

ATTENTION

Attached is the Township Council packet. This packet is posted online as a courtesy to the public.

Please take note that packets are generally posted the Monday prior to the Tuesday meeting. If there are any changes, additions or deletions made between the time of the packet posting and the meeting, same may not be reflected within this packet.

Subsequent to the packet posting, should you require additional information or a copy of a public document that is the subject of the meeting that was not available at the time of the packet posting, but is available prior to the meeting, you may contact the Township Clerk's Office via email at swooding@willingboronj.gov or by calling 609-877-2200 Extension 1028.

Subsequent to the Council meeting, you may request documents by filing an Open Public Records Act (OPRA) request. You may obtain an OPRA form by going to the Township's website, www.willingboronj.gov, and typing OPRA in the search engine. Once you complete the online form and click SUBMIT, your request is automatically forwarded to the Township Clerk for response (within seven (7) business days).

Thank you,

Sarah Wooding

Sarah Wooding, RMC
Township Clerk

**WILLINGBORO TOWNSHIP COUNCIL
MEETING
November 17, 2020**

To Join Zoom Meeting.

1. Type in address bar: <https://zoom.us>
2. Click “ Join Meeting” on the top menus bar
3. Meeting ID: 953 6953 7139
4. Password: 531748

Telephone Users May Dial In:

1-646-558-8656
Password: 531748

7:00 PM
Call to Order
Flag Salute
Statement
Roll Call

MUNICIPAL UPDATES

***PUBLIC COMMENT**

AGENDA ITEMS ONLY

ORDINANCE

ORDINANCE 2020—16 (FIRST READING)

ORDINANCE AMENDING CHAPTER 150 OF THE WILLINGBORO TOWNSHIP
MUNICIPAL CODE ENTITLED “FEES”

RESOLUTION

Res. 2020—167

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF WILLINGBORO AUTHORIZING
CHANGE ORDER NO. 3 FINAL FIRE & EMS STATION**

Res. 2020—168

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF WILLINGBORO AUTHORIZING
PAYMENT CERTIFICATE NO. 33 FINAL,
REPRESENTING THE FINAL PAYMENT AND
RELEASING RETAINAGE TO ARTHUR J. OGREN, INC.
FOR THE FIRE & EMS STATION**

Res. 2020—169 **RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WILLINGBORO AUTHORIZING THE RELEASE OF PERFORMANCE BOND TO ARTHUR J. OGDEN, INC. AND ACCEPTANCE OF ITS TWO YEAR MAINTENANCE BOND FOR THE FIRE & EMS FACILITY**

Res. 2020—170 **RESOLUTION OF THE TOWNSHIP OF WILLINGBORO AWARDED A BID FOR FY 2020 S. SUNSET ROAD CULVERT PIPE REPLACEMENT**

Res. 2020—171 **RESOLUTION OF THE TOWNSHIP OF WILLINGBORO AWARDED A BID FOR FY 2020 WILLINGBORO LIBRARY OVERHANG REPAIRS**

Approval of minutes: 9/1/2020 (6PM) – 9/1/2020 (7PM)-- 9/15/2020 and 10/6/2020

Public Comment
Council Comment

Res. 2020—172 **EXECUTIVE SESSION (IF NEEDED)**

Adjournment

ALL BUSINESS ITEMS ARE TENTATIVE PENDING THE REVIEW AND APPROVAL OF THE LAW DEPARTMENT

TOWNSHIP OF WILLINGBORO

ORDINANCE NO. 2020--16

AN ORDINANCE AMENDING CHAPTER 150 OF THE WILLINGBORO TOWNSHIP MUNICIPAL CODE ENTITLED "FEES"

WHEREAS, the Mayor and Council for the Township of Willingboro has performed a full review of the fees listed under Chapter 150, entitled "FEES," of the Township of Willingboro Municipal Code Book.

WHEREAS, the Mayor and Council for the Township of Willingboro now desires to amend said chapter to change some of the requisite fee amounts listed therein.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Willingboro, County of Burlington, and State of New Jersey as follows:

SECTION 1: Chapter 150, entitled "FEES," of the Township of Willingboro Municipal code shall, in pertinent part, be amended as follows:

NOTE: Deletions have been ~~struck through~~ and additions in *italics*. Large portions of text which are unchanged by this ordinance have been removed and indicated via "..."

§ 150-14 Property Maintenance Code Fees.

- A. ...
- B. ...
- C. ...
- D. *Trash and Debris Removal*

After providing notice in accordance with §272-2 and §272-3 of the Code of the Township of Willingboro, the fee for trash and/or debris removal shall be as follows:

- (1) *Residential Property:* \$50.00 to \$1,500.00
- (2) *Commercial Property:* \$100.00 to \$1,500.00

SECTION 2: All Ordinances or parts of Ordinances which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

SECTION 3: If any provisions of this Ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provision of this Ordinance are severed.

SECTION 4: This Ordinance shall take effect immediately upon adoption and publication as required by law.

First Reading:

Councilmember	Motion	2 nd	Yea	Nay	Recuse	Abstain	Absent
Councilman Anderson							
Councilwoman Perrone							
Councilwoman Whitfield							
Deputy Mayor McIntosh							
Mayor Worthy							

Second Reading:

Councilmember	Motion	2 nd	Yea	Nay	Recuse	Abstain	Absent
Councilman Anderson							
Councilwoman Perrone							
Councilwoman Whitfield							
Deputy Mayor McIntosh							
Mayor Worthy							

Township of Willingboro

Dr. Tiffani A. Worthy, Mayor

Attest:

Sarah Wooding, RMC, Township Clerk

RESOLUTION NO. 2020- 167

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
WILLINGBORO AUTHORIZING CHANGE ORDER NO. 3 FINAL FIRE & EMS
STATION**

WHEREAS, on January 12, 2017 by Resolution 2017-30, the Township Council of the Township of Willingboro authorized a contract with Arthur J. Ogren, Inc., located at 178 East Garden Road, Vineland, New Jersey 08360 for the Fire & EMS Facility, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-6, which authorizes the award of a contract without public bidding; and

WHEREAS, the original contract amount between the Township of Willingboro and Arthur J. Ogren, Inc. was awarded for \$10,110,970.28; and

WHEREAS, by Resolution 2018-119 the Township authorized Change Order No. 1 in the amount of \$259,247.11, which then amended the Contract Amount to \$10,370,217.39; and

WHEREAS, by Resolution 2019-178 the Township authorized Change Order No. 2 in the amount of \$225,969.00, which then amended the Contract Amount to \$10,596,186.39; and

WHEREAS, the Engineer has recommended proposed construction change order No 3 FINAL as more specifically identified in his letter of October 13, 2020, amending the Contract Amount to \$10,576,876.14; and

WHEREAS, the amended final Contract Amount between the Township of Willingboro and Arthur J. Ogren, Inc. is \$10,576,876.14, representing a reduction in the final adjustment of as-built quantities and contracts costs of \$19,310.25; and

WHEREAS, the Township Engineer has found the proposed Change Order No. 3 Final and reduction to be acceptable; and

WHEREAS, the Township Council has reviewed the Township Engineer's recommendation for the Change Order No. Final, amending the final Contract Amount to Ten Million Five Hundred Seventy-Six Thousand Eight Hundred Seventy-Six and 14/100 Dollars (\$10,576, 876.14).

NOW THEREFORE, BE IT RESOLVED that in open public session on this 17th day of November 2020, that the Township Council of the Township of Willingboro hereby accepts Change Order No. 3 Final for Fire & EMS Station and amends the Contract Amount for this project to \$10,576,876.14 with Arthur J. Ogren, Inc.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Township Engineer, Finance Director, and Arthur J. Ogren, Inc.

RESOLUTION NO. 2020- 168

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WILLINGBORO AUTHORIZING PAYMENT CERTIFICATE NO. 33 FINAL, REPRESENTING THE FINAL PAYMENT AND RELEASING RETAINAGE TO ARTHUR J. OGREN, INC. FOR THE FIRE & EMS STATION

WHEREAS, the Township of Willingboro's Engineer, Remington & Vernick Engineers, Inc., has submitted the Payment Certificate No. 33 Final, representing the final payment and releasing the retainage in the total amount of \$211,537.52, to Arthur J. Ogren, Inc., located at 178 East Garden Road, Vineland, New Jersey 08360 for the Fire & EMS Station; and

WHEREAS, the Township Engineer has determined that no further work is being performed on this project and the Payment Certificate No. 33 Final has been reviewed and approved by the Township Engineer; and

WHEREAS, it is the recommendation of the Township Engineer that the Township of Willingboro release the final payment and retainage for the project in the total amount of \$211,537.52 to Arthur J. Ogren, Inc.; and

WHEREAS, it is in the best interest of the Township of Willingboro to release the final payment and retainage for this project in the total amount of \$211,537.52, to Arthur J. Ogren, Inc., in accordance with the Township Engineer's recommendations in Payment Certificate No. 33 Final, for the Fire & EMS Station.

NOW THEREFORE, BE IT RESOLVED that in open public session on this 17th day of November 2020, that the Township Council of the Township of Willingboro shall hereby release the final payment and retainage to Arthur J. Ogren Inc., pursuant to the Payment Certificate No. 33 Final, and in accordance with the Township Engineer's recommendation, in the total amount of \$211,537.52 for the Fire & EMS Station.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Township Engineer, Finance Director, and Arthur J. Ogren, Inc.

Dr. Tiffani A. Worthy, Mayor

Attest:

Sarah Wooding, RMC, Township Clerk

RESOLUTION NO. 2020- 169

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WILLINGBORO AUTHORIZING THE RELEASE OF PERFORMANCE BOND TO ARTHUR J. OGREN, INC. AND ACCEPTANCE OF ITS TWO YEAR MAINTENANCE BOND FOR THE FIRE & EMS FACILITY

WHEREAS, the Township of Willingboro's Engineer, Remington & Vernick Engineers, Inc., has inspected Fire & EMS Facility; and

WHEREAS, the Township Engineer has determined that the improvements are satisfactory; and

WHEREAS, it is the recommendation of the Township Engineer that the Township of Willingboro release Arthur J. Ogren, Inc. Western Surety Company Performance Surety Bond No. 92627455 in the amount of Ten Million One Hundred Ten Thousand Nine Hundred Seventy and 28/100 Dollars (\$10,110,970.28) in considerations for Arthur J. Ogren, Inc. of two-year Western Surety Company Maintenance Bond No. 92627455M in the amount of Ten Million Five Hundred Seventy-Six Thousand Eight Hundred Sixty-Seven and 14/100 Dollars (\$10,576,867.14), provided that the release of the Performance Bond is contingent upon the payment of all outstanding escrow invoices; and

WHEREAS, it is the intention of the Township Council and in the best interest of the Township of Willingboro to release the Performance Bond and accept the two-year Maintenance Bond for the Fire & EMS Facility in the amounts referenced herein, contingent upon the payment of all outstanding escrow invoices, in accordance with the Township Engineer's recommendations.

NOW THEREFORE, BE IT RESOLVED that in open public session on this 17th day of November 2020, that the Township Council of the Township of Willingboro shall hereby release Arthur J. Ogren, Inc. Western Surety Company Performance Surety Bond No. 92627455 in the amount of Ten Million One Hundred Ten Thousand Nine Hundred Seventy and 28/100 Dollars (\$10,110,970.28) in considerations for Arthur J. Ogren, Inc. posting of Western Surety Company Maintenance Bond No. 92627455M in the amount of Ten Million Five Hundred Seventy-Six Thousand Eight Hundred Sixty-Seven and 14/100 Dollars (\$10 576,867.14), provided that the release of the Performance Bond is contingent upon the payment of all outstanding escrow invoices.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Township Engineer, Finance Director, and Arthur J. Ogren, Inc.

Attest:

Dr. Tiffani A. Worthy, Mayor

Sarah Wooding, RMC, Township Clerk

RESOLUTION NO. 2020- 170

**A RESOLUTION OF THE TOWNSHIP OF WILLINGBORO AWARDING A BID FOR
FY 2020 S. SUNSET ROAD CULVERT PIPE REPLACEMENT**

WHEREAS, pursuant to the Local Public Contracts Law (“LPCL”), N.J.S.A. 40A:11-1, *et seq.*, on October 27, 2020 the Township of Willingboro (“Township”) advertised a request for bids to be submitted for the FY 2020 S. Sunset Road Culvert Pipe Replacement; and

WHEREAS, in response to said advertising, on November 6, 2020, four (4) bids from Earle Asphalt Company, Capela Construction Inc., Landberg Construction LLC, and Seacoast Construction Inc. were received, opened and read in public for compliance with all material terms and conditions of the bid solicitation; and

WHEREAS, Township’s Engineer and the Township reviewed and tabulated the bids received and determined that Earle Asphalt Company of 1800 Route 34, Building 2, Suite 205, Wall New Jersey 07719 with a bid of \$286,813.13 representing items 1 through 37 of the Base Bid, for FY 2020 S. Sunset Road Culvert Pipe Replacement was the lowest responsible bidder; and

WHEREAS, under the LPCL, the Township has determined Earle Asphalt Company was the lowest responsible bidder and now seeks to award the contract for FY 2020 S. Sunset Road Culvert Pipe Replacement to Earle Asphalt Company; and

WHEREAS, the award of this bid is contingent upon the Township’s availability of funds for this purpose, and as indicated by the attached Treasurer’s Certification.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Willingboro, assembled in public session this 17th day of November, 2020, hereby accepts the bid of Earle Asphalt Company of 1800 Route 34, Building 2, Suite 205, Wall New Jersey 07719 with a bid of \$286,813.13 representing items 1 through 37 of the Base Bid, for FY-2020 S. Sunset Road Culvert Pipe Replacement; and

BE IT FURTHER RESOLVED that the Township Council hereby authorizes the Mayor and Clerk to execute the contract and all documents on its behalf to effectuate the award of this contract.

BE IT FURTHER RESOLVED that a copy of this resolution shall be provided to the Township Finance Director, Township Engineer, and Earle Asphalt Company.

ADOPTED at a meeting of the Township Council of the Township of Willingboro on November 17, 2020.

Dr. Tiffani A. Worthy, Mayor

Sarah Wooding, RMC, Clerk

RESOLUTION NO. 2020- 171

**A RESOLUTION OF THE TOWNSHIP OF WILLINGBORO AWARDING A BID FOR
FY 2020 WILLINGBORO LIBRARY OVERHANG REPAIRS**

WHEREAS, pursuant to the Local Public Contracts Law (“LPCL”), N.J.S.A. 40A:11-1, *et seq.*, on August 30, 2020, the Township of Willingboro (“Township”) advertised a request for bids to be submitted for the FY 2020 Willingboro Library Overhang Repairs; and

WHEREAS, in response to said advertising, on September 17, 2020, two (2) bids from J.H. Williams, Inc. and Premier Group, Inc. were received, opened and read in public for compliance with all material terms and conditions of the bid solicitation; and

WHEREAS Township’s Engineer and the Township reviewed and tabulated both the bids received and determined that J.H. Williams, Inc. of 231 Haines Drive, Moorestown, New Jersey 08057 with a bid of \$157,000.00 representing items 1 through 7 of the Base Bid, for FY 2020 Willingboro Library Overhang Repairs was the lowest responsible bidder; and

WHEREAS, under LPCL, the Township has determined that J.H. Williams, Inc. was the lowest responsible bidder and now seeks to award the contract for the FY 2020 Willingboro Library Overhang Repairs to J.H. Williams Inc.; and

WHEREAS, the award of this contract is contingent upon the Township’s availability of funds for this purpose, and as indicated by the attached Treasurer’s Certification.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Willingboro, assembled in public session this 17th day of November, 2020, hereby accepts the bid of J.H. Williams, Inc. of 231 Haines Drive, Moorestown, New Jersey 08057 with a bid of \$157,000.00 representing items 1 through 7 of the Base Bid, for FY 2020 Willingboro Library Overhang Repairs; and

BE IT FURTHER RESOLVED that the Township Council hereby authorizes the Mayor and Clerk to execute the contract and all documents on its behalf to effectuate the award of this contract.

BE IT FURTHER RESOLVED that a copy of this resolution shall be provided to the Township Finance Director, Township Engineer, and J. H. Williams Enterprises, Inc.

ADOPTED at a meeting of the Township Council of the Township of Willingboro on November 17, 2020.

Dr. Tiffani A. Worthy, Mayor

Sarah Wooding, RMC, Township Clerk

RESOLUTION NO. 2020-172

**AUTHORIZING
AN EXECUTIVE SESSION OF THE TOWNSHIP COUNCIL**

WHEREAS, the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., permits a public body to exclude the public from portions of a meeting at which specific matters set forth in N.J.S.A. 10:4-12b are discussed; and

WHEREAS, a request has been made of the Township Council assembled in public session on this 17th day of November, 2020 to convene a closed Executive session consistent with the provisions of N.J.S.A. 10:4-12b; and

NOW, THEREFORE, upon motion duly made and seconded and passed by a vote of in favor and opposed, **BE IT RESOLVED** by the Township Council of the Township of Willingboro, County of Burlington, State of New Jersey that an Executive Session of the Township Council meeting shall be convened to discuss one or more of the following categories as noted:

- _____ 1. Any matter which, by express provision of federal law, state statute or rule of court is rendered confidential or excluded from the public portion of the meeting.
- _____ 2. Any matter in which the release of information would impair the right to receive funds from the United States Government.
- _____ 3. Any material the disclosure of which constitutes an unwarranted invasion of privacy as set forth in N.J.S.A. 10:4-12b (3).
- _____ 4. Any Collective Bargaining Agreement or the terms and conditions which are proposed for inclusion in any Collective Bargaining Agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees.
- _____ 5. Any matter involving the purchase, lease or acquisition of real estate with public funds, the setting of banking rates or investment of public funds where it could adversely affect the public interest if discussions of such matters were disclosed.
- _____ 6. Any tactics and techniques utilized in protecting the safety and property of the public and any investigations of violations or possible violations of law.
- _____ 7. Any pending or anticipated litigation or contract negotiations in which Township Council is or may become a party.
- _____ 8. Any matters falling within the attorney/client privilege to the extent that confidentiality is required for the attorney to exercise his/her ethical duties as a lawyer.

- _____ 9. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment and other categories set forth in N.J.S.A. 10:4-12b(8).

- _____ 10. Any deliberations occurring after a public hearing that may result in the imposition of specific civil penalty or the suspension of loss of a license or permit as set forth in N.J.S.A. 10:9-12b(9).

BE IT FURTHER RESOLVED that the general nature of the subject to be discussed relates to:

BE IT FURTHER RESOLVED that the time when and the circumstances under which the discussion conducted in closed session will be disclosed to the public, in accordance with N.J.S.A. 10:4-14, and to the extent that it is not inconsistent with N.J.S.A. 10:4-12.

 Sarah Wooding, RMC
 Township Clerk

 Dr. Tiffani Worthy, Mayor

Recorded Vote	Motion	2nd.	Yes	No	Abstain	Absent
Councilman Anderson	_____					
Councilwoman Perrone	_____					
Councilwoman Whitfield	_____					
Deputy Mayor McIntosh	_____					
Mayor Worthy	_____					