AN ORDINANCE EXTENDING THE AFFORDABILITY CONTROLS FOR AN
INCLUSIONARY DEVELOPMENT KNOWN AS WINDSOR HAVEN**

WHEREAS, on January 27, 1988 the West Windsor Township Planning Board adopted a resolution, amended by resolution adopted on October 25, 1989, memorializing the grant of preliminary and final subdivision approval for a 186-unit development known as Windsor Haven. All the units were for sale, and 37 were affordable units for low- and moderate-income households; and

WHEREAS, the development was constructed in accordance with the approval; and

WHEREAS, an Order of Compliance and Repose entered on September 11, 1985 in an action styled *Affordable Living Corporation, Inc. v. Township of West Windsor, et al.*, Docket No. L-017812-84 PW approved certain ordinances, including Ordinance 85-1, representing the Township's affordable housing compliance plan; and

WHEREAS, Section 22-8.14e4 of Ordinance 85-1 provided a requirement that all of the low- and moderate-income units shall be required to have covenants running with the land to control the resale price for a minimum period of 30 years, with legal mechanisms in a form subject to the approval of the Township Attorney that will ensure compliance with Section 22-8.14; and

WHEREAS, Subsection e4 provided that:

At the end of 25 years from the issuance of a Certificate of Occupancy for the low and moderate income units constructed under the terms and conditions of this Ordinance, the Township Committee shall review the obligation of the Township for the continued maintenance of low and moderate income units and shall establish by Ordinance whether or not all or a portion of the then existing low and moderate units will remain as such for

a period in excess of 30 years. In the event the Township Committee shall determine that all or a portion of the said units shall not be maintained as low and moderate income units, it shall determine by Ordinance the disposition of any resale profits in excess of the profit which would be allowed had the units remained as low and moderate income units. Such excess profits shall be applied against the Townships remaining low and moderate income unit obligation at that time. Should the Township Committee determine that it no longer requires the existing units to satisfy its *Mt. Laurel* obligation, said units will be released from deed restrictions and allowed to be sold without income or recapture requirements, beginning with the twenty-six (26) year; and

WHEREAS, the above-quoted provision was in place when certificates of occupancy were issued for the 37 low- and moderate-income units when such units were sold by the developer; and

WHEREAS, each Deed from Trafalgar House Property, Inc., the developer, to the original purchasers of the low- or moderate-income units provided that the conveyance was subject to all Township ordinances relating to affordable housing, which would include the above-referenced ordinance; and

WHEREAS, by resolution adopted by Township Council attached hereto and by the Declaration with Respect to Declarations of Covenants, Conditions and Restrictions Implementing Affordable Housing Controls on State Regulated Property or Deed approved thereby, the control period for 14 of the units has been extended for 30 years from the end of the original control period and thereafter until terminated by the Township; and

WHEREAS, the instruments establishing the original control period for the 14 units provide for a control period beginning between March 1990 and September 1991. Such units are:

31 Ketley Place: Units 3, 8, 10, 12, 15

104 Wenlock Court: Units 2, 3, 6, 8, 13, 15, 17, 18, and 20; and

WHEREAS, by resolution adopted by Township Council attached hereto and by the Amended Affordable Housing Agreement; Declaration of Covenants, Conditions and Restrictions approved thereby, the control period for an additional 13 units has been extended

for 30 years from the end of the original control period and thereafter until terminated by the Township; and

WHEREAS, the instruments establishing the original control period for these 13 units provide for a control period beginning between March 1990 and September 1991. Such units are:

31 Ketley Place: Units 1, 6, 9, 11, and 13

104 Wenlock Court: Units 1, 7, 9, 11, 12, 16, 19, and 21; and

WHEREAS, an Affordable Housing Agreement; Declaration of Covenants, Condition and Restrictions for the 10 other Windsor Haven affordable units was not recorded for reasons unknown. A Declaration of Covenants, Conditions and Restrictions of Resale of Affordable Units prepared by the developer and recorded at Bk. 2503, Pg. 553 provides for an original 30-year control period for such units. Deeds for such units referencing the affordable housing requirements of the Township were recorded between April 1990 and March 1993. Such units are:

31 Ketley Place: Units 2, 4, 5, 7, and 14

104 Wenlock Court: Units 4, 5, 10, 14, and 22; and

WHEREAS, the period for review by Township Council as to a decision with respect to continuing maintenance of all or a portion of the ten low- and moderate-income units as affordable units in excess of 30 years falls between March 2015 (the end of the twenty-fifth year from the date of the original conveyance, which is proximate to the date of first occupancy) ~~when the unit was first occupied~~ and March 2020 (the end of the thirtieth year from such date of original conveyance)~~from when the unit was first occupied~~; and

WHEREAS, at the earlier of that time period the Township had filed a declaratory judgment action styled *In the Matter of West Windsor Township*, Docket No. MER-L-1561-15 in order to ascertain its fair share obligation and to secure a judgment of compliance and

repose on the basis of a compliance plan adopted after such number was determined by the Superior Court, Mercer County; and

WHEREAS, the Township has now entered into a Settlement Agreement with Fair Share Housing Center establishing the Township's fair housing obligation, which Settlement Agreement was approved by the Superior Court on January 10, 2019; and

WHEREAS, the Settlement Agreement provides for the extension of the affordability controls on the Windsor Haven dwelling units and thereby addresses the Township's obligations under Section 22-8.14e4; and

WHEREAS, the Township Council believes that there is a continued need in West Windsor Township for the affordability controls for the 10 units for which the controls have not been extended to be extended beyond their 30-year affordability controls end date so that the Township can plan within the context of the Housing Element and Fair Share Plan and the owners can plan accordingly. Those units are as specified in the twelfth Whereas cause:

31 Ketley Place: Units 2, 4, 5, 7, and 14

104 Wenlock Court: Units 4, 5, 10, 14, and 22; and

WHEREAS, the Township Council does not believe that these 10 units, as well as the 27 units for which the controls have been extended, are no longer necessary to satisfy the Township's *Mount Laurel* obligation and believes that the extension of the controls is a more effective way of providing affordable housing than recouping excess profits as per Section 22-8.14e4.

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

1. The affordability controls on the aforesaid 10 low- and moderate-income units at Windsor Haven identified in the twelfth Whereas clause shall be extended for 30 years from the date the original 30-year control period ended and thereafter until terminated by the

Township, with the extended control period running at least through the dates set forth below:

- 31 Ketley, Unit 2 (three-bedroom moderate-income); March 19, 2053
- 31 Ketley, Unit 4 (one-bedroom low-income); March 29, 2050
- 31 Ketley, Unit 5 (three-bedroom moderate-income); August 13, 2052
- 31 Ketley, Unit 7 (two-bedroom low-income); March 30, 2050
- 31 Ketley, Unit 14 (two-bedroom moderate-income); March 30, 2050
- 104 Wenlock, Unit 4 (one-bedroom low-income); November 27, 2050
- 104 Wenlock, Unit 5 (two-bedroom moderate-income); March 7, 2051
- 104 Wenlock, Unit 10 (three-bedroom low-income); March 19, 2051
- 104 Wenlock, Unit 14 (two-bedroom low-income); June 21, 2051
- 104 Wenlock, Unit 22 (two-bedroom moderate-income); September 21, 2050

2. Township Council confirms and re-extends the extension of the aforesaid 14 units identified in the ninth Whereas clause and the 13 units identified in the eleventh Whereas clause for which the review period started in March 2015 and ends in March 2020, on the terms set forth in the referenced resolutions and instruments.

3. 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:
PUBLIC HEARING:
ADOPTION:
MAYORAL APPROVAL:
EFFECTIVE DATE:

ORDINANCE 2019-15

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

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WEST WINDSOR
(1999) BY MODIFYING THE E DISTRICT AFFORDABLE HOUSING
REQUIREMENT**

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, Land Use, Part 4, Zoning, Article XXX, Regulations for Educational Districts, Section 200-221, E Education District use regulations, Subsection A(2), is amended to read as follows:

- A. Permitted uses. In an E District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses, and all such uses shall be subject to the performance standards set forth in Part 1, Site Plan Review, of this chapter:

* * * * *

- (2) Residences exclusively for the faculty, students and staff of a higher learning educational facility, including their families; provided, however, that such uses are related to a college or university, **and** public water and sewer are available [and 20% of such residences are kept low- and moderate-income dwellings as required by Article XXXI, § 200-237, of this Part 4]. **For every faculty or staff residence developed, one affordable housing unit shall be developed, that being 25 percent of the total of the faculty and staff residences and the affordable housing required hereby. Such requirement shall not apply to undergraduate dormitories and multi-family post doctorate and graduate student housing. The affordable housing shall meet all of the applicable standards and requirements for affordable units, including those set forth in the *Uniform Housing Affordability Controls (UHAC)*, N.J.A.C. 5:80-26.1 *et seq.*, and Section 200-237. At least 50% of the affordable units shall be affordable to low-income households, and at least 13% of all rental affordable units shall be affordable to very low-income households earning 30% or less of the regional median household income by household size, which very low-income units shall be included as part of the low-income requirement. The remaining affordable units shall be made affordable to moderate-income households. The affordable housing shall be open to the general public, and a preference may not be given to persons affiliated with the higher learning educational facility for whom the faculty and staff housing is being built. The affordable housing shall be provided, on or off site, in a location and in a manner acceptable to the Township.**

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:

Public Hearing:

Adoption:

Mayor's Approval:

Effective Date:

Ordinance Modifying E District 4-11-19

RESOLUTION IN SUPPORT OF AN ACCURATE 2020 CENSUS

- WHEREAS, the United States Constitution mandates a comprehensive, direct count of every United States resident once every 10 years so that seats in the United States House of Representatives may be reapportioned among the states to continuously ensure equal representation to every person; and
- WHEREAS, decennial census data are used for redistricting at all levels of government to ensure that all Americans can have a fair opportunity to make their voices heard in our democracy; and
- WHEREAS, decennial census data determine the allocation of federal funding among the states; and state funding to localities to conduct sound state and local planning, and to drive and inform economic development; and
- WHEREAS, decennial censuses have historically undercounted population groups that account for significant percentages of the Township of West Windsor's residents, including people of color, children under age 5, immigrants, and homeless people; and
- WHEREAS, in 2015 alone, New Jersey received well over \$17 billion from the federal government for Medicare, Medicaid, highway planning and construction, food stamps, and childhood education; and
- WHEREAS, in slightly over a year, the 2020 Census will be fully underway, with a Census Day of April 1, 2020, and the success of the 2020 Census will require that the federal government effectively manage its largest and most complex peacetime mobilization of people and resources; and
- WHEREAS, to ensure the success of the 2020 Census, the Census Bureau must earn the American people's confidence in its singular commitment to its nonpartisan statistical mission, and in its ability to protect the confidentiality of their responses; and

WHEREAS, the inclusion of a controversial citizenship question threatens to result in a significant census undercount, particularly among traditionally hard-to-count individuals, including people of color, children, lower income persons, those with limited English proficiency, immigrants, homeless persons, and those with severe distrust of the government; this question was struck down by a lower court and will likely be appealed by the current White House administration; and

WHEREAS, the Census Bureau's plans call for the 2020 decennial census to be conducted using methods and approaches that are significantly different than those used to collect decennial Census data during previous cycles (such as the Internet and telephone); and

WHEREAS, the Census Bureau will collect decennial census responses through the Internet for the first time in 2020, and will reduce its field presence and hiring in favor of relying upon administrative records to enumerate non-responding households; and

WHEREAS, the current New Jersey allocation in the FY19 budget for Census 2020 outreach is \$500,000 , which is roughly only \$0.05 (five cents) per resident, and an increase to at least \$9 million dollars would enable a more intense outreach program to our hard-to-count communities; and

WHEREAS, a full and accurate Census 2020 count of every person residing in West Windsor Township will promote the well-being and prosperity of the State of New Jersey, and help ensure its residents have a fair voice in our democracy; and

WHEREAS, West Windsor Township, County of Mercer, State of New Jersey stands ready and intends to work with the U.S. Census Bureau and other policymakers and stakeholders to secure a full, fair, and accurate count of every person residing in West Windsor Township, the State of New Jersey, and the nation.

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

1. This Council expresses its strong support for providing sufficient Congressional appropriations for FY 2019 to conduct a sound and accurate Census in 2020; and
2. This Council expresses its strong support for providing sufficient New Jersey appropriations for FY 2019-2020: \$9 million, approximately \$1 per resident, to conduct a thorough Census 2020 outreach program; and
3. This Council urges the Census Bureau to use methods and approaches that enumerate all residents of the Township, especially historically undercounted population groups.

Adopted: April 15, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 15th day of April, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

RESOLUTION AUTHORIZING APPLICATION TO MERCER COUNTY FOR FUNDING
ACTIVE RECREATION UNDER THE MERCER AT PLAY PROGRAM

WHEREAS, the Township of West Windsor desires to provide additional active recreation facilities for its residents; and,

WHEREAS, Mercer County created a grant funding program for active recreation called “Mercer at Play” in 2006 and has announced a second funding round in 2016; and,

WHEREAS, the Township of West Windsor desires funds to redevelop Conover Park baseball and softball fields; and,

WHEREAS, the Township of West Windsor has identified the necessary match to receive the Mercer at Play grant.

NOW, THEREFORE BE IT RESOLVED, the Township Council of the Township of West Windsor, in the County of Mercer, State of New Jersey, that:

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute and file a grant application on behalf of the Township of West Windsor to Mercer County for the “Mercer at Play Program Round 2.”

ADOPTED: April 15, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 15th day of April 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the “Uniform Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1 et seq., permits local units of this State to enter into a contract with any other local unit for the joint provision within their combined jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdictions; and

WHEREAS, the Township of Hamilton operates the Hamilton Township Ecological Facility located on Kuser Road in Hamilton Township (hereinafter “Ecological Facility”); and

WHEREAS, West Windsor Township and Hamilton Township share mutual interest and objectives in the desire to utilize certain services of the Ecological Facility and have mutually agreed upon a shared services agreement (2015-R167 adopted August 24, 2015) that permits the Department of Public Works to dispose of brush and pick-up bulk mulch and wood chips; and

WHEREAS, West Windsor Township intends to exercise the third (3rd) of nine (9) one (1) year contract extensions and will pay Hamilton Township a total of Seventy-Five Thousand Dollars (\$75,000) in quarterly allotments for the term of the Agreement January 1, 2019 through December 31, 2019 in consideration for the services and materials rendered and provided; and

WHEREAS, the Chief Financial Officer of the Township has certified that funds to utilize certain services of the Ecological Facility are available in the following account:

Refuse Collection/Brush Disposal 105-58-218

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the third (3rd) extension of the Shared Services Agreement is approved for the period January 1, 2019 through December 31, 2019.

Adopted: April 15, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 15th day of April 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has a need to acquire professional architectural services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Spiezle Architectural Group, Inc. has submitted a proposal dated March 20, 2019 indicating they will provide professional architectural services in conjunction with the proposed renovations and upgrades to the Municipal Building for Eight Thousand Five Hundred Dollars (\$8,500.00); and

WHEREAS, the Township wishes to enter into an agreement with Spiezle Architectural Group, Inc. for the aforesaid services; and

WHEREAS, the total amount of the contract is Eight Thousand Five Hundred Dollars (\$8,500.00); 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:

Municipal Complex Renovations	405-2017-21 006	\$8,500.00
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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 the Spiezle Architectural Group, Inc., for an amount not to exceed Eight Thousand Five Hundred Dollars (\$8,500.00).
- (2) The Agreement so authorized shall require the Provider to provide professional architectural design services pursuant to its proposal dated March 20, 2019. The contract may be awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a) because the services are professional in nature.
- (3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.

- (4) An executed copy of the Contract between the Township and the Spiezle Architectural Group, Inc. and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: April 15, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 15th day of April 2019.

Gay M. Huber
Township Clerk,
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has a need to acquire professional architectural services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Spiezle Architectural Group, Inc. has submitted a proposal dated March 27, 2019 indicating they will provide professional architectural services in conjunction with the construction of a Storage Building located at the Township Fire and Emergency Services Facility for Twenty Nine Thousand Dollars (\$29,000.00), which includes Four Hundred Dollars (\$400.00 dollars) for reimbursable costs; and

WHEREAS, the Township wishes to enter into an agreement with Spiezle Architectural Group, Inc. for the aforesaid services; and

WHEREAS, the total amount of the contract is Twenty Nine Thousand Dollars (\$29,000.00), which includes Four Hundred Dollars (\$400.00 dollars) for reimbursable costs; 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:

Fire/ES Facility Generator/General Improv. 405-2017-21 019 \$29,000.00

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

- (1) The Mayor and Clerk are hereby authorized to execute, on behalf of the Township a professional services agreement with the Spiezle Architectural Group, Inc., for an amount not to exceed Twenty Nine Thousand Dollars (\$29,000.00), which includes Four Hundred Dollars (\$400.00 dollars) for reimbursable costs.
- (2) The Agreement so authorized shall require the Provider to provide professional architectural design services pursuant to its proposal dated March 27, 2019. The contract may be awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a) because the services are professional in nature.
- (3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.

- (4) An executed copy of the Contract between the Township and the Spiegle Architectural Group, Inc. and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: April 15, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 15th day of April 2019.

Gay M. Huber
Township Clerk,
West Windsor Township

RESOLUTION EXTENDING AFFORDABILITY CONTROLS PERIODS FOR 14 WINDSOR HAVEN AFFORDABLE UNITS AND AUTHORIZING RECORDING OF INSTRUMENT WITH RESPECT THERETO

WHEREAS, West Windsor Township entered into a Settlement Agreement with Fair Share Housing Center settling a certain declaratory judgment action brought by the Township styled In the Matter of West Windsor Township, County of Mercer, Docket No. MER-L-1561-15; and

WHEREAS, Declarations of Covenants, Conditions and Restrictions Implementing Affordable Housing Controls on State Regulated Property or Deed To State Regulated Property Subject to Restrictive Covenant Limiting Conveyance and Mortgage Debt (“Deed Restrictions”) have been recorded extending the affordability control period for the following 14 dwelling units in the Windsor Haven development:

31 Ketley Place: Units 3, 8, 10, 12, and 15
104 Wenlock Court: Units 2, 3, 6, 8, 13,15,17,18, and 20; and

WHEREAS, the Declaration with Respect to Deeds; Declarations of Covenants, Conditions and Restrictions Implementing Affordable Housing Controls on State Regulated Property attached hereto specifies that, as to these 14 dwelling units, the affordability controls period continues for thirty years from the end date of the initial control period and thereafter until terminated by the municipality; and

WHEREAS, it is in the best interest of the Township of West Windsor to affirm that it will not exercise its right under the existing recorded Deed Restrictions to terminate such Deed Restrictions during the periods aforesaid.

NOW, THEREFORE, BE IT RESOLVED by the Council of West Windsor, in the County of Mercer and State of New Jersey, that:

1. The Township of West Windsor will not terminate the Deed Restrictions in accordance with the authority given it by the recorded Deed Restrictions until at least thirty years from the end date of the initial control period for the 14 dwelling units identified in the second “Whereas” clause hereof; and
2. The Affordable Housing Attorney is hereby authorized and directed to record the Declaration attached hereto.

Adopted: April 15, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 15th day of April 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION EXTENDING AFFORDABILITY CONTROLS PERIODS FOR 13 WINDSOR HAVEN AFFORDABLE UNITS AND AUTHORIZING RECORDING OF INSTRUMENT WITH RESPECT THERETO

WHEREAS, West Windsor Township entered into a Settlement Agreement with Fair Share Housing Center settling a certain declaratory judgment action brought by the Township styled In the Matter of West Windsor Township, County of Mercer, Docket No. MER-L-1561-15; and

WHEREAS, the Settlement Agreement provides for the extension of the affordability controls on dwelling units in a development known as Windsor Haven; and

WHEREAS, an Affordable Housing Agreement; Declaration of Covenants, Conditions and Restrictions has been recorded or executed and is being recorded for the following 13 dwelling units in the Windsor Haven development:

31 Ketley Place: Units 1, 6, 9, 11, and 13

104 Wenlock Court: Units 1, 7, 9, 11, 12, 16, 19, and 21; and

WHEREAS, such Affordable Housing Agreements provide that the terms, restrictions, and covenants set forth in such Agreements, all governing the affordability controls on such units, may be extended by municipal resolution, which shall specify the extended time period by providing for a revised controls ending date, and that, if such resolution is adopted, an Amended Affordable Housing Agreement shall be recorded so providing; and

WHEREAS, the Amended Affordable Housing Agreement; Declaration of Covenants, Conditions and Restrictions sets forth such extensions, to continue for a minimum period of 30 years from the end of the original control period and thereafter until released by West Windsor Township; and

WHEREAS, it would be in the best interest of West Windsor Township to establish the controls as aforesaid.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, in the County of Mercer and State of New Jersey, that:

1. The control period for the 13 identified units are extended for a minimum of 30 years from the end date of the original control period and thereafter until terminated by the Township as more specifically set forth in the Amended Affordable Housing Agreement; Declaration of Covenants, Conditions and Restrictions.

2. The Affordable Housing Attorney is hereby authorized and directed to record the Amended Affordable Housing Agreement; Declaration of Covenants, Conditions and Restrictions attached hereto.

Adopted: April 15, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 15th day of April 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST WINDSOR,
NEW JERSEY OF INTENT TO FUND SPENDING PLAN SHORTFALL

WHEREAS, pursuant to the substantive regulations of the New Jersey Council on Affordable Housing (COAH), certain portions of the Township's Third Round Housing Plan Element and Fair Share Plan as adopted by the West Windsor Township Planning Board on February 27, 2019 and endorsed by the Township Council on February 27, 2019, to wit, the rehabilitation and special needs programs and HomeFront/Haven House, may require a financial commitment by the Township; and

WHEREAS, pursuant to COAH regulations, the Township must resolve to address any shortfall in the funding of the programs set forth above, including its willingness to incur bonded indebtedness, if necessary, to provide the funds required for the timely implementation of the aforesaid Fair Share Plan mechanisms.

NOW, THEREFORE, BE IT RESOLVED by the West Windsor Township Council that, to the degree that the funds required for the implementation of the aforesaid mechanisms are not available at the time they are needed from all available affordable housing funding sources, the Township will provide the funding needed to cover any shortfall through appropriations in the Township's annual budget, bonding, or any other legal means, with the understanding that any future affordable housing funding that becomes available may be used to reimburse the Township for the costs incurred.

Adopted: April 15, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 15th day of April 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “Redevelopment Law”), authorizes a municipality to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment;

WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment under the Local Redevelopment and Housing Law, the Township Council (the “Council”) of the Township of West Windsor (the “Township”) must authorize the Planning Board of the Township (the “Planning Board”) to conduct a preliminary investigation of the area and make recommendations to the Council; and

WHEREAS, the Council believes it is in the best interest of the Township that an investigation occur with respect to certain parcels within the Township and therefore authorizes and directs the Planning Board to conduct an investigation of the property identified as Block 38, Lots 1, 2, 3, 25 and 45, and Block 39, Lots 4, 5, 7, 16 and 27 on the Official Tax Map of the Township (collectively, the “Study Area”), to determine whether the Study Area meets the criteria set forth in the Local Redevelopment and Housing Law, specifically N.J.S.A. 40A:12A-5, and should be designated as an area in need of redevelopment; and

WHEREAS, if the Study Area is determined to meet the criteria for designation as an area in need of redevelopment and the Township so designates the Study Area, then the Township shall be authorized to use all the powers provided under the Local Redevelopment and Housing Law for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a “Condemnation Redevelopment Area”).

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of West Windsor, County of Mercer, State of New Jersey, that the Planning Board is hereby authorized and directed to conduct an investigation pursuant to N.J.S.A. 40A:12A-6 to determine whether the Study Area satisfies the criteria set forth in N.J.S.A. 40A:12A-5 to be designated as an area in need of redevelopment under the Local Redevelopment and Housing Law.

BE IT FURTHER RESOLVED that as part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcels contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.

BE IT FURTHER RESOLVED that the Planning Board shall conduct a public hearing in accordance with the Local Redevelopment and Housing Law, specifically N.J.S.A. 40A:12A-6, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall authorize the Township to exercise the power of eminent domain to acquire any property in the delineated area, as the Study Area is being investigated as a possible Condemnation Redevelopment Area.

BE IT FURTHER RESOLVED that the Planning Board, following said preliminary investigation and hearing, is further authorized and directed to make a recommendation to the governing body of the Township, pursuant to N.J.S.A. 40A:12A-6, as to whether the Study Area should or should not be determined by the governing body to be a Condemnation Redevelopment Area.

BE IT FURTHER RESOLVED that in the event the governing body shall designate the Study Area as a Condemnation Redevelopment Area, the Township shall be authorized to use all the powers provided under the Local Redevelopment and Housing Law for use in a redevelopment area, including the power of eminent domain.

Adopted: April 15, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 15th day of April 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor was awarded a Local Aid Grant from the New Jersey Department of Transportation (NJDOT) for Fiscal Year 2017 for a project known as “Alexander Road Reconstruction – Phase 4”; and

WHEREAS, under the NJDOT executed agreement guidelines, an extension of time must be requested if a construction contract is not awarded by May 17, 2019; and

WHEREAS, due to unanticipated delays the Township was only able to award a design services consultant contract for Alexander Road Reconstruction – Phase 4 on April 1, 2019; and

WHEREAS, the Township Engineer recommends that a seven (7) month time extension be requested from the New Jersey Department of Transportation (NJDOT) for the Township to award a construction contract for the project.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of West Windsor, County of Mercer, State of New Jersey does hereby request the Commissioner of the New Jersey Department of Transportation (NJDOT) grant a time extension for the award of a construction contract for the project known as “Alexander Road Reconstruction – Phase 4” for seven (7) months.

Adopted: April 15, 2019

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 15th day of April 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor requires professional engineering services on a consultant basis for Professional Land Surveyor Services performed for miscellaneous engineering projects as assigned; and

WHEREAS, the Township wishes to enter into a services agreement with GeoTrek Environmental and Surveying LLC for the aforesaid services; and

WHEREAS, the maximum amount of the contract is subject to the final adoption of the 2019 Local Municipal Budget and funds are available through 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:11-5(1)(a) because the aforesaid services are professional in nature; and

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

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:

Engineering Consultant Services	105-30-210	\$5,000.00
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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 GeoTrek Environmental and Surveying LLC to cover the period April 15, 2019 through December 31, 2019.
- (2) The Agreement so authorized shall require the Provider to provide Professional Land Surveyor Services pursuant to its proposal dated March 25, 2019. The contract is awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a) because the services are professional in nature.

- (3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.
- (4) An executed copy of the Contract between the Township and GeoTrek Environmental and Surveying LLC and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: April 15, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 15th day of April 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of West Windsor has the need on a timely basis to purchase technological goods or services utilizing State contracts; and

WHEREAS, the Township of West Windsor intends to purchase goods and services from CDW Government LLC as an Authorized Vendor of VMware Support and Subscription Production-technical support for VMware in the amount of \$1,150.00 for the Police Division under State Contract M0003-89849 through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current New Jersey State contract; and

WHEREAS, the Police Division also intends to purchase goods and services from CDW Government LLC as an Authorized Vendor of Sophos Central Intercept X Advanced for Servers and Sophos Central Intercept X Advance-Workstation software in the amount of \$3,905.00 under New Jersey State Contract M0003-89849 through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current New Jersey State contract; and

WHEREAS, as of April 2, 2019 the Township's total aggregate spending in software licenses & related services under New Jersey State Contract M0003 was \$121,129.90 of which purchase orders in the amount of \$8,142.00 have been encumbered with CDW Government; and

WHEREAS, additional purchases under New Jersey State Contract M0003 in 2019 for SHI International per resolution 2019-R022 adopted on January 7, 2019 and per resolution 2019-R060 adopted on March 4, 2019 and per resolution 2019-R070 adopted on March 18, 2019 for a total of \$112,987.90; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in the following account for these purchases:

Office Furniture/Equipment Maintenance 105-18-233 \$5,055.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of West Windsor Township that the Business Administrator Marlena Schmid is hereby authorized to purchase the above, under New Jersey State Contract #M0003-89849 from CDW Government, LLC. for a total not to exceed of \$13,197.00.

Adopted: April 15, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 15th day of April 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor wishes to entered into an agreement for twenty-five (25) hours with Starnet Solutions, Inc., for professional network services; and

WHEREAS, Starnet Solutions Inc., P.O. Box 313, Farmingdale, New Jersey will provide IT Network Solution Services to include phone support and on-site visits as needed; and

WHEREAS, as of April 2, 2019 the Township’s total aggregate authorization for professional services with StarNet Solutions Inc. was \$19,110.00 for which purchase orders have been encumbered in the following accounts;

Administration – Technology/Computer Services 105-04-268	\$12,000.00
Police-Consultant Fees 105-18-210	<u>\$ 7,110.00</u>
Total	\$19,110.00

WHEREAS, additional services are requested from StarNet Solutions Inc., for the West Windsor Police Division in the amount of \$4,000.00 as stated above; and

WHEREAS, funds are available as certified by the Chief Financial Officer for the purchase of said technology in the following account:

Police Consultant Fees	105-18-210	\$4,000.00
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NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Business Administrator Marlana Schmid is authorized to enter into an agreement with Starnet Solutions Inc., for IT Network Solution Services for a sum not to exceed \$23,110.00.

Adopted: April 15, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 15th day of April, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, the Township of West Windsor, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and
- WHEREAS, the Township of West Windsor has the need on a timely basis to purchase technological goods or services utilizing State contracts; and
- WHEREAS, SHI International is an authorized vendor under NJ State Contract M0003-89851, and
- WHEREAS, on January 7, 2019 by Resolution 2019-R022 the Township Council authorized the Business Administrator to purchase Software License and Related Services from SHI International under NJ State Contracts M0003-89851 in the amount of \$85,000.00; and
- WHEREAS, on March 4, 2019 by Resolution 2019-R060 the Township Council authorized the Business Administrator to increase the contract amount for the purchase Software License and Related Services from SHI International under NJ State Contracts M0003-89851 in the amount of \$4,937.90 from \$85,000.00 to \$89,397.90; and
- WHEREAS, on March 20, 2019 by Resolution 2019-R070 the Township Council authorized the Business Administrator to increase the contract amount for the purchase Software License and Related Services from SHI International under NJ State Contracts M0003-89851 in the amount of \$4,937.90 from \$85,000.00 to \$112,987.90; and
- WHEREAS, the Township of West Windsor intends to purchase goods and services from SHI International in the amount of \$14,900.00 under State Contract M0003-89851 through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current New Jersey State contract; and
- WHEREAS, as of April 2, 2019 the Township's total aggregate spending in software licenses & related services under New Jersey State Contract M0003 was \$121,129.90 of which purchase orders in the amount of \$8,142.00 have been encumbered with CDW Government; and

WHEREAS, additional purchases under New Jersey State Contract M0003 in 2019 for SHI International per resolution 2019-R022 adopted on January 7, 2019 and per resolution 2019-R060 adopted on March 4, 2019 and per resolution 2019-R070 adopted on March 18, 2019 for a total of \$112,987.90; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in the following account for these purchases:

Office Furniture/Equipment Maintenance 105-04-268 \$14,900.00

NOW, THEREFORE, BE IT RESOLVED, that the Township Council authorizes the Business Administrator Marlena Schmid to purchase the above from SHI International under NJ State Contracts M0003-89851; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is amend the existing purchase order to reflect the \$14,900.00 increase in the cost of said services from \$112,987.90 to a new total not to exceed of \$127,887.90.

Adopted: April 15, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 15th day of April 2019.

Gay M. Huber
Township Clerk
West Windsor Township