

**MEETING TO BE
LIVE STREAMED AT
<https://www.youtube.com/channel/UC8i0yw7lhozymbgo4N68jJdg/live>
VIA Zoom Video Communications***

**AGENDA FOR A BUSINESS SESSION MEETING
OF THE TOWNSHIP COUNCIL OF WEST WINDSOR TOWNSHIP
WEST WINDSOR MUNICIPAL BUILDING
271 CLARKSVILLE ROAD
TO THE EXTENT KNOWN**

February 13, 2023

7:00 P.M.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - January 13, 2023 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

11. Consent Agenda

A. Resolutions

B. Minutes

September 27, 2022 - Closed Session - as amended
October 11, 2022 - Closed Session - as amended
October 25, 2022 - Closed Session - as amended
November 14, 2022 - Closed Session - as amended
December 12, 2022 - Business Session - as amended
December 12, 2022 - Closed Session - as amended

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2023-R039 Revising the 2023 Procedural Guidelines for the
Council of West Windsor Township

2023-R040 Revising the Authorization of the West Windsor
Police Division to Continue Participation in the
Defense Logistics Agency Law Enforcement Support
Office Program for 2023

2023-R041 Authorizing the Mayor and Clerk to Execute the
Shared Services Agreement with the West Windsor
Plainsboro School Board of Education for Class
III Officers

2023-R042 Authorizing the Business Administrator to
Purchase from Drager, Inc. Breath Testing Unit
for the Police Department - \$19,305.00

2023-R043 Authorizing the Business Administrator to
Purchase from Starnet Solutions, Inc., for
Software and Cloning Installation for the Police
Department - \$16,200.00

2023-R044 Authorizing the Business Administrator to
Purchase Installation Services for Security
Camera System Upgrades and Additional Card Access
Upgrades for the Fire and Emergency Services
Facility and Municipal Building from Network
Cabling Inc., dba Net Q Multimedia Company -
\$41,675.36

- 2023-R045 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Ruderman Roth, LLC For Reappointment as Labor Attorney for 2023 - \$50,000.00
- 2023-R046 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with David P. Lonski, For Reappointment as Special Tax Counsel for Tax Appeals for 2023 - \$40,000.00
- 2023-R047 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with McManimon, Scotland & Baumann, LLC For Reappointment as Bond Counsel and Redevelopment Attorney for 2023
- 2023-R048 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Phoenix Advisors, LLC For Reappointment as Financial Advisor for 2023- \$4,400.00
- 2023-R049 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Warren M. Korecky of Suplee, Clooney & Company For Reappointment as Municipal Auditor for 2023 - \$27,450.00
- 2023-R050 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Piazza & Associates For Reappointment as Affordable Housing Consultant - \$18,000.00
- 2023-R051 Authorizing the Mayor and Clerk to Execute Reimbursement Agreements with Colonnade Pointe Condominium Association and Princeton Greens Homeowners Association for Refuse and Snow Removal Costs for 2021
- 2023-R052 Authorizing the Mayor and Clerk to Execute a Contract with On-Site Landscape Management Inc., for Landscape Maintenance for Detention Basins and Open Space Lands - \$117,497.00
- 2023-R053 Authorizing the Mayor and Clerk to Execute a Contract with CMS Construction, Inc., for Cranbury Road Sidewalk Phase 2B Project - \$753,414.00

2023-R054 Authorizing the Mayor and Clerk to Execute a Developers Agreement with IVI Windsor 8 Logistics Center LLC for PB21-11 JDN Enterprises

2023-R055 Authorizing the Mayor and Clerk to Execute a Land Development Performance Guarantee Agreement (Landscape Buffer and Safety/Stabilization) with K. Hovnanian at West Windsor LLC for PB19-08, FKA Heritage Village @ WW

2023-R056 Granting Reservation of Sewer Capacity and Authorizing the Execution of Required Treatment Works Approval Permit Application to the New Jersey Department of Environmental Protection for the Project Known as Korman Suites (PB21-10) Carnegie Center West

14. Introduction of Ordinances

2023-02 AN ORDINANCE ACCEPTING THE DEDICATION OF A CERTAIN PORTION OF BLOCK 28, LOT 15.03 (2044 Old Trenton Road (Rear) CONSISTING OF 10.214 ACRES

PUBLIC HEARING: February 27, 2022

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

16. Council Reports/Discussion/New Business

17. Administration Updates

18. Closed Session

19. Adjournment

****The Township Council will continue to use Zoom for public interaction at Council Meetings in 2023. This is for the convenience of the public and is not a legal requirement under the Open Public Meetings Act at this time. If technical difficulties occur during a meeting the Township Clerk (or designee) will make the decision as to whether the meeting will continue on Zoom. If it is decided that Zoom must be discontinued this will not affect the Council meeting from continuing under the Open Public Meetings Act because the use of Zoom is for the convenience of the public and not a legal requirement. All Council Meetings will continue to be live streamed on YouTube. The use of YouTube is not a legal requirement under the Open Public Meetings Act and will not constitute the need to stop the Township Council meeting if technical difficulties occur. Per Resolution 2023-03***

RESOLUTION

WHEREAS, the Township Council of the Township of West Windsor is desirous of establishing procedural guidelines to facilitate an appropriate and efficient handling of its business;

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

1. The attached guidelines entitled "Chapter A205, Council Procedural Guidelines" of the Code of the Township of West Windsor are hereby adopted as amended for the period January 1, 2023 until December 31, 2023.
2. A copy of this document shall be distributed to all department heads and posted in the municipal office.

Adopted: February 13, 2023

I hereby certify the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of February, 2023.

Gay M. Huber
Township Clerk
West Windsor Township

Chapter A205. COUNCIL PROCEDURAL GUIDELINES

GENERAL REFERENCES

Administration of government — See Ch. 4.

§ A205-1 **Rule 1: Meetings.**

A. Regular business meetings.

(1) Regular business meetings will be held as noted below (generally on 2nd and 4th Monday's [alternating Mondays] unless a Monday is a holiday):

January 9, 23	July 17
February 13, 27**	August 14**, 28
March 13, 27	September 12*, 26*
April 10, 24	October 10*, 24*
May 8**, 22	November 13**, 27
June 12, 26	December 11, 18

* Meeting will be scheduled on a Tuesday due to Monday holiday.

** Start time adjusted. Business session will begin immediately after the adjournment of the Board of Health meeting

(2) Unless otherwise noticed, all regular business meetings begin at 7:00 p.m. and will be held in the Council Meeting Room A of the West Windsor Township Municipal Building.

B. Work sessions. Work sessions will be scheduled as needed.

C. Special sessions. Special sessions will be scheduled as needed.

D. Budget work sessions: Budget work sessions will be scheduled as needed. [Unless otherwise noticed, all budget work session meetings begin at 7:00 p.m. and will be held in Council Meeting Room A of the West Windsor Township Municipal Building.]

E. Board of Health meetings: February [28] 27, May [9] 8, August [8] 14, November [14] 13. Unless otherwise noticed, all Board of Health meetings will begin at 7:00 p.m. before the start of the business session and will be held in the Council Meeting Room A of the West Windsor Township Municipal Building.

F. Closed sessions. For meetings where the public is excluded, provision will be made for

public comment before or after the closed portion takes place. When a closed session is part of another meeting, a separate public comment session is not required.

- G. If a Council Member is attending a Council meeting via Zoom (or similar program) they must stay physically present on camera with active microphone and speakers during the entire meeting to comply with the Open Public Meetings Act. (If technical difficulties occur during a meeting the Township Clerk (or designee) will make the decision as to whether the meeting continues or if a break will be necessary until the technical difficulties can be corrected. If difficulties cannot be resolved within a reasonable period of time the Township Clerk (or designee) may deem that the Council Member has left the meeting and proceed.)

§ A205-2 Rule 2: Calling meetings to order.

The Council President or Vice President shall preside at all meetings. In the absence of both the Council President and Vice President, the members of Council in attendance shall select one member to serve as presiding officer for that meeting. The meeting will be called to order at 7:00 p.m. No meeting shall be called to order unless there is a quorum.

§ A205-3 Rule 3: Order of business.

A. The order of business for regular business meetings shall be as follows:

- (1) Call to order.
- (2) Roll call.
- (3) Statement of adequate notice.
- (4) Salute to the flag.
- (5) Ceremonial matters or topic for priority consideration.
- (6) Public comment (thirty-minute comment period; three-minute limit per person).
- (7) Administration comments
- (8) Council member comments
- (9) Chair/Clerk comments.
- (10) Public hearings.
- (11) Consent agenda:

- (a) Resolutions.
- (b) Minutes.
- (c) Bills and claims.
- (12) Items removed from consent agenda.
- (13) Recommendations from Administration and Council/Clerk.
- (14) Introduction of ordinances.
- (15) Additional public comment (fifteen minute comment period; three-minute limit per person).
- (16) Council reports/discussion/New Business
- (17) Administration updates.
- (18) Closed session (if needed).
- (19) Adjournment.

§ A205-4 **Rule 4: Agenda.**

- A. The business meeting agenda shall be set by 12:00 noon on the Monday prior to the upcoming Monday business meeting. A Request For Council Action form must be submitted reflecting the nature of the action sought, and, if other than a business transaction, the nature of the item and the anticipated length of time necessary for consideration must be outlined.
- B. Council actions may be initiated by members of the Council, the Mayor, the department heads and the Clerk's office. All actions other than those initiated by the Council members and/or the Clerk must be approved by the Mayor or the Business Administrator prior to consideration by the Council President for placement on the agenda.
- C. The Council President shall review with the Clerk all items received and will determine the ultimate composition of the agenda. A draft agenda will be distributed to the Council President at the end of the workday Friday (after the previous business meeting), and a final agenda will be distributed to Council upon the President's approval.
- D. The Township Clerk shall be presented with any proposed ordinance, along with supporting documentation at least three weeks prior to the Council meeting that action is being requested. The Township Clerk will review with the Council President**

and they will make the determination as to whether or not this ordinance needs to be discussed at a Council meeting under New Business prior to being presented for introduction or placed on the requested Council meeting for introduction.

[D]**E.** The final agenda and any supporting materials will be delivered to the Council no later than the Wednesday preceding the applicable business meeting. The final agenda shall be posted to the West Windsor website on the Thursday preceding the applicable business meeting.

[E]**F.** Any matter not submitted to the Clerk's office in a timely manner as set forth above may be considered and acted on by the Council members present, if they agree by majority vote to consider the matter.

[F]**G.** Special Business Session agendas as needed will be set by the Council President to include form and format.

§ A205-5 Rule 5: Work sessions.

- A. Work sessions will be utilized for the discussion of policy or similar matters and will be scheduled and/or retained as the Council sees fit. There will be a public comment period, the timing and duration of which shall be at the discretion of the Council; comments are limited to three minutes per person. Action may be taken if it is noticed to be considered.
- B. Scheduled work sessions may also be used for those matters that, of necessity, must be considered in closed sessions, and therefore provide for closed session meetings on other than regularly scheduled business session evenings.
- C. Order of Business for Work Sessions will be as follows:
 - (1) Call to order.
 - (2) Roll call.
 - (3) Statement of adequate notice.
 - (4) Salute to the flag.*
 - (5) Public comment (thirty-minute comment period; three-minute limit per person).
 - (6) For discussion:
 - (a) Mayor/Administration.

- (b) Council Member/Clerk.
- (7) Additional public comment (fifteen minute comment period; three-minute limit per person).
- (8) Closed session (if needed).
- (9) Adjournment.

(*If just a stand-alone work session)

§ A205-6 Rule 6: Duties of presiding officer.

The presiding officer shall have general supervision of the meeting. Members and others given the privilege of the floor shall address the presiding officer. If a Council Member and/or Mayor is specifically mentioned during public comment, the Presiding Officer will allow that Council Member and/or Mayor to address the comment immediately thereafter.

§ A205-7 Rule 7: Introduction and passage of ordinances and resolutions.

A. General provisions.

- (1) Every legislative act of the Council shall be by resolution or ordinance.
- (2) All proposed ordinances and resolutions shall be presented to the Council in fully prepared form. No ordinance, except general appropriation ordinances, shall be passed containing more than one subject, which shall be expressed in its title.
- (3) Resolutions and ordinances shall be numbered sequentially at the time of placement on the business agenda. Two separate numbering systems shall be used for the two forms of action.
- (4) A majority of the whole number of members of the Council shall constitute a quorum. Recusals are not to be counted towards a quorum, Abstentions are counted toward a quorum. No ordinance shall be adopted by the Council without the affirmative vote of a majority of the full membership of the Council (N.J.S.A. 40:69A-180). In the case of the adoption of a bond ordinance, the affirmative vote of 2/3 of the full governing body (generally four "yes" votes) is required. No resolution shall be adopted without the affirmative vote of a majority of the quorum.
- (5) All votes shall be taken by roll call, and the yeas and nays shall be entered on the minutes. The presiding officer shall vote last on all questions.
- (6) Resolutions shall take effect after final passage by the Council. Ordinances shall take effect after final passage, publication and the conclusion (running) of any waiting periods as required by law.

- (7) The Township Clerk shall record all ordinances and resolutions adopted by the Council.
- (8) Resolutions and ordinances shall each be maintained in separate ledgers that are kept on an annual basis and that are permanent records of the West Windsor Township.

B. Procedure for ordinances:

- (1) An ordinance may be presented at any regular meeting, and also at special meetings, when such special call is for general business or such ordinance is mentioned in the call for a special meeting.
- (2) The action of the Council on ordinances shall be noted in the minutes.
- (3) All ordinances shall be prepared, adopted and published in the manner required by law. Following the second reading and public hearing, an ordinance passed by the Council shall, within three days, be delivered by the Clerk to the Mayor for approval or veto, and the Mayor shall, within 10 days after receiving any ordinance, either approve the ordinance by signing it or return it to the Council by delivering it to the Clerk, together with a statement setting forth the Mayor's objections thereto or to any part thereof. Pursuant to N.J.S.A. 40:69A-41, no ordinance or any item or part thereof shall take effect without the Mayor's approval, unless the Mayor fails to return an ordinance to the Council within 10 days after it has been presented to the Mayor or unless the Council, upon reconsideration thereof on or after the third day following its return by the Mayor, shall, by a vote of 2/3 of the members, resolve to override the Mayor's veto.
- (4) Passage over veto. Whenever an ordinance has been reconsidered by the Council following a veto by the Mayor, the Clerk shall append to such ordinance a certification of the action of the Council upon such reconsideration in substantially the following form:

I HEREBY CERTIFY that the above ordinance adopted by the Council on the ____ day of _____, _____, was delivered to the Mayor on the ____ day of _____, _____ and was returned to me on the ____ day of _____, _____, together with the Mayor's statement of the reasons for which the Mayor was constrained to withhold approval of such ordinance, item or part thereof. On reconsideration thereof on the ____ day of _____, _____, (the Council duly resolved by the affirmative vote of 2/3 of its members to enact such ordinance, item or part thereof notwithstanding the Mayor's veto.) or (the Mayor's veto was sustained.)

Clerk

- (5) Ordinances not returned by Mayor. Whenever an ordinance shall take effect without the Mayor's signature by reason of the Mayor's failure to return it to the Council by filing it with the Clerk within 10 days after it has been presented to the Mayor, the Clerk shall

append to such ordinance a certificate in substantially the following form:

I HEREBY CERTIFY that the above ordinance was adopted by the Council on the ____ day of _____, _____, and was presented to the Mayor duly certified on the ____ day of _____, _____, and upon the Mayor's failure to sign it or return and file it with the Clerk within 10 days thereafter, said ordinance took effect in like manner as if the Mayor had signed it.

Clerk

Dated:

(6) All ordinances shall be sent to the codifier for inclusion in the codification.

C. Effective date. No rule or regulation made by a department, officer, agency or authority of the Township, except such as relates to the organization or internal management of the government or a part thereof, shall take effect until it is filed either with the Township Clerk or in such other manner as may be provided by ordinance.

§ A205-8 Rule 8: Disclosure of interest.

A member who has a personal or private interest in any question or measure proposed or pending before the Council which might constitute a conflict contrary to the Local Government Ethics Law, N.J.S.A. 40A:9-22.1, shall disclose such interest and either refrain from voting or shall request a ruling from the Attorney as to whether a member should vote thereon or take any part in the discussion of the same.

§ A205-9 Rule 9: Appointments.

A. Appointments to citizens' groups, boards, committees and other. According to the Administrative Code, responsibility for the appointment of various boards, committees and commissions shall be as noted below:

Board, Committee or Commission	Appointing Authority
Affordable Housing Committee	Mayor, with advice and consent of Township Council
Township Council member	Township Council
Agricultural Advisory Committee	Mayor, with advice and consent of Township Council
Board of Recreation Commissioners	Mayor
Alternate 1 and 2	Mayor, with advice and consent of Township Council
Township Council Liaison	Township Council
Cable TV Advisory Board	
Mayor, or Mayor's designee	Mayor
Two Township Council members	Township Council
Member of public	Mayor
Member of public	Township Council

Board, Committee or Commission

Appointing Authority

Emergency Management Council
Township Council Member

Mayor
Township Council

Environmental Commission
Township Council Liaison

Mayor
Township Council

Human Relations Council
Township Council Liaison

Mayor, with advice and consent of
Township Council
Township Council

Parking Authority
Township Council Liaison

Township Council
Township Council

Planning Board
Planning Board Class III member

Mayor
Township Council

Shade Tree Commission
Township Council Liaison

Mayor, with advice and consent of
Township Council
Township Council

Stony Brook Regional Sewerage Authority
representative

Mayor, with advice and consent of
Township Council

Zoning Board of Adjustment

Township Council

§ A205-10 Rule 10: Minutes of meetings.

- A. Written minutes. Written minutes approved by Council shall be the official record of all meetings of the Council.
- B. Draft minutes. Minutes which have been prepared but which have not been approved by the Council shall be considered draft minutes, subject to correction by the Council. The draft minutes of each meeting shall be submitted to the Council for approval.
- C. Open session minutes. Once open session minutes have been approved by the Council, they shall be signed by the Clerk and presiding officer at such meeting (N.J.S.A. 40:69A-180), and certified duplicate copies of the same shall be available to the public at the rates fixed by law.
- D. Closed session minutes. Closed session minutes shall be made available at such time as the issues discussed therein are resolved and their disclosure would not subvert any particular exception for convening a closed session.

§ A205-11 **Rule 11: Broadcasting; recording; tapes.**

- A. All open public meetings of the Township Council shall be broadcast for public view as noted on the Township Council Agenda page on the Township web-site. The Township Council will continue to use Zoom for public interaction at Council Meetings in 2023. This is for the convenience of the public and is not a legal requirement under the Open Public Meetings Act at this time. If technical difficulties occur during a meeting the Township Clerk (or designee) will make the decision as to whether the meeting will continue on Zoom. If it is decided that Zoom must be discontinued this will not affect the Council meeting from continuing under the Open Public Meetings Act because the use of Zoom is for the convenience of the public and not a legal requirement. All Council Meetings will continue to be live streamed on YouTube. The use of YouTube is not a legal requirement under the Open Public Meetings Act and will not constitute the need to stop the Township Council meeting if technical difficulties occur.
- B. All open public meetings of the Township Council shall be recorded.
- C. Recordings of meetings. The recordings of open meetings of the Township Council are maintained for 10 years in the Clerk's Office.
- D. Public use of digital recordings, tapes or CDs of open meetings will be in accordance with the Open Public Records Act.
- E. Reproduction of open meeting recordings. Reproduction of digital recordings, tapes or CDs of open sessions may be arranged, with the requesting party paying a fee for this service.

§ A205-12 **Rule 12: Robert's Rules of Order Newly Revised.**

Robert's Rules of Order shall be the prevailing authority in matters of parliamentary procedure, except to the extent of anything herein to the contrary.

§ A205-13 **Rule 13: Appointments to vacant positions of Mayor and Council.**

- A. If the vacancy occurs in the office of Mayor or Council after September 1 of the next-to-the-last year and up to the expiration of the term of the officer whose office has become vacant, the office may be filled for its unexpired term by a vote of the governing body as hereinafter provided.
- B. If the vacancy in the office of Mayor or Council occurs at any other time, the vacancy shall be filled for its unexpired term at the next general election, to be held not less than 60 days following the occurrence of the vacancy. The Township Council may fill the vacancy in the interim until such general election, by appointment as hereinafter provided.
- C. If the Mayor or a Council member is elected to another position that would preclude them from finishing their term as either Mayor or a Council Member in the November General Election and their term does not expire at the end of that year, the process shall be as

follows: applications for the position shall be submitted no later than 30 days from the date of the election of that year and each candidate may be interviewed in the same process as for any other vacancy at the first Business Meeting held in January of the next year, or at another meeting within 30 days of the office becoming vacant.

- D. If the governing body elects to fill a vacancy in the office of Mayor or Council, the vacancy shall be filled by Council within 30 calendar days following its occurrence, without regard to political party. If the vacancy is not filled within 30 days, then the office shall remain vacant for the remainder of the term or until the election and qualification of a successor, as the case may be.
- E. While a member of the governing body is free to advocate the candidacy of an applicant to fill a vacancy, that member must disclose any affiliation with that applicant and must treat all other applicants in a fair, equal and ethical manner. Township Council members will consider all applications for a vacant position and will be free to talk to all applicants about their candidacy on an individual basis. No third-party investigation of an applicant shall be conducted without the knowledge of every member of Council and the applicant and with the approval of the majority of the Council, in which case the inquiry shall be conducted by the Township Clerk.
- F. Determination of eligibility and application process.
 - (1) Any citizen of the United States who is 18 years of age or older and who has been a resident of the Township for at least one year and has not been convicted of a crime of the third degree, or touching upon a public office or an indictable offense involving dishonesty, as provided by N.J.S.A. 2C:51-2, and who desires to be considered for appointment to the vacancy, shall be provided an informational package, copies of which can be obtained at the Township Clerk's office, and shall complete an application provided therein.
 - (2) All potential applicants must submit an application to the Clerk's Office within 10 days following the date on which the vacancy occurs.
 - (3) The application and any supporting documents that are furnished by an applicant will be considered a public record and available for public inspection.
- G. Selection of a replacement for a vacancy not caused by an election.
 - (1) At a public meeting, which shall occur between 10 and 30 days after the vacancy, each candidate will be permitted to provide a public presentation for up to five minutes and respond to any questions by members of Council.
 - (2) Public comment period. Public comments will be permitted at this public meeting only after

the applicants have made their presentations and answered questions from Council. The public comment period conducted at this public meeting shall be limited to three minutes per person.

- (3) After public presentations are provided by the candidates, but within 30 calendar days following the occurrence of the vacancy, each remaining member of Council will be permitted to nominate one of the candidates. No second is necessary for any nomination. After the nominations are made, then the Council will be free to deliberate about the nominees. After deliberations in public are concluded, then each remaining member of Council may submit a ballot to the Clerk selecting one of the nominees to fill the vacant position.

H. Appointment process.

- (1) To fill a vacancy in the office of Mayor shall be by a majority vote of the entire membership of the Council.
- (2) An appointment to fill a vacancy on Council shall be by a majority vote of the remaining members of Council. In the case of a tie vote, the Mayor may vote to break the tie.

I. Tie votes. A tie vote will occur when there are two votes for each of two separate candidates. If there are fewer than four remaining members of Council, a tie vote will occur when there is one vote for each of two separate candidates. Following a tie vote, Council may further deliberate and revote. In the event a tie vote still exists, the Mayor may exercise the right to vote to fill a vacancy, without further voting. An abstention shall not count as a vote either for or against any particular candidate.

J. The candidate appointed by Council to fill a vacancy pursuant to this procedure shall be sworn in and be seated after the vote is taken but within 30 days following the occurrence of the vacancy.

§ A205-14 Rule 14: Township e-mail.

Council members should use only Township-issued e-mail addresses for Township business.

§ A205-15 Rule 15: Training.

Council members are required to attend on an annual basis at least one instructional course covering the responsibilities and obligations of elected officials (for example: ethics, municipal finance, labor relations, risk management, shared services, purchasing, land use administration, personnel, technology, etc.) through a course approved for continuing education credit by the New Jersey Division of Local Government Services, or an in-house education provided by a professional, vendor, or staff member (provided they have significant expertise in their profession and routinely prepare public presentations). A copy of the certificate received for any

class attended should be provided to the Township Clerk as proof of attendance.

If a Council Member is unable to attend a conference or training they must notify the Clerk so a refund or credit can be requested.

RESOLUTION

WHEREAS, the United State Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program the Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies; and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting law enforcement agency; and

WHEREAS, participation in the 1033 Program allows municipal and county law enforcement agencies to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county law enforcement agencies, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Windsor that the West Windsor Police Department is hereby authorized to enroll in the 1033 Program for a one-year period from January 1, 2023 to Dec 31, 2023; and

BE IT FURTHER RESOLVED that the West Windsor Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, military and non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the next twelve months, based on the needs of the West Windsor Police Department, without restriction; and

BE IT FURTHER RESOLVED that the West Windsor Police Department is hereby authorized to acquire the following “DEMIL B through Q” property, listed in the unredacted portion of the DEMIL inventory sheet (Attached) if it shall become available in the time for which the resolution authorizes; and

BE IT FURTHER RESOLVED that the West Windsor Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the West Windsor Police Department shall provide a yearly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this Resolution shall take effect January 1, 2023 and shall be valid to authorize requests to acquire “DEMIL A” property that may be made available through the 1033 Program until December 31, 2023, and requests to acquire “DEMIL B through Q” property that may be made available through the 1033 Program until December 31, 2023.

Adopted: February 13, 2023

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of February, 2023.

Gay M. Huber
Township Clerk
Township of West Windsor

	A	B	C	D	E	F	G	Q
TRUCK.CARGO		3	28			17		30
TRUCK.CARRYALL			22					1
TRUCK.COMMAND RECONNAISSANCE			2					
TRUCK.DUMP			2			6		7
TRUCK.MAINTENANCE						3		
TRUCK.PANEL			2					
TRUCK.STAKE								2
TRUCK.UTILITY			84					4
TRUCK.VAN		1				14		1
UTILITY VEHICLE.OFF ROAD		1	2	1	1	1	1	1

RESOLUTION

WHEREAS, pursuant to the Shared Services Act, N.J.S.A. 40A:65-1 et seq., the Township of West Windsor (“Township”) may enter into a Shared Services Agreement with other governmental units by adoption of a resolution therefor; and

WHEREAS, the West Windsor-Plainsboro Board of Education (“Board”) and the Township of West Windsor (“Township”) entered a five (5) year Shared Services Agreement between July 2018 and June 2023 (2018-R185) under which the Township as Lead Agency provides Class III Special Law Enforcement Officers (SLEOs), pursuant to N.J.S.A. 40A:14-146.10 et seq.; and

WHEREAS, the Board and the Township seek to enter into a new five (5) year Shared Services Agreement between July 1, 2023 and June 30, 2028.

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of West Windsor hereby authorizes and approves a new five (5) year Shared Services Agreement between the Township and Board for aforesaid services; and

BE IT FURTHER RESOLVED, that the Mayor and the Township Clerk are hereby authorized to execute a Shared Services Agreement with the West Windsor-Plainsboro Board of Education for the aforesaid services which shall commence as of July 1, 2023 and shall terminate on June 30, 2028; and on an annual basis following July 1, 2023; and

BE IT FURTHER RESOLVED, that pursuant to the Shared Services Act, N.J.S.A. 40A:65-1, et seq., such Agreement shall be filed with and open to the public for inspection at the offices of the Township Clerk, and such Agreement shall take effect upon the adoption of appropriate resolutions by all parties thereto; and

BE IT FURTHER RESOLVED, that, pursuant to N.J.S.A. 40A:65-4(b), a copy of the Shared Services Agreement shall be filed with the Division of Local Government Services in the Department of Community Services for informational purposes.

Adopted: February 13, 2023

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of February, 2023.

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 Police Division needs to purchase an Alcotest 9510 Evidential Breath Testing System to replace the end-of-life unit from Drager Inc. an authorized vendor through New Jersey State Contract #20-TELE-00933; and

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

DWI 101105 \$19,305.00

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Windsor hereby authorizes the Business Administrator, Marlana Schmid to purchase the above equipment from Drager Inc. under New Jersey State Contract #20-TELE-0933 for a total not to exceed of \$19,305.00.

Adopted: February 13, 2023

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of February, 2023.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

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

WHEREAS, Starnet Solutions, Inc. provides products, information and technology support service, and

WHEREAS, as of February 13, 2023 the Township's total aggregate spending with Starnet Solutions, Inc. is as follows:

1/23/2023 2023-R031 Starnet Solutions, Inc. \$ 16,200.00

WHEREAS, the Township needs to acquire server upgrade software and associated installation services from Starnet Solutions, Inc. in the amount of \$4,200.00; and

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

Police – Acq. of Equipment 405-2016-09-015 \$4,200.00

NOW, THEREFORE, BE IT RESOLVED, that the Township Council authorizes the Business Administrator Marlena Schmid to purchase the above from Starnet Solutions, Inc. for a total not to exceed of \$20,400.00

Adopted: February 13, 2023

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of February 2023.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, the Township Administration continues to proceed with security measures for all municipal facilities including new keyless card access entry technology, motion detectors, panic alarms, security cameras and emergency notification equipment; and
- WHEREAS, the West Windsor Township Fire and Emergency Services facility requires installation of security cameras and additional card access components; and
- WHEREAS, the West Windsor Township Municipal Building requires installation of additional security cameras; and
- WHEREAS, Network Cabling Inc. dba Net Q Multimedia Company has been awarded the New Jersey State Contract T2989-88739 for Communications Wiring Services along with New Jersey State Contract T1778 for Cable and Associated Products; and
- WHEREAS, as of February 13, 2023 the Township's total aggregate spending with Network Cabling Inc. dba Net Q Multimedia Company under the New Jersey State Contract T2989-88739 for Communications Wiring Services along with New Jersey State Contract T1778 for Cable and Associated Products is as follows:

Purchase Order 59442 - \$5,783.41

- WHEREAS, the total cost of the equipment and installation services for both locations is \$41,675.36 and the Chief Financial Officer has certified the availability of funds for the above from the following capital accounts:

Fire-EMS Facility General Improvements	405-2020-14-024	\$ 200.00
Fire-EMS Facility General Improvements	405-2021-14-022	\$25,200.00
Fire-EMS Facility General Improvements	405-2022-08-024	\$ 1,668.11
Security System Upgrades	405-2021-14-004	\$10,000.00
Security System Upgrades	405-2022-08-024	\$ 4,607.25

NOW, THEREFORE, BE IT RESOLVED, that the Township Council authorizes the Business Administrator, Marlena Schmid to purchase the above referenced equipment and installation services from Network Cabling Inc. dba Net Q Multimedia Company under New Jersey State Contracts T2989-88739 and T1778 for a total not to exceed \$ 47,458.77.

Adopted: February 13, 2023

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of February 2023.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor needs to acquire a labor attorney and related legal services; and

WHEREAS, Ruderman Roth, LLC, will provide labor attorney and related legal services including but not limited to collective bargaining negotiations, grievances, administrative proceedings, arbitration, litigation and other projects authorized by the Business Administrator and/or Director of Law; and

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

Legal Consulting Services – 105-46-210 \$50,000.00.

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

1. The Mayor and Clerk are hereby authorized to execute on behalf of the Township a professional services agreement with Ruderman Roth, LLC, for and amount not to exceed \$50,000.00 for the period January 1, 2023 through December 31, 2023.
2. The professional services agreement is awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-1-5(1)(a)(i) because the services are professional in nature.
3. A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.

Adopted: February 13, 2023

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of January 2023.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has a need to acquire additional legal services pursuant to the defense of assessment; and

WHEREAS, the Township wishes to enter into a Professional Services Agreement with David P. Lonski, Esquire for the aforesaid services; and

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

Legal/Litigation	105-46-228	\$40,000.00
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NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that:

1. The Mayor and Township Clerk are hereby authorized to execute on behalf of the Township the professional services agreement with David P. Lonski, as Special Tax Counsel, for an amount not to exceed \$40,000 for the period January 1, 2023 through December 31, 2023.
2. The Agreement so authorized shall require the Provider to provide professional consulting services as outlined in the professional services agreement. The agreement is awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-1-5(1)(a)(i) because the services are professional in nature.
3. A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.

Adopted: February 13, 2023

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of February, 2023.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, there exists a need for specialized legal services in connection with the authorization and the issuance of bonds or notes and redevelopment projects of the Township of West Windsor (the "Township") in the County of Mercer, State of New Jersey; and

WHEREAS, such specialized legal services can be provided by McManimon, Scotland & Baumann, LLC of Roseland, New Jersey, so recognized by the public finance and redevelopment community; and

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

1. The Mayor and Township Clerk are hereby authorized to execute a Professional Services Agreement with McManimon, Scotland & Baumann, L.L.C. to provide the specialized legal services necessary in connection with 1) the authorization and the issuance of bonds or notes by the Township and 2) redevelopment projects for the period January 1, 2023 through December 31, 2023.
2. The Agreement is awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-1-5(1)(a)(i) because the services are professional in nature.
3. A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.

Adopted: February 13, 2023

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of February 2023.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, there exists a need for specialized financial advisory services in connection with the issuance of bonds or notes of the Township of West Windsor (the "Township") in the County of Mercer, State of New Jersey, including the planning and development of a financing strategy and structure, coordinating the financing process, provide consulting services through the actual execution of the financing and providing follow-up reporting and analyses after the transaction is complete, and

WHEREAS, such specialized financial advisory services can be provided by Phoenix Advisors, LLC, a financial advisory group of Bordentown, New Jersey, so recognized by the financial community; and

WHEREAS, Certification of Funds has been received from the Chief Financial Officer and funds are available in the following account:

Roadway Improvements 405-2022-08-014 \$4,400.00

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

1. The Mayor and Clerk are hereby authorized and directed to execute an Agreement with Phoenix Advisors, LLC to provide the specialized financial advisory services necessary in connection with the issuance of bonds or notes by the Township. For the period January 4, 2023 through December 31, 2023
2. The Agreement is awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-1-5(1)(a)(i) because the services are professional in nature.
3. A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.

Adopted: February 13, 2023

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of February, 2023.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has a need to acquire Professional Auditing Services; and

WHEREAS, the Township's Business Administrator, Chief Financial Officer and Mayor recommend the reappointment of Warren M. Korecky., CPA, RMA, a partner in the firm of Suplee, Clooney and Company, to fulfill the requirements of the State of New Jersey for the performance of an annual audit; and

WHEREAS, Certification of Funds has been received from the Chief Financial Officer and funds are available in the following account:

2022 Audit and Accounting Service Other Expenses 105-07-203A \$27,450.00

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute a Professional Services Agreement with Warren M. Korecky as the Township Auditor January 1, 2023 through December 31, 2023.
2. The Agreement shall require the Provider to perform Professional Auditing Services. The agreement is awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1) (a) (i) because the services are professional in nature.
3. A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.

Adopted: February 13, 2023

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13th the day of February, 2023.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township needs a consultant to provide technical assistance in compliance with its affordable housing obligations and to provide quality affordable housing in West Windsor Township; and

WHEREAS, it is in the Township's best interests to continue with Piazza & Associates to perform affordable housing services for ongoing and new projects; and

WHEREAS, Certification of Funds has been received from the Chief Financial Officer and funds are available in the following account:

Affordable Housing Trust Fund	121201	\$18,000.00
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NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor as follows:

1. The Mayor and Clerk are hereby authorized to execute, a Professional Services Agreement with Piazza & Associates to for the period January 1, 2023 through December 31, 2023.
2. The Agreement shall require the Provider to perform Professional consulting services as outlined in the Professional Services Agreement. The agreement is awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1) (a) (i) because the services are professional in nature.
3. A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.

Adopted February 13, 2023

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of February, 2023.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, C.299 of P.L. 1989 (NJSA 40:67-23.2 et seq.) establishes a policy and schedule of the reimbursement of costs for refuse and recycling collection and disposal, snow removal and street lighting costs incurred by qualified private communities as defined by the law; and

WHEREAS, Colonnade Pointe Condominium Association and Princeton Greens Homeowners Association qualify as such communities; and

WHEREAS, the Township of West Windsor has agreed to reimburse the above-mentioned Condominium and Homeowners Association for snow removal and refuse costs for 2021; and

WHEREAS, funds are available as evidenced by the Chief Financial Officer's certification of funds:

Colonnade Pointe Condominium Association		
Refuse Collection – 2021	101001	\$ 33,302.42
Snow Trust -2021	121407	\$ 2,049.81
Princeton Greens Homeowners Association		
Snow Trust -2021	121407	\$ <u>1,195.72</u>
Total		\$ 36,547.95

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, County of Mercer, and State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute agreement with this Association to reimburse them for certain snow removal and refuse and recycling costs pursuant of NJSA 40:67-23.2 ET. Seq. in the following amounts.

Colonnade Pointe Condominium Association		
Refuse Collection – 2021	101001	\$ 33,302.42
Snow Trust -2021	121407	\$ 2,049.81
Princeton Greens Homeowners Association		
Snow Trust -2021	121407	\$ <u>1,195.72</u>
Total		\$ 36,547.95

Adopted: February 13, 2023

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 13th day of February, 2023.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has determined the need for landscape maintenance for detention basins and open space lands; and

WHEREAS, said contract was put out to public bid seeking bids for this annual project, including bids for two additional one-year renewal options, and said bids were opened on January 24, 2023; and

WHEREAS, five contractors picked up bids and the Township received the following two bids:

<u>Contractor</u>	<u>Base Bid-2023</u>
On-Site Landscape Management Inc.	\$117,497.00
Harshi Construction	\$773,000.00

WHEREAS, the contract was successfully carried out in 2022 by On-Site Landscape Management Inc.; and

WHEREAS, the Township staff has reviewed all bids and determined the lowest responsible bid was submitted by On-Site Landscape Management, Inc.; and

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

Facilities & Open Space Service/Maintenance	105 44 251	\$ 43,245.00
Preserve Open Space Maintenance	405 2021 13 003	\$ 74,252.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor the Mayor and Clerk are hereby authorized to execute said contract for Public Lands Maintenance-Detention Basins and Open Space to On-Site Landscape Management, Inc., 203 Sweetmans Lane, Millstone, New Jersey.

Adopted: February 13, 2023

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 13th day of February 2023.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has determined the need to construct pedestrian sidewalk improvements along a portion of Cranbury Road (Mercer County Route 615) located between Stobbe Lane and Steele Drive, a.k.a. the Cranbury Road Sidewalk Phase 2B Project; and

WHEREAS, a contract was put out to public bid seeking bids for this project, and said bids were opened at 2:00 p.m. on December 13, 2022; and

WHEREAS, the Township received ten (10) bids from the following bidders:

<u>No.</u>	<u>Company</u>	<u>Bid Value</u>
1	D'Avellino Construction, Inc.	withdrawn
2	Crossroads Paving	withdrawn
3	CMS Construction	\$753,414.00
4	Z Brothers Concrete Contractors, Inc.	\$757,688.66
5	A Takton Concrete Corp.	\$773,658.50
6	BlackRock Enterprises, LLC	\$785,000.00
7	Top Line Construction Corp.	\$863,876.81
8	Diamond Construction	\$1,045,731.70
9	GMP Contracting, LLC	\$1,073,916.00
<u>10</u>	<u>Seacoast Construction, Inc.</u>	<u>\$1,314,014.50</u>

(chart sorted by total bid value)

WHEREAS, the D'Avellino Construction, Inc. company has requested to withdraw their bid and said request has been determined to be properly filed and detailed; and

WHEREAS, the Crossroads Paving company has requested to withdraw their bid and said request has been determined to be properly filed and detailed; and

WHEREAS, the third lowest, responsible and responsive bid, was submitted by CMS Construction, Inc.; 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 accounts:

Bicycle & Pedestrian Improvements	405-2013-09 004	\$ 35,870.50
Traffic Safety Improvement Hazard Mitigation	405-2013-09 007	\$ 48,891.90
Traffic Safety Improvement Hazard Mitigation	405-2014-13 009	\$ 6,526.27
Traffic Safety Improvement Hazard Mitigation	405-2015-06 008	\$ 9,400.00
Roadway Improvements	405-2018-15 012	\$ 146,571.37
Traffic Safety Improvement Hazard Mitigation	405-2018-15 014	\$ 250,000.00
Bicycle & Pedestrian Improvements	405-2019-18 009	\$ 19,587.51
<u>Traffic Safety Improvements</u>	<u>405-2019-18 013</u>	<u>\$ 236,566.45</u>
Account Title	Account Number	Amount

NOW, THEREFORE, BE IT RESOLVED by the Township of West Windsor that the bid withdrawal requests by D'Avellino Construction, Inc. and Crossroads Paving are accepted; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of West Windsor hereby authorizes the Mayor and Clerk to execute the contract with CMS Construction, Inc for Cranbury Road Sidewalk Phase 2B Project.

Adopted: February 13, 2023

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 13th day of February 2023.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, on April 27, 2022 the West Windsor Township Planning Board approved the application, IVI Windsor 8 Logistics Center LLC (PB21-11 JDN Enterprises), for preliminary/final major site plan with waivers and variance for a 325,710 square foot warehouse; and

WHEREAS, a condition of approval is the execution by the Developer of a Developer's Agreement with the Township, as prepared by the Planning Board's counsel; and

WHEREAS, such Developer's Agreement accurately reflects the conditions stated in the Resolution of Memorialization; and

WHEREAS, it would be in the best interest of the Township to execute such Developer's Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Mayor and Township Clerk are hereby authorized and directed to execute the Developer's Agreement with IVI Windsor 8 Logistics Center LLC (PB21-11 JDN Enterprises in the form attached hereto.

ADOPTED: February 13, 2023

I hereby certify this is a true copy of a resolution adopted by the West Windsor Township Council at their meeting held on the 13th day of February, 2023.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, American Properties at West Windsor, LLC (“American Properties”) received preliminary and final major site plan approval from the West Windsor Planning Board on October 14, 2020, adopted by Resolution of Memorialization (“Resolution”) on January 13, 2021, for the construction of certain improvements on a tract of land situate in West Windsor Township, Mercer County, New Jersey, designated on the West Windsor Tax Map as Block 28, Lots 15 and 21, more commonly known as Heritage Village (the “Property”); and
- WHEREAS, in connection with the Resolution, American Properties posted cash bonds to ensure the installation of certain site plan improvements, specifically, landscape buffers and restoration, and provide a safety and stabilization performance guarantee; and
- WHEREAS, American Properties has now assigned all its rights with respect to the Property and its rights and obligations under the approval in connection therewith, and specifically, has assigned its rights in and to all development, licenses, permits, escrows and engineering plans to K. Hovnanian at Heritage at West Windsor, LLC (“KHov”), a New Jersey limited liability company pursuant to an Assignment of Rights (“Assignment”) dated September 29, 2022; and
- WHEREAS, pursuant to the Assignment, KHov now owns the cash bonds and fees posted by American Properties in connection with the performance guarantee obligations and has assumed those performance guaranty obligations; and
- WHEREAS, KHov wishes to replace the substantial portion of those cash guarantees with surety bonds and has, accordingly, executed two (2) Performance Surety Bonds and requests the remaining cash portions to be transferred into its name; and
- WHEREAS, in connection therewith, two (2) Performance Guarantee Agreements with respect to the Landscape Buffers and Safety and Stabilization have been prepared by KHov and counsel for the Township; and
- WHEREAS, in connection with Surety Bond No. 612418009 submitted by KHov in the amount of \$181,237.50, and a cash portion in the amount of \$20,137.50 in connection with the restoration work, the Township Engineer has recommended the release of this bond and return of the cash because this guarantee is no longer necessary; and

WHEREAS, it is in the best interest of the Township to a) approve KHov's replacement of a certain portion of the cash guarantees with surety bonds, the return of that portion of the cash guarantee to KHov, and the transfer of the remaining 10% cash balances for each guarantee into KHov's name, as follows:

Onsite Landscaping Buffers

American Properties submitted Check Nos. 1223 and 1224 dated August 23, 2022 in the amounts of \$264,044.00 and \$29,338.00 respectively representing the 90% and 10% portions of the required performance guarantee.

KHov obtained Performance Surety Bond No. 612418008 in the amount of \$264,044.00 which is being submitted to replace 90% of the cash guarantee posted by American Properties and KHov has requested that this portion of the cash guarantee be refunded to it upon acceptance of the surety bond.

KHov also requested that the remaining 10% cash portion totaling \$29,338.00 be transferred into its name.

Safety & Stabilization Performance Guarantee

American Properties submitted Check No. 1225 dated August 23, 2022 in the amount of \$9,835.00, representing 100% of the required performance guarantee.

KHov obtained Performance Surety Bond No. 612418010 in the amount of \$9,835.00 which is being submitted to replace 100% of the cash guarantee posted by American Properties and KHov has requested that the aforementioned cash guarantee amount be refunded to it upon acceptance of the surety bond.

WHEREAS, it is in the best interest of the Township to b) enter into two Performance Guarantee Agreements with KHov in connection with the Landscape Buffer and Safety & Stabilization to ensure the obligations set forth therein are memorialized and met; and

WHEREAS, it is in the best interest of the Township to c) authorize the release of Surety Bond 612418009 in connection with the restoration work, and return 100% of the cash for this guarantee to KHov.

NOW THEREFORE, BE RESOLVED by the Township Council of the Township of West Windsor that:

a) KHov's replacement of the substantial portion of cash guarantees and surety bonds it assumed from American Properties with Surety Bond No. 612418008 (Landscape Buffer) and Surety Bond No. 612418010 (Safety and Stabilization) and the return of the cash covering 90% of the Landscape Buffer guarantee and 100% of the Safety and Stabilization guarantee be refunded to KHov upon acceptance of the surety bond, and the transfer of the remaining 10% cash portion of the Landscape Buffer guarantees into KHov's name be approved;

b) the two Performance Guarantee Agreements with respect to Surety Bond No. 612418008 (Landscape Buffer) and Surety Bond No. 612418010 (Safety and Stabilization) be approved and that the Mayor and the Clerk be authorized and directed to execute the same; and

c) the release of Surety Bond 612418009 (Restoration) and return of 100% of the cash covering this guarantee to KHov be authorized, for the reasons provided in the memo dated 1/10/23 from Francis Guzik, attached hereto.

ADOPTED: February 13, 2023

I hereby certify this is a true copy of a Resolution adopted by the West Windsor Township Council at their meeting held on the 13th day of February, 2023.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, Korman Suites, through its professional consultant, has submitted a request for a reservation of sewer capacity in the public sewer system for the project known as Korman Suites (PB21-10) located within Carnegie Center West at Block 7.13, Lot 12.061; and

WHEREAS, an extension of the sewer collection system to the site is also proposed, which requires a Treatment Works Approval Permit from the New Jersey Department of Environmental Protection; and

WHEREAS, the Township Engineer has certified that there is sufficient planned capacity in the downstream sanitary sewer system to accommodate the increase in average daily flow of 60,979 gallons per day (gpd) of wastewater that is estimated to be generated by the proposed improvement.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that a reservation of sewer capacity in the amount of 60,979 gpd is hereby granted for the project known as Korman Suites (PB21-10) located within Carnegie Center West at Block 7.13, Lot 12.061; and

BE IT FURTHER RESOLVED that this allocation of Township sewer capacity shall be in effect for a period of one (1) year; and

BE IT FURTHER RESOLVED that the Township Engineer be and hereby is authorized to execute the endorsement of the New Jersey Department of Environmental Protection Treatment Works Approval Permit application, as required to implement this Resolution, upon submission of final design/construction plans and specifications acceptable to the Township Engineer.

Adopted: February 13, 2023

I hereby certify this is a true copy of a Resolution adopted by the West Windsor Township Council at their meeting held on the 13th day of February 2023.

Gay M. Huber
Township Clerk
Township of West Windsor

ORDINANCE 2023-02

AN ORDINANCE ACCEPTING THE DEDICATION OF A CERTAIN PORTION OF
BLOCK 28, LOT 15.03 (2044 Old Trenton Road (Rear) CONSISTING OF 10.214
ACRES

WHEREAS, K. Hovnanian at Heritage at West Windsor, LLC is the owner of a 10.214 acre tract located in West Windsor Township and identified on the tax map as Block 28, Lot 15.03; and

WHEREAS, on October 14, 2020 the West Windsor Planning Board granted preliminary and final major subdivision approval subdividing the tract into three lots, one being an open space lot, the open space lot being designated Block 28, Lot 15.03 and comprising 10.214 acres; and

WHEREAS, it would be to the benefit of the Township to accept dedication of the open space lot as it is immediately adjacent to existing Township Greenbelt and Zaitz Park/Preserve and would therefore be an enhancement thereto; 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 open space lot referenced above.

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

- (1) The Township accepts dedication of the open space lot, Block 28, proposed Lot 15.03; and
- (2) The conveyance shall be made by deed to the Township upon perfection of the subdivision by filing a subdivision plat or recording subdivision deeds; and
- (3) There will be no consideration for the conveyance; and
- (4) This Ordinance shall be in force after action or inaction by the Mayor as provided by law or an override of mayoral veto by the Council, whichever is applicable. Publication will be according to law.

Introduction:

Public Hearing:

Adoption:

Mayor's Approval:

Effective Date: