

**MEETING TO BE
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**AGENDA FOR THE REGULAR BUSINESS MEETING
OF THE TOWNSHIP COUNCIL OF WEST WINDSOR TOWNSHIP
WEST WINDSOR SENIOR CENTER
271 CLARKSVILLE ROAD
TO THE EXTENT KNOWN**

February 28, 2022

VIA Zoom Video Communications

7:00 P.M.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - January 7, 2022 to The Times and the Princeton Packet and posted on the Township web-site. All Council meetings are open to the public with access via Zoom for those who wish to attend virtually. Please see Township web-site for further details.
4. Salute to the Flag
5. Ceremonial Matters and/or Topics for Priority Consideration
6. Public Comment: (30 minutes comment period; 3-minute limit per person)
7. Administration Comments
8. Council Member Comments
9. Chair/Clerk Comments
10. Public Hearings

2022-01 AN ORDINANCE TO DEDICATE PROPERTY KNOWN AS BLOCK 25, LOT 22 (1716 OLD TRENTON ROAD) TO THE COUNTY OF MERCER

2022-02 AN ORDINANCE AMENDING AND SUPPLEMENTING PART II
"GENERAL LEGISLATION" OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW
JERSEY (1999) CHAPTER 4; "ADMINISTRATION OF
GOVERNMENT" SECTION 4-37 "POLICE DIVISION" OF THE
TOWNSHIP CODE OF THE TOWNSHIP OF WEST WINDSOR

11. Consent Agenda

A. Resolutions

B. Minutes

January 18, 2022 - Business Session
January 24, 2022 - Business Session

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2022-R065 Authorizing the Business Administrator to
Purchase One M2-106 Conventional Cab from Houston
Freightliner - \$107,265.00

2022-R066 Authorizing the Business Administrator to
Purchase One 30 Cubic Yard Truck Mount Debris
Collector from Timmerman Equipment - \$127,545.30

2022-R067 Authorizing the Business Administrator to
Purchase from Crown Castle Fiber Five Years of
Internet Access to the Police Division -
\$60,900.00

2022-R068 Approving the Final Ten Year Lease Extension of
the Land Lease For Global Signal Acquisitions
LLC, a Subsidiary of Crown Castle and
Communications Tower Agreement for the Existing
Cellular Tower Located on Municipal Land at 271
Clarksville Road, Block 10, Lot 11 (behind the
West Windsor Township Police Station)

2022-R069 Authorizing the Mayor and Clerk to Execute a
Professional Services Agreement for the
Reappointment of Raymond C. Staub as Public
Defender for 2022 - \$17,500.00

2022-R070 Authorizing the Reduction of Performance Guarantees for Private On-Site Improvements for the Project Known as Woodstone at West Windsor LLC (PB17-08)

2022-R071 Supporting and Endorsing the New Jersey Department of Transportation's Preliminary Preferred Alternative Plan to Replace the Route 64 Bridge Over Amtrak

2022-R072 Authorizing Utilization of an Online Payment Process for the Purpose of Electronic Collection and Reporting of TogetherPay for Community Pass Online Registration Software for the Division of Recreation and Parks Programs

2022-R073 Urging the Swift Passage of S-330 Which Restores Energy Tax Receipts for Municipalities Throughout New Jersey

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

ORDINANCE 2022 -01

TOWNSHIP OF WEST WINDSOR
COUNTY OF MERCER
STATE OF NEW JERSEY

AN ORDINANCE TO DEDICATE PROPERTY KNOWN AS BLOCK 25, LOT 22
(#1716 OLD TRENTON ROAD) TO THE COUNTY OF MERCER

WHEREAS, the Township of West Windsor, Mercer County, New Jersey (“West Windsor”) and the County of Mercer (“Mercer County”) entered into a Shared Services Agreement (“Agreement”) on September 14, 2017, the purpose of which was to effect improvements to the signalized intersection of Old Trenton Road (County Route 535) and Edinburg Road (County Route 526); and

WHEREAS, pursuant to the Agreement the Township did acquire property known as Block 25, Lot 22 (#1716 Old Trenton Road) (“the Property”) as designated on the Township tax maps, did demolish and remove existing structures and improvements located on the Property, and has otherwise prepared the Property for future intersection improvements; and

WHEREAS, Mercer County has finalized their designs of the proposed intersection improvements and are prepared to move forward with them during this calendar year, necessitating the dedication of the Property from West Windsor Township to Mercer County; and

WHEREAS, the Township Council of the Township of West Windsor has determined and affirmed that the public interest remains served by dedication of the Property to Mercer County, and is in accordance with the terms of the Agreement;

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

1. The Mayor and Clerk are hereby authorized to execute the Deed of Dedication and have it recorded with the Mercer County Clerk to effectuate the transfer of Block 25, Lot 22 (#1716 Old Trenton Road) to Mercer County.
2. All ordinances or parts of ordinances which are inconsistent with this ordinance are repealed as to their inconsistencies only.
3. This ordinance shall become effective twenty (20) days after action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Township Council, whichever is applicable. Publication shall be in accordance with law.

INTRODUCTION: February 14, 2022
PUBLIC HEARING: February 28, 2022
ADOPTION:
PUBLIC APPROVAL:
EFFECTIVE DATE:

ORDINANCE 2022-02

AN ORDINANCE AMENDING AND SUPPLEMENTING PART II "GENERAL LEGISLATION" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY (1999) CHAPTER 4; "ADMINISTRATION OF GOVERNMENT" SECTION 4-37 "POLICE DIVISION" OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WEST WINDSOR

WHEREAS, it is recommended by the New Jersey Attorney General that all municipalities in New Jersey have certain ordinances in effect regarding police division structure; and

WHEREAS, it is prudent that the Township's ordinance regarding the structure of the police division be current and appropriate,

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

4-37 Police Division

- A. The Police Division of the township is hereby established with such number of subordinate police officers and sworn police positions as designated by the Mayor and authorized by the Council. The Police Division shall be headed by a Chief of Police or ranking sworn officer, who shall be appointed by the Director of Public Safety and whose duties and responsibilities shall be those governed by law, Township Code, where applicable, and the rules and regulations of the West Windsor Police Division.
- B. Each regular police officer shall hold office and continue in said employment during good behavior and efficiency after having properly completed a one year probationary period, pursuant to law, and no police officer shall be removed from office or employment for any causes other than incapacity, misconduct, neglect of duty, conduct unbecoming a police officer or disobedience of the rules and regulations established and hereafter established for the Division or absence from duty without just cause.

- C. Any permanent member of the Police Division may be suspended, removed/ discharged, fined or reduced in rank from or in office for just cause upon due notice and written charges filed with the Director of Public Safety or designee and served upon the member so charged with notice of a hearing thereon. The Director of Public Safety or designee shall have the power to suspend without pay the member so charged, pending determination of such charges. The hearing shall be held not less than 10 nor more than 30 days from the date of service of the complaint. Said hearing shall take place pursuant to the rules and regulations of the Police Division.
- D. The Mayor of the township shall serve as Public Safety Director and as the appropriate authority responsible for adopting and promulgating the rules and regulations of the Police Division.
- E. The Police Division shall consist of no more than one Chief of Police, Four Lieutenants, eight sergeants, 36 patrol officers and ten Special Law Enforcement Officers Class III (SLEOIII).
- F. To maintain effective staffing levels within the Police Department, the Chief of Police, with written consent from the Director of Public Safety, may fill the position of a retiring officer on terminal leave with a Police Recruit who will concurrently enter the Police Academy. The Police Recruit shall be assigned to the police academy and shall not be included in the total Police Division count listed in Section E because they do not possess a New Jersey Police Training Commission Certification and therefore cannot function in the capacity of a sworn police officer. All employees of the department shall be subject to the rules and regulations of the department but only sworn officers shall be considered as police officers.

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 Council, whichever is application. Publication shall be in accordance to law.

INTRODUCTION: February 14, 2022

PUBLIC HEARING:

ADOPTION:

MAYORS APPROVAL:

EFFECTIVE DATE:

Explanation – Matter underlined thus is new matter.

RESOLUTION

- WHEREAS, the Township of West Windsor wishes to purchase One (1) New M2-106 Conventional Cab for the Department of Public Works; and
- WHEREAS, West Windsor Township is a member of The Houston Galveston Area Council National Cooperative (HGAC-Buy); and
- WHEREAS, the Conventional Cab is available from Houston Freightliner Inc., 9550 North Loop East, Houston, Texas 77029 and funding for the acquisition of said vehicle for the Department of Public Works is available through the approved 2021 Capital Budget; and
- WHEREAS, the Chief Financial Officer has certified that funds are available for said equipment in the following account:

Public Works - Acquisition of Vehicle 405-2021-14028 \$107,265.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator is authorized to purchase one (1) M2-106 Conventional Cab under the Houston Galveston Area Council National Cooperative (HGAC-Buy) from Houston Freightliner Inc., 9550 North Loop East, Houston, Texas 77029 for a total of \$107,265.00.

Adopted: February 28, 2022

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 28th day of February, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor wishes to purchase One (1) New 30 Cubic Yard Truck Mount Debris Collector for the Department of Public Works; and

WHEREAS, West Windsor Township is a member of The Educational Services Commission of New Jersey (ESCNJ) and the Debris Collector is available from Timmerman Equipment, P.O. Box 71, Whitehouse, New Jersey 08888 and funding for the acquisition of said vehicle for the Department of Public Works is available through the approved 2021 Capital Budget; and

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

Public Works - Acquisition of Vehicle 405-2021-14028 \$127,545.30

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator is authorized to purchase one (1) 30 Cubic Yard Truck Mount Debris Collector under The Educational Services Commission of New Jersey (ESCNJ), New Jersey State Approved Co-Op#: 65MCECCPS Bid # ESCNJ 20/21-55 from Timmerman Equipment, P.O. Box 71, Whitehouse, New Jersey 08888 for a total of \$127,545.30.

Adopted: February 28, 2022

I hereby certify that the above resolution was adopted by the Township Council of the Township of West Windsor at their meeting held on 28th day of February, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

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

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

WHEREAS, Lighttower Fiber Networks I LLC, a subsidiary of Crown Castle Fiber is an authorized vendor under New Jersey Contract T1776-85945 and 20-TELE-00946, and

WHEREAS, the Township's data transmission needs exceed the current speeds provided by Comcast Enterprise Services; and

WHEREAS, requests for proposals were requested for suitable upgrades from and Comcast Enterprise Services, Crown Castle Fiber and Verizon Public Sector; and

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

| | | | | |
|----------|--|------|----------------|-------------|
| 10518233 | Office Furniture/Equipment Maintenance | 2021 | 6/1/21-5/31/22 | \$12,180.00 |
| 10518233 | Office Furniture/Equipment Maintenance | 2022 | 6/1/22-5/31/23 | \$12,180.00 |
| 10518233 | Office Furniture/Equipment Maintenance | 2023 | 6/1/23-5/31/24 | \$12,180.00 |
| 10518233 | Office Furniture/Equipment Maintenance | 2024 | 6/1/24-5/31/25 | \$12,180.00 |
| 10518233 | Office Furniture/Equipment Maintenance | 2025 | 6/1/25-5/31/26 | \$12,180.00 |

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Business Administrator is authorized to purchase the above from Crown Castle Fiber under New Jersey Contract T1776-85945 and 20-TELE-00946 Crown Castle Fiber for a total of \$60,900.00.

Adopted: February 28, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of February, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township Council of the Township of West Windsor approved a Land Lease and Communications Tower Agreement (Original Agreement) with Nassau Tower Holdings, LLC (hereinafter referred to as "Nassau") effective June 14, 2000 for a ten (10) year lease period with the option for two (2) ten (10) year renewal options for a cellular tower on municipal land at 271 Clarksville Road, Block 10, Lot 11 (behind West Windsor Township Police Department); and

WHEREAS, the Township Council formally enter into this arrangement by approving Resolution 99-R143; and

WHEREAS, the Original Agreement allowed Nassau to assign its interest with the consent of the Township, which could not be unreasonably withheld; and

WHEREAS, Nassau sold its cellular tower business to Global Signal Acquisitions, LLC ("Global"); and

WHEREAS, Township officials received a February 7, 2014 letter from Global notifying it had exercised its first (1st) ten (10) year option which extended the Original Agreement from June 13, 2010 through June 13, 2020; and

WHEREAS, Township officials were sent a December 16, 2021 letter from Global notifying it had exercised its second (2nd) ten (10) year option which extends the Original Agreement from June 14, 2020 through June 13, 2030; and

WHEREAS, this is the last ten (10) year extension permitted under the original June, 2000 Land Lease and Communication Tower Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor accepts the option by Global to extend its Agreement with the Township of West Windsor for an additional ten (10) years, expiring on June 13, 2030.

Adopted: February 28, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of February, 2022.

Gay M. Huber
Township Clerk
Township of West Windsor

RESOLUTION

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

WHEREAS, Raymond C. Staub, Esquire has performed the duties of the Public Defender in the Township of West Windsor since March 8, 2021 and has expressed interest in being reappointed as the Public Defender for the Township of West Windsor and;

WHEREAS, based upon his performance and qualifications, it is the Mayor's recommendation that Raymond C. Staub, Esquire, be re-appointed as the Public Defender for an additional year from January 1, 2022 through December 31, 2022; and

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

| | | |
|---------------------|------------|-------------|
| Consultant Services | 105-48-210 | \$17,500.00 |
|---------------------|------------|-------------|

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that it consents to the re-appointment of Raymond C. Staub, Esquire as the West Windsor Township Public Defender with a term expiring December 31, 2022 and hereby authorizes the Mayor and Clerk to execute on behalf of the Township the professional services agreement with Raymond C. Staub to cover the period of January 1, 2022 through December 31, 2022.

Adopted: February 28, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of February, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, Woodmont Properties on behalf of Woodstone at West Windsor, LLC has made a request for a reduction of the performance guarantees associated with private on-site improvements within the project known as Woodstone at West Windsor, LLC (PB17-08); and

WHEREAS, the performance guarantees are currently at 100% of their original amounts; and

WHEREAS, the West Windsor Township Consulting Engineer for the project, Van Cleef Engineering Associates, and the Township Landscape Architect have performed inspections and recommends that the performance guarantees for private site improvements be reduced to 50% of the buffer landscaping and 30% of the other improvements in connection with private on-site improvements within the project known as Woodstone at West Windsor, LLC (PB17-08), as follows:

| <u>Performance Guarantee</u> | <u>Original Amount</u> | <u>Date Issued</u> | <u>Current Amount</u> | <u>Recommended Reduced Amount</u> |
|------------------------------|------------------------|--------------------|-----------------------|-----------------------------------|
| Bond #OD19002637 | \$203,175.00 | 8/30/19 | \$203,175.00 | \$74,272.00 |
| Cash | \$ 22,575.00 | 8/22/19 | \$ 22,575.00 | \$ 8,253.00 |

WHEREAS, the Township Engineer has reviewed the reports from the Consulting Engineer and Landscape Architect and recommends that this action be approved by the Township Council.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor, the following performance guarantee posted by Woodmont Properties for private on-site improvements within the project known as Woodstone at West Windsor, LLC (PB17-08), be reduced, as follows:

| <u>Performance Guarantee</u> | <u>Original Amount</u> | <u>Date Issued</u> | <u>Current Amount</u> | <u>Recommended Reduced Amount</u> |
|------------------------------|------------------------|--------------------|-----------------------|-----------------------------------|
| Bond #OD19002637 | \$203,175.00 | 8/30/19 | \$203,175.00 | \$74,272.00 |
| Cash | \$ 22,575.00 | 8/22/19 | \$ 22,575.00 | \$ 8,253.00 |

BE IT FURTHER RESOLVED, the making of such estimates of the bond reduction based thereon shall not be taken or construed as an approval of any work so estimated, even if any individual line item(s) shows 100% completion. Final acceptance does not occur until the release of all applicable bonds and guarantees.

Adopted: February 28, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of February 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, New Jersey Department of Transportation (“NJDOT”) has informed the Township of West Windsor of their need to replace the structurally deficient Route 64 Bridge over Amtrak / Northeast Corridor rail line located in West Windsor; and

WHEREAS, a meeting was held on February 7, 2022 between representatives of the New Jersey Department of Transportation (NJDOT), Mercer County and West Windsor Township concerning the Route 64 Bridge over Amtrak bridge replacement project; and

WHEREAS, the NJDOT’s Preliminary Preferred Alternative Plan (“Plan”) will replace the existing deteriorating bridge with a new bridge structure, which provides for two traffic lanes, an 8’ shoulder and a 6’ sidewalk along each side of the bridge; and

WHEREAS, the Plan will include improvements to Route 64 and connect to the realignment of Washington Road being undertaken as part of the AvalonBay Communities Redevelopment project.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Windsor Township, support and endorse the NJDOT Preliminary Preferred Alternative Plan to replace the structurally deficient Route 64 Bridge over Amtrak; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the New Jersey Department of Transportation.

Adopted: February 28, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th of February 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, N.J.A.C. 5:30-9.1 et seq. permits municipalities to accept electronic receipts transactions such as credit cards and debit cards as a means of collecting municipal obligations; and

WHEREAS, the Township of West Windsor desires to provide citizens with an online payment tool to work via Community Pass online registration software for the Division of Recreation and Parks programs; and

WHEREAS, the pricing structure established in the Proposal is 1% or \$1 for on-line ACH payments and 2.9% or a minimum of \$1.00 per credit card transaction; and said charges will be posted on the Township website; and

WHEREAS, the Township will not incur any fees associated for offering this payment tool since a convenience fee is assessed to the citizen's account during an on-line transaction.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, County of Mercer and State of New Jersey hereby authorizes the utilization of TogetherPay for the purpose of electronic collection and reporting of Recreation fees using West Windsor Township's Community Pass applications which are available on the Township website.

BE IT FURTHER RESOLVED, by the Township Council of the Township of West Windsor in the County of Mercer, State of New Jersey, that John Mauder, Township Chief Financial Officer is hereby authorized to execute an Agreement between the Township of West Windsor and TogetherPay.

Adopted: February 28, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of February, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and
- WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties, and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and
- WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and
- WHEREAS, the diversion of dedicated energy tax receipts to the State's General Fund further jeopardizes this critical property tax relief funding in future years; and
- WHEREAS, by reducing Consolidated Municipal Property Tax Relief Act (CMPTRA), which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and
- WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and
- WHEREAS, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services; and
- WHEREAS, Senator Singleton and Senate President Scutari have introduced legislation (S-330) that will restore, over a five-year period, Energy Tax Receipts to municipalities.
- NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Windsor, County of Mercer urges the Legislature to swiftly pass this legislation and Governor Murphy to sign the legislation prior to passage of the FY2023 State budget; and

BE IT FURTHER RESOLVED that a copy of this Resolution will be forwarded to Senator Shirley K. Turner, Assemblywoman Verlina Reynolds-Jackson, Assemblyman Anthony S. Verrelli, Senate President Nicholas P. Scutari, Assembly Speaker Craig J. Coughlin, Governor Phil Murphy, and the League of Municipalities.

Adopted: February 28, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of February, 2022.

Gay M. Huber
Township Clerk
West Windsor Township