

**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**

March 13, 2017

The Business Session will begin promptly after the close of the adequately noticed  
Closed Session

1. Call to Order
2. Statement of Adequate Notice – January 6, 2017 to the Trenton Times and the Princeton Packet.
3. Salute to the Flag
4. Ceremonial Matters and/or Topic for Priority Consideration
5. Public Comment: (30 minutes comment period; 3-minute limit per person)
6. Administration Comments
7. Council Member Comments
8. Chair/Clerk Comments
9. Public Hearings

**Continuation of Public Hearing for Comcast Cable TV Franchise Agreement**

2017-04      ORDINANCE AUTHORIZING THE ACQUISITION  
OF A TEMPORARY CONSTRUCTION EASEMENT  
FROM RACHNA LUTHRA LOCATED AT BLOCK 5,  
LOT 18 – 51 Cranbury Road

10. Consent Agenda

A. Resolutions

- 2017-R084 Authorizing the Reappointment of Robin E. Echevarria, Esquire as the West Windsor Township Public Defender - \$17,240.00
- 2017-R085 Authorizing the Reappointment of Eric Payne as Member to the West Windsor Affordable Housing Committee with a Term to Expire on December 31, 2017
- 2017-R086 Granting the Request for Release of Cash Bond to Yipeng Sun in Conjunction with Street Opening Permit #2016-19 for Work done at 30 Priory Road
- 2017-R087 Authorizing the Mayor and Clerk to Execute an Easement Modification Agreement to Permit the Construction of Fence over a Drainage Easement – 6 Lake Shore Drive.

B. Minutes

Closed Session – June 13, 2016 as amended  
Closed Session I – January 17, 2017 as amended  
Closed Session II – January 17, 2017 as amended  
Business Session – January 17, 2017 as amended  
Closed Session I – January 30, 2017 as amended  
Closed Session – May 2, 2017  
Business Session – January 30, 2017 as amended

C. Bills & Claims

11. Items Removed from Consent Agenda

12. Recommendations from Administration and Council/Clerk

2017-R088 Authorizing the Business Administrator to Purchase Technological Goods and Services from CDW-G as an Authorized Dealer and Distributor of Cisco Systems through State Contract M-7000 A87720 - \$55,000.00

2017-R089 Authorizing 2017 Emergency Temporary Appropriations

2017-R090 Authorizing the Business Administrator and Clerk to Execute the Property Access Agreement and Right of Entry Over Certain Real Property Owned by Colonnade Pointe Condominium Association, Inc. for the Purpose of Repairing/Replacing Sidewalk Improvements and Barrier Free Access Ramps as part of the Canal Pointe Boulevard Reconstruction

13. Introduction of Ordinances

2017-09 AMENDING AND SUPPLEMENTING CHAPTER 82 “FEES” SECTION 82-4 CONSTRUCTION FEE S AND SECTION 82-5 ELECTRICAL SUB-CODE FEES OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR

**PUBLIC HEARING: March 27, 2017**

2017-10 AMENDING AND SUPPLEMENTING CHAPTER 140 “SMOKING AND USE OF TOBACCO PRODUCTS BANNED” OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR

**PUBLIC HEARING: March 27, 2017**

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

15. Council Reports/Discussion/New Business

16. Administration Updates

17. Closed Session

18. Adjournment

**Minutes:** February 13, 2017 – Business Session

2017-04

TOWNSHIP OF WEST WINDSOR  
ORDINANCE AUTHORIZING THE ACQUISITION OF  
A TEMPORARY CONSTRUCTION EASEMENT  
FROM RACHNA LUTHRA  
LOCATED AT BLOCK 5, LOT 18 – 51 CRANBURY ROAD

- WHEREAS, the Township of West Windsor has determined that it is necessary to acquire an easement on certain real property owned by RACHNA LUTHRA (Seller) located at Block 5, Lot 18 (#51 Cranbury Road) in the Township of West Windsor, Mercer County, NJ for the purpose of constructing sidewalk improvements to be utilized for the purpose of public mobility; and
- WHEREAS, the Seller is willing to grant such a Temporary Construction Easement; and
- WHEREAS, the Township and Seller have agreed upon fair compensation for the easement; and
- WHEREAS, the Local Lands and Buildings Law, *N.J.S.A. 40A:12-1 et. seq.*, requires that an Ordinance be adopted permitting the Township to acquire the Temporary Construction Easement.

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

- (1) The Township wishes to acquire a Temporary Construction Easement on certain real property owned by RACHNA LUTHRA (Seller) located at Block 5, Lot 18 (#51 Cranbury Road) in the Township of West Windsor, Mercer County, NJ for the purpose of constructing sidewalk improvements to be utilized for the purpose of public mobility for the purchase price of One Thousand Five Hundred Dollars (\$1,500.00).
- (2) The Mayor and Clerk are hereby authorized and directed to acquire and accept the Temporary Construction Easement from the Seller for the acquisition of said easement upon final passage, approval and publication of said ordinance according to law.

Section 2. This ordinance shall take effect twenty days after action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Council, whichever is applicable; and upon publication according to law.

INTRODUCTION: February 27, 2017

PUBLIC HEARING: March 13, 2017

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

ORDINANCE 2017-09

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 82 “FEES” SECTION 82-4 CONSTRUCTION FEES AND SECTION 82-5 ELECTRICAL SUB-CODE FEES OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR

Whereas, the Township of West Windsor has adopted Chapter 82 of the Code of the Township of West Windsor (“Code”) establishing fees; and

WHEREAS, the Township performs a number of public services at substantial cost to the Township taxpayers, and

WHEREAS, various departments/divisions within the Township are authorized to collect and receive fees and to issue permits or licenses as may be required; and

WHEREAS, the Construction Official has reviewed the current fees and requests the following changes be approved by the Township Council.

NOW, THEREFORE BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey that the following changes be made:

## Chapter 82. Fees

### § 82-4. Construction fees.

#### A.

Construction fees shall be as follows:

[Amended 3-22-2004 by Ord. No. 2004-08]

#### **Use Group Fee**

E	Volume x [.030] <u>.04</u>
A-1	Volume x [.030] <u>.04</u>
A-2	Volume x [.030] <u>.04</u>
A-3	Volume x [.030] <u>.04</u>
A-4	Volume x [.030] <u>.04</u>
A-5	Volume x [.030] <u>.04</u>
I-1	Volume x [.030] <u>.04</u>
I-2	Volume x [.030] <u>.04</u>
I-3	Volume x [.030] <u>.04</u>
<u>I-4</u>	<u>Volume x .04</u>
R-1	Volume x [.030] <u>.04</u>
R-2	Volume x [.030] <u>.04</u>
R-3	Volume x [.030] <u>.04</u>

**Use Group Fee**

R-4	Volume x [.030] <u>.04</u>
R-5	<u>Volume x .04</u>
H	Volume x [.030] <u>.04</u>
F-1	Volume x [.030] <u>.04</u>
F-2	Volume x [.030] <u>.04</u>
B	Volume x [.030] <u>.04</u>
M	Volume x [.030] <u>.04</u>
S-1	Volume x [.020] <u>.03</u>
S-2	Volume x [.020] <u>.03</u>
U	Volume x [.030] <u>.04</u>

B.

Building addition: addition cubic content times unit rate equals building fee.

C.

Alterations, renovations, repairs and minor work: estimated cost per thousand times \$[27]35. The applicant shall submit to the Division of Code Enforcement cost data by a licensed architect or engineer, qualified estimating firm or by contractor bid. The Division of Code Enforcement shall review the estimated construction cost for acceptance.

D.

Additions and renovations, alterations or repairs: combination of rates provided in Subsections **B** and **C**.

E.

Use Group U and miscellaneous uses. Flat fees are as follows:

(1)

Swimming pools, aboveground:

(a)

Private pool: \$100.

(b)

Public pool: \$300.

(c)

Hot tub/spa: \$100.

(2)

Swimming pools, in-ground:

(a)

Private pool: \$[200]260.

(b)

Public pool: \$[500]650.

(3)

Fences:

(a)

[Residential] Group R-5: \$[75]100.

(b)

All other [fences]Groups: \$[27]35 per \$1,000.

(4) Retaining Walls:

(a) Group R5 \$100.

(b) All other Groups \$35 per \$1,000.

F.

Signs.

(1)

Facade skins shall be \$4 per square foot.

(2)

Freestanding signs shall be \$4 per square foot for the first 100 square feet, \$3 per square foot for the next 400 square feet and \$2 per square foot thereafter.

(3)

Ground signs or wall signs shall be \$[1] 3 per square foot for the first 100 square feet, \$[1.50] 2.10 per square foot for the next 400 square feet and \$1.40 per square foot thereafter.

G.

The fee for tents, in excess of 16,800 square feet or more than 140 feet in any direction, shall be \$[250]325.

H.

Demolition. Flat rate depending on building class when occupied shall be as follows:

(1)

Class I: \$[500] 650.

(2)

Class II: \$[400] 520.

(3)

Class III: \$[200] 260.

I.

Underground storage tank removal: residential: \$[75]100. All other [uses] Groups: \$[250]325.

J.

Limited certificates of approval.

(1)

Limitations.

(a)

Equipment herein below listed shall be granted a certificate of approval by the appropriate subcode official or other approved agency for the duration specified herein:

[1]

Cross-connections/backflow preventers, 12 months: \$50.

(b)

Such equipment shall be periodically reinspected or tested in accordance with the provisions of the regulations prior to expiration of such certificate of approval and any violations corrected before a new certificate may be issued.

(c)

No such system or assembly shall continue in operation unless a valid certificate of approval has been reissued. It shall be a violation of the regulations for an owner to fail to provide for such periodic inspection and testing.

(2)

Revocation. The enforcing agency may revoke a certificate of approval whenever a condition of a certificate has been violated.

(3)

Time limit. The provisions of the regulations do not preclude periodic certification pursuant to other applicable laws and ordinances.

K.

Certificate of occupancy.

(1)

The fee shall be in the amount of 10% of the new construction permit fee. The minimum fee shall be \$[125]165.

(2)

For one- and two-family dwellings, the minimum fee shall be \$[75]100.

(3)

The fee for a certificate of continued occupancy shall be \$[300]400.

(4)

The fee for a certificate of occupancy granted to a change of use group shall be \$[300]400.

(5)

The fee for the first issuance and renewal of a temporary certificate of occupancy shall be \$[28]35.

L.

Fire protection and hazardous equipment.

(1)

Said fees shall be based upon the number of heads or detectors being installed.

**Number of Heads, Detectors  
or Other Initiating Devices    Fee**

1 to 20

Residential                    \$[75] 100

Commercial                    \$[125] 165

21 to 100                        \$[180] 234

101 to 200                       \$[344] 448

201 to 400                       \$[891] 1,160

401 to 1,000                     \$[1,233] 1,605

Over 1,000                       \$[1,575] 2,048

(2)

Independent preengineered systems (per system): \$[125] 165.

(3)

Gas- or oil-fired appliance which is not connected to the plumbing system (per appliance): [75] Use Group R-5 \$100 all other Groups \$165.

(4)

Smoke control systems, flammable combustible liquid tank or fire alarm control panel replacement (per system): \$[125]165.

(5)

Kitchen exhaust system (per system):

(a)

[Residential: \$75] Use Group R-5: \$100

(b)

[Commercial: \$125] All other Groups: \$165.

(6)

Supervisory devices: \$[75]100.

(7)

Signaling devices: \$[125]165.

(8)

Engineered suppressions pre-action systems, or dry pipe/alarm valves: \$[125]165.

M.

Standpipe, hydrant or fire pump (each): \$[250]325.

N.

Underground water service for protection:

(1) One foot to 500 feet of pipe: \$400.

(2) Each additional 100 feet of pipe: \$100.

O.Roofing and siding.

(1)

Roofing: \$[75] 100 [residential] Group R-5; all other Groups \$[27]35 per \$1,000.

(2)

Siding: \$[75]100 [residential] Group R-5; all other Groups \$[27]35 per \$1,000.

[O]P.

Administrative fees for asbestos hazard abatement.

(1)

An administrative fee of \$[84]118 for each construction permit issued for an asbestos hazard abatement project.

(2)

An administrative fee of \$[17]24 for each certificate of occupancy issued following the successful completion of an asbestos hazard abatement project.

[P]Q.

Lead abatement.

(1)

The fee for a permit for lead hazard abatement work shall be \$[140]196.

(2)

The fee for a lead abatement clearance certificate shall be \$[28]39.

[Q.R]

The fee of \$[50]65 per hour or part thereof shall be charged for all plan review revisions. Said fee shall be remitted to the Township of West Windsor at the time of revision. No revision shall be released until payment is received by the Township.

[RIS]

The change of contractor fee shall be \$[125]165 per contractor other than Group R-5.

[SIT]

Variation.

(1)

[Residential use]Group R-5: \$[120]150.

(2)

All other[s] Groups: \$[400]500.

(3)

Resubmissions, residential: \$65.

(4)

Resubmissions, all others: \$200.

[T]U.

Plumbing.

(1)

Plumbing fees shall be as follows:

(a)

The fee shall be \$[25]35 per fixture, appliances, appurtenances, vent or stack. For the purpose of computing this fee, the following shall be included but not limited to [fixture vents or stacks shall include, but not be limited to,} water closets, urinals, bidets, lavatories, sinks, garbage disposal, showers, floor drains, washing machines, dishwashers, [residential water heaters,] hose bibs, drinking fountains, water coolers, [indirect connections, residential solar systems,] roof drains, [storm drains,] leaders, [and] gutters, nontestable backflow[s] devices, air admittance valves, vents, stacks, water hammer arrestors, water softeners, water filters, indirect connections, expansion tanks, trap primers, mixing valves for lavatories, and residential solar. This list is no inclusive [ and appurtenances].

(b)

The fee shall be \$[125]135 per special device. For the purpose of computing this fee, special [device] shall include, but not be limited to, sewer ejectors, grease [traps]interceptors, oil interceptors, test able backflow devices, pumps, [boilers or furnaces,] reduced pressure backflow devices, commercial-industrial grade water heaters, commercial[-industrial water-cooled] roof top air-conditioning units, commercial[-industrial] refrigeration piping/systems, [systems and] commercial[-industrial] solar systems. This list is not inclusive.

(c)

The fee shall be \$[75]100 for each sewer, water, and septic [and water] utility connection.

(d)

[The fee shall be \$75 for concealed gas piping].

The fee shall be \$60 for residential water heaters and swimming pool heaters.

(e)

[The fee shall be \$75 for single boiler hydronic piping for a single-family residence.] Notwithstanding the individual fees set forth above, the total plumbing Subcode fee for single-family residences shall be \$100 and the minimum total fee for all other structures shall be \$150.

(f)

[The fee shall be \$50 per unit for commercial-industrial refrigeration piping.]

(g)

The fee shall be \$75 per unit for commercial-industrial water-cooled air conditioning.

(h)

The fee shall be \$125 for installation of piping on a commercial-industrial fuel oil tank.]

(i)

Notwithstanding the individual fees set forth above, the [minimum] total plumbing subcode fee for a single-family residence shall be \$[75]100 and the minimum total fee for all other structures shall be \$[125]165.

(j) f.

[The fee for] LPG [gas] tanks (permanent) R5 shall be \$[75]100 [each].

All other structures - \$165.

(2)

All plumbing installation shall be installed by a New Jersey State licensed master plumber; except in the case of single-family residences, a homeowner shall be allowed to perform plumbing work on the homeowner's own dwelling.

[U]V.

Mechanical fees. Mechanical fees shall be as follows:

(1)

The fee shall be \$75 for each fuel oil, steam boiler, hot water boiler, hot air furnace, oil tank.]

- (a) The fee shall be \$85 for each hot air furnace, hot water boiler, fuel boiler, steam boiler, oil tank. This list is not all inclusive.

(2)

The fee shall be \$25 for each gas piping and temporary LPG tanks.]

- (b) The fee shall be \$35 for each gas pipe connection and temporary LPG tanks.  
(c) The fee shall be \$35 for residential air conditioning unit, coils, condensate pumps, refrigerant lines, chimney liners.  
(d) The fee shall be \$65 for single-family hydronic piping.

2. All Mechanical installations shall be installed by a New Jersey State Licensed Master HVACR contractor; except in the case of single-family residence which is own and occupied by the homeowner, shall be allowed to perform Mechanical work on the homeowners dwelling. Refrigeration Piping and Chimney Verification Forms MAY NOT be done by the homeowner.

[V]W.

Technical section. The minimum fee for a technical section shall be as follows:

(1)

Group R-5 use: \$[75]100.

(2)

All other[s] Groups: \$[125]165.

[\[W\]X.](#)

Plan review. The plan review fee shall be 5% of the total of the building, electric, plumbing and fire fees.

[\[X\]Y.](#)

State of New Jersey training. In order to provide for the training and certification and technical support programs required by the State Uniform Construction Code Act, the enforcing agency, including the Division of Code Enforcement when acting as the local agency, shall collect a surcharge fee to be based upon the volume of new construction within the municipality. The fee shall be in the amount of \$[0.00334] 0.00371 per cubic foot volume of new construction and additions. The fee for all other construction shall be \$1.[7]90 per \$1,000 of cost. The minimum permit surcharge shall be \$1. (Elevators, lead and asbestos per state fee schedule.)

[Amended 4-20-2009 by Ord. No. 2009-09]

[\[Y\]Z.](#)

Annual construction permit. The fee to be charged for an annual construction permit shall be charged annually. This fee shall be a flat fee based upon the number of maintenance workers who are employed by the facility and who are primarily engaged in work that is governed by a subcode. Managers, engineers and clericals shall not be considered maintenance workers for the purpose of establishing the annual construction permit fee. Annual permits may be issued for building, fire protection, electrical and plumbing. Fees shall be as follows: per state fee schedule.

[\[Z\]AA.](#)

Contractor registration: The fee shall be \$125.[\[1\]](#)

[\[1\]](#)

Editor's Note: See Ch. **66**, Contractors, Registration of. The registration form is available from the Construction Official.

[\[AA\]BB.](#)

Waiver of construction permit fees.

[\(1\)](#)

No person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing private structure or any of the facilities contained herein.

[\(2\)](#)

A disabled person, or a parent or sibling of a disabled person, shall not be required to pay any municipal fee or charge in order to secure a construction permit for any construction, reconstruction, alteration or improvement which promotes accessibility to his or her own living unit.

[\(3\)](#)

"Disabled person" means a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness, and shall include but not be limited to any resident of this state who is disabled pursuant to the federal Social Security Act (42 U.S.C. § 416), or the federal Railroad Retirement Act of 1974 (45 U.S.C. § 231 et seq.) or is rated as having a 60% disability or higher pursuant to any federal law administered by the United States Veterans' Act. For purposes of this subsection "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20° shall be considered as having a central visual acuity of 20/200 or less.

[\[BB\]CC.](#)

Penalties. Penalties may be levied by an enforcing agency as follows:

(1)

Up to \$1,000 per violation for failure or refusal to comply with any lawful order, unless the failure or refusal to comply is done with the knowledge that it will endanger the life or safety of any person, in which case the penalty shall be up to \$2,000 per violation;

(2)

Up to \$2,000 per violation for failure to obtain a required permit prior to commencing construction or for allowing a building to be occupied without a certificate of occupancy;

(3)

Up to \$2,000 per violation for failure to comply with a stop construction order;

(4)

Up to \$2,000 per violation for willfully making a false or misleading written statement, or willfully omitting any required information or statement in any application or request for approval;

(5)

Up to \$500 per violation for any violation not covered under Subsection **BB(1)** through **(4)** above.

(6)

For purposes of this subsection, in an occupied building, a code violation involving fire safety, structural soundness or the malfunctioning of mechanical equipment that would pose a life safety hazard shall be deemed to endanger the life or safety of a person. In an unoccupied building, a code violation of a requirement intended to protect members of the public who are walking by the property shall be deemed to endanger the life or safety of a person.

(7)

All monies collected shall be collected under penalty provisions of the UCC. All penalties collected shall be retained by the Department of Code Enforcement and shall be placed in a special trust fund to be applied to the cost to the department for training, technical support programs, certification, new equipment and transportation. An independent fund shall be set up and retained by the Director of Finance to be the trustee of this account.

### § 82-5. Electrical subcode fees.

[Amended 3-22-2004 by Ord. No. 2004-08; 12-8-2008 by Ord. No. 2008-48]

Electrical subcode fees shall be as follows:

A.

Electrical fixtures and devices.

(1)

Fees.

(a)

From 1 to 40 receptacles, fixtures or switches: \$[75]90.

(b)

Increments of 25 additional items: \$[50]65.

(c) Residential Garbage Disposals \$25.

{d} Residential Heaters, Boilers, etc \$25.

(e) Residential sump pumps \$25.

(f) Residential Dishwashers \$25.

(g) Sewer Ejector Pump \$25.

B. Card reader mag locks:

[1]

First door: \$[125]165.

[2]

Each additional door: \$[25]30.

(d)

Signs:

[1]

First sign: \$[125]165.

[2]

Each additional sign: \$[75]80.

(e)

Closed-circuit TV and intercom:

[1]

Up to five: \$[125]165.

[2]

Five to 25 cameras or intercoms additional: \$[150]195.

[3]

Twenty-six or more additional cameras or intercoms: \$[200]260.

[B]C.

Motors.

(1)

Greater than 1/2 hp or less than or equal to 10 hp: \$[15] 25.

(2)

Greater than 10 hp or less than or equal to 50 hp: \$[100]125.

(3)

Greater than 50 hp or less than or equal to 100 hp: \$[150] 200.

(4)

Greater than 100 hp: \$[450] 500.

[C]D.

Electrical devices: transformers and generators.

(1)

Greater than 1 kw or less than or equal to 10 kw: \$[60]75.

(2)

Greater than 10 kw or less than or equal to 45 kw: \$[75]100.

(3)

Greater than 45 kw or less than or equal to 112.5 kw: \$[250] 300.

(4)

Greater than 112.5 kw: \$[450] 500.

[D]E.

Service equipment. Term includes service panel, service entrance and subpanels.

(1)

Each equipment piece priced as follows:

(a)

Greater than 0 amp, less than or equal to 200 amps: \$[75]80.

(b)

Greater than 200 amps, less than or equal to 1,000 amps: \$[300]350.

(c)

Greater than 1,000 amps: \$[750]1,000.

(d) Service Equipment – fees for transfer switches equal to service as above.

[E]F.

Temporary pole/construction service: \$[100]125.

[F]G.

Pools.

(1)

Residential: permanently installed pools, in-ground or aboveground, including hot tub/spa, fountains (each): \$[75]125.

(2)

Public: for fees, apply Subsections A, B and D.

(a)

If applicable, underwater light (each): \$[25]30.

(b)

If applicable, panel board (each): \$[75]80.

(c)

Annual pool inspection: \$[100]130.

[G]H.

Light standards exceeding eight feet in height (each): \$[50]75.

[H]I.

Light standards less than eight feet in height: refer to item Subsection A.

[I]J.

Smoke detectors and heat detectors [(residential)]Group R-5 flat rate: \$[50]55.

All Other groups: 1-20 \$200 each 25 additional \$100.

[J]K.

Commercial alarm control unit: \$[125]150.

(1)

Note: price does not include devices; refer to item Subsection A.

(2)

Communications [closet] EF, MDF, IDF, TL: \$[75]125.

[K]L.

Penalties. Penalties may be levied by an enforcing agency as follows:

(1)

Up to \$1,000 per violation for failure or refusal to comply with any lawful order, unless the failure or refusal to comply is done with the knowledge that it will endanger the life or safety of any person, in which case the penalty shall be up to \$2,000 per violation;

(2)

Up to \$2,000 per violation for failure to obtain a required permit prior to commencing construction or for allowing a building to be occupied without a certificate of occupancy;

(3)

Up to \$2,000 per violation for failure to comply with a stop construction order;

(4)

Up to \$2,000 per violation for willfully making a false or misleading written statement, or willfully omitting any required information or statement in any application or request for approval;

(5)

Up to \$500 per violation for any violation not covered under Subsection **K(1)** through **(4)** above.

(6)

For purposes of this subsection, in an occupied building, a code violation involving fire safety, structural soundness or the malfunctioning of mechanical equipment that would pose a life safety hazard shall be deemed to endanger the life or safety of a person. In an unoccupied building, a code violation of a requirement intended to protect members of the public who are walking by the property shall be deemed to endanger the life or safety of a person.

(7)

All monies collected shall be collected under penalty provisions of the UCC. All penalties collected shall be retained by the Department of Code Enforcement and shall be placed in a special trust fund to be applied to the cost to the department for training, technical support programs, certification, new equipment and transportation. An independent fund shall be set up and retained by the Director of Finance to be the Trustee of this account.

[1]

Editor's Note: See Ch. **63**, Construction Codes, Uniform.

**ORDINANCE 2017-10**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 140 “SMOKING AND USE OF TOBACCO PRODUCTS BANNED” OF THE CODE OF WEST WINDSOR**

- WHEREAS, pursuant to N.J.S.A. 40:48.2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and
- WHEREAS, State law expressly authorizes municipalities to enact ordinances regulating smoking under N.J.S.A. 26:3D-63; and
- WHEREAS, N.J.S.A. 2C:33-13b also provides that the owner and/or operator of a public place, such as public parks and recreational areas, may prohibit smoking on such property; and
- WHEREAS, the Township Council previously recognized the well-known health and safety risks posed by smoking and finds that it is in the public interest to restrict smoking in public buildings and on public property, such as public parks and recreation areas; and
- WHEREAS, the Township Council finds that the inclusion of additional restrictions on smoking on Township property will further protect the public from exposures to secondhand smoke;
- WHEREAS, the Township Council has determined that the public interest is especially implicated in preventing the youths of West Windsor Township from being exposed and succumbing to the temptations of experimenting with tobacco products; and
- WHEREAS, the Township Council wishes to amend and supplement Chapter 140
- NOW, THEREFORE BE IT RESOLVED, by the Township Council of West Windsor Township that the Code of West Windsor Township, Chapter 140, “Smoking and Use of Tobacco Products Banned” shall be amended as follows:

**SECTION I.**

Chapter 140; Smoking and Use of Tobacco Products Banned

§ 140-6 **Prohibition of smoking in public places; signs.**

- A. Municipal buildings. Smoking shall be prohibited within a thirty-five-foot radius of [the front] **all entrances** of [all] municipal building[s]. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted **at each entrance onto municipal complexes and** [both]on [the] building[’s front] entrances where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.
- B. Parks and recreational facilities. Smoking shall be prohibited in all public parks and recreation facilities owned or leased by the Township of West Windsor and all property owned or leased by the Township of West Windsor upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any sidewalk, parking area, driveway or drive aisle, which have been designated with no-smoking signs. [Smoking will be allowed by individuals who are outside of a thirty-five-foot radius of nonsmoking individuals and recreational structures located on park and recreational land owned or leased by West Windsor Township.] No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly posted **at or near the entrance to** [in] areas regulated by this chapter. The sign shall also indicate that violators are subject to a fine. However, the posting of said signs shall not congest the overall appearance of the areas regulated by this chapter nor impose an inordinate expense upon the Township of West Windsor.
- C. Municipal vehicles. Smoking shall be prohibited in any vehicle registered to the Township of West Windsor.

**Commented [JS1]:** Revised to include restricted smoking 35 feet from all entrances to municipal buildings. Addressing smoking at all points of entrance established policy consistent with the Smoke-free Air Act which prohibits smoking which can infiltrate into the indoor air spaces of public buildings.

**Commented [JS2]:** Signs to be posted at entrance into complex and on front of building.

**Commented [JS3]:** Remove the clause which allows smoking 35 ft. from non-smokers. This promotes a fully smoke-free policy for park and recreational sites. This is consistent with Board of Education policy.

**Commented [JS4]:** Provides clarity on where postings are required – “at entrances to the parks”.

§ 140-7 **Enforcement.**

The enforcement authority of this article shall be the Business Administrator, Chief of Police, Director of Parks and Recreation, Health Officer or designees.

§ 140-8 **Violations and penalties.**

Any person who violates any provision of this article shall be subject to a fine of not less than \$100 for the first offense, \$250 for the second offense and \$500 for each subsequent offense.

**SECTION II.**

In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

**SECTION III.**

This Ordinance shall take effect twenty (20) days after action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Council, whichever is applicable. Publication shall be in accordance to law.

INTRODUCTION:  
PUBLIC HEARING:  
ADOPTION:  
MAYOR'S APPROVAL:  
EFFECTIVE DATE:

RESOLUTION

WHEREAS, Section 4-54 of the West Windsor Township Code provides for the appointment of a Township Public Defender by the Mayor with the advice and consent of the Council for a term of up to one year until the appointment and qualification of a successor; and

WHEREAS, Robin E. Echevarria, Esquire has expressed her interest in being re-appointed to the Public Defender position. She has displayed the highest ethical standards along with her very competent performance as a Public Defender in West Windsor Township; and

WHEREAS, Mayor Shing-Fu Hsueh recommends the re-appointment of Robin E. Echevarria, Esquire, 50 Princeton-Hightstown Road, Suite F-1, Princeton Junction, NJ 08550, as Public Defender for West Windsor Township.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that it consents to the re-appointment of Robin E. Echevarria, Esquire as the West Windsor Township Public Defender with a term expiring 12/31/2017.

Adopted: March 13, 2017

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13<sup>th</sup> day of March, 2017.

---

Sharon L. Young  
Township Clerk  
West Windsor Township

RESOLUTION

WHEREAS, there is a vacancy for a member position to fill an unexpired term on the Affordable Housing Committee; and

WHEREAS, Eric Payne has expressed his interest in serving as a member on the Affordable Housing Committee; and

WHEREAS, it is recommended that Eric Payne be appointed with a term to expire December 31, 2017; and

WHEREAS, Mayor Shing-Fu Hsueh recommends this appointment and seeks the Council's consent to appoint Eric Payne to the Affordable Housing Committee.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Windsor hereby approves (consents to) the following Affordable Housing Committee appointment:

Eric Payne    Member    Term Expires    12/31/2017

Adopted: March 13, 2017

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13<sup>th</sup> day of March, 2017.

---

Sharon L. Young  
Township Clerk  
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor presently holds a cash performance bond in the amount of \$500.00 from Yipeng Sun for Street Opening Permit No. 2016-19 covering work to be done at 30 Priory Road, in West Windsor Township; and

WHEREAS, the project has been completed and inspected, and the Township Engineer recommends full release of the performance guarantee.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Windsor that the cash performance bond presently in effect on Street Opening Permit No. 2016-19 be released in accordance with the recommendation of the Township Engineer; and

BE IT FURTHER RESOLVED that the Township Treasurer is hereby authorized to release the following performance bond presently held in Trust:

<u>Performance</u>	<u>Original</u>	<u>Date</u>
<u>Guarantee</u>	<u>Amount</u>	<u>Issued</u>
Bond/Cash	\$500.00	12/22/16

Adopted: March 13, 2017

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of March 2017.

---

Sharon L. Young  
Township Clerk  
West Windsor Township

RESOLUTION

WHEREAS, Michael and Lisa Garcia, owners of property located at 6 Lake Shore Drive, West Windsor Township, New Jersey, also known as Block 15 Lot 98, in West Windsor, New Jersey 08550 have made a request for a waiver to permit the construction of a fence over a drainage easement along the rear yard of their property; and

WHEREAS, the Township Engineer has reviewed and approved this request subject to compliance with the terms of the Easement Modification Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of West Windsor Township that the waiver requested by Michael and Lisa Garcia be hereby granted subject to the acceptance of the recommendations of the Township Engineer and the execution of the annexed Easement Modification Agreement; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute said agreement in a form substantially similar to that attached hereto, which shall be filed in the Mercer County Clerk's Office by the Township Attorney.

Adopted: March 13, 2017

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of March, 2017.

---

Sharon L. Young  
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 enter into contracts with the CDW-G as an Authorized Dealer/Distributor of Cisco Systems Inc. under State Contract M-7000 A87720 through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contract;

WHEREAS, that the Governing Body of the Township of West Windsor pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer from the following accounts:

405201018001	Acquisition of Office/Computer Equipment	\$10,066.22
405201413001	Network/Computer/Printers/Copiers	\$17,282.00
405201506001	Network/Computer/Printers/Scanners	\$27,651.78

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of West Windsor that the Business Administrator Marlana Schmid is hereby authorized to purchase the above, under New Jersey State Contract # M-7000 A87720 from CDW Government, LLC.

Adopted: March 13, 2017

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13<sup>th</sup> day of March 2017.

\_\_\_\_\_  
Sharon L. Young  
Township Clerk  
West Windsor Township

## EMERGENCY TEMPORARY RESOLUTION

WHEREAS, an emergent condition has arisen with respect to the ability of the Township of West Windsor to continue paying its employees and vendors; and

WHEREAS, the Township Council has not yet adopted the 2017 budget; and

WHEREAS, no adequate provision has been made in the 2017 temporary budget for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2017 pursuant to the provisions of Chapter 96,P.L.1951 (N.J. S. 40A:4-20) including this resolution total \$8,973,507.54;

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for:

## CURRENT FUND TEMPORARY APPROPRIATIONS - 2017

	<u>S &amp; W</u>	<u>O.E.</u>	<u>TOTAL</u>
1 Clerk & Governing Body	53,761.50	14,281.25	68,042.75
2 Elections	468.75	3,012.50	3,481.25
3 Council	6,176.25	1,562.50	7,738.75
4 Administration	99,140.75	54,737.50	153,878.25
5 Mayor	15,631.75	1,725.00	17,356.75
6 Financial Administration	115,819.25	2,000.00	117,819.25
7 Audit & Accounting Services		11,201.25	11,201.25
8 Data Processing		6,201.00	6,201.00
9 Assessment of Taxes	61,073.50	2,342.50	63,416.00
10 Collection of Taxes	39,823.50	5,437.50	45,261.00
12 Supplemental Fire Safety Program		2,241.00	2,241.00
13 Uniform Fire Code	4,400.50	2,156.75	6,557.25
14 Emergency Services	292,573.75	40,587.00	333,160.75
15 Princeton Jct. Vol. Fire Co.		13,750.00	13,750.00
16 West Windsor Vol. Fire Co. #1		13,750.00	13,750.00
17 Twin -W- First Aid Squad		0.00	0.00
18 Police	1,593,753.25	83,337.50	1,677,090.75
20 Animal Control		1,250.00	1,250.00
20 ILSA-East Windsor Township		4,000.00	4,000.00
21 Board of Health	116,254.50	14,487.50	130,742.00
22 Recreation	24,621.50	0.00	24,621.50
24 Senior Citizen Program	43,769.00	18,721.25	62,490.25
25 Affordable Housing		50,350.00	50,350.00
29 Community Development	0.00	250.00	250.00
30 General Engineering	84,926.75	15,532.50	100,459.25

33	Land Use	51,606.25	19,818.75	71,425.00
34	Planning Board		10,525.00	10,525.00
35	S.P.R.A.B.		225.00	225.00
36	Zoning Board		10,681.25	10,681.25
37	Environment Commission		337.50	337.50
38	Construction Official	297,219.00	9,500.00	306,719.00
40	Public Works	295,758.25	54,694.25	350,452.50
41	Snow Removal	0.00	0.00	0.00
42	Sewer System	115,851.00	27,437.50	143,288.50
43	Stony Brook Reg. Sewer Auth.		782,345.50	782,345.50
44	Facilities and Open Space		22,550.00	22,550.00
46	Legal Services & Costs		67,500.00	67,500.00
47	Municipal Prosecutor		7,500.00	7,500.00
48	Public Defender		4,060.00	4,060.00
50	Municipal Court	60,490.75	7,705.75	68,196.50
50	ILSA - Hopewell Township		275.00	275.00
51	Group Insurance		458,500.00	458,500.00
52	Other Insurance - Workers Comp		0.00	0.00
52	Other Insurance - Liability		27,080.00	27,080.00
53	Building & Grounds	41,971.75	39,818.75	81,790.50
54	Fire Hydrant Service		185,000.00	185,000.00
55	Postage		5,750.00	5,750.00
56	Utilities - Street Lighting		93,750.00	93,750.00
56	Utilities - Electric/Natural Gas		115,500.00	115,500.00
56	Utilities - Telephone and Telegraph		32,500.00	32,500.00
56	Utilities - Water		10,125.00	10,125.00
57	Gasoline		65,000.00	65,000.00
58	Refuse Collection - In Cap		484,275.00	484,275.00
58	Refuse Collection - Out of Cap		24,850.00	24,850.00
60	Extended Sick Leave	15,000.00		15,000.00
76	Social Security System		226,098.29	226,098.29
77	Public Employees Retirement System		818,535.00	818,535.00
78	Police & Firemen's Retirement System		1,473,714.00	1,473,714.00
	Defined Contribution Retirement			
79	System		2,500.00	2,500.00
72	Down Payment on Improvements		92,350.00	92,350.00
80	Payment of Bond Principal		0.00	0.00
82	Interest on Bonds		0.00	0.00
83	Interest on Notes		0.00	0.00
84	Green Trust Loan Program		0.00	0.00
	Total Temporary Operating Budget	3,430,091.50	5,543,416.04	8,973,507.54

SWIMMING POOL UTILITY TEMPORARY APPROPRIATIONS - 2017

	<u>S &amp; W</u>	<u>O.E.</u>	<u>TOTAL</u>
Salary and Wages	52,500.00		52,500.00
Other Expenses		40,969.50	40,969.50
Statutory Expenses		4,016.25	4,016.25
	52,500.00	44,985.75	97,485.75

2. That said emergency temporary appropriations have been provided for in the 2017 budget under the aforementioned line items.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

Adopted:        March 13, 2017

I, Sharon L. Young, Township Clerk of West Windsor Township, County of Mercer, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the West Windsor Township Council at a meeting of said Township Council on the 13th day of March 2017 and said resolution was adopted by not less than a two-thirds vote of the members of the West Windsor Township Council.

---

Sharon L. Young  
Township Clerk  
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has determined that it is necessary to enter into a Property Access Agreement and Right of Entry over certain real property owned by Colonnade Pointe Condominium Association, Inc. (“Association”) located at Block 7, Lot 14.01 (Mayfair Drive and Canal Pointe Boulevard) in the Township of West Windsor, Mercer County, NJ for the purpose of repairing/replacing sidewalk improvements utilized for the purpose of public mobility the Canal Pointe Boulevard Reconstruction Project; and

WHEREAS, the Association is willing to enter into such an Agreement for the duration of the project; and

WHEREAS, the Township and Association have agreed upon fair terms for the Agreement.

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

- (1) The Township wishes to enter into a Property Access Agreement and Right of Entry over certain real property owned by Colonnade Pointe Condominium Association, Inc. (“Association”) located at Block 7, Lot 14.01 (Mayfair Drive and Canal Pointe Boulevard) in the Township of West Windsor, Mercer County, NJ for the purpose of repairing/replacing sidewalk improvements utilized for the purpose of public mobility.
- (2) The Business Administrator is hereby authorized and directed to execute the Property Access Agreement and Right of Entry with the Association.

Adopted: March 13, 2017

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of March 2017.

---

Sharon L. Young  
Township Clerk  
West Windsor Township