

MASON, GRIFFIN & PIERSON

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

MEMORANDUM

To: Mayor & Council of Princeton

From: Edwin W. Schmierer, Esq.
Assistant Municipal Attorney



Date: June 16, 2014

Re: Resolution and Shared Services Agreement: Province Line Road Repairs

The northern section of Province Line Road between Rosedale Road and the Stony Brook Bridge is in disrepair. The Township of Lawrence has agreed to be the lead agency in repairing this section of Province Line Road. Province Line Road serves as a boundary between the two municipalities. The estimated cost of this work is \$135,000.00. The Township of Lawrence requests that Princeton participate in a sum not to exceed 50% of the cost or \$67,500.00. Funds for this purpose were included in the recently adopted \$880,000.00 road repair ordinance.

To this end, I have prepared and attach hereto a proposed resolution and shared services agreement.

We would appreciate very much your considering this matter as a part of your June 23, 2014 agenda.

EWS:kaj

cc: Robert W. Bruschi, Administrator
Kathryn Monzo, Assistant Administrator
Linda McDermott, Clerk
Robert V. Kiser, P.E., Princeton Engineer

PRINCETON

COUNTY OF MERCER, STATE OF NEW JERSEY

RESOLUTION

#2014 -

WHEREAS, Province Line Road serves as a boundary between Princeton and the Township of Lawrence and is need of resurfacing; and

WHEREAS, Princeton and the Township of Lawrence wish to enter into an Agreement pursuant to the New Jersey Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1 et seq.* to resurface Province Line Road between Rosedale Road and the Stony Brook Bridge.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Princeton as follows:

1. The Mayor and Clerk of Princeton are hereby authorized and directed to enter into an Agreement a Shared Services Agreement with the Township of Lawrence for the resurfacing of Province Line Road between Rosedale Road and the Stony Brook Bridge. The total cost of the project is estimated to be one hundred thirty-five thousand (\$135,000.00) dollars of which Princeton will contribute fifty percent (50%) not to exceed sixty-seven thousand, five hundred (\$67,500.00) dollars. The Agreement authorized by this Resolution is on file in the office of the Municipal Clerk and may be inspected during regular office hours.
2. This Resolution shall take effect upon the adoption of a reciprocal Resolution by the Township of Lawrence.
3. Pursuant to *N.J.S.A. 40A:66-4 et seq.*, a copy of this Resolution and the Agreement hereby authorized shall be authorized to the New Jersey Department of Community

Affairs, Division of Local Government Services and to the Clerk of the Township of
Lawrence, Mercer County, New Jersey upon its adoption.

CERTIFICATION

I, Linda S. McDermott, Clerk of Princeton, do hereby certify that the foregoing Resolution
was adopted by the Mayor and Council of Princeton at its regular meeting held on the 23rd day of
June, 2014.

Linda S. McDermott, Clerk
Princeton

**PRINCETON - TOWNSHIP OF LAWRENCE
SHARED SERVICES AGREEMENT
PROVINCE LINE ROAD RESURFACING PROJECT**

THIS AGREEMENT, entered into this 23rd day of June, 2014,

BETWEEN **PRINCETON**, a municipal corporation of the State of New Jersey, having its principal offices located at 400 Witherspoon Street, Princeton New Jersey 08540, (hereinafter referred to as "**PRINCETON**");

and **TOWNSHIP OF LAWRENCE**, a municipal corporation of the State of New Jersey, having its principal offices located at 2207 Lawrence Road, P.O. Box 6006, Lawrence Township, New Jersey 08648-0006 (hereinafter referred to as "**LAWRENCE**").

WITNESSETH:

WHEREAS, Province Line Road serves as a municipal boundary between **PRINCETON** and **LAWRENCE**; and

WHEREAS, Province Line Road is in need of repair and resurfacing between Rosedale Road and the Stony Brook Bridge; and

WHEREAS, the New Jersey Uniform Shared Services and Consolidation Act, *N.J.S.A.* 40A:65-1 authorizes and encourages shared services between municipalities to undertake and complete capital projects which benefit both municipalities; and

WHEREAS, pursuant to *N.J.S.A.* 40A:65-5, **PRINCETON** and **LAWRENCE** have adopted Resolutions authorizing their respective municipal corporations to enter into an Agreement for the reconstruction of Province Line Road between Rosedale Road and Carson Road.

NOW, THEREFORE, in consideration of one (\$1.00) and other good and valuable consideration and the mutual promises set forth hereinbelow, **PRINCETON** and **LAWRENCE** agree as follows:

1. **PRINCETON** and **LAWRENCE** agree to mill and resurface Province Line Road between Rosedale Road and the Stony Brook Bridge.
2. The engineering estimate prepared for this project as set forth on Schedule A totals a projected cost of one hundred thirty-five thousand (\$135,000.00) dollars.
3. The nature and scope of the reconstruction of the roadway is as set forth in the specific items to be bid on the attached Schedule A.
4. The parties agree to the following cost sharing for the resurfacing work:

| | |
|----------------------|---------------------|
| A. LAWRENCE: | \$ 67,500.00 |
| B. PRINCETON: | <u>\$ 67,500.00</u> |
| TOTAL: | <u>\$135,000.00</u> |

Should the bids for this project exceed the Engineer's estimate of one hundred thirty-five thousand (\$135,000.00) dollars then either party may cancel this Agreement or mutually agree to discuss the payment of any excess cost. Should the bids received be less than the Engineer's estimate (Schedule A), then after determining the lowest responsible bidder and awarding a Contract for same, the parties agree that **LAWRENCE** will be responsible for fifty (50%) percent of the total cost and **PRINCETON** responsible for fifty (50%) percent of the total cost.

5. **LAWRENCE** agrees pursuant to *N.J.S.A. 40A:65-6* to be designated the primary employer for the project. **LAWRENCE** shall also be the entity responsible for bidding the project and awarding the bid following review and approval by **PRINCETON**.
6. As required by *N.J.S.A. 40A:65-7*, the parties agree as follows:
 - (1) **LAWRENCE** agrees to be the lead agency for the project.

- (2) **LAWRENCE** shall be responsible for monitoring the standards of quality, scope of performance and overseeing the Contract to be awarded.
- (3) The estimated cost of said services as reflected on Schedule A is one hundred thirty-five thousand (\$135,000.00) dollars (Engineer's estimate).
- (4) Each municipality shall be responsible for not to exceed one-half (½) of said costs or \$67,5000.00.
- (5) The duration of this Agreement shall be until completion of the road resurfacing project and the release by **LAWRENCE** of all maintenance bonds.
- (6) Payments under the Contract shall be administered through the **LAWRENCE** Finance Department.
- (7) A copy of the Resolutions authorizing this Agreement and this Agreement shall be filed with the New Jersey Department of Community Affairs, Division of Local Government Services, 101 South Broad Street, Trenton, New Jersey 08625.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, the day and date first written above.

ATTEST:

Linda S. McDermott, Clerk

ATTEST:

Kathleen S. Norcia, Clerk

PRINCETON

By: _____
Liz Lempert, Mayor

TOWNSHIP OF LAWRENCE

By: _____
Cathleen Lewis, Mayor

Schedule A

Form SA-41 11/98

| Project: 2014 Road Improvement - Province Line Road (north of Rosedale) Municipality: Lawrence Township / Princeton County: <u>Mercer</u> | | | | | Engineer's Estimate |
|--|---|----------|------|------------------|----------------------------|
| Item | Description | Quantity | Unit | Unit Price | Amount |
| Base Bid | | | | | |
| 1 | Mobilization | 1 | LS | \$6,000.00 | \$6,000.00 |
| 2 | Uniform Traffic Directors | 25 | EA | \$75.00 | \$1,875.00 |
| 3 | Traffic Control | 1 | LS | \$2,500.00 | \$2,500.00 |
| 4 | Roadway Milling | 7,600 | SY | \$3.00 | \$22,800.00 |
| 5 | Roadway Excavation, unclassified - 4-inch depth (IWD) | 125 | CY | \$12.00 | \$1,500.00 |
| 6 | 4" Superpave HMA 19M64 Base Course (IWD) | 250 | Tons | \$80.00 | \$20,000.00 |
| 7 | 2" Superpave HMA 9.5M64 Surface Course | 930 | Tons | \$80.00 | \$74,400.00 |
| 8 | Asphalt Price Adjustment | 1 | LS | \$1,500.00 | \$1,500.00 |
| 9 | Fuel Price Adjustment | 1 | LS | \$1,500.00 | \$1,500.00 |
| 10 | 4" Solid Yellow Striping - Epoxy | 6,800 | LF | \$0.40 | \$2,720.00 |
| | | | | | |
| | | | | Sub-total | \$134,795.00 |

*Assumes repairs to 15 percent of the base course