

**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 29, 2019

6:30 P.M.

1. Call to Order
2. Statement of Adequate Notice - January 11, 2019 to The Times and the Princeton Packet. Closed Session was Noticed on April 24, 2019.
3. Closed Session
4. Salute to the Flag
5. Roll Call
6. Ceremonial Matters and/or Topic for Priority Consideration

State of the Township - Mayor Hemant Marathe

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

2019-13 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP
BANK

2019 MUNICIPAL BUDGET

2019-14 AN ORDINANCE EXTENDING THE AFFORDABILITY CONTROLS FOR AN INCLUSIONARY DEVELOPMENT KNOWN AS WINDSOR HAVEN

2019-15 AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY MODIFYING THE E DISTRICT AFFORDABLE HOUSING REQUIREMENT

10. Consent Agenda

A. Resolutions

B. Minutes

April 1, 2019 - Closed Session - as amended
April 1, 2019 - Business Session - as amended

C. Bills & Claims

11. Items Removed from Consent Agenda

12. Recommendations from Administration and Council/Clerk

2019-R096 Authorizing the Insertion of a Special Item of Revenue Into the 2019 Municipal Budget From the State of New Jersey Division of Highway Safety - Distracted Driving Crackdown - \$5,500.00

2019-R097 Authorizing the Affordable Housing Attorney to Record 10 Declarations With Affordable Housing Controls for Ten Windsor Haven Dwelling Units

2019-R098 Authorizing the Mayor and Clerk to Execute the Amended Redeveloper's Agreement with 400 Steps

2019-R099 Authorizing the Release of Cash Maintenance Guarantee for Public Improvements for the Project Known as 19 Roszel Road (PB06-01 AM)

- 2019-R100** Authorizing the Release of the Inspection Escrow Balance for On-Site Improvements for the Project Known as 19 Roszel Road (PB06-01AM)
- 2019-R101** Authorizing Dan Dobromilsky, the Township Staff Liaison to the Environmental Commission to Serve as the Township's Agent for the Sustainable Jersey Municipal Certification Process
- 2019-R102** Authorizing the Increase of \$10,000.00 for John Curley LLC for Legal Services Relating to the Real Estate Acquisition of the Hall Property
- 2019-R103** Authorizing the Chief Financial Officer to Reimburse Costs in the Amount of \$50,000.00 to National Railroad Passenger Corporation for the Project Known as Duck Pond Run Sewer Interceptor-Phase 2
- 2019-R104** Approving the Affirmative Marketing Plan to be Included in a Supplement Appendix of the Township's Housing Element and Fair Share Plan
- 2019-R105** Approving Ratification of the Memorandum of Understanding (MOA) Between the Township of West Windsor and IAFF Local 3610 For The Contract Term of January 1, 2019 through December 31, 2022

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

2019-13

TOWNSHIP OF WEST WINDSOR

COUNTY OF MERCER

CALENDAR YEAR 2019

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK**

(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5 percent unless authorized by ordinance to increase it to 3.5 percent over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5 percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of West Windsor in the County of Mercer finds it advisable to increase its CY 2019 budget by up to 3.5 percent over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1.0 percent increase in the budget for said year, amounting to \$291,248.63 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Windsor, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Township of West Windsor shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50 percent, amounting to \$1,019,370.20, and that the CY 2019 municipal budget for the Township of West Windsor be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, is filed with said Director within 5 days after such adoption.

This Ordinance shall be in force after action or inaction by the Mayor as provided by law or an override of mayoral veto by the Council, whichever is applicable. Publication will be according to law.

Introduction: April 1, 2019
Public Hearing: April 29, 2019
Adoption:
Mayor's Approval:
Effective Date:

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. 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) and March 2020 (the end of the thirtieth year from such date of original conveyance); 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 clause:

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 three (3) faculty or staff residences developed, one affordable housing unit shall be developed. 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 within West Windsor 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 4-18-19

RESOLUTION

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE
IN THE BUDGET OF THE TOWNSHIP OF WEST WINDSOR PURSUANT TO N.J.S.A.
40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such item of revenue in the budget of the county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Windsor, in the County of Mercer, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 which item is now available as a revenue from monies held pursuant to the provisions of statute.

| | |
|---------------------------------------|------------|
| Division of Highway Safety | |
| Distracted Driving Crackdown - 104650 | \$5,500.00 |

BE IT FURTHER RESOLVED that a like sum of \$5,500.00 and the same is hereby appropriated under the following captions:

| | |
|---|------------|
| Division of Highway Safety | |
| Distracted Driving Crackdown - 10660544 | \$5,500.00 |

Adopted: April 29, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 29th day of April 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

RESOLUTION AUTHORIZING THE RECORDING OF A DECLARATION WITH RESPECT TO THE EXTENTION OF AFFORDABLE HOUSING CONTROLS FOR TEN WINDSOR HAVEN DWELLING UNITS

WHEREAS, on April 29, 2019, the Township Council adopted Ordinance 2019-14 entitled An Ordinance Extending the Affordability Controls For An Inclusionary Development Known as Windsor Haven (the "Ordinance"), which, among other things, extends the time period for affordability controls for 10 of the Windsor Haven low- and moderate-income units (the "Units"), such Units being identified as:

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

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

WHEREAS, the affordability control periods for these Units was thereby extended for 30 years from the date that the original 30-year control period expired and thereafter until terminated by West Windsor Township, with the extended control period running at least through the dates set forth in the Ordinance; and

WHEREAS, it would be in the best interest of West Windsor Township for the provisions of the Ordinance to be recorded in a Declaration setting forth such terms; and

WHEREAS, such Declaration, entitled Declaration with Respect to the Extension of Affordable Housing Controls for Ten Windsor Haven Dwelling Units, is attached hereto.

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 above-referenced Declaration with Respect to the Extension of Affordable Housing Controls for Ten Windsor Haven Dwelling Units is hereby approved.
2. The Affordable Housing Attorney is hereby authorized and directed to record such Declaration.

Adopted: April 29, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 29th day of April 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, the Township Council (the “Township Council”) of the Township of West Windsor (the “Township”) designated a series of properties in Blocks 5, 6, 6.2, 12.04, 13, 57, 59 and 64 on the Township’s tax maps (collectively, together with the Additional Parcels (defined below), the “Redevelopment Area”) as an area in need of redevelopment in accordance with the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et. seq.* (the “Redevelopment Law”); and
- WHEREAS, by ordinance adopted on March 23, 2009, as amended by ordinance adopted on February 27, 2017, the Township Council approved and adopted a redevelopment plan for the Redevelopment Area, entitled “Township of West Windsor Redevelopment Plan for Princeton Junction” (the “Redevelopment Plan”); and
- WHEREAS, on December 17, 2017, the Township and 400 Steps, LLC (the “Redeveloper”) entered into that certain Redevelopment Agreement (the “Original Redevelopment Agreement”) in connection with the redevelopment of the portion of the Redevelopment Area designated as Block 5, Lot 19 on the Township’s tax map (the “Project Area”); and
- WHEREAS, under the Original Redevelopment Agreement, the Redeveloper is to construct, on the Project Area, a project consisting of up to 100 rental housing units, 20% of which will be set aside for households of low and/or moderate income (the “Original Redevelopment Project”); and
- WHEREAS, the Township and the Redeveloper desire to amend the Original Redevelopment Project to include 180 rental housing units, 20% of which will be set aside for households of low and/or moderate income (as amended, the “Redevelopment Project”); and
- WHEREAS, toward that end, the Township desires to approve a form of a redevelopment agreement amendment by and between the Township and the Redeveloper (the “Redevelopment Agreement Amendment”) to memorialize the terms of changes to the Original Redevelopment Agreement.
- NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Mayor is hereby authorized to execute the Redevelopment Agreement Amendment by and between the Township and the Redeveloper, in a form substantially similar to that on file with the Township Clerk with such additions, deletions and modifications as may be deemed necessary and appropriate, and the Township Clerk is hereby authorized and directed to attest the Mayor’s execution of the Redevelopment Agreement Amendment.

BE IT FURTHER RESOLVED that the Mayor is further authorized to execute any and all documents necessary to effectuate the intent of this resolution and the implementation of the Redevelopment Agreement, as amended by the Redevelopment Agreement Amendment.

Adopted: April 29, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 29th day of April 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, Mountain Development Corp. has made a request for a release of the cash maintenance guarantee posted for public improvements in connection with construction associated with the project known as 19 Roszel Road (PB06-01AM); and

WHEREAS, on September 15, 2015 Township Council approved the release of performance guarantees for public improvements, subject to the posting of a maintenance guarantee in the amount of \$8,790.00, which was posted by the Developer in two accounts as follows; and

| Maintenance <u>Guarantee</u> | Cash <u>Amount</u> | Recommended <u>Action</u> |
|---------------------------------|-----------------------|------------------------------|
| PB06-01R | \$7,031.00 | Full Release |
| PB06-01S | \$1,759.00 | Full Release |

WHEREAS, the Township Engineer has reviewed the improvements, and finding them satisfactory, recommends that the maintenance guarantee release be approved by the Township Council.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor, the following cash maintenance guarantee amounts by Mountain Development Corp. for public site improvements in connection with construction associated with the project known as 19 Roszel Road (PB06-01AM), be released in full, as follows:

| Maintenance <u>Guarantee</u> | Cash <u>Amount</u> | Recommended <u>Action</u> |
|---------------------------------|-----------------------|------------------------------|
| PB06-01R | \$7,031.00 | Full Release |
| PB06-01S | \$1,759.00 | Full Release |

ADOPTED: April 29, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 29th day of April 2019.

Gay M. Huber
Township Clerk
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 escrows 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 accounts, which the Developer is entitled to have refunded; and

WHEREAS, the Township Engineer recommends that the balances remaining in the inspection fee escrow accounts 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> |
|---------------------|----------------------------|-------------------|---------------------|-----------------------|
| 10-21-2013 | Mountain Development Corp. | PB06-01R | 19 Roszel Road | \$ 2,235.09 |
| 10-21-2013 | Mountain Development Corp. | PB06-01S | 19 Roszel Road | \$ 1,709.83 |

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 balances of the escrow deposits, and any applicable interest to which the Developer is entitled.

Adopted: April 29, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 29th day of April 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, West Windsor Township strives to save tax dollars; assure clean land, air and water; and improve working and living environments as steps to building a sustainable community that will thrive and endure; and

WHEREAS, West Windsor Township hereby acknowledges that the residents of West Windsor Township desire a stable, sustainable future for themselves and future generations; and

WHEREAS, West Windsor Township wishes to demonstrate governance that benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path, West Windsor Township is pledging to educate itself and community members further about sustainable activities, and to develop initiatives supporting sustainable local government and community practices; and

WHEREAS, as elected representatives of West Windsor Township, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our quality of life; and

WHEREAS, the West Windsor Township Environmental Commission has guided West Windsor Township to the forefront of sustainable municipal activities through many initiatives, advisories, and plans:

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Windsor that to focus attention and effort within West Windsor Township on matters of sustainability, the Council of West Windsor Township wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Program Certification.

BE IT FURTHER RESOLVED, by the Council of West Windsor Township that we do hereby recommend that the West Windsor Township Environmental Commission be re-established as the lead agency, and empowered to recruit a subcommittee of advisors to establish the West Windsor “Green Team,” under the Sustainable Jersey Municipal Certification Program, to continue developing plans, implementing programs, and assisting with educational opportunities that support the creation of a sustainable community.

BE IT FURTHER RESOLVED, by the Council of West Windsor Township that we do hereby authorize the Township staff liaison to the Environmental Commission to serve as West Windsor Township's agent for the Sustainable Jersey Municipal Certification process, whom is hereby authorized to submit the Municipal Registration on behalf of West Windsor Township.

Adopted: April 29, 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 29th day of April 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township is in the process of acquiring certain real estate and requires a legal expert to assist in the acquisition of same; and

WHEREAS, John J. Curley of John J. Curley, LLC is licensed as an eminent domain and redevelopment law attorney; and

WHEREAS, the Township has retained Mr. Curley by Resolution 2017-R100 on March 27, 2017 and by Resolution 2018-R051 on January 29, 2018 and by Resolution 2018-R170 on July 30, 2018 as an expert in eminent domain and redevelopment law; and

WHEREAS, it is necessary for the Township to increase Mr. John Curley's contract from \$29,900.00 to \$39,900.00; and

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

Hall Parcel #3, #4 Open Space Acquisition 405-2017-14-001 \$10,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Chief Financial Officer is authorized to amend the purchase order for John J. Curley, LLC from \$29,900.00 to \$39,900.00.

ADOPTED: April 29, 2019

I hereby certify this is a true copy of a Resolution adopted by the West Windsor Township Council at their meeting held on the 29th day of April, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township has entered into a License Agreement with National Railroad Passenger Corporation for the project known as Duck Pond Run Sewer Interceptor – Phase 2 for the required crossing of the Amtrak railroad tracks and corridor, which are under the control of National Railroad Passenger Corporation; and

WHEREAS, the License Agreement with National Railroad Passenger Corporation for the crossing requires payment of costs incurred by National Railroad Passenger Corporation for review, inspection and observation of all work related to the Project; and

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

| | | |
|----------------------------|-----------------|-------------|
| Duck Pond Run Decommission | 405-2008-26 004 | \$50,000.00 |
|----------------------------|-----------------|-------------|

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that National Railroad Passenger Corporation is authorized to be reimbursed for costs incurred per the License Agreement associated with the project known as Duck Pond Run Sewer Interceptor – Phase 2.

ADOPTED: April 29, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 29th day of April 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township has settled its *Mt. Laurel* declaratory judgment lawsuit styled *In the Matter of West Windsor Township*, docket number MER-L-1561-15 , with Fair Share Housing Center, and such Settlement Agreement has been approved by the court after a fairness hearing thereon; and

WHEREAS, one requirement of the Settlement Agreement is an affirmative marketing plan setting forth how the Township will affirmatively market affordable housing units in its affordable housing inventory as they become available for rental or purchase; and

WHEREAS, affirmative marketing plans are required for all approved fair share programs in the State; and

WHEREAS, the attached Affirmative Marketing Plan complies with affirmative marketing requirements; and

WHEREAS, it would be in the best interest of the Township to approve such Affirmative Marketing Plan.

NOW, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Affirmative Marketing Plan attached hereto is approved and is to be included in a Supplement Appendix of the Township Housing Element and Fair Share Plan.

Adopted:

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

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION
APPROVING RATIFICATION OF THE MEMORANDUM OF AGREEMENT (MOA)
BETWEEN THE TOWNSHIP OF WEST WINDSOR AND WEST WINDSOR
PROFESSIONAL FIREFIGHTERS ASSOCIATION LOCAL 3610 (“IAFF”) FOR THE
CONTRACT TERM JANUARY 1, 2019 THROUGH DECEMBER 31, 2022

WHEREAS, the Township of West Windsor and West Windsor Professional Firefighters Association Local 3610 (“IAFF”) (the “Parties”) have had several negotiation sessions since October 24, 2018; and

WHEREAS, the Township of West Windsor and IAFF Local 3610 executed a Memorandum of Agreement (MOA) on March 20, 2019; and

WHEREAS, the IAFF Local 3610 membership met on April 9, 2019 and agreed to support the MOA and agreed to the understanding set forth in the MOA; and

WHEREAS, the MOA represents the complete and final understanding between the Parties for the contract term January 1, 2019 through December 31, 2022; and

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Council approves the ratification of the MOA the Parties have signed substantially in the form attached hereto.

Adopted: April 29, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 29th day of April, 2019.

Gay M. Huber
Township Clerk
West Windsor Township