

**MEETING TO BE
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**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**

May 28, 2024

7:00 p.m.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - January 19, 2024 to The Times and the Princeton Packet and posted on the Township web-site.
4. Salute to the Flag
5. Ceremonial Matters and/or Topics for Priority Consideration

Pride Month Proclamation

Presentation by Grover Middle School Community Problem Solving Program

Discussion on Draft Stormwater Ordinance per Updated NJDEP Guidelines
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

- 2024-11 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 4-37E "POLICE DIVISION" OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WEST WINDSOR
- 2024-12 AN ORDINANCE AMENDING AND SUPPLEMENTING PART II "GENERAL LEGISLATION" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY (1999) CHAPTER 168; "TRAFFIC AND PARKING" ARTICLE V "TRAFFIC AND PARKING REGULATIONS ON PRIVATE PROPERTY" SECTION 168-37C "CONTROL OF MOVEMENT AND PARKING ON PUBLIC AND PRIVATE PROPERTY" OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WEST WINDSOR - W Squared

11. Consent Agenda

A. Resolutions

B. Minutes

April 29, 2024 - Business Session - As Amended

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2024-R123 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Chestnut Arboricultural & Forestry Services, LLC for Professional Urban and Community Forestry Services - \$26,600.00

2024-R124 Authorizing the Business Administrator to Execute Change Order No. 2 with Montana Construction Corp., Inc. for the Emergency Generator for the Project Known As Duck Pond Interceptor Phase 2 for an Increase of \$31,984.00 for a Total Not to Exceed \$4,419,293.00

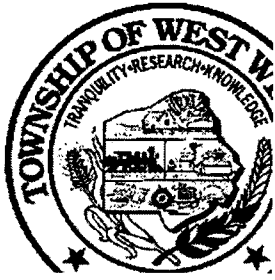
- 2024-R125 Authorizing the Business Administrator to Purchase Annual Licensing Renewals From SHI International Corp. Under New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 With the County of Bergen - \$17,299.77
- 2024-R126 Authorizing the Business Administrator to Purchase New Service Weapons and Equipment for the Police Division Under New Jersey State Contract #17-FLEET-00767
- 2024-R127 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Spiezle Architectural Group, Inc. for Architectural Design Services for the Project Known as West Windsor Arts Center Roof Replacement
- 2024-R128 Authorizing the Mayor and Clerk to Request Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for Donations - Acceptance of Bequests and Gifts for the Project Known as Conover Park Lighting Improvements
- 2024-R129 Authorizing the Mayor and Clerk to Execute the 2024 Amendment to the Interlocal Services Agreement Between West Windsor Township and the Parking Authority of West Windsor Township
- 2024-R130 Authorizing the Mayor and Clerk to Execute the Repayment Schedule for the Parking Authority of West Windsor Township for Reimbursement of Outstanding Balances As Set Forth in the 2024 Amendment to the Interlocal Shared Services Agreement Between West Windsor Township and the Parking Authority of West Windsor Township

14. Introduction of Ordinances

- 2024-13 BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 2023-09 OF THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY, FINALLY ADOPTED AUGUST 14, 2023, IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT.

Public Hearing: June 10, 2024

15. Additional Public Comment (15 minutes comment period;
three-minute limit per person)
16. Council Reports/Discussion/New Business
17. Administration Updates
18. Closed Session
19. Adjournment



WEST WINDSOR TOWNSHIP

DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENGINEERING

MEMORANDUM

Date: May 13, 2024

To: Marlena Schmid,
Business Administrator

From: Francis A. Guzik, PE, CME
Director Community Development / Township Engineer

Subject: **Draft Ordinance Revisions Related to
NJDEP Inland Flood Rules adopted July 2023**

Attached for consideration is the draft Ordinance prepared by staff for the modifications to the Township code pertaining to stormwater control, as required to reflect the provisions of the State's adoption of the Inland Flood Rules at N.J.A.C. 7:8 in July 2023. As announced by the NJ League of Municipalities in June of 2023[emphasis added]:

"The new **Inland Flood Protection Rules** update New Jersey's existing flood hazard and stormwater regulations by replacing current precipitation estimates with modern data that attempts to account for observed and projected increases in rainfall. The updated standards will apply to certain new and substantially reconstructed development in inland riverine areas that are subject to flooding, but they do not prohibit development in these flood hazard areas.

Under the two primary components of the rule:

- The elevation of habitable first floors would be two feet higher than currently indicated on NJ Department of Environmental Protection (NJDEP) state flood maps and three feet higher than indicated on FEMA maps.
- Applicants for certain permits would use NJDEP's New Jersey-specific precipitation data when calculating peak flow rates of streams and rivers for permits under the Flood Hazard Area Control Act Rules, N.J.A.C. 7:13, as well as when proposed development triggers compliance with DEP's Stormwater Management rules, N.J.A.C. 7:8."

The draft Ordinance reflects multiple changes to the Land Use Code, mostly in Article XXI Stormwater Control. These changes are based on model ordinance language provided by the NJDEP to municipalities, also attached, and revisions suggested by staff for improved comprehension and compliance. Included in Article XXI changes is also language establishing minimum drainage standards for all development, not just major development, that was not provided for in the NJDEP's model language. These minimum standards are in practice in daily operations, but inclusion in the Code will enhance enforceability, when challenged.

Draft Ordinance Revisions

May 13, 2024

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Additionally, there are included updates to the landscape standards for stormwater control facilities in section § 200-91. These better reflect the current requirement for green infrastructure in stormwater design and provide planting standards more in line with green infrastructure that developers are installing. These changes will reduce some of the design waiver requests that the Planning Board has been acting upon in recent years. These revisions were developed by Dan Dobromilsky, Township Landscape Architect, prior to his retirement.

Finally, standards for driveway design are proposed to be added to sections § 200-29 and § 200-62. These will establish minimum and maximum width requirements for driveways serving single family and two-family properties and establish grading standards for all driveways so as to prevent problems with abrupt changes in slope along a driveway's profile. These standards are in practice in daily operations, but inclusion in the Code will enhance enforceability, when challenged.

I am available to review and discuss in more detail, as may be required.

FG

Enclosures

Cc: Kerry Giametta, Administration
John B. Taylor, Assistant Township Engineer

TOWNSHIP OF WEST WINDSOR
MERCER COUNTY, NEW JERSEY

ORDINANCE NO. 2024-_____

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 200 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR (1999) BY MODIFYING PROVISIONS PERTAINING TO STORMWATER CONTROL REGULATIONS AND DRIVEWAYS

BE IT ORDAINED, by the West Windsor Township Council, County of Mercer, State of New Jersey, that the Code of West Windsor Township, be amended and supplemented as follows:

SECTION I. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 3, Subdivision and Site Plan Procedures, Article XIX, Improvements, is hereby amended as follows. Added text is **bold underlined** and text being eliminated is [bracketed].

§ 200-91 Construction, maintenance and installation standards for specific improvements.

P. Landscape standards.

(4) Stormwater. Stormwater **best management practices** [areas] include **bioretention** [and detention] basins, **infiltration basins, sand filters, extended detention basins,** [drainage ditches and] swales and **constructed** wetlands areas. Sensitively designed **best management practices** [basins and swales] can benefit the health, welfare and safety of West Windsor Township residents. This may involve integration of these areas as aesthetic landscape features, naturalized wetland areas or active and passive recreation areas, in addition to their stormwater management function. **Plantings are not permitted upon any dikes associated with a stormwater management facility [detention basin] unless approved by the Township Engineer.**

(a) Stormwater **bioretention, infiltration and constructed** wetlands [detention] areas. One of the following landscape concepts for **these areas, as well as** stormwater **extended** detention areas **existing before March 2, 2021,** or an alternative concept complying with the standards set forth above shall be used.

[1] Reforestation. This landscaped treatment is appropriate for [detention basins and drainage] areas that are not highly visible or are adjacent to areas of mature woodlands, Greenbelt or wetlands. It **is intended that the landscape** reverts [the disturbed area] to a revegetated, stable, low-maintenance, natural landscape asset over time.

[a] The area shall be graded creatively to blend into the surrounding landscape and imitate a natural depression with an irregular edge. This shall include gentle berming. Linear, geometric basins **should be avoided to the extent possible** [are unacceptable].

- [b] The quantity of trees to be planted on the interior of the basins shall be equal to the number of trees that would be necessary to cover the entire area, based upon a 20-foot by 20-foot grid **along the bottom and embankments, up to the largest design storm's maximum water surface [high-water line or outflow] elevation (one tree for every 400 square feet of surface area).** Of this number, 10% shall be 2-1/2 inch[es to three inches] caliper, 20% shall be one inch [to two inches] caliper and 70% shall be **whips** six feet **in** [to eight feet] height [whips].
 - [c] The trees shall be planted in groves and spaced **ten** [five] feet to **twenty** [15] feet on center.
 - [d] The ground plane shall be seeded with a naturalization, wildflower and/or meadow grass mix. [The specific blend shall be approved by the Township Landscape Architect.]
 - [e] All woody and herbaceous plants shall be species indigenous to the area and/or tolerant of typical wet/dry floodplain conditions.
 - [f] Planting shall not be located within 20 feet of **stormwater devices or other man-made structures**[low flow channels] to allow for maintenance.
 - [g] The perimeter area (slopes above the high water line) shall include shade trees (approximately 80 per 1,000 linear feet), evergreen trees (approximately 40 per 1,000 linear feet), **with additional understory flowering [ornamental] trees and evergreen shrubs screening drainage structures and creating visual interests.**
 - [h] Provisions for emergency access as well as general maintenance of the basins shall be reviewed by the Township Engineer. Plantings shall be designed to disguise yet not hinder vehicular access.
 - [[i] Plantings are not permitted upon any dikes associated with a detention basin unless approved by the Township Engineer.]
- [2] [Recreation/o]**Open space feature.** This landscape concept is appropriate in situations where a **stormwater management area is conspicuously visible or is adjacent to areas of outdoor recreation and social use.** [basin is the largest or only portion of open space in an area or is adjacent to existing open space and recreational open space is desired.] It is also appropriate for smaller, highly visible basins where a visually pleasing open area is desired. **In particular this landscape concept shall be applicable to sand or gravel surface stormwater infiltration areas.** The objective in these situations is to integrate the area into the landscape using topography and plantings in order to complement the function of the area and to provide a visually interesting landscape feature and/or recreation space. **The topographic design should create an aesthetic form that diminishes the view or appearance of functional elements such as**

headwalls and sand or gravel surfacing. The planting should complement the topographic design. If the topographic design cannot achieve an aesthetic form and view, then the perimeter planting shall be dense and predominantly evergreen to screen views of the functional elements and create the intended aesthetic landscape element.

- [a] The area shall be graded creatively to blend into the surrounding landscape and imitate a natural depression with an irregular edge. This shall include gentle berming **to screen or buffer views of functional elements such as pipes, channels, rip-rap aprons, and sand or gravel surfacing.**
- [b] Provide perimeter plantings, including shade trees, formally or informally, evergreen trees to create and screen views and small trees and shrubs to provide a continuous landscape strip screening **functional elements** [drainage structures] and creating visual interest.
- [c] Integrate **other** buffer, **parking area, or open space** plantings with **stormwater facility** perimeter plantings where applicable.
- [d] The following are guidelines for plant quantities:

Shade trees	<u>20[80]</u> per 1,000 linear feet
Evergreen trees	<u>50[40]</u> per 1,000 linear feet
<u>Understory flowering</u> [Ornamental] trees	10 per 1,000 linear feet
Shrubs	50 per 1,000 linear feet

- [e] **When the topographic design cannot create the desired aesthetic integration into the surrounding landscape than the perimeter planting shall be dense and predominantly evergreen plant species to screen views of the functional elements and create the intended aesthetic landscape element.**[To provide recreational open space, concentrate frequently flooded detention in a basin area (five- to ten-year-storm volume) and provide a gently sloping, less often flooded area (ten- to one-hundred-year storm volume) as a recreational open field space. Provide ball fields and/or open play areas integrated with plantings in a park-like manner.]
- [f] **If the space allocated for stormwater management and infiltration is extremely limited then a dense evergreen hedge and/or aesthetic screen or enclosure fence may be implemented to achieve the intent of this landscape concept. Evergreen plantings must be specified at a size and spacing with the foliage touching and a height that will screen views at the time of planting. Shrub planting in a double staggered row at two foot on center spacing and/or upright evergreen at five foot on center spacing, adjusted relative to the specific species or cultivar, should be specified.**

- (b) Stormwater retention areas/**wetponds**; open space/recreation features. This landscape treatment can take on a variety of landscape forms, from formal

reflecting pools and canals or entry fountain features to natural park-like lakes and ravines.

- [1] Water fountains/features are encouraged in the design of research/office/manufacturing parks and developments, especially along the Route 1 corridor.
- [2] The water's edge shall be easily maintained and stable. Possible treatments might include rip-rap, stone walls, natural plantings, decking and bulkheads.
- [3] The planting of the perimeter of the feature shall accentuate views and interest and integrate pedestrian paths, sitting areas and other uses.
- [4] Plantings shall include formal or informally-massed deciduous and evergreen trees and shrubs to screen and frame views with ornamental trees, shrubs and grasses used for visual interest or special effects. A continuous landscape area shall be provided. **Planting quantities may vary but should include at least four shade trees and four evergreen trees for every 100 feet of perimeter dimension as measured along the normal water surface elevation.**
- [5] If used as a recreational feature, the **pedestrian** connection to the water must be addressed and controlled. The types of uses shall be specified, and the plantings and pedestrian spaces shall be integrated with these uses.
- [6] Plants with pervasive root systems shall not be located where they may cause damage to drainage pipes or other underground utilities.
- [7] All engineered basin structures shall be designed to blend into the landscape in terms of construction materials, color, grading and planting.
- [8] **Design features are to include the integration of wildlife management measures to discourage geese and other nuisance wildlife.**

SECTION II. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 3, Subdivision and Site Plan Procedures, Article XXI, Stormwater Control, is hereby amended as follows. Added text is **bold underlined** and text being eliminated is [bracketed].

ARTICLE XXI Stormwater Control

§ 200-99. Scope and Purpose:

- A. Policy Statement - Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices ("GI BMPs") and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and

the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose - The purpose of this Article XXI is to establish minimum stormwater management requirements and controls for "major development," as defined below in § 200-100.2

C. Applicability

(1) This Article XXI shall be applicable to the following major developments:

- (a) Non-residential major developments; and
- (b) Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

(2) This Article XXI shall also be applicable to all major developments undertaken by West Windsor Township.

(3) An application required by ordinance pursuant to C(1) above that has been submitted prior to {insert adoption date of this ordinance}, shall be subject to the stormwater management requirements in effect on {insert 1-day prior to the adoption date of this ordinance}.

(4) An application required by ordinance for approval pursuant to C(1) above that has been submitted on or after March 2, 2021, but prior to {insert adoption date of this ordinance}, shall be subject to the stormwater management requirements in effect on {insert 1-day prior to the adoption date of this ordinance}.

(5) Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

D. Compatibility with other permit and ordinance requirements.

(1) Development approvals issued pursuant to this Article XXI are to be considered an integral part of the development approval process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this Article XXI shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

(2) This Article XXI is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this Article XXI imposes restrictions different from those imposed by any other Article, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§ 200-100. General administration.

- A. No application for major development shall be approved unless the Township Engineer or other Township review engineer has certified to the approving authority, in writing, that:
 - (1) The applicant has provided sufficient information to determine whether or not the proposed development will conform with Township stormwater control standards and stormwater management BMP design criteria.
 - (2) In the judgment of the Township's review engineer, the proposed development will substantially conform with these standards and the design criteria set forth herein.
- B. The stormwater management plans submitted shall also demonstrate careful consideration of the general and specific concerns, values and standards of the Township Master Plan and applicable County and State storm drainage control programs, any Mercer County Mosquito Commission control standards, and shall be based on environmentally sound site planning, engineering and landscape architectural techniques.
- C. Development shall use the best available technology to minimize off-site stormwater runoff, increase on-site infiltration, simulate natural drainage systems and minimize off-site discharge of pollutants to ground and surface water and encourage natural filtration functions. These goals are best achieved through GI BMPs and nonstructural stormwater management strategies.
- D. All development sites [major or not] shall be graded to secure proper drainage away from buildings per applicable New Jersey State building codes, and to prevent the collection of stormwater in pools on improved surfaces and lawn areas not specifically designed for that purpose. Sufficient inlets, catch basins, swales and other drainage appurtenances shall be provided to convey runoff to the stormwater management BMPs.

§ 200-100.1. Design and Performance Standards for Stormwater Management Measures

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 - (1) The minimum standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 - (2) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

The standards in this Article XXI apply to major development, as defined herein, and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. To the extent that alternative design and performance standards are applicable under a regional stormwater management plan, or Water Quality Management Plan adopted in accordance with Department rules, the standards in this Article XXI do not apply to major development. **Alternative standards shall provide at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in N.J.A.C. 7:8-5.**

§ 200-100.2. Definitions:

For the purpose of this Article XXI, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

"Best Management Practice" or "BMP" - A strategy or technique to prevent or mitigate one or more of the negative impacts of stormwater runoff. BMPs can be nonstructural or structural.

"Compaction" - the increase in soil bulk density.

"Contributory drainage area" - the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

"Core" - a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

"County review agency" - an agency designated by the Mercer County Board of County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The County review agency may either be:

1. A Mercer County planning agency or
2. A Mercer County water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” - the New Jersey Department of Environmental Protection or NJDEP.

“Design engineer” - a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” - the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

In the case of development of agricultural land, “development” means any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right-to-Farm Act, N.J.S.A 4:1C-1 *et seq.*

“Disconnected impervious cover” – an impervious surface that directs stormwater runoff to a pervious surface or BMP, and is not directly connected to a drainage system either on the surface or subsurface.

“Disturbance” - the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

“Drainage area” - a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally constrained area” - the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Environmentally critical area” - an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of

endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

"Erosion" - the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

"Green infrastructure" - a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

"HUC 14" or "hydrologic unit code 14" - an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

"Impervious surface" - a surface that has been sufficiently compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

"Infiltration" is the process by which water from precipitation [seeps] moves into the soil.

"Lead planning agency" - one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

"Low Impact Development" or "LID" – development that includes strategies, practices and techniques that preserve, make use of, or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat.

"Major development" - any development or redevelopment, as defined by this section, that individually or collectively results in the disturbance of one or more acres of land since February 2, 2004;

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development). Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

“Motor vehicle” - land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

“Motor vehicle surface” - any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

“Municipality” - any city, borough, town, township, or village; in this article it is West Windsor Township.

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “NJ BMP Manual” or “BMP Manual” - the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this Article.

The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices, reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this Article.

“Node” - an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” - a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Percolation” – flow of water through soil and porous or fractured rock or other media.

“Person” - any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

“Pollutant” - any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

"Public roadway or railroad" means a pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

"Public transportation entity" means a Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 et seq.), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

"Recharge" - the process by which water is added to groundwater aquifers; the [amount] volume of water from precipitation that infiltrates into the ground below the root zone and is not lost to evapotranspiration.

"Redevelopment" - land-disturbing activity that results in the creation, addition, or replacement of impervious surface area on an already developed or disturbed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

"Regulated impervious surface" - any of the following, alone or in combination:

- A. A net increase of impervious surface; **and/or**
- B. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a "new stormwater conveyance system" is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created); **and/or**
- C. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; **and/or**
- D. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

"Regulated motor vehicle surface" - any of the following, alone or in combination:

- A. The total area of motor vehicle surface that is currently receiving precipitation; **and/or**

- B. A net increase in motor vehicle surface; and/or
- C. The total area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

“Sediment” - solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Seepage” – movement of water or gas through a media, typically soil.

“Site” - the lot or lots upon which a major development is to occur or has occurred.

“Soil” - all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” - an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” - water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater management BMP” - an excavation or embankment and related areas designed to retain and manage release of stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” - any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Stormwater runoff” - water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management planning agency” - a public body authorized by legislation to prepare stormwater management plans.

“Stormwater management planning area” - the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

- A. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- B. Designated as CAFRA Centers, Cores or Nodes;
- C. Designated as Urban Enterprise Zones; and
- D. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water control structure” - a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the 2-, 10-, or 100-year design storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, fjord (if above grade), retaining wall, and weir.

“Waters of the State” - the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” - an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

§ 200-100.3 Locations.

- A. Stormwater management measures as may be required under the terms of this Article XXI shall be located on site and within the zoning district permitting that use, subject to the requirements outlined herein. Such measures shall be considered accessory uses and also subject to the conditions of Part 4, Zoning, of this chapter.
- B. Such stormwater management measures may be located within the setback line of the area to be improved, excluding landscape transition buffers, landscape buffers or landscape strips as may be required in Part 4, Zoning, of this chapter. A minimum offset for landscape buffers must be provided from the perimeter of sand-based surface stormwater BMPs outlined in the tables in §200-101 as measured between the maximum water surface elevation and adjacent roads, drive aisles, bike paths, parking lots, property lines and buildings in order to facilitate conformance with the design standards at §200-91 P(4) as follows: 10 feet for

small-scale sand filter and small-scale infiltration basin per **§200-101.F** Table 1; 30 feet for sand filter and infiltration basin per **§200-101.F** Table 2 and 30 feet for sand filter per **§200-101.F** Table 3.

§ 200-100.4 Optional locations.

Where it can be demonstrated at the time of Township land use board review that such on-site stormwater management measure location within the zoning district permitting that use is impractical due to engineering feasibility factors, then the Township land use board of jurisdiction may permit such measure to be located off-tract and/or out of the zoning district, provided that the following requirements are met:

- A. All of the conditions noted in this article are met, in addition to § 200-226 of this chapter.
- B. Location of the measure does not hinder or discourage the appropriate development and use of the property on which it is located or the use of adjacent land and buildings.
- C. Permanent access and easement to the measure shall be provided for preservation and for maintenance purposes.
- D. Location of the measure shall be referenced in the deed notice required under § 200-101M and a separate deed notice shall be provided and recorded for the property upon which the measure is located.
- E. Utilization of other nearby off-tract stormwater management facilities is not feasible or practicable as determined by the developer's engineer, subject to confirmation by the Township Engineer.

§ 200-101. Stormwater Management Requirements for Major Development

- A. The development shall include a Maintenance Plan for the stormwater management measures incorporated into the design of a major development in accordance with § 200-105.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 200-101.P, 101.Q and 101.R:

- (1) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - (2) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - (3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 200-101.O, 101.P, 101.Q and 101.R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
- (1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - (2) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of § 200-101.O, 101.P, 101.Q and 101.R to the maximum extent practicable;
 - (3) The applicant demonstrates that, in order to meet the requirements of § 200-101.O, 101.P, 101.Q and 101.R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - (4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation, lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § 200-101.O, 101.P, 101.Q and 101.R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in § 200-101.O, 101.P, 101.Q and 101.R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. The most current version of the BMP Manual can be found on the Department's website at:

<https://dep.nj.gov/stormwater/bmp-manual/>.

- F. Where the BMP tables in this Article XXI are different from the corresponding tables in the NJ Stormwater Management Rule N.J.A.C. 7:8-5.2(f) due to updates or amendments to N.J.A.C. 7:8-5.2(f), the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	--
Manufactured Treatment Device ^(a) ^(g)	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2

Vegetative Filter Strip	60-80	No	No	--
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(Notes corresponding to annotations ^(a) through ^(g) are found after Table 3)

Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

(Notes corresponding to annotations ^(b) through ^(d) are found after Table 3)

Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes for Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at § 200-101.(O)2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at § 200-100.2;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at § 200-100.2.

G. **Alternative measures.** An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the Township. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with § 200-[101.2B]**101.3B**.

- (1) Alternative stormwater management measures may be used to satisfy the requirements at § 200-101.O only if the measures meet the definition of green infrastructure at § 200-100.2.
 - (2) Alternative stormwater management measures that function in a similar manner to a BMP listed at Section 101.O(2) are subject to the contributory drainage area limitation specified at Section 101.O(2) for that similarly functioning BMP.
 - (3) Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section 101.O(2) shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation.
 - (4) Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 200-101.D is granted from § 200-101.O.
- H. **Groundwater mounding analysis.** Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high-water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
- (1) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally **sensitive [critical]** areas; wetlands; flood-prone areas; slopes; depth to seasonal high-water table; soil type, permeability, and texture; drainage area and drainage patterns;

- (2) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the safety standards of § 200-103.C;
 - (3) Stormwater management measures and their components shall be designed, constructed, and installed to be strong, durable, and corrosion resistant, where required. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 - (4) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at § 200-103; and
 - (5) The minimum size of the orifice at the intake to the outlet from the stormwater management BMP shall be two and one-half inches (2-1/2") in diameter.
 - (6) **To the maximum extent practicable, the design engineer shall design stormwater management measures that incorporate pretreatment measures. Pretreatment can extend the functional life and increase the pollutant removal capability of a stormwater management measure. Pretreatment measures may be designed in accordance with the New Jersey BMP Manual or other sources approved by the Township Engineer.**
- J. **Manufactured treatment devices.** Manufactured treatment devices may be used to meet the requirements of this Article, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at § 200-100.2 may be used only under the circumstances described at § 200-101.O(4) where a variance or waiver is granted.
- K. **Agricultural developments.** Any application for a new agricultural development that meets the definition of major development at § 200-100.2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at § 200-101.O, 101.P, 101.Q and 101.R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, horticultural product and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

L. **Requirements by drainage area.** If there is more than one drainage area involved in a major development, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 200-101.P, 101.Q and 101.R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

M. **Deed Notice requirement.** Any stormwater management measure authorized under the Township stormwater management plan or this Article XXI shall be reflected in a deed notice recorded in the Office of the Mercer County Clerk. A form of deed notice shall be submitted to the Township for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 200-101.O, 101.P, 101.Q and 101.R and shall identify the location(s) of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the Maintenance Plan required to be recorded upon the deed pursuant to § 200-105.B(5) **by Plan title, Project Name, municipal project number, name, title and license information of the preparer, and latest revision date of the Plan.**

Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the Township. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the Clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the Township is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the Township within 180 calendar days of the authorization granted by the Township.

N. **Alterations and replacements.** A stormwater management measure approved under the Township stormwater management plan or Article XXI may be altered or replaced with the approval of the Township, if the Township determines that the proposed alteration or replacement meets the design and performance standards pursuant to § 200-101 of this Article XXI and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the Township for approval and subsequently recorded with the Office of the Mercer County Clerk. The revised deed notice shall contain a description and location of the altered or replacement stormwater management measure, as well as reference to the **amended or supplemental** Maintenance Plan, in accordance with 101.M above.

Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the Township in accordance with 101.M above.

O. Green Infrastructure Standards

- (1) This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
- (2) To satisfy the groundwater recharge and stormwater runoff quality standards at § 200-101.P and 101.Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at § 200-101.F and/or an alternative stormwater management measure approved in accordance with § 200-101.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

- (3) To satisfy the stormwater runoff quantity standards at § 200-101.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with § 200-101.G.
- (4) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 200-101.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with § 200-101.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 200-101.P, 101.Q and 101.R.

P. Groundwater Recharge Standards

- (1) This subsection contains the minimum design and performance standards for groundwater recharge as follows:

- (2) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § 200-101.1, either:
 - (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the **projected two-year storm, as defined and determined pursuant to Section 101.1D of this ordinance**, is infiltrated.
- (3) This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 101.P(4) below.
- (4) The following types of stormwater shall not be recharged:
 - (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan **approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C**, or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - (b) Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
- (2) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

- (a) Eighty percent (80%) TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
- (b) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
- (3) The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 101.Q(2) above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS, or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
- (4) The water quality design storm is one and one-quarter inches (1.25") of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table [1] **5-4: Water Quality Design Storm Distribution** at N.J.A.C. 7:8-5.5. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.
- (5) If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:
- $$R = A + B - (A \times B) / 100,$$
- Where:
- R = total TSS Percent Load Removal from application of both BMPs, and
A = the TSS Percent Removal Rate applicable to the first BMP
B = the TSS Percent Removal Rate applicable to the second BMP.
- (6) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in § 200-101.P, 101.Q and 101.R.

- (7) In accordance with the definition of "FW1" at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
- (8) The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
- (9) Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
- (10) [This] **These** stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable materials **such as gravel, soil, and/or shells.**

R. Stormwater Runoff Quantity Standards

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
- (2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 200-101.1, complete one of the following:
 - (a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the **current and projected two-, ten-, and 100-year storm events, as calculated using the precipitation depths determined by the standards found in Section 101.1.C and 101.1.D,** do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events; or
 - (b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the **current and projected two-, ten- and 100-year storm events, as calculated using the precipitation depths determined by the standards found in Section 101.1.C and 101.1.D,** and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land

uses assuming full development under existing zoning and land use ordinances in the drainage area; or

(c) Design stormwater management measures so that the post-construction peak runoff rates for the **current and projected** two-, ten- and 100-year storm events, **as calculated using the precipitation depths determined by the standards found in Section 101.1.C and 101.1.D**, are 50%, 75% and 80%, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed.

(3) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§ 200-101.1. Calculation of Stormwater Runoff and Groundwater Recharge:

A. Stormwater runoff shall be calculated in accordance with the following:

(1) The design engineer shall calculate runoff using [one of] the following method[s]:

[(a)] The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55)*, dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

<https://directives.sc.egov.usda.gov/22162.wba>

[https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf]

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873;

[or

(b) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available

from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625.
The document is also available at:

<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.]

- (2) For the purpose of calculating [runoff coefficients] **curve numbers** and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a “wooded” land use with “good” hydrologic condition. The term “[runoff coefficient] **curve number**” applies to the NRCS methodology [and both the Rational and Modified Rational Methods at § 200-101.1.A(1)]. A [runoff coefficient] **curve number** or a groundwater recharge land cover for an existing condition **differing from “wooded” land with “good” cover** may be used on all or a portion of the site if the design engineer verifies **and substantiates** that the **differing** hydrologic condition has existed on the site or portion of the site for at least five (5) years without interruption prior to the time of application.

If more than one **differing** land cover has existed on the site during the five (5) years immediately prior to the time of application, the **differing** land cover with the lowest runoff potential shall be used for the computations.

[In addition, there is the presumption] **The design engineer shall presume** that the site is in “good” hydrologic condition if the **differing** land use type is pasture, lawn, or park; with “good” cover if the **differing** land use type is woods; and with hydrologic condition “good with conservation treatment” if the **differing** land use type is cultivation.

- (3) In computing **existing condition** pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes. In computing stormwater runoff from all design storms, the design engineer shall [consider] **determine** the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from disconnected impervious surface, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods **acceptable to the Township Engineer** may be employed.
- (4) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of [structural] stormwater management measures.

B. **Groundwater recharge.** Groundwater recharge may be calculated in accordance with the following: The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New

Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at <https://www.nj.gov/dep/njgs/pricelst/gsrreport/gsr32.pdf>; or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420, Mail Code 29-01, Trenton, New Jersey 08625-0420.

- C. **Current precipitation depths. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:**
- (1) **The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service's Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:**
- https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; **and**
- (2) **The applicant shall utilize Table 5-5: Current Precipitation Adjustment Factors found under N.J.A.C. 7:8-5.7(c), which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the referenced table.**
- D. **Projected precipitation depths. Table 5-6: Future Precipitation Change Factors, found under N.J.A.C. 7:8-5.7(d), sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service's Atlas 14 Point Precipitation Frequency Estimates pursuant to (C)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county.**

§ 200-101.2. Design standards applicable to all development.

- A. **All development shall be designed to account for stormwater and natural drainage water which originates not only within the lot or tract boundaries, but also that originating beyond the lot or tract boundaries which normally flows into or through the development lot or tract boundaries.**

- B. Stormwater runoff, natural drainage water or water discharged from any source shall not be so diverted or directed as to overload existing drainage systems or create flooding or the need for additional drainage improvements, including structures, on other private properties or public lands. Proper and approved provisions shall be made in the development design to relieve these conditions to the satisfaction of the Township Engineer.
- C. Over the sidewalk, under the sidewalk and/or through the curb drains for the purpose of discharging of roof drains or sump pumps is prohibited. These facilities must outlet into an adequate watercourse or drainage conveyance or collection system as approved by the Township Engineer. Roof leaders in violation of §200-101.2.B must be connected to an approved drainage system as determined by the Township Engineer. In the absence of a practical outlet for either a sump pump or roof leader, other drainage systems, as approved by the Township Engineer, may be used.
- D. The design of any stormwater runoff collection system shall conform to N.J.A.C. 5:21-7.2 and 7.3, except high density polyethylene pipe (HDPE) shall not be used for any system or portion thereof to be dedicated to West Windsor Township, or for driveway culverts. Minimum pipe size for any public drainage system is 15 inches in diameter.
- E. The stormwater collection and conveyance system for major development shall be analyzed for the one-hundred-year design storm event. The temporary maximum depth of standing water at any pavement gutter line shall not exceed nine inches. Further, temporary standing water shall not encroach upon any building envelope, existing or proposed. In sump conditions, overland relief shall be provided in the form of a drainage swale designed to carry the design flow to its intended destination. As an alternative, the storm sewer system shall be designed for the one-hundred-year design storm from the sump location to the stormwater BMP discharge, and shall include adequate capacity at each inlet to admit the one-hundred-year design storm runoff.
- F. The materials used in the construction of storm sewers and other drainage structures shall be in accordance with the Standard Specifications for Road and Bridge Construction of the New Jersey Department of Transportation, latest edition, including any supplements, addendum and modifications thereto. "WEST WINDSOR TOWNSHIP STORM SEWER" shall be cast integrally in the cover of any storm manhole cover. Modification or change of these specifications may be affected only with the knowledge and written consent of the Township Engineer.
- G. Minimum overland grades on all lots shall not be designed at less than a 2% slope unless within a designed waterway, stormwater management facility or structural pavement area. Maximum grades shall not exceed a ratio of 3 horizontal to 1 vertical. Wherever possible, all lots without an on-lot stormwater management facility or collection structure

shall be designed to provide positive drainage to the roadway facility fronting the same without flowing onto or across adjacent property.

- H. Proposed development along or near a stream shall be subject to demonstrating compliance with the requirements of Part 6 of Chapter 200, "Flood Damage and Prevention Ordinance of the Township of West Windsor".
- I. Approval for drainage structures shall also be obtained from the appropriate municipal, county, state and federal agencies and offices. Each applicant shall make application to the Department of Environmental Protection, the Delaware & Raritan Canal Commission, the Mercer County Engineering Department and the Township Engineer, as applicable. Letters of approval from the appropriate governmental authorities shall be furnished to the Township Engineer, with copies to the administrative officer, prior to the granting of final approval or, if approval is granted conditionally, letters of approval shall be provided prior to the Township Engineer's signing of the final map or final plans.
- J. Where required by the Township, if a lot or tract is traversed by a watercourse, surface or underground drainageway or drainage system, channel or stream, there shall be provided and dedicated a drainage easement to the Township, or other owners of the private drainage systems, conforming substantially with the lines of such watercourse or drainage system and such further width as will be adequate to accommodate expected stormwater runoff in the future, based upon reasonable growth potential in the Township, and in any event, meeting any minimum widths and locations shown on any adopted Official Map or Master Plan. Such easement dedication shall be expressed on the plan and plat as follows: "Drainage easement granted to _____ for the purposes provided for and expressed in the Code of the Township of West Windsor." The Township shall have the right, but not the obligation, to inspect, maintain, repair and replace the conveyance system.
- K. If the potential for contamination of stormwater runoff by petroleum products exists on-site, the stormwater runoff shall be collected and conveyed through an oil/grease separator or other equivalent manufactured filtering device to remove the petroleum hydrocarbons prior to discharge. The applicant shall provide sufficient data to demonstrate acceptable performance of the device, and maintenance of the device shall be addressed in the development Maintenance Plan.

§ 200-101.[2]3. Sources for Technical Guidance:

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

<https://dep.nj.gov/stormwater/bmp-manual/>
[http://www.nj.gov/dep/stormwater/bmp_manual2.htm]

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
2. Additional maintenance guidance is available on the Department's website at:

<https://dep.nj.gov/stormwater/maintenance-guidance/>.
[https://www.njstormwater.org/maintenance_guidance.htm]

- B. Submissions required by this Article for review by the Department should be mailed to:

The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420. [The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420]

Proof of mailing shall be provided to the Township Engineer.

§ 200-102. Solids and Floatable Materials Control Standards:

- A. Site design features identified under the BMP Tables at § 200-101.F above, or alternative designs in accordance with § 200-101.G above, in order to prevent discharge of trash and debris from drainage systems, shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. Exemptions to this standard are outlined in § 200-102.A(2).

- (1) Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- (i) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
- (ii) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways,

parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- (iii) For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

(2) The standard in 102.A(1) above does not apply:

- (i) Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- (ii) Where the Township agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- (iii) Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - (a) A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - (b) A bar screen having a bar spacing of 0.5 inches.

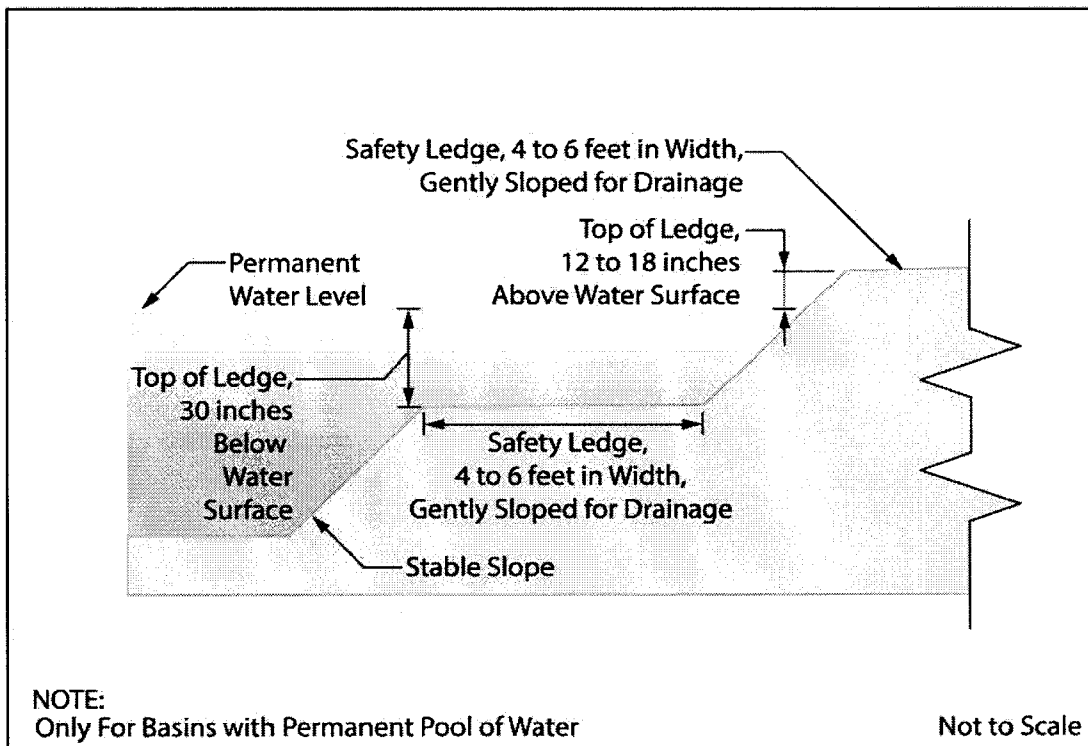
Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- (iv) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- (v) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§ 200-103. Safety Standards for Stormwater Management Facilities:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new, modified or altered stormwater management BMP.
- B. Stormwater management BMPs providing long-term water retention, shall be designed to be able to be dewatered, with minimal reliance on mechanical pumping, where practical. Pedestrian or vehicular traffic adjacent to these facilities should be evaluated to determine if and what safety measures or barriers should be provided in addition to safety ledges required by § 200-103.C(3).
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
- (1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
- (i) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - (ii) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - (iii) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - (iv) The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
- (2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
- (i) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - (ii) The overflow grate spacing shall be no **greater[less]** than two inches across the smallest dimension
 - (iii) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
- (3) Stormwater management BMPs shall include escape provisions as follows:

- (i) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the Township pursuant to 103.C, a free-standing outlet structure may be exempted from this requirement;
 - (ii) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See [103.E] **103.F** for an illustration of safety ledges in a stormwater management BMP; and
 - (iii) In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical (3:1).
- D. Embankments for stormwater management measures shall be designed in accordance with the requirements of the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014, as amended, and are to be constructed impermeable core of inorganic silts and clays (Unified Soil Classification ML CL materials). Embankments shall be provided with an emergency spillway designed to convey the facility's maximum design storm plus 50%, with a minimum of one-foot of freeboard to the proposed top of embankment elevation.**
- E. Variance or Exemption from Safety Standard
- A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the Township that the variance or exemption will not constitute a threat to public safety.
- F. Safety Ledge Illustration
- Elevation View –Basin Safety Ledge Configuration



§ 200-104. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

- (1) Whenever an applicant seeks Township approval of a major development subject to this Article XXI, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at § 200-104.C as part of the submission of the application for approval.
- (2) The applicant shall demonstrate that the project meets the standards set forth in this Article XXI.
- (3) The applicant shall submit two (2) copies of the materials listed in the Checklist for Site Development Stormwater Plans in accordance with § 200-104.C of this Article XXI.
- (4) Sketch plats and concept plans shall at a minimum submit the information required by § 200-104.C(1) through § 200-104.C(4).

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the Township board or official from which Township approval is sought. That Township

board or official shall consult the Township's review engineer to determine if all of the checklist requirements have been satisfied and to further determine if the project meets the standards set forth in this Article XXI.

C. Checklist for Site Development Stormwater Plan

The following information shall be required:

(1) Topographic Base Map

Topographic base map of the site shall be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 1-foot contour intervals **and in the North American Vertical Datum of 1988 (NAVD 88)**. The map is to indicate the following, as appropriate: existing surface water drainage, riparian zones and steep slopes per § 200-149, soil types, perennial or intermittent streams, Greenbelt areas, limits and normal water surface elevation of existing water bodies, wetlands and flood plains along with their appropriate buffer strips, vegetative and other pervious surfaces, existing man-made structures, roads, bearing and distances of project property lines, existing easements or property reservations, and significant natural and manmade features not otherwise shown. The reviewing engineer may require additional upstream tributary drainage system information, as necessary.

(2) Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings is to be submitted. This description is to include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development. Provision of an Environmental Impact Statement prepared in compliance with § 200-23 *Environmental considerations* shall be deemed to satisfy this requirement.

(3) Project Description and Site Plans

Provide a map or maps at the scale of the topographical base map indicating the existing and proposed land use cover conditions, and including location of buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and soil test locations with seasonal high groundwater elevations (observed or estimated). A written description of the site plan including justifications for proposed changes in natural conditions shall also be provided.

(4) Land Use Planning and Stormwater Source Control Plan

This plan shall provide a demonstration of how the goals and standards of § 200-100.1 through § 200-~~101.1~~**101.2** are being met. The focus of this plan shall be to describe how the site is being developed to meet the objectives of maintaining groundwater recharge, addressing stormwater quality and mitigating stormwater quantity increases at the source by land management and source controls whenever possible.

(5) Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be provided:

- (a) Total area to be disturbed by the project; proposed surface contours after construction; drainage area to each stormwater BMP with breakdown of land area to be occupied by each stormwater BMP, total area to be paved or otherwise built upon, and total area to remain pervious; the location of each stormwater outfall and each stormwater BMP in NAD 1983 State Plane New Jersey FIPS 2900 US Feet **and in the North American Vertical Datum of 1988 (NAVD 88)** [or Latitude and Longitude in decimal degrees], and written summary tables indicating required and achieved groundwater recharge, required and achieved stormwater quality control and required and achieved stormwater quantity control achieved, listing values for each BMP and for the project as a whole.
- (b) Details of all stormwater management facility designs, both during and after construction, including precautions and protections to be taken during construction, discharge provisions, discharge capacity for each outlet at different levels of detention, and emergency spillway provisions with maximum discharge capacity of each spillway.

(6) Calculations

- (a) Provide comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the required design storms specified in § 200-101, prepared in accordance with the requirements of § 200-101.1 **and § 200-101.2** of this Article XXI by a qualified licensed professional engineer.
- (b) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high-water table, then a soils report prepared by a qualified licensed professional shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure. All soils investigation and testing shall be performed in accordance with soil testing criteria outlined in Chapter 12 of the NJ BMP Manual.

(7) Maintenance and Repair Planning

A preliminary Maintenance Plan is to be provided meeting the requirements outlined in § 200-105. The planning and design of stormwater management facilities shall take into consideration aspects of future maintenance requirements, including ease of access, and the costs of maintenance and repair and replacement of their components.

(8) A Major Development Stormwater Summary Form

Submit a preliminary version of the NJDEP's Tier A MS4 NJPDES Permit Attachment D – Major Development Stormwater Summary form for the major development.

D. Waiver from Submission Requirements

The Township official or board reviewing an application under this Article XXI may, in consultation with the Township's review engineer, waive submission of any of the requirements in § 200-104.C(1) through 104.C(6) of this Article XXI when it can be demonstrated that the information requested is impossible to obtain, or it would create a hardship on the applicant to obtain, and its absence will not materially affect the review process.

§ 200-105. Maintenance and Repair:

A. Applicability. Projects subject to review as outlined in § 200-99.C of this Article XXI shall comply with the requirements of § 200-105.B and 105.C.

B. Maintenance Plan and Maintenance Responsibilities

(1) The design engineer shall prepare a Maintenance Plan for the stormwater management measures incorporated into the design of a major development.

(2) The Maintenance Plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance, including replacement. The Plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

(3) If the Maintenance Plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the Plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

(4) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. An

individual property owner within a development may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be made legally responsible for all of the maintenance required.

- (5) If the party responsible for maintenance identified under § 200-105.B(3) above is not a public agency, the **approved** Maintenance Plan, and any future revisions based on §200-105.B(7) below, shall be **documented by Deed Notice** recorded upon the deed of record for each property on which the maintenance described in the Maintenance Plan must be undertaken **as outlined in § 200-101.M.**
- (6) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
- (7) The party responsible for maintenance [shall maintain a detailed log of all preventative and corrective maintenance undertaken on the stormwater management measures, including a record of all inspections and copies of all maintenance-related work orders or invoices.] **identified under Section 200-105.B(3) above shall perform all of the following requirements:**
 - (a) **Maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;**
 - (b) **Evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and deed as needed; and**
 - (c) **Retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section 200-105.B(6) and B(7) above.**
- (8) The party responsible for maintenance identified under § 200-105.B(3) above shall submit a copy of the detailed log along with an annual inspection report prepared by a professional engineer licensed in New Jersey or a New Jersey certified stormwater inspector to the Township of West Windsor Department of Community Development, Division of Engineering, by June 30th of each year. The inspection report and log shall include those items outlined within the Maintenance Plan, and not be limited to condition assessment with recommendations on the following items:
 - (a) Stormwater BMP outlet structure and outfall, including escape provisions as outlined in N.J.A.C. 7:8-6.2;
 - (b) Vegetation cover and health;

- (c) Trash racks and overflow grates;
 - (d) Embankments;
 - (e) Erosion, including outfall;
 - (f) Sediment and debris removal;
 - (g) Retention pond maintenance; and
 - (h) An evaluation of the effectiveness of the current Maintenance Plan and any recommended adjustments to the plan.
- (9) The party responsible for maintenance shall retain and make available, upon request by any public entity with administrative, health, environmental or safety authority over the site, the Maintenance Plan and the documentation required by § 200-105.B(7) and 105.B(8).
- (10) Penalty for failure to provide annual inspection report and maintenance log: \$100. Each act or violation, and every day upon which any violation shall occur or continues to occur, shall constitute a separate offense as provided for in Chapter 1, General Provisions, Article II, § 1-3, General penalty, of the Township Code.
- (11) The requirements of § 200-105.B(3), 105.B(4) and 105.B(8) do not apply to stormwater management facilities that are dedicated to and accepted by the Township or another governmental agency, subject to all applicable Township stormwater general permit conditions, as issued by the Department.
- (12) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the Township shall so notify the responsible party in writing. Upon receipt of that notice, the responsible party shall have fourteen (14) calendar days to effect maintenance and repair of the facility in a manner that is approved by the Township Engineer or his designee. The Township, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible party fails or refuses to perform such maintenance and repair, the Township or County may immediately proceed to do so and shall bill the cost thereof to the responsible party. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the Township from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§ 200-106. Inspection and stop-work order.

Such stormwater control improvements on the site, during and upon completion of their construction, shall be subject to inspection and approval by the Township Engineer, following the provisions of § 200-92 *Inspection and fees*. No underground installation shall be covered until inspected and approved. Approval or reasons for withholding approval shall be given promptly, and in any event within three (3) business days following an inspection. If work proceeds without such approval or is not in compliance therewith, the Township Engineer, in addition to any other remedies available to the Township, may issue an order requiring immediate cessation of the affected work and prohibiting resumption thereof (a “stop-work order”) until approval is obtained or noncompliance is corrected.

§ 200-107. As-built certification.

- A. Prior to the acceptance by the Township of any constructed stormwater BMPs, the developer shall provide a survey prepared by a land surveyor licensed in New Jersey showing the location and pertinent details of all stormwater BMPs and stormwater outfalls as built. The survey shall identify the location of the stormwater management measure(s) and all stormwater outfalls in NAD 1983 State Plane New Jersey FIPS 2900 US Feet and in the North American Vertical Datum of 1988 (NAVD 88). Submission shall be in the form of both signed and sealed prints AND digital data file for incorporation of the information into the Township's GIS database, as directed by the Township Engineer. Alternate standards may be permitted subject to the prior review and approval of the Township Engineer.
- B. The developer's engineer shall perform an inspection of the project, review the as-built survey and certify to the Township, in writing, that said facilities were constructed in accordance with the approved stormwater control plans. Along with the certification the developer shall provide a final completed version of the NJDEP's Major Development Stormwater Summary form for the project.
- C. The developer shall provide a copy of the as built survey and engineer certification to the party responsible for maintenance of the constructed stormwater BMP(s), for their inclusion into the Maintenance Plan required under § 200-108.
- D. If the location of the constructed stormwater BMP(s) differs significantly from that recorded in the deed notice under § 200-108.M, a corrective deed notice shall be recorded by the developer following the procedures outlined in § 200-108.N.

§ 200-108. Time for completion of stormwater detention facilities.

- A. Stormwater control improvements shall be completely installed and stabilized, except for final landscaping, prior to issuance of any building permit for the development or prior to any increase in impervious cover above the existing amount of impervious cover prior to the approved project.
- B. Final landscaping shall be completed in accordance with the schedule established for the completion of all other improvements, and the appropriate planting seasons.

§ 200-109. Violations and penalties.

Any person who erects, constructs, alters, repairs, converts, maintains or uses any building, structure or land in violation of this article where no specific penalty is provided regarding the section violated shall be subject to the penalties as provided in Chapter 1, General Provisions, Article II, § 1-3, General penalty, of the Township Code.

§ 200-110. Severability

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION III. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 2, Subdivision, Article XII, Design Standards for Subdivisions, is hereby amended as follows. Added text is **bold underlined** and text being eliminated is [bracketed].

§ 200-62. Structure location and driveway.

- A. All lots shall be such that a structure conforming to the intended use and setback requirements of Part 4, Zoning, of this chapter, can be constructed in an area of the lot that is in conformity with the provisions of Part 4, Zoning, or Part 6, Floodplain Management Regulations, of this chapter.
- B. Any structure must be accessible by means of a driveway that complies with the provisions of Article VI, § 200-29, of Part 1 of this chapter. Driveways shall be so laid out that it is possible to turn all vehicles on the lot and that it is not necessary to back any vehicle into a street.
- C. **Single Family or Two-Family residential driveways shall be a minimum width of 12 feet, with a minimum apron flare of 1.5 feet on each side of the driveway, or 10-foot radii provided at the terminus of the driveway at the Township road. The maximum width of any single-family residential driveway is 22 feet. Common or shared residential driveways amongst two or more single family properties shall be a minimum width of 20 feet, with a minimum apron flare of 1.5 feet on each side of the driveway.**

SECTION IV. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 1, Site Plan Review, Article VI, Design Details, § 200-29 General circulation; parking and loading area design standards, I. Location of driveways, is hereby amended as follows. Added text is **bold underlined** and text being eliminated is [bracketed].

[Amended 12-22-1980 by Ord. No. 80-41]

(1) Design.

- (a) All entrance and exit driveways shall be located to afford maximum safety to traffic, provide for safe and convenient ingress and egress to and from the site and to minimize conflict with the flow of traffic.
- (b) Any exit driveway or driveway lane shall be so designed in profile and grading and located to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway that is immediately outside the edge of the road right-of-way.

Allowable Speed (miles per hour)	Required Sight Distance (feet)
25	150

Allowable Speed (miles per hour)	Required Sight Distance (feet)
30	200
35	250
40	300
45	350
50	400

- (c) Where a site occupies a corner of two intersecting roads, no driveway entrance or exit shall be located within 50 feet of the point of tangency of the existing or proposed curb radius of that site.
 - (d) No part of any driveway shall be located within a minimum of 10 feet of a side property line. However, the Planning Board may permit a driveway serving two or more adjacent sites to be located on or within 10 feet of a side property line between the adjacent sites.
 - (e) No entrance or exit driveway shall be located on a rotary ramp of an interchange or within 20 feet of the beginning of any ramp or other portion of an interchange.
 - (f) Where two or more driveways connect a single site to any one road, a minimum clear distance of 200 feet measured along the right-of-way line shall separate the closest edges of any two such driveways. Where such development fronts on an arterial street, access to parking and service areas, where practicable, shall be provided by a single access to the arterial street.
 - (g) Where a development fronts on a principal, major or minor arterial or a major collector, a combined one point of access and egress to parking and service areas shall be provided, except where large frontages (1,000 feet or larger) are involved. In those instances where two or more driveways connect a single site to any one road, a minimum clear distance of 300 feet measured along the right-of-way line shall separate the closest edges of any two such driveways.
- (2) Driveway angle.
- (a) Two-way operation. Driveways used for two-way operation shall intersect the road at an angle to as near 90° as site conditions will permit and in no case will be less than 60°.
 - (b) One-way operation. Driveways used by vehicles in one direction of travel (right turn only) shall not form an angle smaller than 45° with a road, unless acceleration and deceleration lanes are provided.
- (3) Driveway dimensions. The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily onto the land development for which a site plan is prepared. The required maximum and minimum dimensions for driveways are indicated below. Driveways serving large volumes

of daily traffic or traffic of over 15% truck traffic shall be required to utilize high to maximum dimensions.

Type of Use	One-Way Operation Driveway* (width in feet)	Two-Way Operation Driveway* (width in feet)
3- to 10-family residence	10-15	24
Over 10-family	15-25	24
Commercial and industrial	15-30	24

*All driveways shall be five feet wider at the curblin, and this additional width shall be maintained for a distance of 20 feet into the site.

(4) Maximum driveway slope.

(a) The grade of a driveway approach to a Township road generally, shall be no greater than 3% for a minimum distance of 25 feet from the edge of pavement of the intersecting road. Based on site design constraints the maximum grade of the driveway approach may be exceeded, subject to the approval of the Township Engineer. However, in no instance shall the driveway approach grade be more than 7%.

(b) The vertical profile of the driveway approach to the Township road shall be designed to prevent impacting of the road or driveway by the front, rear or undercarriage of a vehicle. Where concrete aprons are provided or required, the maximum grade differential between the slope of the driveway apron and the cross slope of the roadway shall be not more than 8%.

(c) When a sidewalk is proposed across a driveway, ADA requirements shall be observed.

SECTION V. In the event of any conflict between the provisions and requirements of these sections and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern. Each section, subsection, sentence, clause and phrase of this article is declared to be an independent section, subsection, sentence, clause and phrase, and the finding of holding of any such portion of this article to be unconstitutional, void or ineffective for any cause or reason shall not affect any other portion of these sections.

SECTION VI. This Ordinance shall take effect twenty (20) days after action or inaction by the Mayor as approved by law, or an override of a mayoral veto by the Council, whichever is applicable; upon the approval by the County review agency or sixty (60) days from the receipt of the ordinance by the County review agency if the County review agency should fail to act; and upon publication according to law.

Date Introduced: _____

Dated Advertised: _____

Date Adopted: _____

Dated Advertised: _____

ATTEST:

Hemante Marathe, Mayor
West Windsor Township

Gay M. Huber, Clerk
West Windsor Township

Explanation – Matter enclosed in bold-faced brackets **[thus]** in the above ordinance is not enacted and is intended to be omitted in the ordinance. Matter underlined thus is new matter.

DRAFT

ORDINANCE 2024-11

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 4-37E "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 the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, that the following amendment be made:

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, 11 Sergeants, [34] 36 patrol officers, and 10 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 Subsection 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 as an override of a mayoral veto by Council, whichever is applicable. Publication shall be in accordance with law.

INTRODUCTION: May 13, 2024

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

Explanation – Matter underlines **thus** is new matter.

REQUEST FOR COUNCIL ACTION

Date of Request: April 30, 2024

Initiated By: Francis Guzik, PE, CME Division/Department: Comm. Dev./Engineering

ACTION REQUESTED/ EXECUTIVE SUMMARY: An Ordinance to amend Chapter 168 of Township Code to add Title 39 enforcement action to the Princeton Junction Train Station Redevelopment project (PB20-15) per a request by the AvalonBay Communities, Inc., the Redeveloper.

SOURCE OF FUNDING: N/A
CONTRACT AMOUNT: N/A
CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED

Ordinance	Request Letter
Engineer's Memo	Exhibit

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Francis Guzik 4/30/24
Department/Division Head Date

APPROVED FOR AGENDA OF: _____

By: Marlena Schmid 05/07/2024
Marlena Schmid, Business Administrator

MEETING DATE: 5/13/24 Ordinance # 2024-12 Resolution # _____
Council Action Taken:

ORDINANCE NO. 2024 - 12

AN ORDINANCE AMENDING AND SUPPLEMENTING PART II "GENERAL LEGISLATION" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY (1999) CHAPTER 168; "TRAFFIC AND PARKING" ARTICLE V "TRAFFIC AND PARKING REGULATIONS ON PRIVATE PROPERTY" SECTION 168-37C "CONTROL OF MOVEMENT AND PARKING ON PUBLIC AND PRIVATE PROPERTY" OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WEST WINDSOR – W Squared

BE IT ORDAINED, by the West Windsor Township Council, County of Mercer, State of New Jersey, that the Code of West Windsor Township, be amended and supplemented as follows:

SECTION I.

CODE OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY
PART II: GENERAL LEGISLATION

CHAPTER 168: TRAFFIC AND PARKING

ARTICLE V: TRAFFIC AND PARKING REGULATIONS ON PRIVATE PROPERTY

Section 168-37: Control of movement and parking on public and private property.

C. Regulation for the movement and the parking of traffic on all other private property in accordance with the provisions of N.J.S.A. 39:5A-1, the regulations of Subtitle 1 of Title 39 are hereby made applicable to the properties listed.

(1) Schedule A, is amended to add the following underlined language:

Property	Regulation	Movement
<u>PJ Train Station Redevelopment "W Squared" (commercial and residential areas)</u>	<u>Parking in designated areas between the painted lines</u> <u>STOP signs</u> <u>No Parking Loading Zone</u> <u>2-hour parking time limited on certain streets</u> <u>One-Way street (Road D – "Avalon Square")</u> <u>Emergency and Service Vehicles Only ("Conway Lane" & "Service Lane")</u>	<u>As shown on sketch on file with Township Police Division</u>

SECTION II.

PART II: GENERAL LEGISLATION
CHAPTER 168: TRAFFIC AND PARKING
ARTICLE VII: Schedules

Section 168-81: Schedule XXVI: Handicapped Parking on All Other Private property, is amended to add the following underlined language:

Property	Number of Spaces	Location
<u>PJ Train Station Redevelopment "W Squared"</u>		
<u>Surface Parking</u>	<u>9</u>	<u>As per sketch on file in Police Division</u>
<u>West Garage</u>	<u>8</u>	
<u>East Garage</u>	<u>13</u>	

SECTION III.

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

SECTION IV.

This ordinance shall take effect upon final passage and publication in accordance with the law.


Introduction: May 13, 2024
Public Hearing:
Adoption:
Mayor's Approval:
Effective Date:

TOWNSHIP OF WEST WINDSOR

*Community Development Department
Division of Engineering*

MEMORANDUM

TO: Gay M. Huber
Municipal Clerk

FROM: Francis A. Guzik, PE, CME 
Director of Community Development / Township Engineer

DATE: April 30, 2024

SUBJECT: Title 39 Enforcement Request
Princeton Junction Train Station Redevelopment – W Squared
AvalonBay Communities
PB20-15

AvalonBay Communities has requested the provisions of Title 39 be made applicable to the redevelopment project currently known as W Squared. The project was reviewed and approved by the Planning Board under project PB20-15, at which time the project's signage, striping, parking and circulation elements were reviewed and approved by the Board's Professional Traffic Engineer and Timothy M. Lynch, Chief of Fire & Emergency Services of the West Windsor Township Fire and Emergency Services Division. I have reviewed the proposed Exhibit to the Title 39 request (to be kept on file at the Township Police Division) and find it accurately depicts the requirements of the Planning Board approval as it applies to traffic operations on the private property. The Exhibit has also been reviewed with the Police Traffic Sergeant and approved.

Future provisions will be required pertaining to Vaughn Drive Extension if and when it is completed and proposed for dedication by the Developer as a public roadway.

This office has prepared a draft Ordinance for the traffic amendments to Township Code Chapter 168 "Traffic and Parking" for consideration by the Township Council.

Should you have any questions or comments, please do not hesitate to contact me.

FG

Enclosures

Cc: Marlena Schmid, Business Administrator
Robert Garofalo, Police Chief
Kevin Loretucci, Police Traffic Sergeant

PJRedev Title 39 memo 240430.doc

BISGAIER HOFF

Attorneys At Law A Limited Liability Company

Richard J. Hoff, Jr.
Member of the NJ & PA Bar
E-mail: rhoff@bisgaiierhoff.com
Direct Dial : (856) 375-2803
Main Phone : (856) 795-0150

April 23, 2024

**VIA CERTIFIED MAIL RRR and
ORDINARY MAIL**

Gay Huber, R.M.C
Township of West Windsor
271 Clarksville Road
West Windsor, NJ 08550

**Re: Request for Motor Vehicle and Traffic Regulation
Princeton Junction Train Station Redevelopment – Block 6, Lots 8, 54, 55.01
and 76 (the “Development”)**

Dear Ms. Huber:

Our office represents AvalonBay Communities, Inc. (“Developer”), with reference to the above captioned property. As the Township of West Windsor (“Township”) is aware, the above captioned Development is under construction. Per the applicable conditions of approval for the Development, please accept this letter as Developer’s request pursuant to N.J.S.A. 39-5A-1 that the provisions of Subtitle 1 of Section 39 of New Jersey’s Revised Statute be enforced by the Township as to all applicable roadways within the Development. The applicable roadways are as depicted on the “Title 39 Enforcement Plan,” dated 12/18/20 revised to 4/11/2022 and attached hereto as Exhibit “A.”

The name and address of the entity making the foregoing request is as follows:

AvalonBay Communities, Inc.
105 Elm Street
Westfield, New Jersey 07090

Should you have any further questions regarding the above, please do not hesitate to contact our office.

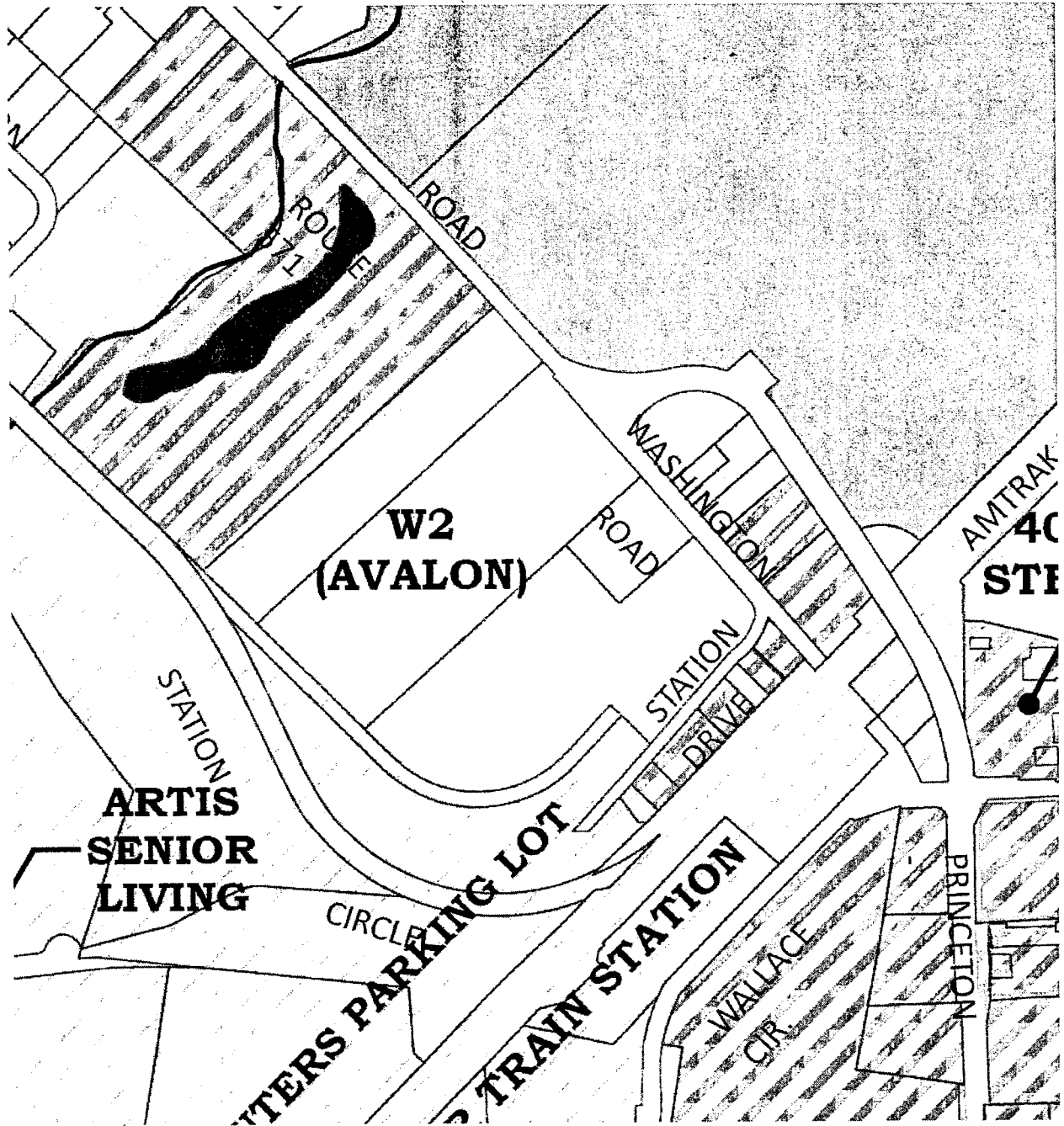
Very truly yours,

BISGAIER HOFF, LLC

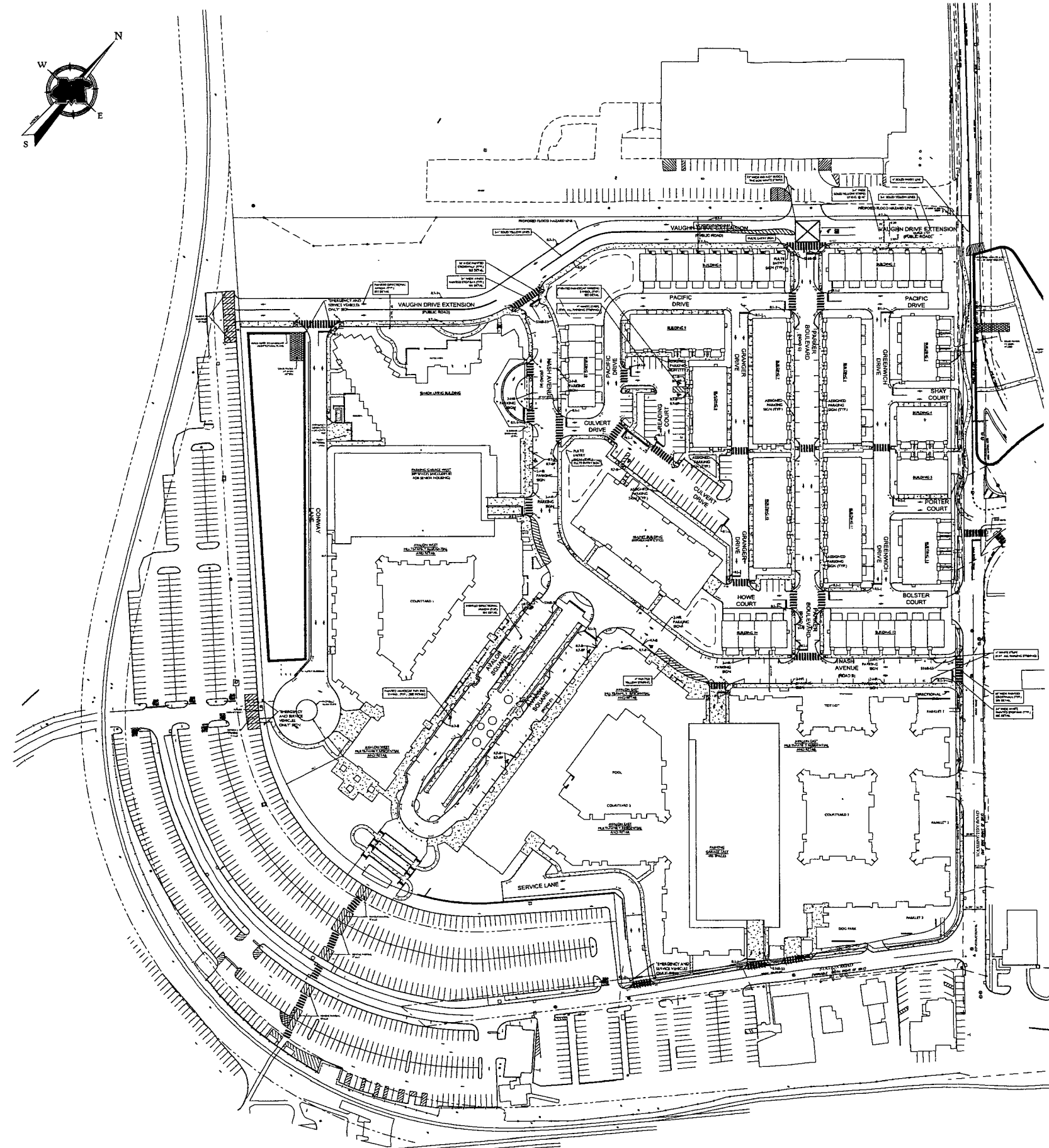
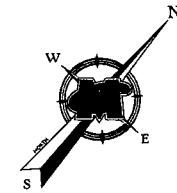


Richard J. Hoff, Jr.

cc: Sam Surtees, Manager of Land Use (via email only w/encl.)
Francis A. Guzik, PE (via email only w/encl.)
Martina Baillie, Esq. (via email only w/encl.)
AvalonBay Communities, Inc. (via email only w/encl.)



Location Map – Avalon Title 39 Request



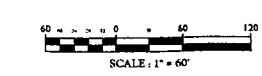
R1-1 SIGN DETAIL	R1-2 SIGN DETAIL	R1-3 SIGN DETAIL
R2-1 SIGN DETAIL	R2-2 SIGN DETAIL	R2-3 SIGN DETAIL
R3-1 SIGN DETAIL	R3-2 SIGN DETAIL	R3-3 SIGN DETAIL
R4-1 SIGN DETAIL	R4-2 SIGN DETAIL	R4-3 SIGN DETAIL
R5-1 SIGN DETAIL	R5-2 SIGN DETAIL	R5-3 SIGN DETAIL
PARK IN MARKED SPACES ONLY SIGN S16R-551 DETAIL	W1-7 SIGN DETAIL	W13-P SIGN DETAIL
	LEFT OR RIGHT PAVEMENT ARROW DETAIL	

- TRAFFIC REGULATIONS TO BE ENFORCED ON PRIVATE PROPERTY:
- PARKING ONLY IN DESIGNATED AREAS BETWEEN PAINTED LINES
 - STOP INTERSECTIONS
 - NO PARKING LOADING ZONE
 - 2 HOUR PARKING TIME LIMITED ON CERTAIN STREETS
 - BARRIER FREE PARKING
 - ONE WAY STREET (AVALON SQUARE)
 - EMERGENCY AND SERVICE VEHICLES ONLY (CONWAY LAND & SERVICE LANE)

NOTES:
 1. THE APPLICANT AGREES TO PERMIT THE ENFORCEMENT OF TITLE 39 VEHICLE AND TRAFFIC REGULATIONS WITHIN THE PROJECT SITE.

LEGEND	
	EXISTING TRAVERSE LINE, CENTER LINE OR BASELINE (1)-00
	PROPOSED TRAVERSE LINE, CENTER LINE OR BASELINE (1)-00
	RIGHT OF WAY LINE
	PROPERTY LINE
	EDGE OF PAVEMENT
	FACE CURB
	BACK CURB
	DEPRESSED CURB
	SIDEWALK
	FENCES
	TIE LINE
	ROADWAY SIGN
	WETLAND LINE
	MUNICIPAL BOUNDARY LINE
	FLOOD HAZARD LINE
	STALL COUNT
	ADA ACCESSIBLE STALL
	DEPRESSED CURB AND ADA RAMP
	DIRECTION OF TRAFFIC FLOW

BASED ON "OVERALL STRIPING AND SIGNAGE PLAN" BY MASER CONSULTING REVISED TO 4/11/2022



311 PROTECT YOURSELF
 ALL OTHERS AND THE ENVIRONMENT
 EMERGENCY SERVICE OR ANY OTHER
 SERVICE TO OBTAIN THE BEST
 SERVICE AVAILABLE IN ANY STATE
 Call before you go.
 FOR STATE SPECIFIC DIRECT PHONE NUMBERS
 VISIT WWW.CALL311.COM

REVISION DATE: 04/29/2014

PRELIMINARY AND FINAL
 MAJOR SITE PLAN
 FOR
 PRINCETON
 JUNCTION TRAIN
 STATION
 REDEVELOPMENT
 BLOCK 6
 LOT S 8, 54, 55.01 AND 76
 TOWNSHIP OF WEST
 WINDSOR
 MERCER COUNTY
 NEW JERSEY

DATE	BY	CHECKED BY	DATE
TITLE 39 ENFORCEMENT PLAN			
1 of 1			

NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION

REQUEST FOR COUNCIL ACTION

Date of Request: May 7, 2024

Initiated By: Francis Guzik Division/Department: Comm. Dev./Engineering

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Adoption of a resolution authorizing execution of a Professional Services Agreement for professional urban and community forestry services for West Windsor Township. The Agreement provides for ad-hoc assistance to the Township Engineer for tasks related to the Township's street trees and tree inventory on Township lands, including its parks and open space. The Township Engineer is recommending a contract be awarded to Chestnut Arboricultural & Forestry Services, LLC.

SOURCE OF FUNDING:

Open Space Trust Fund #121520

CONTRACT AMOUNT: \$26,600.00

CONTRACT LENGTH: until December 31, 2024

OTHER SUPPORTING INFORMATION ATTACHED:


Resolution	Affirmative Action Contract	Proposal – Exhibit A
Political Contribution Disclosure	Certification of Funds	Business Entity Disclosure
Professional Services Agreement	Stockholder Disclosure	Engineer's Memorandum
Business Registration Certification	Affidavit of Compliance	Certificate of Information Report

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW



 Department/Division Head Date

APPROVED FOR AGENDA OF: May 28, 2024

By  05/21/2024
 Marlena Schmid, Business Administrator

MEETING DATE: 5/28/24 Ordinance # _____ Resolution # 2024-R123

Council Action Taken:

RESOLUTION

WHEREAS, the Township of West Windsor requires professional urban and community forestry services on a consultant basis to West Windsor Township, as assigned; and

WHEREAS, the Township wishes to enter into a Professional Services Agreement with Chestnut Arboricultural & Forestry Services, LLC for the aforesaid services; and

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

<u>Open Space Trust Fund</u>	<u>121520</u>	<u>\$26,600.00</u>
Account Title	Account Number	Amount

WHEREAS, additional services may be required for assistance with various municipal capital projects as assigned and may be certified to if funds are available as certified by the Township's Chief Financial Officer.

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, on behalf of the Township a Professional Services Agreement with Chestnut Arboricultural & Forestry Services, LLC to cover the period May 28, 2024 through December 31, 2024.
- (2) The Agreement so authorized shall require the Provider to provide professional urban and community forestry services pursuant to its proposal dated May 5, 2024. The contract 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) 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.
- (4) An executed copy of the Agreement between the Township and Chestnut Arboricultural & Forestry Services, LLC and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: May 28, 2024

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of May 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: May 14, 2024

Initiated By: John Taylor Division/Department: Comm. Dev./Engineering

ACTION REQUESTED/ EXECUTIVE SUMMARY: Adoption of a resolution authorizing execution of Change Order No. 2 to continue to have Montana Construction provide a backup power generator for the existing Duck Pond Pump Station until the pump station is decommissioned. It is anticipated that this equipment will be needed at the facility through September of 2024, whereas the first change order anticipated the need only through March of 2024. The Township Engineer has reviewed and endorsed the attached change order for Montana Construction, Inc.

SOURCE OF FUNDING:

Original Contract

405 1995 14 000	Sewer Cleaning Funds	\$ 9,768.28
405 2008 26 004	Duck Pond Run Decommission	\$336,619.01
405 2010 18 006	Traffic Safety Improv. Hazard Mitigation	\$487,981.10
405 2011 14 006	Traffic Safety Improv. Hazard Mitigation	\$ 25,000.00
405 2014 13 009	Traffic Safety Improv. Hazard Mitigation	\$ 23,700.00
405 2015 06 011	Muni Facilities & Related	\$500,000.00
405 2016 09 008	Muni Facilities & Related – Sewer	\$500,000.00
405 2017 21 011	Muni Facilities & Related – Sewer	\$500,000.00
405 2018 15 014	Traffic Safety Improv. Hazard Mitigation	\$ 21,500.00
405 2018 15 015	Muni Facilities & Related – Sewer	\$500,000.00
405 2019 18 013	Traffic Safety Improv. Hazard Mitigation	\$ 5,904.00
405 2019 18 014	Muni Facilities & Related – Sewer	\$500,000.00
405 2020 14 016	Muni Facilities & Related - Sewer	\$250,000.00
405 2021 14 015	Muni Facilities & Related - Sewer	\$250,000.00
405 2022 08 017	Sewer Extension & Pump Station Improvements	\$476,836.61
Account Number	Account Title	Amount

Additional Contract

Sewer Extension & Pump Station Improvements	405-2022-08 017	\$31,984.00
Account Title	Account Number	Amount

CONTRACT AMOUNT:

Original Contract Amount:	\$ 4,344,111.00
Change Order 1:	+\$ 43,198.00 (approved 2/12/2024)
Change Order 2:	+\$ 31,984.00
Revised Contract Amount:	\$4,419,293.00

CONTRACT LENGTH: One Hundred Eighty (180) Days from Notice to Proceed (no change)

OTHER SUPPORTING INFORMATION ATTACHED:

Resolution Engineer Memo
Change Order #2 Resolutions 2023-R119 & 2024-066

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

John Taylor 5/20/2024
Department/Division Head Date

APPROVED FOR AGENDA OF: May 28, 2024

By: Mariena Schmid 05/21/2024
Mariena Schmid, Business Administrator

MEETING DATE: 5/28/24 Ordinance # _____ Resolution # 2024-R124
Council Action Taken:

RESOLUTION

WHEREAS, West Windsor Township awarded a contract for the Duck Pond Interceptor Phase 2 Project to Montana Construction Corp., Inc. of Lodi, NJ on June 12, 2023 for the amount of \$4,344,111.00 (Resolution 2023-R119) as set forth in the contract documents; and

WHEREAS, Change Order No. 1, which accounted for an increase of \$43,198.00 (1%) in the total contract cost was approved by the Township Council of West Windsor on June 12, 2024 in Resolution 2024-064; and

WHEREAS, the project has experienced unforeseen delays, requiring the provision of the emergency generator for the existing pump station through September of 2024; and

WHEREAS, the Township Engineer has reviewed the documents provided and recommends the change order.

WHEREAS, Certification of Funds for Change Order No. 2, which accounts for an increase of \$31,984.00 (less than 1%) in the total contract cost received from the Chief Financial Officer and funds are available in the following account:

Sewer Extension & Pump Station Improvements 405-2022-08 017 \$31,984.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that Change Order No. 2 is hereby approved, adjusting the construction scope and quantities of the original contract amount of \$4,387,309.00 to a revised contract amount of. \$4,419,293.00

BE IT FURTHER RESOLVED Marlena A. Schmid, the Township Business Administrator, is hereby authorized to execute Contract Change Order No. 2 with the Contractor.

Adopted: May 28, 2024

I hereby certify the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of May, 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: May 15, 2024

Initiated By: Brian E. Aronson Division/Department: Buildings & Grounds/Admin.

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Resolution authorizing the Township of West Windsor to enter into a contract with SHI International Corporation to procure Duo Multi-factor Authentication (MFA) software renewals as an Authorized Vendor of Computer Equipment & Peripherals (2022-2024) under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 with the County of Bergen.

SOURCE OF FUNDING:

Electronic Fund Fees	121240	\$17,299.77
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CONTRACT AMOUNT: Increase of \$17,299.77

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

- Resolution
- Certification of Funds
- SHI International Price Quotes
- County of Bergen Contract BC-BID- 22-24 Related Documents

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Brian Aronson 5-15-2024
Department/Division Head _____ Date

APPROVED FOR AGENDA OF: May 28, 2024

By: Marlena Schmid 05/21/2024
Marlena Schmid, Business Administrator

MEETING DATE: 5/28/24 Ordinance # _____ Resolution # 2024-R125

Council Action Taken:

RESOLUTION

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

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

WHEREAS, the Township needs to purchase annual licensing renewals of Duo Multi-factor Authentication (MFA) software from SHI International Corp. as an Authorized Vendor of Computer Equipment & Peripherals (2022-2024) under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 with the County of Bergen in the amount of \$17,299.77; and

WHEREAS, as of May 28, 2024 the Township’s total aggregate spending with SHI International Corp. as an Authorized Vendor of Computer Equipment & Peripherals (2022-2024) under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 with the County of Bergen was as follows:

Purchase Order No.	61297	\$ 49.40
Purchase Order No.	61308	\$ 9,887.90
Purchase Order No.	61336	\$ 1,098.60
Resolution No.	2024-R063	\$ 9,025.20
Resolution No.	2024-R064	\$ 107,370.99
Resolution No.	2024-R065	\$ 12,000.00
Resolution No.	2024-R091	\$ 651.29
Resolution No.	2024-R110	\$ 11,390.02
Resolution No.	2024-R111	\$ 11,630.82
Resolution No.	2024-R112	\$ 929.17
		<u>\$ 164,033.39</u>

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

Electronic Fund Fees	121240	\$17,299.77
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NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator Marlana A. Schmid is hereby authorized to purchase the above from SHI International Corp. as an Authorized Vendor of Computer Equipment & Peripherals (2022-2024) under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 with the County of Bergen for a total not to exceed of \$181,333.16.

Adopted: May 28, 2024

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of May, 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: 05/13/2024

Initiated By: Chief Robert Garofalo Division/Department: Police

ACTION REQUESTED/ EXECUTIVE SUMMARY:

To replace all of our department issued Glock 19 GEN 5, 9mm handguns with the Glock 45MOS6 GEN 5, 9mm handguns with fixed Holosun direct mount sights. The new weapons with sights will allow our officers reliable service weapons with latest technology in weapon sighting platforms. Trade ins will off set cost.

SOURCE OF FUNDING:

Capital Budget - Public Safety - Police
Acquisition of Equipment - Non Vehicular
405-2023-09-035

CONTRACT AMOUNT:

\$35,310.40

CONTRACT LENGTH:

N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Special report with statement of need. Quote with state contact numbers

S:\AGENDA INBOX (file name)

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Chief Robert Garofalo [Signature] 05/13/2024
Department/Division Head Date

APPROVED FOR AGENDA OF:

By: [Signature] 05/21/2024
Marlena Schmid, Business Administrator

**** PLEASE NOTE ** DEADLINE FOR SUBMISSION TO THE CLERK'S OFFICE FOR REVIEW AND APPROVAL BY THE BUSINESS ADMINISTRATOR IS 10:00 A.M. ON THE FRIDAY ONE WEEK PRECEDING THE COUNCIL MEETING.**

MEETING DATE: 5/28/24 Ordinance # _____ Resolution # 2024-R126

Council Action Taken:

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 Police Division replaced the Police Force's service weapons in 2018 and this equipment is scheduled to be replaced every 5 years; and

WHEREAS, Witmer Public Safety Group, INC, 101 Independence Way, Coatesville, PA 19320 is an authorized vendor under New Jersey State Contract #17-FLEET-00767; and

WHEREAS, total price to replace this equipment is \$54,610.40; and

WHEREAS, the Witmer Public Safety Group, Inc. quotation for trade in of existing weapons and other weapons determined to be surplus by the Firearms Range Master is \$19,300.00; and

WHEREAS the Township's acceptance of \$19,300.00 for a trade-in credit reduces the net total price to \$35,310.40; and

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

Police Capital	405-2023-09-035	\$35,310.40
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NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator Marlana Schmid is hereby authorized to purchase new service weapons for a total price of \$35,310.40 under New Jersey State approved Contract #17--FLEET-00767

Adopted: May 28, 2024

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of May 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: May 1, 2024

Initiated By: Brian E. Aronson Division/Department: Buildings & Grounds/Admin.

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Adoption of a resolution authorizing execution of a professional services agreement with the Spiezle Architectural Group, Inc. to provide professional architectural services associated with the roof replacement at the West Windsor Arts Center facility. The Township Facilities Maintenance Manager is recommending a contract be awarded to the Spiezle Architectural Group, Inc. of Hamilton, NJ.

SOURCE OF FUNDING:

Arts Council Bldg. - General Improvements	405-2018-15-005	\$1,042.35
Arts Council Bldg. - General Improvements	405-2019-18-006	\$5,040.00
Arts Council Bldg. - General Improvements	405-2020-14-006	\$3,817.65

CONTRACT AMOUNT: \$9,900.00

CONTRACT LENGTH: from the date of project initiation to project completion

OTHER SUPPORTING INFORMATION ATTACHED:

- | | |
|--|-------------------------------------|
| Resolution | Political Contribution Disclosure |
| Proposal – Exhibit A | Business Entity Disclosure |
| Certification of Funds | Stockholder Disclosure |
| Professional Services Agreement | Business Registration Certification |
| Facilities Maintenance Managers Memorandum | Certificate of Information Report |
| Affirmative Action Contract | |

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Brian Aronson 5-13-2024
 Department/Division Head Date

APPROVED FOR AGENDA OF: MAY 28, 2024

By: Marlena A. Schmid 05/21/2024
 Marlena Schmid, Business Administrator

MEETING DATE: 5/28/24 Ordinance # _____ Resolution # 2024-R127

Council Action Taken:

RESOLUTION

WHEREAS, the Township of West Windsor has a need to acquire professional architectural services; and

WHEREAS, Spiezle Architectural Group, Inc. has submitted a proposal dated April 30, 2024 indicating they will provide professional architectural services in conjunction with the West Windsor Arts Center Roof Replacement for \$9,900.00; and

WHEREAS, the Township wishes to enter into a Professional Services Agreement with Spiezle Architectural Group, Inc. for the aforesaid services; and

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

Arts Council Bldg. - General Improvements	405-2018-15-005	\$1,042.35
Arts Council Bldg. - General Improvements	405-2019-18-006	\$5,040.00
Arts Council Bldg. - General Improvements	405-2020-14-006	\$3,817.65

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, on behalf of the Township a Professional Services Agreement with the Spiezle Architectural Group, Inc., for an amount not to exceed \$9,900.00.
- (2) The Agreement so authorized shall require the Provider to provide professional architectural design services pursuant to its proposal dated April 30, 2024. The contract may be awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a) 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.
- (4) An executed copy of the Agreement between the Township and the Spiezle Architectural Group, Inc. and a copy of this Resolution shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: May 28, 2024

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of May 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

INDICATE ACTION REQUESTED (check one):

Date of Request: May 14, 2024

Ordinance

(Summary attached)

Resolution

(Backup documents complete)

(Contracts require Affirmative Action Certificate)

Item for Discussion only

Initiated By: John V. Mauder Dept. of Administration; Div. of Finance

ACTION REQUESTED: This resolution for action by Township Council to create a Conover Park Improvements account, permissible by State Law, to support the Conover Park Light Improvements.

EXECUTIVE SUMMARY: N.J.S.A. 40A:5-29 allows for acceptance of bequests and gifts for the support of the Conover Park Lighting Improvements.

DISK & file name (OR) S:\AGENDA INBOX (file name RiderConover Park

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

John V. Mauder 5/13/24
Department/Division Head Date

APPROVED FOR AGENDA OF: May 28, 2024

By: Marlene A. Schmid 05/21/2024
Marlena A. Schmid
Business Administrator

**** PLEASE NOTE ** DEADLINE FOR SUBMISSION TO THE CLERK'S OFFICE FOR REVIEW AND APPROVAL BY THE BUSINESS ADMINISTRATOR IS 10:00 A.M. ON THE FRIDAY ONE WEEK PRECEDING THE COUNCIL BUSINESS MEETING.**

MEETING DATE: 5/28/24 Ordinance # _____ Resolution # 2024-R128

Council Action Taken:

Distributed:

RESOLUTION

Requesting approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for Donations – Acceptance of Bequests and Gifts (N.J.S.A. 40A:5-29) for the Conover Park Lighting Improvements.

WHEREAS, Permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by the municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, N.J.S.A. 40A:5-29 allows municipalities to receive amounts for costs incurred for Donations - Acceptance of Bequests and Gifts for the Conover Park Lighting Improvements, and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider.

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

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Donations – Acceptance of Bequests and Gifts for the Conover Park Lighting Improvements as per N.J.S.A. 40A:4-39.
2. The Municipal Clerk of the Township of West Windsor is hereby directed to forward two copies of this resolution to the Director of the Division of Local Government Services.

Adopted: May 28, 2024

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of May 2024.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township Council of the Township of West Windsor approved an Amendment to the Interlocal Services Agreement between West Windsor Township (Township) and the Parking Authority of West Windsor Township (Parking Authority) by resolution on March 9, 2020 (2020-R075); and

WHEREAS, said agreement was for a term of five (5) years from January 1, 2020 through December 31, 2024, and the annual compensation paid to the Township was \$154,000.00; and

WHEREAS, the Parking Authority and New Jersey Transit (NJT) executed a new Management Agreement effective January 1, 2024; and

WHEREAS, NJT is now responsibility for enforcing parking violations in parking lots owned by NJT (Alexander Lots including the Gravel Lot); and

WHEREAS, the term and amount of annual compensation set forth in the Amendment to the Interlocal Services Agreement between the Township and Parking Authority have to be modified effective January 1, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that it does hereby approve the attached 2024 Amendment to the Interlocal Services Agreement between the Township and the Parking Authority.

BE IT FURTHER RESOLVED, the Mayor and Clerk are authorized to execute the 2024 Amendment to the Interlocal Services Agreement.

BE IT FINALLY RESOLVED, that upon final execution, the 2024 Amendment to the Interlocal Services Agreement shall be incorporated by reference into this Resolution and shall be attached to it.

Adopted: May 28, 2024

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of May, 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: May 14, 2024

Initiated By: Marlena A. Schmid

Division/Department: Administration

ACTION REQUESTED/ EXECUTIVE SUMMARY: Approval of a Resolution authorizing the Mayor and Clerk to execute the Repayment Schedule for the balance owed the Township of West Windsor from the Parking Authority of West Windsor Township as set forth in the Interlocal Shared Services Agreement dated March 9, 2020.

SOURCE OF FUNDING:

CONTRACT AMOUNT: Grand Total - \$140,250.00;
1st Payment (January 1, 2024) - \$3,166.66.
Remainder of 47 Payments - \$2,916.66

CONTRACT LENGTH: January 1, 2024 – December 31, 2027

OTHER SUPPORTING INFORMATION ATTACHED:

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

J.W. Mauder 5/14/24
Department/Division Head Date

APPROVED FOR AGENDA OF: May 28, 2024

By: Marlena A. Schmid 05/14/2024
Marlena Schmid, Business Administrator

MEETING DATE: 5/29/24 Ordinance # _____ Resolution # 2024-R130

Council Action Taken:

RESOLUTION

WHEREAS, officials of the Township of West Windsor (Township) and the Parking Authority of West Windsor mutually agreed to suspend monthly payments set forth in the Amendment to Interlocal Services dated March 9, 2020 because the Parking Authority experienced a significant decrease in revenues from parking permits and parking fees during the COVID-19 Pandemic; and

WHEREAS, a total of \$140,250.00 from 2021 is owed the Township and reimbursement of the outstanding balance is detailed in the attached Repayment Schedule from the Parking Authority; and

WHEREAS, it is in the best interest of the respective governing bodies to approve the Repayment Schedule.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Windsor that it does hereby approve the attached Repayment Schedule.

BE IT FURTHER RESOLVED, the Mayor and Clerk are authorized to execute the Repayment Schedule.

BE IT FINALLY RESOLVED, that upon final execution, the Repayment Schedule shall be incorporated by reference into this Resolution and shall be attached to it.

Adopted: May 28, 2024

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of May, 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

INDICATE ACTION REQUESTED (check one):

Date of Request :May 10, 2024

- Ordinance
- (Summary attached)
- Resolution
- (Backup documents complete)
(Contracts require Affirmative
Action Certificate)
- Item for Discussion only

Initiated By: John V. Mauder Department of Administration

ACTION REQUESTED: Bond Ordinance providing an amendment to the description of Bond Ordinance 2023-09 adopted August 14, 2023.

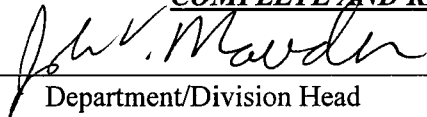
EXECUTIVE SUMMARY: As requested by the Facilities Maintenance Manager, it is requested that section 3(e) of Bond Ordinance 2023-09 be amended to add Schenck Farm General Improvements to the description.

OTHER SUPPORTING INFORMATION ATTACHED

Copy of email from Brian Aronson
Bond Ordinance 2023-09

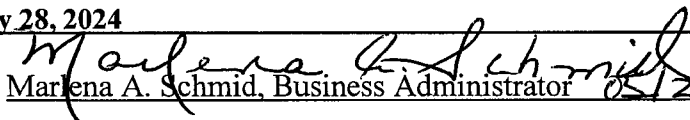
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COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW


May 10, 2024

 Department/Division Head Date

APPROVED FOR AGENDA OF: May 28, 2024


 By: Marlana A. Schmid, Business Administrator 05/21/2024

**** PLEASE NOTE ** DEADLINE FOR SUBMISSION TO THE CLERK'S OFFICE FOR REVIEW AND APPROVAL BY THE BUSINESS ADMINISTRATOR IS 10:00 A.M. ON THE FRIDAY ONE WEEK PRECEDING THE COUNCIL BUSINESS MEETING.**

MEETING DATE: _____ Ordinance # _____ Resolution # _____

Council Action Taken:

Distributed:

ORDINANCE 2024-13

BOND ORDINANCE AMENDING BOND ORDINANCE
NUMBERED 2023-09 OF THE TOWNSHIP OF WEST
WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY,
FINALLY ADOPTED AUGUST 14, 2023, IN ORDER TO
AMEND THE DESCRIPTION OF THE PROJECT.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section One. Section 3(E) of Bond Ordinance numbered 2023-09 of the Township of West Windsor, in the County of Mercer, New Jersey, finally adopted August 14, 2023, is hereby amended to read as follows:

Community Development – Land Use: Municipal Properties Improvements- Street Tree Planting Program, municipal tract landscaping, acquisition of community identifications signs, Scheck Barn improvements, general improvements to the Scheck Farm, including all work and materials necessary therefor and incidental thereto.

Section Two. The capital budget of the Township of West Windsor is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section Three. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

INTRODUCTION: May 28, 2024
PUBLIC HEARING: June 10, 2024
ADOPTION DATE:
MAYORAL APPROVAL:
EFFECTIVE DATE:

John Mauder

From: Brian Aronson
Sent: Wednesday, May 1, 2024 1:37 PM
To: John Mauder
Cc: Brian Aronson; Marlena Schmid; Gay Huber; Kerry Giammetta
Subject: Historic Farm Bond Repurposing
Attachments: Bond Ord 2023-09.pdf

John,

As discussed, Capital Bond Ordinance 2023-09 (attached) was adopted on August 14, 2023 and contained \$150,000 funding requested by Land Use for the Schenck Barn Roof Improvement (capital account 405-2023-09 022).

As you are aware, that \$150k (page 7 of 23 – fund is for \$189,000 but also included a few other items) was approved in the 2023 Capital Budget but the Red Barn Roof Improvement Project came in under budget when publicly bid and was paid for under previously allocated funding from prior years without touching any funds from the 2023 allotment.

The 2023 Bond specifically indicates “Schenck Farm Barn Roof Improvement” and I would like to amend this bond ordinance to a “General Improvement” so that we would be able to utilize those already bonded funds for partially funding the Clarke Canton Hintz Schenck Farmstead Conditions Assessment as well as for any projects outlined in said Conditions Assessment.

Please move forward with repurposing those funds so that we will be able to contract with the Historic Preservation Architect and.

Let me know if you need anything further explanation for the bond Attorney.

Thanks.

Brian E. Aronson
Facilities Maintenance Manager

West Windsor Township
271 Clarksville Road, P.O. Box 38
West Windsor, New Jersey 08550
Ph: (609) 799-2405
Fax: (609) 799-2044

Please be advised that the Township of West Windsor is subject to the New Jersey Open Public Records Act. As such, any email sent or received by the Township may be subject to a records request.

2023-09

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$9,737,795 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$8,273,700 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of West Windsor, in the County of Mercer, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$9,737,795, including grants expected to be received from the State of New Jersey Department of Transportation in the total amount of \$466,000 for the Bikeway Program on Conover Road and Transit Village Program on Wallace Road described in Section 3(D)(2) hereof; \$362,410 for the New Edinburg Road Resurfacing II Program described in Section 3(D)(4); \$222,000 for the Alexander Road Pedestrian Safety Program described in Section 3(D)(5) (collectively, the "State Grants") and further including the aggregate sum of \$413,685 as the several down payments for the improvements or purposes required

by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments and in anticipation of receipt of the State Grants, negotiable bonds are hereby authorized to be issued in the principal amount of \$8,273,700 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
A) ADMINISTRATION			
1) <u>Acquisition of Equipment - Non Vehicular</u> Network, computer, printer and scanner replacement and/or upgrades, including all related costs and expenditures incidental thereto.	\$155,000	\$150,000	5 years
1a) <u>Acquisition of Equipment - Vehicular</u> Replacement of a van, including all related costs and expenditures incidental thereto.	\$23,500	\$20,000	5 years

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
<p>2) <u>Municipal Facilities and Related Improvements</u> Improvements to the Municipal Administration Building, including all work and materials necessary therefor and incidental thereto.</p>	\$25,200	\$24,000	15 years
<p>3) <u>Municipal Facilities and Related Improvements</u> Improvements to the Health and Recreation Building and fire alarm upgrades to Fire and Emergency Services Station 45, including all work and materials necessary therefor and incidental thereto.</p>	\$101,850	\$97,000	15 years
<p>4) <u>Municipal Facilities and Related Improvements</u> Security system upgrades for various municipal buildings, including all work and materials necessary therefor and incidental thereto.</p>	\$10,500	\$10,000	10 years
<p>5) <u>Municipal Facilities and Related Improvements</u> Police/Court underground fuel storage tank removal and replacement, including all work and materials necessary therefor and incidental thereto.</p>	\$126,000	\$120,000	15 years
<p>6) <u>Municipal Facilities and Related Improvements</u> Improvements to the Arts Council Building, including all work and materials necessary therefor and incidental thereto.</p>	\$5,040	\$4,800	15 years
<p>7) <u>Municipal Facilities and Related Improvements</u> Interior improvements to the Senior Center Building, including all work and materials necessary therefor and incidental thereto.</p>	\$25,200	\$24,000	10 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
8) <u>Municipal Facilities and Related Improvements</u> PJ Fire Station infrastructure improvements, including all work and materials necessary therefor and incidental thereto.	\$50,400	\$48,000	15 years
B) CLERK <u>Acquisition of Equipment</u> 1) Replacement program for scanners, including all related costs and expenditures incidental thereto.	\$15,225	\$14,500	5 years
2) Shelving for permanent documents, including all related costs and expenditures incidental thereto.	\$2,520	\$2,400	5 years
C) COMMUNITY DEVELOPMENT – CODE ENFORCEMENT <u>Acquisition of Equipment - Vehicular</u> Acquisition of a four-wheel drive utility vehicle, including all related costs and expenditures incidental thereto.	\$39,900	\$38,000	5 years
D) COMMUNITY DEVELOPMENT – ENGINEERING 1) <u>Acquisition of Equipment</u> Undertaking of digital tax map conversion, including all work and materials necessary therefor and incidental thereto.	\$226,800	\$216,000	10 years

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
<p>2) <u>Bicycle and Pedestrian Improvements</u> The Bike Lane Extension Program, the Sidewalk Extension Program, the Crosswalk Improvement Program, sidewalk repairs and street trees improvements, Bikeway Program from Conover Road to South Post Road and the Transit Village Program to the Wallace Road and Scott Avenue intersection, all as shown on a list on file in the office of the Clerk, which list is hereby incorporated by reference, including all work and materials necessary therefor and incidental thereto.</p>	<p>\$1,022,500 (including a grant expected to be received from the State of New Jersey Department of Transportation in the amount of \$466,000 for Conover Road Bike Program and the Wallace Road Transit Village Program improvements portion)</p>	<p>\$530,000</p>	<p>10 years</p>
<p>3) <u>Drainage Improvements</u> Emergency road and drainage repairs, all as shown on a list on file in the office of the Clerk, which list is hereby incorporated by reference, including all work and materials necessary therefor and incidental thereto.</p>	<p>\$50,400</p>	<p>\$48,000</p>	<p>20 years</p>
<p>4) <u>Roadway Improvements</u> Annual Residential Road Improvement Program and Annual Road Improvement Program – Collector Roads, Vaughn Drive extension and New Edinburg Road Resurfacing II, all as shown on a list on file in the office of the Clerk, which list is hereby incorporated by reference, including all work and materials necessary therefor and incidental thereto.</p>	<p>\$2,640,910 (including a grant expected to be received from the State of New Jersey Department of Transportation in the amount of \$362,410 for New Edinburg Road Resurfacing II portion)</p>	<p>\$2,170,000</p>	<p>10 years</p>

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
<p>5) <u>Traffic Safety Improvements - Hazard Mitigation & Other Improvements</u> Signage and striping improvements, Grover's Mill Dam inspection and repairs, Wallace Road Bus Garage remediation program, compost facility remediation, annual flood abatement program, EAB Management Program-street trees, annual utility maintenance and improvements program and Safe Streets to Transit Program for pedestrian safety at Alexander Road, including all work and materials necessary therefor and incidental thereto.</p>	<p>\$500,250 (including a grant expected to be received from the State of New Jersey Department of Transportation in the amount of \$222,000 for the Alexander Road Pedestrian Safety portion)</p>	<p>\$265,000</p>	<p>10 years</p>
<p>6) <u>Municipal Facilities and Related Improvements-Sewer</u> Sewer extension and pump station improvements, including all work and materials necessary therefor and incidental thereto.</p>	<p>\$525,000</p>	<p>\$500,000</p>	<p>40 years</p>
<p>E) COMMUNITY DEVELOPMENT – LAND USE <u>Municipal Properties Improvements</u> Street Tree Planting Program, municipal tract landscaping, acquisition of community identification signs and Schenck Barn roof improvements, including all work and materials necessary therefor and incidental thereto.</p>	<p>\$189,000</p>	<p>\$180,000</p>	<p>10 years</p>
<p>F) HEALTH, HUMAN SERVICES AND RECREATION <u>1) Acquisition of Equipment – Vehicular</u> Replacement of a four-wheel drive utility vehicle for the Health Department, including all related costs and expenditures incidental thereto.</p>	<p>\$63,000</p>	<p>\$60,000</p>	<p>5 years</p>

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
2) <u>Municipal Park Improvements</u> Park improvements, all as shown on a list on file in the office of the Clerk, which list is hereby incorporated by reference, including all work and materials necessary therefor and incidental thereto.	\$25,200	\$24,000	15 years
3) <u>Municipal Facilities and Related Improvements</u> Improvements to the Senior Center, including all work and materials necessary therefor and incidental thereto.	\$25,200	\$24,000	5 years
4) <u>Acquisition of Equipment</u> Acquisition of office furniture for the Senior Center, including all work and materials necessary therefor and incidental thereto.	\$5,250	\$5,000	5 years
G) PUBLIC SAFETY – FIRE & EMERGENCY SERVICES			
1) <u>Acquisition of Equipment – Non Vehicular</u> Replacement of automatic external defibrillators (AEDs), including all related costs and expenditures incidental thereto.	\$75,600	\$72,000	10 years
2) <u>Acquisition of Equipment – Non Vehicular</u> Purchase of personal protective equipment (PPE) for firefighters, including all related costs and expenditures incidental thereto.	\$50,400	\$48,000	10 years
3) <u>Acquisition of Equipment - Vehicular</u> Replacement of Rescue 43 fire engine, including all related costs and expenditures incidental thereto.	\$1,001,000	\$955,000	10 years
a) Purchase of new inspection vehicles, including all related costs and expenditures incidental thereto.	\$80,500	\$75,000	5 years

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
4) <u>Municipal Facilities and Related Improvements</u> Building and general improvements to the PJ Firehouse and sprinkler system replacement to Station 43 WW Firehouse, including all work and materials necessary therefor and incidental thereto.	\$204,750	\$195,000	15 years
5) <u>Municipal Facilities and Related Improvements</u> a) Building and general improvements to the Fire & Emergency Services Facility, including all work and materials necessary therefor and incidental thereto.	\$25,100	\$24,000	15 years
b) Furniture and equipment for Emergency Operations Center, including all work and materials necessary therefor and incidental thereto.	\$50,500	\$48,000	5 years
H) PUBLIC SAFETY – POLICE			
1) <u>Acquisition of Equipment – Office/Computer</u> Technology and computer replacement, software replacement, digital mugshot system, security systems upgrade project, DWI and DB interview rooms Axon System, radio system, facility situational awareness program, communication center and multi-task and surveillance solution upgrades and improvements, including all related costs and expenditures incidental thereto.	\$509,250	\$485,000	5 years
2) <u>Acquisition of Equipment – Vehicular</u> Acquisition of a four-wheel drive utility vehicle, including all related costs and expenditures incidental thereto.	\$110,250	\$105,000	5 years

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
3) <u>Acquisition of Equipment – Non Vehicular</u> Acquisition of firearms, portable radios, emergency equipment for patrol vehicles and mobile data terminals, including all related costs and expenditures incidental thereto.	\$168,000	\$160,000	10 years
4) <u>Municipal Facilities and Related Improvements</u> Improvements to the Municipal Police/Court Building, including all work and materials necessary therefor and incidental thereto.	\$25,200	\$24,000	15 years
1) PUBLIC WORKS			
1) <u>Acquisition of Equipment – Non Vehicular</u> Remote monitoring for pump station, including all related costs and expenditures incidental thereto.	\$68,250	\$65,000	10 years
2) <u>Acquisition of Equipment – Vehicular</u> Acquisition of trucks, dump trucks, mason dump truck, combination truck and two field lining paint stripers, including all related costs and expenditures incidental thereto.	\$1,118,250	\$1,065,000	5 years
3) <u>Municipal Facilities and Related Improvements</u> Building and general improvements to the Municipal Public Works Complex, including all work and materials necessary therefor and incidental thereto.	\$25,200	\$24,000	15 years
4) <u>Municipal Facilities and Related Improvements – Sewer</u> Sanitary sewer system improvements and storm sewer improvements, including all work and materials necessary therefor and incidental thereto.	\$270,900	\$258,000	40 years

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
J) RECREATION – SWIM POOL <u>Swim Pool Complex</u> General improvements to the swim pool complex and water works, including all related costs and expenditures incidental thereto.	<u>\$100,800</u>	<u>\$96,000</u>	15 years
TOTALS:	<u>\$9,737,795</u>	<u>\$8,273,700</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment or the State Grants, as applicable, for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the

purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 11.99 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government

Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$8,273,700, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$900,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or, if other than the State Grants referred to in Section 1 hereof, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market

disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

INTRODUCTION: July 17, 2023

PUBLIC HEARING: August 14, 2023

ADOPTION: August 14, 2023

MAYOR APPROVAL: August 15, 2023

EFFECTIVE DATE: September 8, 2023