

**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**

August 12, 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

2024-R157 Authorizing the Appointment of Allison D. Sheehan as Township Clerk Effective September 1, 2024

2024-R158 Authorizing the Appointment of Joei Godin as Deputy Township Clerk Effective September 1, 2024
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

2024-15 AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) CHAPTER 200 ENTITLED LAND USE BY AMENDING THE R-1/C DISTRICT, THE RP-7 DISTRICT, AND THE PARKING STANDARDS

- 2024-16 TOWNSHIP OF WEST WINDSOR ORDINANCE AUTHORIZING THE ACQUISITION OF A RIGHT-OF-WAY EASEMENT FROM HUNTER FAMILY REAL ESTATE TRUST LOCATED AT BLOCK 15.03, LOT 46
- 2024-17 TOWNSHIP OF WEST WINDSOR ORDINANCE AUTHORIZING THE ACQUISITION OF A RIGHT-OF-WAY EASEMENT FROM HUNTER FAMILY REAL ESTATE TRUST LOCATED AT BLOCK 15.03, LOT 46.01
- 2024-18 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$11,205,306 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$10,024,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.
- 2024-19 CAPITAL IMPROVEMENT ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN OR FOR THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY APPROPRIATING THE AMOUNT OF \$455,000.00

11. Consent Agenda

A. Resolutions

B. Minutes

June 24, 2024 - Business Session - As Amended

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2024-R159 Approving the Extension of the Grace Period for the 2024 Third Quarter Tax Payments

2024-R160 Certification of Compliance with the Promulgation of the Local Finance Board of the State of New Jersey for the 2023 Annual Report of Audit

2024-R161 Insertion of the State of New Jersey Strengthening Local Public Health Capacity Grant 2025 in the 2024 Budget

- 2024-R162 Insertion of the New Jersey Association of County and City Health Officials (NJACCHO) Sustaining Local Public Health Infrastructure Grant in the 2024 Budget
- 2024-R163 Authorizing a 2024 Capital Budget Amendment Increase of \$5,100,000.00 for a New Total of \$69,780,768.00
- 2024-R164 Authorizing the Business Administrator to Purchase Ink/Toner Supplies for the Police Department from SHI International Corp. Under the New Jersey Cooperative Purchasing Alliance Contract #CK04, Subcontract 24-38 with the County of Bergen - \$1,847.13
- 2024-R165 Authorizing the Business Administrator to Purchase Barracuda Subscription Upgrade for the Police Department from SHI International Corp. Under the New Jersey Cooperative Purchasing Alliance Contract #CK04, Subcontract 24-38 with the County of Bergen - - \$1,609.20
- 2024-R166 Authorizing the Business Administrator to Purchase Ammunition for the Police Division from Eagle Point Gun, an Authorized State Contract Vendor - \$18,881.65
- 2024-R167 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Van Cleef Engineering Associates to Provide Engineering Survey and Design Services for the Project Known as Scott Avenue & Berrien Avenue Drainage Improvements - \$55,000.000
- 2024-R168 Authorizing the Full Release of a Performance Bond for Street Opening Permit No. 2024-26 to Carter Johns
- 2024-R169 Authorizing the Business Administrator to Purchase Scanning Services for Township Documents from Dell an Authorized State Contract Vendor - \$28,444.73
- 2024-R170 Authorizing the Mayor and Clerk to Execute the 2023-2027 Employment Agreement Between West Windsor Township and the Chief of Police, Robert Garofalo

14. Introduction of Ordinances

2024-20 BOND ORDINANCE PROVIDING FOR REALIGNMENT IMPROVEMENTS TO WASHINGTON ROAD IN AND BY THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$5,100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,600,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

Public Hearing: August 26, 2024

2024-21 AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) CHAPTER 200 LAND USE, PART 4 ARTICLE XXXI GENERAL PROVISIONS AND SUPPLEMENTAL REGULATIONS GOVERNING CERTAIN USES, SECTION 200 AFFORDABLE HOUSING REGULATIONS, SECTION 200-237.2 ADMINISTRATIVE AGENT, TO ALLOW THE TOWNSHIP TO ESTABLISH MORE THAN ONE AFFORDABLE HOUSING ADMINISTRATIVE AGENT

Public Hearing: August 26, 2024

2024-22 AN ORDINANCE AUTHORIZING LEASE AGREEMENT WITH THE WEST WINDSOR PARKING AUTHORITY FOR CERTAIN REAL PROPERTY WITHIN THE TOWNSHIP OF WEST WINDSOR FOR PUBLIC PURPOSES

Public Hearing: August 26, 2024

2024-23 AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF WEST WINDORS, CHAPTER 168 "TRAFFIC AND PARKING," ARTICLE VI, "PARKING AUTHORITY PROPERTY", SECTION 168-39; 168-40 AND 168-41

Public Hearing: August 26, 2024

2024-24 Official Submittal of Certified Petition by the Township Clerk - There is no action required by the Township Council at this meeting only the submittal of the certified petition to Council per N.J.S.A. 40:69-190

AN ORDINANCE OF THE TOWNSHIP OF WEST WINDSOR, IN MERCER COUNTY, NEW JERSEY, SUBMITTING A PUBLIC INITIATIVE TO THE VOTERS OF WEST WINDSOR TOWNSHIP CONCERNING ALTERNATIVES TO THE TOWNSHIP'S FORM OF GOVERNMENT

Public Hearing: August 26, 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

RESOLUTION

WHEREAS, with the retirement of Gay M. Huber as of August 31st, 2024, there will exist a vacancy for the position of Township Clerk for West Windsor Township; and

WHEREAS, the Township Council would like to recognize Ms. Sheehan as well qualified for the position of Township Clerk; and

WHEREAS, Allison D. Sheehan received her Registered Municipal Clerk Certification on October 14th, 2020 thereby qualifying her to hold the position of Township Clerk; and

WHEREAS, Ms. Sheehan was appointed as the Deputy Township Clerk on June 8, 2020 and has served in that position since that time in an exemplary manner and Gay M. Huber recommends her appointment as Township Clerk; and

WHEREAS, West Windsor Township's Administrative Code provides that the Township Council shall appoint a Township Clerk "who shall serve as Clerk of the Council".

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, that in accordance with N.J.S.A. 40A9-133 et. seq., Allison D. Sheehan is hereby confirmed as the Township Clerk of the Township of West Windsor effective September 1, 2024.

Adopted: August 12, 2024

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of August 2024.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, in October of 2021, Ms. Joei Godin was hired as Secretary III in the Clerk's Office; and
- WHEREAS, Ms. Godin started taking the Registered Municipal Clerk's courses shortly after she was hired and successfully passed all five courses; and
- WHEREAS, Ms. Godin passed her Registered Municipal Clerk's examination and received her Certification on October 11th, 2023; and
- WHEREAS, Ms. Godin was promoted to Administrative Assistance in December of 2023; and
- WHEREAS, Ms. Godin has good work ethics and has proven to be a positive influence in the Clerk's Office; and
- WHEREAS, with the retirement of Gay M. Huber, Township Clerk and the promotion of Allison D. Sheehan to Township Clerk effective September 1, 2024 there is a need for a Deputy Township Clerk to be appointed; and
- WHEREAS, West Windsor Township's Administrative Code provides that the Township Council may appoint a Deputy Township Clerk to "serve during the absence or disability of the Township Clerk" and who shall "have been qualified by training or experience to perform the duties of said office"; and
- WHEREAS, Gay M. Huber the Township Clerk and Allison D. Sheehan the Deputy Township Clerk recommends the appoint of Joei Godin to Deputy Township Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Township Council hereby appoints Joei Godin to be the Deputy Township Clerk effective September 1, 2024.

Adopted: August 12, 2024

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of August, 2024.

Gay M. Huber
Township Clerk
West Windsor Township

ORDINANCE 2024-15

AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) CHAPTER 200 ENTITLED LAND USE BY AMENDING THE R-1/C DISTRICT, THE RP-7 DISTRICT, AND THE PARKING STANDARDS

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

Section 1. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 4, Zoning, Article XXVII, Use and Bulk Regulations for Residence Districts, Section 200-158, R-1/C District use regulations, is hereby amended as follows. Added text is underlined, and text being eliminated is [brackets].

§ 200-158 R-1/C District use regulations.

- A. Permitted uses. In the R-1/C District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used, except for one or more of the following uses:
- (1) Any use permitted in an RR/C District.
 - (2) Day-care centers on properties located immediately adjacent to the Princeton Junction Redevelopment Plan area.
- B. Conditional uses. In an R-1/C District, the following uses may be permitted as conditional uses:
- (1) Any use permitted by condition in an RR/C District, as may be modified herein.
 - (2) Nursing home, rest home or home for the aged, subject to the following special requirements:
 - (a) The minimum lot area required for each four or remainder over a multiple of four resident patients or resident guests shall be the same as the minimum lot area required for each dwelling unit in the district in which the use is to be created.
 - (b) Such buildings shall conform to the standards issued by appropriate agencies of the State of New Jersey and be duly licensed under appropriate state laws.
 - (c) A landscape strip shall be provided along each side or rear property line in accordance with the standards established in Article XXXI of this Part 4.

Section 2. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 4, Zoning, Article XXVII, Use and Bulk Regulations for Residence Districts, Section 200-159, R-1/C District bulk and area regulations, is hereby amended as follows. Added text is underlined, and text being eliminated is [brackets].

§ 200-159 R-1/C District bulk and area regulations.

The following shall be the standards for the R-1/C District:

- A. Minimum lot area: 1 2/3 acres.
- B. Minimum lot frontage: 85 feet.
- C. Minimum lot width: 175 feet.
- D. Minimum lot depth: 175 feet.
- E. Minimum yards:
 - (1) Front yard: 40 feet.
 - (2) Rear yard: 20 feet.
 - (3) Side yard: 20 feet.
- F. Maximum FAR: 13%.
- G. Maximum improvement coverage: 17%.
- H. Maximum building height: 2 1/2 stories, 35 feet.
- I. Standards for day-care centers. The following shall be the standards for day-care centers as permitted by Section 200-158. For the purposes of calculating compliance with these requirements, the entirety of the tract within the district shall be considered.
 - (1) Minimum lot area: 5 acres.
 - (2) Minimum lot frontage: 300 feet.
 - (3) Minimum lot width: 300 feet.
 - (4) Minimum lot depth: 500 feet.
 - (5) Minimum yards:
 - (a) Front yard: 135 feet.
 - (b) Front yard parking setback: 66 feet.
 - (c) Rear yard: 25 feet.
 - (d) Side yard: 20 feet.
 - (6) Maximum improvement coverage: 20%.

- (7) Maximum building floor area: 15,000 square feet.
- (8) Outdoor play areas.
 - (a) An outdoor play area shall be provided on the same lot as the day-care center.
 - (b) Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas or land unsuited by other usage or natural features for children's active play space. Fencing or other enclosures shall be a minimum height of four feet, unless otherwise governed by applicable State regulatory requirements in which event fence height shall be compliant with such regulations, and shall be subject to all setback requirements for the district in which it is located. Gate doors, where provided, shall be equipped with safety locking devices so as to preclude inadvertent opening of the fenced enclosures.
- (9) The location of access driveways, landscaping, and site plan design are compatible with the neighborhood in which it is to be located.
- (10) Such facilities shall be licensed by the New Jersey Department of Children and Families, Office of Licensing and/or any other applicable state agency.
- (11) Adequate landscaping or screening from adjacent residential lots along each side and rear lot line in accordance with standards established in Article XXX of this Part 4, is provided.
- (12) The hours of operation shall be limited to 6:00 a.m. to 8:00 p.m.
- (13) Maneuvering room must be provided on site for parking and unloading/loading of children so as to preclude the necessity for stacking or backing out onto a public street. Procedures for the drop-off and pick-up of children shall be consistent with industry standards, provided that no unsafe conditions for pickup and drop-off of children shall be permitted.
- (14) Architectural and site design standards. The following architectural and site design standards shall apply.
 - (a) Architectural detail, style, color, proportion and massing shall reflect the features of a traditional village center to the greatest extent feasible. Buildings shall reflect a continuity of treatment from the Princeton Junction Area, obtained by maintaining the building scale or by subtly graduating changes; by maintaining base courses; by maintaining cornice lines in buildings of the same height; by extending horizontal lines of fenestration (windows); and by reflecting architectural styles and details, design themes, building materials and colors used in surrounding buildings. To the extent possible, upper-story windows shall be vertically aligned with the location of windows and doors on the ground level.

- (b) Signage and lighting shall be designed in a manner complementary to the building's architecture and in keeping with the goal of achieving a traditional village center.
 - (c) Pitched roofs (6/12 to 12/12) are recommended. Both gable and hipped roofs shall provide overhanging eaves on all sides that extend a minimum of one foot beyond the building wall. Generally, flat and mansard-type roofs should be avoided; however, such roof treatments may be allowed if the architectural detail, style, proportion and massing is complementary of adjacent structures and consistent with a small-scale village character. Buildings may have flat roofs, provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane and presents a two-story facade.
 - (d) There shall be shared parking and cross-easements to the maximum extent practicable.
- (15) Conservation Easement. A conservation easement with an average width of at least 165 feet shall be provided along any property line which immediately abuts a single-family residential zone or property, provided that the minimum width of the buffer at any given point is 100 feet.

Section 3. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 5, Princeton Junction Redevelopment Plan Regulatory Provisions, Article XXXIV, Land Use Controls, Section 200-266, RP-7 District, Item A, RP-7 District use regulations, is hereby amended as follows. Added text is underlined, and text being eliminated is [brackets].

A. RP-7 District use regulations.

- (1) Purpose. The RP-7 District is intended to create a "Main Street" on the eastern side of the rail line through small-scale, lot-by-lot incremental development so as to transform the existing more strip commercial form of development into a village form with buildings close to the street and bicycle access. The object is to achieve a desirable mix of commercial, office, civic and residential land uses within a vibrant, pedestrian-friendly, village environment with an emphasis on uses that service local needs. The village is intended to encourage pedestrian flow throughout the area by generally permitting stores and shops and personal service establishments on the ground floor of buildings and promoting the use of upper floors for offices and residential dwelling units. The mechanisms to do this include sharing off-street parking and stormwater detention opportunities; having well-landscaped and appropriate building setbacks from surrounding roads; providing off-street parking that is well screened from public view; controlling means of vehicular access and coordinating internal pedestrian and vehicular traffic flows relating to existing and proposed development patterns; and ensuring design compatibility with existing development that considers building height, materials, colors, landscaping and signage.

- (2) Permitted principal uses. In the RP-7 District, no building or premises shall be used and no building shall be erected or altered on a lot which is arranged, intended or designed to be used, except for one or more of the following areas:
- (a) Stores and shops for the conduct of any retail business, including specialty and gift shops and boutiques, excluding drive-through facilities.
 - (b) Personal service establishments (e.g., tailor, barbershop or beauty salon).
 - (c) Offices for professional services (e.g., physicians, lawyers, financial advisors or architects); small commercial offices (e.g., realtors or travel agencies); small governmental offices (e.g., post office branch); and offices incidental to uses permitted in this section.
 - (d) Restaurants, cafes, luncheonettes and delicatessens, excluding curb service establishments and drive-through facilities but not excluding walk-up services and outdoor dining.
 - (e) Indoor recreation facilities, including instructional studios and fitness centers.
 - (f) Repair and servicing, indoors only, of any article for sale which is permitted in this district, except that automotive service stations in existence as of the date of adoption of this Part 5 shall be permitted.
 - (g) Banks and similar financial institutions existing in the district or for which development applications have been approved as of the date of adoption of this Part 5, either on their sites at the time of adoption of this Part 5 or on other sites in the district. Banks may include walk-up automated teller machines (ATM), provided that such are compatible with the design of the building and are appropriately located at the side or rear of a building. Drive-through facilities serving such uses shall be permitted, provided that the scale of the drive-through windows and lanes is compatible with the design of the building and site design. A maximum of three drive-through lanes shall be permitted (inclusive of lanes for ATMs).
 - (h) Attended laundry and retail dry-cleaning services, not including bulk processing and, in the case of dry-cleaning establishments, not providing for the storage of more than five gallons of flammable or toxic cleaning fluid on the premises.
 - (i) Book, newspaper, periodical and stationery stores and copy centers.
 - (j) Parcel package shipping stores or mailing centers.
 - (k) Museums, art galleries and other cultural and civic facilities of a similar nature.
 - (l) Parks and plazas.

- (m) Buildings and uses for municipal purposes owned or operated by West Windsor Township or not-for-profits designated by the Township.
 - (n) Apartments over retail and live-work dwelling units, including affordable housing meeting all COAH standards.
 - (o) Veterinary clinics.
- (3) Permitted accessory uses.
- (a) Recreational and/or open space facilities, including, but not limited to, walkways, courtyards and plazas.
 - (b) Off-street parking and loading located to the rear of principal buildings or appropriately screened from public view.
 - (c) Signs.
 - (d) Street furnishings, planters, streetlights, and exterior, garden-type, shade structures (gazebos).
 - (e) Sidewalk cafes associated with permitted restaurants.
 - (f) Fences and walls, which shall complement the architectural style, type and design of the building and the overall project design.
 - (g) Decks, patios and terraces, which shall complement the architectural style, type and design of the building and the overall project design.
 - (h) Community bulletin or message boards, including electronic signs with changeable type only for the purpose of conveying information about community events. However, animated-type signs shall not be permitted.
 - (i) Public service facilities.
 - (j) Accessory uses customarily incidental to permitted principal uses, including structured parking for residential dwelling units.

Section 4. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 5, Princeton Junction Redevelopment Plan Regulatory Provisions, Article XXXIV, Land Use Controls, Section 200-266, RP-7 District, Item B, RP-7 District intensity, bulk and other regulations, is hereby amended as follows. Added text is underlined, and text being eliminated is [brackets].

B. RP-7 District intensity, bulk and other regulations.

- (1) Maximum FAR: 0.25. For the purposes of calculation FAR, upper story residential units shall not be considered "floor area."
- (2) Maximum improvement coverage: ~~80%~~ 85%

- (3) Yards
 - (a) Build-to line: 15 feet from curb.
 - (b) Side yard (each side): minimum of zero feet, if attached to an adjacent building, or a minimum of five feet if not attached to an adjacent building; maximum of 20 feet.
- (4) Except for new buildings which are constructed within shopping centers that existed prior to the adoption of the Princeton Junction Redevelopment Plan, [T]the majority of the building must be at the build-to line, but at least 15% of the facade shall be set back a minimum of 10 feet therefrom to create one or more alcoves enclosed on three sides. Outdoor dining and arcades are permitted within such alcove areas. For new buildings constructed within shopping centers that existed prior to the adoption of the Princeton Junction Redevelopment Plan, the new building setback shall be consistent with the setback of the existing building.
- (5) Building overhangs, including canopies and balconies, can project up to five feet over the build-to line.
- (6) Minimum and maximum building height: The minimum and maximum building height shall be 2 1/2 stories, except that the maximum building height shall be three stories for properties abutting the Acme Woods (which is the wooded portion of Block 6.20 Lot 22 in the R-1/C District).
- (7) First-floor use. Retail or personal service uses, or veterinary clinics, or small commercial offices are required on the first floor. Office or apartments are permitted only on the top floor.
- (8) Parking standards.
 - (a) In lieu of the standards set forth in § 200-27B, the following off-street parking standards shall apply: one space for every 350 square feet of nonresidential use and one space per apartment or the residential part of the live-work unit.
 - (b) Off-street parking lots shall be accessed by means of common driveways to the extent practicable. Cross-access easements for adjacent lots with interconnected parking lots shall be required. Shared parking facilities are encouraged where possible.
- (9) Affordable housing. At least 20% of the residential units shall be low- and moderate-income housing meeting all of the applicable standards and requirements for affordable units including those set forth in the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:26.1 et seq. At least 37% of the affordable units shall be made available to low-income households and at least 13% shall be made available to very-low-income households as defined by the New Jersey Fair Housing Act. The remaining affordable units shall be made

available to moderate-income households. The affordable units shall be located on-site and shall be reasonably dispersed throughout the development phased in accordance with the affordable housing construction schedule set forth in N.J.A.C. 5:97-6.4(d). The nonresidential development fee authorized by the Statewide Non-Residential Development Fee Act shall apply to the nonresidential portion of mixed-use developments containing residential components.

[(10) The multiuse trail through the Crawford/Acme Woods shown on the Conceptual Plan shall be constructed by any developer developing the land upon which the path is located as part of a development approval in order to facilitate access to Berrien City and Circle Drive from Sherbrook Estates and The Gables.]

[(11)](10) Architectural and site design standards. In addition to the standards applicable to all districts and the goals and policies, the following shall apply:

- (a) The front facade of principal structures constructed on vacant lots or on lots on which the existing structures have been or will be demolished shall be 15 feet from the right-of-way, except that this provision shall not apply to the extent front yard space is used for a gateway feature or outdoor restaurant seating or to accommodate sight distance at intersections. There shall be setbacks and indents in the facade to the extent necessary to satisfy the architectural and landscape architectural guidelines.
- (b) For buildings constructed on vacant lots or on lots on which the existing structures have been or will be demolished, the side yard setbacks for each side shall be as follows: minimum of zero feet, if attached to an adjacent building, or a minimum of five feet if not attached to an adjacent building; maximum of 20 feet.
- (c) Architectural detail, style, color, proportion and massing shall reflect the features of a traditional village center. Buildings shall reflect a continuity of treatment through the district, obtained by maintaining the building scale or by subtly graduating changes; by maintaining base courses; by maintaining cornice lines in buildings of the same height; by extending horizontal lines of fenestration (windows); and by reflecting architectural styles and details, design themes, building materials and colors used in surrounding buildings. To the extent possible, upper-story windows shall be vertically aligned with the location of windows and doors on the ground level. However, a variety of building setbacks, roof lines, color schemes, elevations and heights shall be developed, relative to adjacent structures, to avoid a repetitious and monotonous streetscape.
- (d) Signage and lighting shall be designed in a manner complementary to the building's architecture and in keeping with the goal of achieving a traditional village center.

- (e) Pitched roofs (6/12 to 12/12) are recommended. Both gable and hipped roofs shall provide overhanging eaves on all sides that extend a minimum of one foot beyond the building wall. Generally, flat and mansard-type roofs should be avoided; however, such roof treatments may be allowed if the architectural detail, style, proportion and massing is complementary of adjacent structures and consistent with a small-scale village character. Buildings may have flat roofs, provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane and presents a two-story facade.
 - (f) Except for new buildings which are constructed within shopping centers that existed prior to the adoption of the Princeton Junction Redevelopment Plan, [T]the building facade shall be along a minimum of 2/3 of the length of street frontage to create a defining wall along the streetscape. Covered archways (minimum eight feet wide and maximum 50 feet wide) connecting buildings, enabling pedestrian circulation, shall be permitted to achieve the defining wall. The building facade length may be reduced if, due to particular site constraints, compliance with the requirements set forth herein is impracticable. For new buildings constructed within shopping centers that existed prior to the adoption of the Princeton Junction Redevelopment Plan, the new building facade shall be consistent with the facade of the existing buildings.
 - (g) There shall be shared parking and cross-easements to the maximum extent practicable. Shared driveways shall be provided for access to Princeton-Hightstown Road and Alexander Road unless the applicant demonstrates that such is not practicable.
 - (h) Connections and appropriate improvements, as determined by Township officials, shall be made to Carlton Place to provide safe and efficient access.
 - (i) Bedrooms in all apartments shall have at least one window and shall otherwise comply with the requirements of the Uniform Construction Code.
- (11) Veterinary clinics. In addition to those standards identified above, veterinary clinics shall be subject to the following regulations.
- (a) Tenant spaces housing animals shall be soundproofed to a maximum transmission of 65 dB measured on the outside of the exterior wall. Other soundproofing requirements may be imposed by the board of jurisdiction, such as, but not limited to, the following: non-opening windows and forced-air ventilation, solid core doors and sound-absorbent ceilings.
 - (b) Proper and ample ventilation of all animal areas in buildings shall be demonstrated to the satisfaction of the board of jurisdiction and shall meet all state licensing requirements.

- (c) Animals may be kept overnight for medical reasons only.
- (d) Animals shall be housed indoors and may be allowed outside only for short periods under staff supervision for hygienic or medical reasons.
- (e) A maximum percentage of floor area for overnight holding of animals shall be limited to 30% of the gross floor area of the veterinary clinic/hospital building.
- (f) No cremation or disposal of dead animals is allowed on the premises. Disposal of used and contaminated veterinary medical supplies shall comply with applicable State regulations governing waste disposal.
- (g) Signage shall be installed to provide that pets shall be curbed in a designated area.

(12) No development shall proceed in the district without a [re]developer's agreement with the Township or redevelopment entity.

Section 5. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 1, Site Plan Review, Article VI, Design Details, Section 200-29, General circulation; parking and loading area design standards, Item 6, Size of parking spaces, is hereby amended as follows. Added text is underlined, and text being eliminated is [brackets]

1. Size of parking spaces. Parking space sizes shall be measured as follows, exclusive of interior driveway or maneuvering areas:
 - (a) Standard spaces: nine feet in width by 18 feet in length.
 - (b) Compact car spaces: eight feet in width by 14 feet in length.
 - (c) Parking spaces for people with disabilities shall be in accordance with the New Jersey Uniform Construction Code (N.J.A.C. 5:23-7) or the Americans with Disabilities Act, as applicable.
 - (d) Spaces within a parking garage or structure;
 - [1] Standard spaces: 8 1/2 feet in width by 15 feet in length.
 - [2] Compact spaces: 7 1/2 feet in width by 15 feet in length.
 - [3] Aisle widths: Requirements of Subsection M(6)(d)[1] above may be reduced by two feet for aisles serving standard spaces or combination standard/compact bay arrangements. Aisles exclusively serving compact bays may be 20 feet in width.
 - (e) Spaces for day-care centers, child-care centers, preschools, kindergartens, day camps or institutional homes: 10 feet in width by 18 feet in length. Such spaces shall utilize hairpin striping.

Section 6. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern.

Section 7. This ordinance shall take effect twenty 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 filing with the Mercer County Planning Board; and upon publication according to law.

Introduction:

Planning Board Approval:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:

Ordinance Amending the R-1/C, RP-7, and Parking Standards

MULLER & BAILLIE, P.C.
707 State Road, Suite 212
Princeton, New Jersey 08540

Gerald J. Muller, Esq.
Martina Baillie, Esq.

Telephone: (609) 257-2424
mbaillie@mullerbaillielaw.com

MEMORANDUM

To: Gay Huber
From: Martina Baillie, Esq
cc: Samuel Surtees
Re: Planning Board's consistency review and recommendation to Council to adopt Ordinance 2024-15 to amend and supplement the R-1/C District etc.
Date: July 18, 2024

At its regular meeting on July 17, 2024, the Planning Board considered whether to recommend that the Township Council adopt Ordinance 2024-15, amending and supplementing the R-1/C District to add Day Care Centers as a principal permitted use and revise the bulk standards and the RP-7 District to add veterinary clinics to the permitted uses and modify the parking standards. By unanimous vote, the Board passed a motion to recommend adoption of Ordinance 2024-15 by the Council and to recommend that Ordinance 2024-15 is consistent with the Master Plan.

Allison Sheehan

Subject: FW: Windsor Plaza (Acme Woods) buffer
Attachments: Windsor Plaza - Buffer Plan.pdf

From: Hemant Marathe <hmarathe@westwindsortwp.com>
Sent: Thursday, July 25, 2024 10:25 PM
To: Council <council@westwindsortwp.com>
Cc: Marlena Schmid <mschmid@westwindsortwp.com>; Gay Huber <gghuber@westwindsortwp.com>; Allison Sheehan <asheehan@westwindsortwp.com>
Subject: Windsor Plaza (Acme Woods) buffer

Dear Council members,

As those who attended the planning board meeting learned we adjusted the buffer on Acme woods property to better help protect the neighbors. The items council will vote on will have the correct information. Attached is a picture showing the original buffer (closer to the mall) and the new buffer (closer to the houses). Moving the buffer provides more privacy to the homeowners and keeps the development away from home.

Please let me know if you have any questions.

Thanks

Hemant

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.

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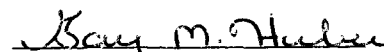
RESOLUTION

- WHEREAS, CP-Princeton Junction, LLC (“CP”) filed a Complaint in March 2019 against the Township of West Windsor and the West Windsor Planning Board to resolve the issue of the development potential of an approximately 13.64 portion of CP’s property located on Block 6.20, Lot 22, commonly referred to as the “Acme Woods” (“Woods”) behind the Windsor Plaza shopping center located on the same property; and
- WHEREAS, The parties have sought several times in the past to settle the litigation, previously without success; and
- WHEREAS, the parties’ latest effort to settle the litigation has resulted in an agreement whereby the Township will consider adopting certain zoning amendments to the R-1/C and RP-7 zoning districts to facilitate a development plan presented by CP and CP will deed restrict a portion of the Woods and pay a portion of back taxes for the property; and
- WHEREAS, the terms of the parties’ agreement are set forth in a Settlement Agreement and Exhibits thereto prepared by counsel for the parties, upon advice from their respective principals, officers, and consultants, reflecting their collective judgments that it is in the best interest of the public and the parties to settle the litigation on the terms proposed; and
- WHEREAS, the purpose of the Settlement Agreement is to settle every aspect of the litigation and achieve entry of a final dismissal by the Superior Court upon fulfillment of the conditions set forth therein; and
- WHEREAS, it is in the best interests of the Township to enter into the Settlement Agreement and the Exhibits attached thereto to ensure that the terms of the parties’ agreement are realized and the conditions thereof satisfied.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Settlement Agreement in the form attached hereto, plus the Exhibits thereto, be approved and the Mayor and the Clerk be authorized and directed to execute the same.

Adopted: June 24, 2024

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 24th day of June, 2024.


Gay M. Huber
Township Clerk
West Windsor Township

SETTLEMENT AGREEMENT
WITH RESPECT TO THE PRESERVATION AND PARTIAL DEVELOPMENT OF
THE "ACME WOODS"

The Settlement Agreement is made this 17th day of July, 2024 ("Effective Date") by and among CP-Princeton Junction, LLC, a New Jersey limited liability company, having its principal offices at 192 Route 22 West, Greenbrook, New Jersey 08812 ("CP"), the Township of West Windsor, a municipal corporation of the State of New Jersey (the "Township") and the West Windsor Planning Board ("Planning Board," and, together with the Township, the "Township Parties"), a municipal land use board, both with offices at 271 Clarksville Road, Princeton Junction, New Jersey 08550 (collectively, the "Parties"), for the purposes of settling a certain lawsuit captioned CP-Princeton Junction, LLC v. Township of West Windsor and West Windsor Planning Board, Docket No. MER-L-510-19, and to set forth the terms and conditions for settlement of the pending litigation (the "Litigation"), it being understood that this settlement is contingent on certain further actions to be taken, as described herein, and in accordance with the procedures in Whispering Woods at Bamm Hollow, Inc. v. Middletown Planning Board, 220 N.J. Super. 161 (Law Div. 1987).

I. Settlement overview.

a. Intent of parties. The Parties intend hereby to settle the Litigation on the terms and conditions set forth herein by taking the steps outlined, on the basis of a conceptual site plan proposed by CP, as further described below, that envisions development of a daycare facility in a portion of the Acme Woods (the "Woods") closest to the side of property already commercially developed with a shopping center, while the balance of the Woods is permanently deed-restricted for preservation, including a 100ft-wide buffer along the border with the Borosko Place residential neighborhood. It also envisions development of a portion of the existing shopping center. As further described below, these plans are referred to herein as "the Plans." To be clear, this Agreement does not constitute a site plan approval, and any plans to be submitted for the development of the Property will be required to follow the normal application process, including a public hearing procedure before the Planning Board, as outlined herein. Nor does this Agreement constitute approval of the Rezoning Ordinance (as defined below), which will be

considered by the Township Council separately, and by the Planning Board for consistency with the Master Plan.

b. Due deliberation. This Agreement is reached after due deliberation by the Parties, with advice from their respective counsel and principals, officers and consultants, and is based upon their considered judgment that it is in the best interest of the public good and welfare to attempt to settle this Litigation upon the terms and conditions in this Agreement to fully resolve the dispute between the Parties.

c. Stay of litigation. Upon execution of this Agreement, the Parties shall jointly notify the Court that the Litigation has been resolved on the terms and conditions set forth herein and subject to subsequent steps needed to effectuate the Plans. The Parties shall request that any discovery and motion practice be stayed in the Litigation until the Stipulation of Dismissal is filed (as described below). The Parties do not believe that the Court's approval of this Agreement is required, but should the Court require it, the Parties shall cooperate and take all reasonable actions to obtain the Court's approval.

d. Necessary Township action beyond this Agreement. The Parties understand that to accomplish the objectives of this Agreement and the proposed Plans, certain steps must be taken by the Township Parties to effectuate a rezoning of the Property in order for the Plans to be able to receive a favorable consideration by the Planning Board, and without need for variance relief. These actions, as further described below, are referred to as the "Township Conditions of Settlement." The Township Parties commit to pursuing these actions in good faith and with a view to accomplishing the goals of this Agreement.

e. Stipulation of Settlement and Consent Order and Final Dismissal of Litigation. The Parties agree that once the Township Conditions of Settlement and CP's Conditions of Settlement (as described below) have been satisfied, the Parties will execute and enter a Stipulation of Settlement and Consent Order in the form attached hereto as Exhibit A ("form of SCO"), setting forth in detail the Township Conditions of Settlement, and the condition of rezoning finality that must occur prior to final dismissal of the Litigation, as defined and set forth therein. The Parties shall seek such final dismissal upon the conditions of the SCO being met.

II. Background to Settlement Agreement.

a. The Property. The property (“Property”) that is the subject of the Litigation is a portion of a 13.64+/- acre parcel located in the Township of West Windsor with frontage along Hightstown-Princeton Road and Alexander Road, identified as Block 6.20, Lot 22, and is split-zoned with a portion in the RP-7 zoning district that is developed with a commercial shopping center, also known as the former “Acme supermarket,” now “Windsor Plaza shopping center,” (“Windsor Plaza”), and a portion in the R-1/C zoning district. The portion of the Property mainly at issue in the Litigation is the largely undeveloped, wooded 5.5 +/- acre area commonly known as the “Acme Woods.” The Plans contemplated in this Agreement (as further described below) encompass not just the Woods but also part of the RP-7 portion of the Property. The Property has been owned by CP since 2010.

b. CP received site plan approval in 2011 from the Planning Board to redevelop the former Acme supermarket on the RP-7 side of the Property, which CP subsequently did. CP at the time expressed interest to the Township in developing the Woods as well, but that did not happen and the Woods have remained unchanged. In addition to many trees, the Woods have wetlands, a riparian zone, and a stormwater basin, which serves the Windsor Plaza shopping center.

c. The Township and many residents held a widespread, partly institutionalized belief that the Woods were undevelopable and protected from development, based partly on a condition of a prior approval by the Planning Board for redevelopment of the former Acme shopping center by a previous developer, requiring a 100-foot buffer for the protection of neighboring residents and of the Woods, the fact that the Township tax assessor treated the Woods as undevelopable and never attributed any significant assessment to it, and use over decades by local residents for walking and as a throughway to the shopping center and train station. This view of the Woods as undevelopable was formally communicated to CP by the Township but turned out to be wrong.

d. The Litigation. Following unsuccessful attempts by the Parties to discuss the Township's purchase of the Woods, CP initiated the Litigation by filing a two-count Declaratory Judgment action on March 13, 2019 to resolve the issue of the development potential of the Woods. CP claimed in its Complaint that the 100-foot buffer that had been a condition of a prior approval was eliminated by operation of law due to changes in the RP-7 zoning district standards (Count I) and that, alternatively, the 100-foot buffer was the only development constraint on the R-1/C portion of the property (Count II). Discovery followed. On August 9, 2019, CP filed a Motion for Summary Judgment as to Counts I and II of the Complaint. The Township filed a cross-motion for Summary Judgment on May 26, 2020, arguing that the Woods should be treated as preserved and without development potential, or, alternatively, that the 100-foot buffer remain in effect. Meanwhile, CP, through substituted counsel, amended its Complaint by adding Counts III-VIII, claiming that aspects of the R-1/C zoning were arbitrary and capricious (Counts III-V), the split zoning of the Property was arbitrary and capricious (Count VI), the zoning of the Woods portion of the Property constituted spot zoning (Count VII), and that the Township had failed to turn square corners in its dealings with Plaintiff over the Property (Count VIII) (the "Amended Complaint").

e. 2020 Order. The Court, by now retired Judge Mary C. Jacobson, A.J.S.C., on August 14, 2020 granted CP's motion for partial summary judgment in part (partial because of the amendment of the Complaint by CP to add additional counts not addressed by the Parties' respective summary judgment motions), finding that the Woods are restricted by the 100-foot buffer but are otherwise unencumbered by any restriction other than those contained in the R-1/C zoning ordinance (the "2020 Order"). The 2020 Order correspondingly denied the Township's cross-motion for partial summary judgment as to preservation of the Woods, and granted its motion as to the validity of the 100-foot buffer.

f. Settlement Efforts. Further discovery followed on the remaining Counts III-VIII of the Amended Complaint, while the Parties tried several times to explore settlement of the Litigation. Pre-trial discovery and litigation activity was suspended through successive Case Management Orders at the request of the Parties in order to pursue these settlement efforts,

including a settlement conference with the Court in October, 2023 attended by the principals and their counsel and presided over by the Honorable Judge Robert Lougy.

g. Concept Plan and Zoning. The basis of the settlement discussions has been a conceptual site plan proposed by CP for the development of a daycare facility abutting and/or on a portion of the Woods, as well as an added mixed-use residential and commercial use on the RP-7 (Windsor Plaza) side of the Property. The R-1/C zoning permits childcare centers but only as a conditional use subject to more restrictive bulk standards than CP's daycare proposal envisions.

III. Proposed Concept Plan and Rezoning.

a. The Plans. The proposed Plans consist of two parts, one on the Woods side of the Property, the other on the RP-7 (Windsor Plaza) side. On the Woods side of the Property, CP proposes a two-story 13,260 s.f. childcare center (6,630 s.f. footprint) with a 9,562 s.f. fenced playground area. Forty-five parking spaces are proposed for the facility, 33 spaces along the Alexander Street frontage and 12 spaces along the new building frontage in an existing parking field, aligned with the rear of the Windsor Plaza building. A second stormwater basin would be installed just west of the daycare facility.

b. On the RP-7 side of the Property, CP proposes an 8,500 s.f. three-story, mixed-use retail/apartment building located north of the Windsor Plaza shopping center in an area that is currently underused parking space. While the zoning already permits such mixed use for this area, the Plans contemplate adding veterinarian clinics to the list of permitted uses. To be clear, CP has the right, but is not obligated, to construct a mixed-use building.

c. Rezoning. Effectuating the Plans would require certain amendments to the West Windsor Zoning ordinance, as detailed in the attached form of ordinance, Exhibit B, amending the R-1/C and RP-7 zoning districts, and related parking standards (the "Rezoning Ordinance"). With respect to the R-1/C district, the Rezoning Ordinance would add daycare facilities as a principal use and amend the bulk and area regulations to permit larger sized daycare facilities than before, and, with respect to the RP-7 district, the Rezoning Ordinance would add veterinary

clinics as a permitted use and slightly increase the maximum improvement coverage, from 80%-85%.

IV. Proposed Procedure.

a. Upon approval by the Township Council of this Agreement and full execution of it by the Parties, the Township shall endeavor to fulfill the Township Conditions of Settlement by taking following steps necessary to effectuate the Rezoning:

1. Within thirty (30) days of the Effective Date hereof, the Township shall schedule the first reading of the Rezoning Ordinance in the form attached hereto as Exhibit B ("First Reading of Rezoning Ordinance") at a regularly-scheduled meeting of the Township Council that is at least sixty (60) days after the Effective Date. The Township shall provide the required notices thereof in accordance with *N.J.Stat.* §40:49-2.
2. Within three (3) business days of the First Reading of Rezoning Ordinance, the Township shall also refer the Rezoning Ordinance in substantially the form attached hereto as Exhibit B to the Planning Board for its Master Plan consistency review, in accordance with *N.J.S.A.* 40:55D-64 ("Planning Board's Consistency Review").
3. Within thirty (30) days of the Planning Board's receipt of the Rezoning Ordinance the Planning Board shall (i) conduct the Planning Board's Consistency Review at a regularly-scheduled Planning Board meeting and (ii) transmit the Planning Board's recommendation regarding the Planning Board Consistency Review to Township Council.
4. Within thirty (30) days of the Planning Board's Consistency Review of the Rezoning Ordinance and its recommendation to the Township Council with respect thereto, the Township Council shall schedule the second and final reading of the Rezoning Ordinance at the next regularly-scheduled meeting of the Township Council after the Planning Board's Consistency Review ("Second and Final Reading of Rezoning Ordinance").
5. The Township Council shall, at the Second and Final Reading of the Rezoning Ordinance, consider adopting the Rezoning Ordinance in its final form, subject to the provisions of *N.J.Stat.* §40:49-2.

Items 1-5 above shall be the "Township's Settlement Conditions." Thereafter, the Parties working jointly shall take the following steps:

6. Enter the Stipulation of Settlement and Consent Order (“SCO”) in substantially the form attached hereto as Exhibit A.
7. Upon attaining the condition of Rezoning Finality, as defined in the SCO, enter final dismissal of the action with prejudice (“Final Dismissal”), in accordance with paragraph 11 of the SCO.

V. Additional Terms of Settlement.

a. The following additional terms of settlement, items 1-2 shall be “CP’s Settlement Conditions.”

1. Deed restriction of Woods and 100-foot buffer. CP agrees to permanently deed-restrict approximately two thirds of the Woods acreage, including a new 100-foot buffer along the residential border of the lot on the westerly side (“Restricted Portion”). This restriction shall be in the form of a conservation easement (“Restricted Portion Conservation Easement”) for the benefit of the Township establishing that the Restricted Portion shall be permanently restricted as to development and improvements and that the woods shall be left in their natural state to the extent possible, except for routine and ordinary maintenance and such minimal improvements as may be necessitated by and directly relate to the development of the daycare facility, such as the addition of a detention basin. A notice shall be added to the deed with respect to the same. CP shall prepare the metes and bounds of the Restricted Portion, which shall be subject to review and approval of the Municipal Engineer. CP shall execute the Restricted Portion Conservation Easement and shall submit same to the office of the Mercer County Clerk within ten (10) days of the entry of the Final Dismissal of the Litigation.
2. Payment of back taxes. CP shall pay to the Township the amount of \$68,337.68, representing a portion of the property taxes that would have been due had the Woods been assessed as vacant, developable land under the current zoning (“Back Taxes Settlement Payment”). The Parties agree that the back taxes shall be calculated from the year 2020, the year of the 2020 Order, through and including the 2024 tax year. The amount represents the rough equivalent of the amount of property taxes what would have been collected if the portion of the Woods that CP proposes to develop as part of this Settlement Agreement had been assessed as vacant, developable land. Payment of the Back Taxes Settlement Payment shall be made within twenty (20) days of the entry of the Final Dismissal of the Litigation.

VI. Trails.

a. The Township shall assume responsibility for constructing and maintaining the trails (“Walking Trails”) through the Woods for use by the public, the terms of which shall be set

forth in a separate maintenance and indemnification agreement (“Walking Trails Agreement”) to be prepared by the Parties, and shall include the following material terms:

- **Maintenance**: The Township shall, at its sole cost and expense, maintain and operate the Walking Trails within the Restricted Portion of the Woods (i.e., the area designated to be conserved and accessible for use by the public). Maintenance shall be done regularly to ensure that the Walking Trails are unobstructed and safe, free from hazards and in such condition as may be required for the Township to maintain insurance at reasonable and customary rates.
- **Insurance**: The Township shall maintain insurance coverage against all risks that could arise from use by the public of the Walking Trails, whether such use is expressly or impliedly permitted and/or prohibited, which insurance policy shall name CP as an additional insured. Such insurance shall have limits of coverage not less than \$1,000,000 per occurrence and \$5,000,000 in the aggregate. The Township’s insurance shall be primary to any umbrella policy or other insurance CP may be able to procure, and Plaintiff’s insurance, if any, shall be subordinate to the Township’s insurance coverage.
- **Indemnification**: The Township agrees to indemnify, defend, protect, hold harmless and release CP, its officers, agents, servants and employees and its successors and assigns, of, from and against any and all liability, losses, injuries, deaths, damages, claims, demands, suits, actions, fees, costs, charges or judgments which may in any manner arise out of, or result from any and all phases of the operation and maintenance of the Walking Trails, and from the use of the Walking Trails, whether occasioned by the Township, or by any official, employee, licensee, invitee or agent thereof.

b. The Parties shall prepare and execute the Walking Trails Agreement within thirty (30) days of the entry of the Final Dismissal of the Litigation.

VII. War memorial plaque.

a. As a gesture of good will and community spirit, but not a condition of this settlement agreement, CP will provide \$50,000 to the Township for the installation and maintenance of a commemorative plaque to honor West Windsor veterans of the Vietnam and Iraq wars. CP will work with the Township on setting up a dedicated fund for this purpose, selecting a design and location for a plaque, and installing it.

VIII. Site Plan Approval.

a. Any time after attainment of the Rezoning Finality, as defined in the SCO, CP shall be free to file a site plan application that is generally consistent with the Rezoning Ordinance.

b. In the event of non-approval by the Planning Board of such site plan application, CP shall be entitled to seek any remedy available to it at law or equity, but shall not be entitled to challenge the Rezoning Ordinance or otherwise seek to re-litigate the Litigation. The Township shall, in such instance, retain all defenses.

IX. Cooperation. The Parties agree to fully cooperate with each other in order to carry out the provisions of this Agreement.

X. Enforcement of Agreement. Upon execution, this Agreement shall be binding upon the Parties, their heirs, successors-in-interest and assigns. This Agreement shall be enforceable in the Law Division of the Superior Court, which shall retain jurisdiction over this matter until entry of the Final Dismissal of the action by the Parties.

[Signatures on next page]

IN WITNESS WHEREOF, the Parties or their authorized representatives have signed this agreement on the date first written above.

<p>Attest:</p> <p>By: <u><i>Guy M. Haber</i></u> Name: Guy M. Haber Title: Township Clerk.</p>	<p>Township of West Windsor, Defendant</p> <p><u><i>Hemant Marathe</i></u> Hemant Marathe, Mayor</p>
<p>Attest:</p> <p>By: <u><i>Martina Baillie</i></u> Name: MARTINA BAILLIE Title: BOARD ATTORNEY</p>	<p>Township of West Windsor Planning Board, Defendant</p> <p><u><i>Michael Karp</i></u> Michael Karp, Chairperson</p>
	<p>CP-Princeton Junction, LLC, Plaintiff</p> <p><u><i>See Attached</i></u> Irv Cyzner, Manager</p>

IN WITNESS WHEREOF, the Parties or their authorized representatives have signed this agreement on the date first written above.

Attest:

Township of West Windsor,
Defendant

By: _____

Name:

Title:

Hemant Marathe, Mayor

Attest:

Township of West Windsor Planning Board,
Defendant

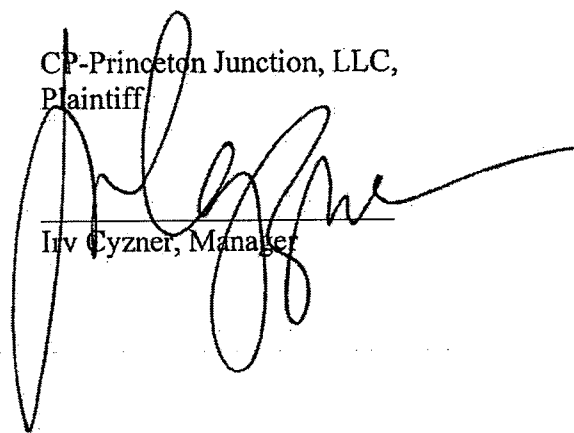
By: _____

Name:

Title:

Michael Karp, Chairperson

CP-Princeton Junction, LLC,
Plaintiff



Irv Cyzner, Manager

Exhibit A – Form of Stipulation of Settlement

Muller & Baillie, PC
707 State Road, Suite 212
Princeton, NJ 08540
Tel: (609) 257-2424
E-mail: mbaillie@mullerbaillielaw.com
New Jersey Attorney I.D. No. 275492018
Attorneys for Defendants

		: SUPERIOR COURT OF NEW JERSEY
CP-PRINCETON JUNCTION, LLC,	:	: LAW DIVISION: MERCER COUNTY
	:	: DOCKET NO. MER-L-510-19
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION
	:	
TOWNSHIP OF WEST WINDSOR, and	:	: STIPULATION OF SETTLEMENT AND
WEST WINDSOR PLANNING BOARD	:	: CONSENT ORDER
	:	
	:	
Defendants.	:	
	:	

This Stipulation of Settlement and Consent Order (“SCO”), dated _____, 2024, is executed by Plaintiff CP-Princeton Junction, LLC (“Plaintiff” or “CP-Princeton Junction”) and Defendants Township of West Windsor and West Windsor Planning Board (“Defendants” or “Township,” and together with CP-Princeton Junction, the “Parties”), is intended as final settlement of the above-captioned action (the “Action”); and it appearing that the Parties have reached a resolution of the Action on the terms set forth below that require a stay of this Action to effectuate settlement; the Parties state as follows:

Background

WHEREAS, the property that is the subject of the Action is a portion of a 13.64+/- acre parcel located in the Township of West Windsor with frontage along Hightstown-Princeton Road and Alexander Road, identified as Block 6.20, Lot 22, and is split-zoned with a portion situated

within the RP-7 zoning district that is developed with a commercial shopping center currently known as the Windsor Plaza and formerly developed with an Acme supermarket (then known or referred to as the “Acme Shopping Center”); and a portion that generally consists of vacant, wooded lands situated within the R-1/C zoning district; and

WHEREAS, the portion mainly at issue in this Action is the largely undeveloped 5.5 +/- acre area commonly known as the “Acme Woods” (the “Woods” or “Woods Portion”); and

WHEREAS, Plaintiff received site plan approval in 2011 from the West Windsor Planning Board to redevelop the former Acme supermarket on the RP-7 side of the property to create what is now known as the Windsor Plaza shopping center, around which time Defendant Township and Plaintiff also discussed Plaintiff’s ability to develop the Woods portion of the property; and

WHEREAS, the Township and many residents, at the time held a widespread belief that the Woods portion of the property was undevelopable and protected from development, based partly on a condition of the Planning Board’s approval relating to the former Acme shopping center expansion which also required a 100-foot buffer for the protection of neighboring residents and of the Woods, the fact that the Township tax assessor treated the Woods as undevelopable and never attributed any significant assessment to it, and due to the use over decades by local residents for walking and a throughway to the shopping center and train station; and

WHEREAS, this view of the Woods as undevelopable was formally communicated to Plaintiff by Defendant Township but turned out to be wrong; and

Litigation

WHEREAS, following unsuccessful attempts by the Parties to discuss the Township's purchase of the Woods, Plaintiff initiated the Action by filing a two-count Declaratory Judgment action on March 13, 2019 to resolve the issue of the development potential of the Woods; and

WHEREAS, Plaintiff claimed that the 100-foot buffer that was a condition of Plaintiff's approval to redevelop the former Acme shopping center was eliminated by operation of law due to changes in the RP-7 zoning district standards (Count I) and that, alternatively, the 100-foot buffer was the only development constraint on the R-1/C portion of the property (Count II); and

WHEREAS, following discovery, Plaintiff on August 9, 2019, filed a Motion for Summary Judgment as to Counts I and II of the Complaint; and

WHEREAS, Plaintiff, through substituted counsel, subsequently amended the Action by adding Counts III-VIII to its Action ("Amended Action") claiming that aspects of the R-1/C zoning were arbitrary and capricious (Counts III-V), the split zoning of the property was arbitrary and capricious (Count VI), the zoning of the Woods portion of the property constituted spot zoning (Count VII) and that the Township had failed to turn square corners in its dealings with Plaintiff over the property (Count VIII); and

WHEREAS, Defendants filed a cross motion for partial summary judgment (partial due to the Plaintiff's amendment of the Action) on May 26, 2020; and

2020 Order

WHEREAS, the Court, by now retired Judge Mary C. Jacobson, A.J.S.C., granted Plaintiff's motion for partial summary judgment in part, finding that the property is restricted by the 100-foot buffer but that the Woods are otherwise unencumbered by any restriction other than those contained in the R-1/C zoning ordinance, correspondingly denying Defendants' cross-motion for partial summary judgment and granting it as to the validity of the 100-foot buffer; and

WHEREAS, further discovery followed on the remaining Counts III-VIII of the Amended Action; and

Settlement efforts

WHEREAS, pre-trial discovery and litigation activity was suspended in the Action through successive Case Management Orders at the request of the Parties in order to discuss possible settlement of the Action; and

WHEREAS, the Parties have several times explored possible settlement of the Action, including a settlement conference with the Court in October, 2023 attended by the principals and their counsel and presided over by the Honorable Judge Robert Lougy; and

WHEREAS, the basis of the settlement discussions has been a conceptual site plan proposed by Plaintiff, the essence of which is the development of a daycare facility on a portion of the property that currently is within the Woods; and

WHEREAS, the R-1/C zoning permits child care centers but as a conditional use subject to more restrictive bulk standards than Plaintiff's day care proposal envisions; and

WHEREAS, in the interests of settling this litigation and the mutual benefits resulting from the terms set forth herein, the Parties have reached accord with due authorizations having been obtained for the execution hereof by their respective counsel.

NOW, THEREFORE, the Parties hereby stipulate and agree, and it is hereby ordered as follows:

TERMS OF CONDITIONAL SETTLEMENT

1. The Parties have had due opportunity to consider the terms and conditions of this SCO and exhibits referenced herein and attached hereto, with advice and recommendations from their respective counsel and principals, officers and consultants, and, in the case of the

Township, through the unanimous vote of the Planning Board as to consistency with the Master Plan at its _____, 2024 regularly scheduled meeting.

2. The Township Council has also considered the terms of settlement set forth herein, both in executive session as authorized under the Open Public Meetings Act (*N.J.S.A.* 10-4-6 et seq.) for settlement discussion, and in public session at its regularly scheduled meeting on [_____, 2024], during which the Township Council by resolution unanimously approved the substantive terms of this SCO and authorized execution thereof by counsel on behalf of the Township. A copy of the Township Council’s memorializing resolution with respect to the same is attached hereto as Exhibit [A].

DISMISSAL OF ACTION WITHOUT PREJUDICE SHALL BECOME DISMISSAL WITH PREJUDICE UPON FULFILLMENT OF CONDITIONS OF SETTLEMENT

3. The rezoning ordinance contemplated in settlement of the Action received its first reading at the Township Council’s meeting of [_____, 2024] and was adopted by the Township Council at second reading on [_____, 2024], subject only to publication as adopted (the “Rezoning Ordinance”). The Rezoning Ordinance in the form attached hereto as Exhibit [B] amends the R-1/C Zoning District to permit daycare centers on properties located immediately adjacent to the Princeton Junction Redevelopment Area and modifies some of the District’s bulk and area regulations, and, with respect to the RP-7 District, expands the list of permitted uses to include veterinary clinics and also modifies some of the District’s bulk and area regulations in accordance therewith.

4. Upon Township Council approval and publication of the Rezoning Ordinance, this SCO executed by counsel for both Parties, and Exhibits have been submitted for entry by the Court on consent of the Parties pursuant to *Rule* 4:42-1 in full settlement of the Action.

5. This Action shall be and hereby is voluntarily dismissed without prejudice through entry of this SCO and Exhibits without costs in favor of either party, with such dismissal becoming final, with prejudice, immediately upon the satisfaction of the rezoning finality condition defined below (“Rezoning Finality”). Upon the Rezoning Finality and final dismissal with prejudice, CP-Princeton Junction or any successor-in-interest shall be precluded from initiating litigation against the Township with respect to the Rezoning Ordinance and the zoning of the conserved portion of the Woods as will be in effect at the time of Rezoning Finality.

REZONING FINALITY

6. Rezoning Finality shall be deemed to occur upon the earlier of a) the expiration of the time for judicial review of the Rezoning Ordinance pursuant to Rule 4:69-6, or b) the entry of a final non-appealable judgment upholding the Rezoning Ordinance as adopted by the Township Council at its regularly scheduled meeting on [_____, 2024]. To be clear, expiration of the time for judicial review of the Rezoning Ordinance shall mean 45 days from the date on which notice of the Council’s adoption of the Rezoning Ordinance is published. Upon attainment of Rezoning Finality, an order of dismissal of this Action with prejudice and without costs shall be entered on notice pursuant to Rule 4:42-1(c) (Settlement on Notice).

REACTIVATION OF ACTION IN EVENT OF FAILURE OF REZONING FINALITY

7. In the event that the Rezoning Finality condition set forth in Section [6] hereof is not fulfilled as a result of a judicial determination in any action by any third party not party to this SCO that is adverse to the final adoption of the Rezoning Ordinance (“Failure of Rezoning Finality”), then, in that event, CP-Princeton Junction may apply to the Court, on notice to the Township’s counsel pursuant to Rule 4:42-2, for issuance of an order reactivating this Action.

Upon entry of such order, the Parties shall resume their respective litigation positions in the Action and request a case management order to establish a final briefing and trial schedule.

8. CP-Princeton Junction shall have the choice, in the event of a Failure of Rezoning Finality, to opt for either a reactivation of the Action as provided in paragraph [7] or accept such portion of the Rezoning Ordinance as may survive an adverse judicial determination that may otherwise constitute Failure of Rezoning Finality.

9. In any instance of reactivation of litigation as set forth in paragraph [7] hereof, the Township shall have available to it all defenses at law and equity assertible in good faith, and entry of this SCO shall be without prejudice to the Township.

REVIEW OF SITE PLAN APPLICATION

10. Any time after attainment of Rezoning Finality, CP-Princeton Junction shall be free to file a site plan application that is generally consistent with the Rezoning Ordinance. In the event of a non-approval of such site plan application, CP-Princeton Junction shall be entitled to seek any remedy available to it at law or equity, including but not limited to filing a Complaint in Lieu of Prerogative Writs challenging such denial of approval by the Planning Board, but shall not be entitled to challenge the Rezoning Ordinance or otherwise seek to re-litigate this Action.

ENTRY OF DISMISSAL WITH PREJUDICE OF ACTION UPON SATISFACTION OF REZONING FINALITY CONDITION

11. Upon attaining Rezoning Finality, final dismissal of the Action with prejudice shall be entered on notice pursuant to Rule 4:42-1(c), on application of either Party hereto, without costs in favor of either Party.

COUNTERPARTIES

12. This SCO may be executed by the Parties, through their respective counsel, in counterparts.

Date: _____	
	<p>Muller & Baillie, P.C. Attorneys for Defendants Township of West Windsor and West Windsor Planning Board</p> <p>_____ Martina Baillie, Esq.</p>
	<p>Nehmad Davis & Goldstein, PC Attorneys for Plaintiff CP-Princeton Junction, LLC</p> <p>_____ CherylLynn Walters, Esq.</p>
<p>The foregoing is So Ordered.</p> <p>_____ Hon. Robert Lougy, A.J. S.C.</p>	

ORDINANCE 2024-_____

**AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)**

**AN ORDINANCE AMENDING THE R-1/C DISTRICT, THE RP-7 DISTRICT, AND
THE PARKING STANDARDS**

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

Section 1. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 4, Zoning, Article XXVII, Use and Bulk Regulations for Residence Districts, Section 200-158, R-1/C District use regulations, is hereby amended as follows. Added text is underlined, and text being eliminated is [brackets].

§ 200-158 R-1/C District use regulations.

A. Permitted uses. In the R-1/C District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used, except for one or more of the following uses:

- (1) Any use permitted in an RR/C District.
- (2) Day-care centers on properties located immediately adjacent to the Princeton Junction Redevelopment Plan area.

B. Conditional uses. In an R-1/C District, the following uses may be permitted as conditional uses:

- (1) Any use permitted by condition in an RR/C District, as may be modified herein.
- (2) Nursing home, rest home or home for the aged, subject to the following special requirements:
 - (a) The minimum lot area required for each four or remainder over a multiple of four resident patients or resident guests shall be the same as the minimum lot area required for each dwelling unit in the district in which the use is to be created.
 - (b) Such buildings shall conform to the standards issued by appropriate agencies of the State of New Jersey and be duly licensed under appropriate state laws.
 - (c) A landscape strip shall be provided along each side or rear property line in accordance with the standards established in Article XXXI of this Part 4.

Section 2. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 4, Zoning, Article XXVII, Use and Bulk Regulations for Residence Districts, Section 200-159, R-1/C District bulk and area regulations, is hereby amended as follows. Added text is underlined, and text being eliminated is [brackets].

§ 200-159 R-1/C District bulk and area regulations.

The following shall be the standards for the R-1/C District:

- A. Minimum lot area: 1 2/3 acres.
- B. Minimum lot frontage: 85 feet.
- C. Minimum lot width: 175 feet.
- D. Minimum lot depth: 175 feet.
- E. Minimum yards:
 - (1) Front yard: 40 feet.
 - (2) Rear yard: 20 feet.
 - (3) Side yard: 20 feet.
- F. Maximum FAR: 13%.
- G. Maximum improvement coverage: 17%.
- H. Maximum building height: 2 1/2 stories, 35 feet.
- I. Standards for day-care centers. The following shall be the standards for day-care centers as permitted by Section 200-158. For the purposes of calculating compliance with these requirements, the entirety of the tract within the district shall be considered.
 - (1) Minimum lot area: 5 acres.
 - (2) Minimum lot frontage: 300 feet.
 - (3) Minimum lot width: 300 feet.
 - (4) Minimum lot depth: 500 feet.
 - (5) Minimum yards:
 - (a) Front yard: 135 feet.
 - (b) Front yard parking setback: 66 feet.
 - (c) Rear yard: 25 feet.
 - (d) Side yard: 20 feet.
 - (6) Maximum improvement coverage: 20%.

- (7) Maximum building floor area: 15,000 square feet.
- (8) Outdoor play areas.
 - (a) An outdoor play area shall be provided on the same lot as the day-care center.
 - (b) Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas or land unsuited by other usage or natural features for children's active play space. Fencing or other enclosures shall be a minimum height of four feet, unless otherwise governed by applicable State regulatory requirements in which event fence height shall be compliant with such regulations, and shall be subject to all setback requirements for the district in which it is located. Gate doors, where provided, shall be equipped with safety locking devices so as to preclude inadvertent opening of the fenced enclosures.
- (9) The location of access driveways, landscaping, and site plan design are compatible with the neighborhood in which it is to be located.
- (10) Such facilities shall be licensed by the New Jersey Department of Children and Families, Office of Licensing and/or any other applicable state agency.
- (11) Adequate landscaping or screening from adjacent residential lots along each side and rear lot line in accordance with standards established in Article XXX of this Part 4, is provided.
- (12) The hours of operation shall be limited to 6:00 a.m. to 8:00 p.m.
- (13) Maneuvering room must be provided on site for parking and unloading/loading of children so as to preclude the necessity for stacking or backing out onto a public street. Procedures for the drop-off and pick-up of children shall be consistent with industry standards, provided that no unsafe conditions for pickup and drop-off of children shall be permitted.
- (14) Architectural and site design standards. The following architectural and site design standards shall apply.
 - (a) Architectural detail, style, color, proportion and massing shall reflect the features of a traditional village center to the greatest extent feasible. Buildings shall reflect a continuity of treatment from the Princeton Junction Area, obtained by maintaining the building scale or by subtly graduating changes; by maintaining base courses; by maintaining cornice lines in buildings of the same height; by extending horizontal lines of fenestration (windows); and by reflecting architectural styles and details, design themes, building materials and colors used in surrounding buildings. To the extent possible, upper-story windows shall be vertically aligned with the location of windows and doors on the ground level.

- (b) Signage and lighting shall be designed in a manner complementary to the building's architecture and in keeping with the goal of achieving a traditional village center.
 - (c) Pitched roofs (6/12 to 12/12) are recommended. Both gable and hipped roofs shall provide overhanging eaves on all sides that extend a minimum of one foot beyond the building wall. Generally, flat and mansard-type roofs should be avoided; however, such roof treatments may be allowed if the architectural detail, style, proportion and massing is complementary of adjacent structures and consistent with a small-scale village character. Buildings may have flat roofs, provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane and presents a two-story facade.
 - (d) There shall be shared parking and cross-easements to the maximum extent practicable.
- (15) Conservation Easement. A conservation easement with an average width of at least 165 feet shall be provided along any property line which immediately abuts a single-family residential zone or property, provided that the minimum width of the buffer at any given point is 100 feet.

Section 3. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 5, Princeton Junction Redevelopment Plan Regulatory Provisions, Article XXXIV, Land Use Controls, Section 200-266, RP-7 District, Item A, RP-7 District use regulations, is hereby amended as follows. Added text is underlined, and text being eliminated is [brackets].

A. RP-7 District use regulations.

- (1) Purpose. The RP-7 District is intended to create a "Main Street" on the eastern side of the rail line through small-scale, lot-by-lot incremental development so as to transform the existing more strip commercial form of development into a village form with buildings close to the street and bicycle access. The object is to achieve a desirable mix of commercial, office, civic and residential land uses within a vibrant, pedestrian-friendly, village environment with an emphasis on uses that service local needs. The village is intended to encourage pedestrian flow throughout the area by generally permitting stores and shops and personal service establishments on the ground floor of buildings and promoting the use of upper floors for offices and residential dwelling units. The mechanisms to do this include sharing off-street parking and stormwater detention opportunities; having well-landscaped and appropriate building setbacks from surrounding roads; providing off-street parking that is well screened from public view; controlling means of vehicular access and coordinating internal pedestrian and vehicular traffic flows relating to existing and proposed development patterns; and ensuring design compatibility with existing development that considers building height, materials, colors, landscaping and signage.

- (2) Permitted principal uses. In the RP-7 District, no building or premises shall be used and no building shall be erected or altered on a lot which is arranged, intended or designed to be used, except for one or more of the following areas:
- (a) Stores and shops for the conduct of any retail business, including specialty and gift shops and boutiques, excluding drive-through facilities.
 - (b) Personal service establishments (e.g., tailor, barbershop or beauty salon).
 - (c) Offices for professional services (e.g., physicians, lawyers, financial advisors or architects); small commercial offices (e.g., realtors or travel agencies); small governmental offices (e.g., post office branch); and offices incidental to uses permitted in this section.
 - (d) Restaurants, cafes, luncheonettes and delicatessens, excluding curb service establishments and drive-through facilities but not excluding walk-up services and outdoor dining.
 - (e) Indoor recreation facilities, including instructional studios and fitness centers.
 - (f) Repair and servicing, indoors only, of any article for sale which is permitted in this district, except that automotive service stations in existence as of the date of adoption of this Part 5 shall be permitted.
 - (g) Banks and similar financial institutions existing in the district or for which development applications have been approved as of the date of adoption of this Part 5, either on their sites at the time of adoption of this Part 5 or on other sites in the district. Banks may include walk-up automated teller machines (ATM), provided that such are compatible with the design of the building and are appropriately located at the side or rear of a building. Drive-through facilities serving such uses shall be permitted, provided that the scale of the drive-through windows and lanes is compatible with the design of the building and site design. A maximum of three drive-through lanes shall be permitted (inclusive of lanes for ATMs).
 - (h) Attended laundry and retail dry-cleaning services, not including bulk processing and, in the case of dry-cleaning establishments, not providing for the storage of more than five gallons of flammable or toxic cleaning fluid on the premises.
 - (i) Book, newspaper, periodical and stationery stores and copy centers.
 - (j) Parcel package shipping stores or mailing centers.
 - (k) Museums, art galleries and other cultural and civic facilities of a similar nature.
 - (l) Parks and plazas.

- (m) Buildings and uses for municipal purposes owned or operated by West Windsor Township or not-for-profits designated by the Township.
 - (n) Apartments over retail and live-work dwelling units, including affordable housing meeting all COAH standards.
 - (o) Veterinary clinics.
- (3) Permitted accessory uses.
- (a) Recreational and/or open space facilities, including, but not limited to, walkways, courtyards and plazas.
 - (b) Off-street parking and loading located to the rear of principal buildings or appropriately screened from public view.
 - (c) Signs.
 - (d) Street furnishings, planters, streetlights, and exterior, garden-type, shade structures (gazebos).
 - (e) Sidewalk cafes associated with permitted restaurants.
 - (f) Fences and walls, which shall complement the architectural style, type and design of the building and the overall project design.
 - (g) Decks, patios and terraces, which shall complement the architectural style, type and design of the building and the overall project design.
 - (h) Community bulletin or message boards, including electronic signs with changeable type only for the purpose of conveying information about community events. However, animated-type signs shall not be permitted.
 - (i) Public service facilities.
 - (j) Accessory uses customarily incidental to permitted principal uses, including structured parking for residential dwelling units.

Section 4. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 5, Princeton Junction Redevelopment Plan Regulatory Provisions, Article XXXIV, Land Use Controls, Section 200-266, RP-7 District, Item B, RP-7 District intensity, bulk and other regulations, is hereby amended as follows. Added text is underlined, and text being eliminated is [brackets].

B. RP-7 District intensity, bulk and other regulations.

- (1) Maximum FAR: 0.25. For the purposes of calculation FAR, upper story residential units shall not be considered "floor area."
- (2) Maximum improvement coverage: ~~80%~~ 85%

- (3) Yards
 - (a) Build-to line: 15 feet from curb.
 - (b) Side yard (each side): minimum of zero feet, if attached to an adjacent building, or a minimum of five feet if not attached to an adjacent building; maximum of 20 feet.
- (4) Except for new buildings which are constructed within shopping centers that existed prior to the adoption of the Princeton Junction Redevelopment Plan, [T]the majority of the building must be at the build-to line, but at least 15% of the facade shall be set back a minimum of 10 feet therefrom to create one or more alcoves enclosed on three sides. Outdoor dining and arcades are permitted within such alcove areas. For new buildings constructed within shopping centers that existed prior to the adoption of the Princeton Junction Redevelopment Plan, the new building setback shall be consistent with the setback of the existing building.
- (5) Building overhangs, including canopies and balconies, can project up to five feet over the build-to line.
- (6) Minimum and maximum building height: The minimum and maximum building height shall be 2 1/2 stories, except that the maximum building height shall be three stories for properties abutting the Acme Woods (which is the wooded portion of Block 6.20 Lot 22 in the R-1/C District).
- (7) First-floor use. Retail or personal service uses, or veterinary clinics, or small commercial offices are required on the first floor. Office or apartments are permitted only on the top floor.
- (8) Parking standards.
 - (a) In lieu of the standards set forth in § 200-27B, the following off-street parking standards shall apply: one space for every 350 square feet of nonresidential use and one space per apartment or the residential part of the live-work unit.
 - (b) Off-street parking lots shall be accessed by means of common driveways to the extent practicable. Cross-access easements for adjacent lots with interconnected parking lots shall be required. Shared parking facilities are encouraged where possible.
- (9) Affordable housing. At least 20% of the residential units shall be low- and moderate-income housing meeting all of the applicable standards and requirements for affordable units including those set forth in the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:26.1 et seq. At least 37% of the affordable units shall be made available to low-income households and at least 13% shall be made available to very-low-income households as defined by the New Jersey Fair Housing Act. The remaining affordable units shall be made

available to moderate-income households. The affordable units shall be located on-site and shall be reasonably dispersed throughout the development phased in accordance with the affordable housing construction schedule set forth in N.J.A.C. 5:97-6.4(d). The nonresidential development fee authorized by the Statewide Non-Residential Development Fee Act shall apply to the nonresidential portion of mixed-use developments containing residential components.

[(10)] The multiuse trail through the Crawford/Acme Woods shown on the Conceptual Plan shall be constructed by any developer developing the land upon which the path is located as part of a development approval in order to facilitate access to Berrien City and Circle Drive from Sherbrook Estates and The Gables.]

[(11)](10) Architectural and site design standards. In addition to the standards applicable to all districts and the goals and policies, the following shall apply:

- (a) The front facade of principal structures constructed on vacant lots or on lots on which the existing structures have been or will be demolished shall be 15 feet from the right-of-way, except that this provision shall not apply to the extent front yard space is used for a gateway feature or outdoor restaurant seating or to accommodate sight distance at intersections. There shall be setbacks and indents in the facade to the extent necessary to satisfy the architectural and landscape architectural guidelines.
- (b) For buildings constructed on vacant lots or on lots on which the existing structures have been or will be demolished, the side yard setbacks for each side shall be as follows: minimum of zero feet, if attached to an adjacent building, or a minimum of five feet if not attached to an adjacent building; maximum of 20 feet.
- (c) Architectural detail, style, color, proportion and massing shall reflect the features of a traditional village center. Buildings shall reflect a continuity of treatment through the district, obtained by maintaining the building scale or by subtly graduating changes; by maintaining base courses; by maintaining cornice lines in buildings of the same height; by extending horizontal lines of fenestration (windows); and by reflecting architectural styles and details, design themes, building materials and colors used in surrounding buildings. To the extent possible, upper-story windows shall be vertically aligned with the location of windows and doors on the ground level. However, a variety of building setbacks, roof lines, color schemes, elevations and heights shall be developed, relative to adjacent structures, to avoid a repetitious and monotonous streetscape.
- (d) Signage and lighting shall be designed in a manner complementary to the building's architecture and in keeping with the goal of achieving a traditional village center.

- (e) Pitched roofs (6/12 to 12/12) are recommended. Both gable and hipped roofs shall provide overhanging eaves on all sides that extend a minimum of one foot beyond the building wall. Generally, flat and mansard-type roofs should be avoided; however, such roof treatments may be allowed if the architectural detail, style, proportion and massing is complementary of adjacent structures and consistent with a small-scale village character. Buildings may have flat roofs, provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane and presents a two-story facade.
 - (f) Except for new buildings which are constructed within shopping centers that existed prior to the adoption of the Princeton Junction Redevelopment Plan, [T]the building facade shall be along a minimum of 2/3 of the length of street frontage to create a defining wall along the streetscape. Covered archways (minimum eight feet wide and maximum 50 feet wide) connecting buildings, enabling pedestrian circulation, shall be permitted to achieve the defining wall. The building facade length may be reduced if, due to particular site constraints, compliance with the requirements set forth herein is impracticable. For new buildings constructed within shopping centers that existed prior to the adoption of the Princeton Junction Redevelopment Plan, the new building facade shall be consistent with the facade of the existing buildings.
 - (g) There shall be shared parking and cross-easements to the maximum extent practicable. Shared driveways shall be provided for access to Princeton-Hightstown Road and Alexander Road unless the applicant demonstrates that such is not practicable.
 - (h) Connections and appropriate improvements, as determined by Township officials, shall be made to Carlton Place to provide safe and efficient access.
 - (i) Bedrooms in all apartments shall have at least one window and shall otherwise comply with the requirements of the Uniform Construction Code.
- (11) Veterinary clinics. In addition to those standards identified above, veterinary clinics shall be subject to the following regulations.
- (a) Tenant spaces housing animals shall be soundproofed to a maximum transmission of 65 dB measured on the outside of the exterior wall. Other soundproofing requirements may be imposed by the board of jurisdiction, such as, but not limited to, the following: non-opening windows and forced-air ventilation, solid core doors and sound-absorbent ceilings.
 - (b) Proper and ample ventilation of all animal areas in buildings shall be demonstrated to the satisfaction of the board of jurisdiction and shall meet all state licensing requirements.

- (c) Animals may be kept overnight for medical reasons only.
- (d) Animals shall be housed indoors and may be allowed outside only for short periods under staff supervision for hygienic or medical reasons.
- (e) A maximum percentage of floor area for overnight holding of animals shall be limited to 30% of the gross floor area of the veterinary clinic/hospital building.
- (f) No cremation or disposal of dead animals is allowed on the premises. Disposal of used and contaminated veterinary medical supplies shall comply with applicable State regulations governing waste disposal.
- (g) Signage shall be installed to provide that pets shall be curbed in a designated area.

(12) No development shall proceed in the district without a [re]developer's agreement with the Township or redevelopment entity.

Section 5. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 1, Site Plan Review, Article VI, Design Details, Section 200-29, General circulation; parking and loading area design standards, Item 6, Size of parking spaces, is hereby amended as follows. Added text is underlined, and text being eliminated is [brackets]

1. Size of parking spaces. Parking space sizes shall be measured as follows, exclusive of interior driveway or maneuvering areas:
 - (a) Standard spaces: nine feet in width by 18 feet in length.
 - (b) Compact car spaces: eight feet in width by 14 feet in length.
 - (c) Parking spaces for people with disabilities shall be in accordance with the New Jersey Uniform Construction Code (N.J.A.C. 5:23-7) or the Americans with Disabilities Act, as applicable.
 - (d) Spaces within a parking garage or structure;
 - [1] Standard spaces: 8 1/2 feet in width by 15 feet in length.
 - [2] Compact spaces: 7 1/2 feet in width by 15 feet in length.
 - [3] Aisle widths: Requirements of Subsection M(6)(d)[1] above may be reduced by two feet for aisles serving standard spaces or combination standard/compact bay arrangements. Aisles exclusively serving compact bays may be 20 feet in width.
 - (e) Spaces for day-care centers, child-care centers, preschools, kindergartens, day camps or institutional homes: 10 feet in width by 18 feet in length. Such spaces shall utilize hairpin striping.

Section 6. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern.

Section 7. This ordinance shall take effect twenty 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 filing with the Mercer County Planning Board; and upon publication according to law.

Introduction:

Planning Board Approval:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:

Ordinance Amending the R-1/C, RP-7, and Parking Standards

REQUEST FOR COUNCIL ACTION

Date of Request: June 26, 2024

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

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Approval of an Ordinance authorizing the acquisition of a Right-of-Way Easement from Hunter Family Real Estate Trust, along Block 15.03, Lot 46 (North Post Road) for the purpose of constructing certain public bikeway improvements. Walter and Nancy Hunter, Trustees, are willing and cooperative property owners and consent to the acquisition of the easement for the purchase price of Fifteen Thousand Four Hundred Forty Dollars (\$15,440.00). The work requiring the easement is planned to be publicly bid for construction this year.

SOURCE OF FUNDING:

<u>Bicycle and Pedestrian Improvements</u>	<u>405-2021-14 010</u>	<u>\$15,440.00</u>
Account Title	Account Number	Amount

CONTRACT AMOUNT: N/A

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Ordinance	Easement Offer Memo	Map
Right-of-Way Easement	Certification of Funds	

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Francis Guzik 6/26/24
Department/Division Head Date

APPROVED FOR AGENDA OF: July 15, 2024

By: Marlena Schmid 07/08/2024
Marlena Schmid, Business Administrator

MEETING DATE: 7/15 Ordinance # 2024-16 Resolution # _____

Council Action Taken:

TOWNSHIP OF WEST WINDSOR
ORDINANCE AUTHORIZING THE ACQUISITION OF
A RIGHT-OF-WAY EASEMENT
FROM HUNTER FAMILY REAL ESTATE TRUST
LOCATED AT BLOCK 15.03, LOT 46

WHEREAS, the Township of West Windsor has determined that it is necessary to acquire one permanent easement on certain real property owned by Hunter Family Real Estate Trust (Walter and Nancy Hunter, Trustees; "Sellers") located at Block 15.03, Lot 46 (North Post Road) in the Township of West Windsor, Mercer County, New Jersey for the purpose of constructing bikeway improvements to be utilized for the purpose of public mobility; and

WHEREAS, the Sellers are willing to grant such easement; and

WHEREAS, the Township and Sellers have agreed upon fair compensation for the easement; and

WHEREAS, the Local Lands and Buildings Law, *N.J.S.A. 40A:12-1 et. seq.*, requires that an Ordinance be adopted permitting the Township to acquire the Right-of-Way Easement.

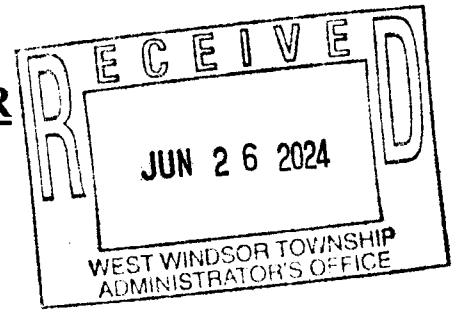
NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Windsor, Mercer County, NJ as follows:

- (1) The Township wishes to acquire a Right-of-Way Easement on certain real property owned by Hunter Family Real Estate Trust, located at Block 15.03, Lot 46 (North Post Road) in the Township of West Windsor, Mercer County, NJ for the purpose of constructing bikeway improvements to be utilized for the purpose of public mobility for the purchase price of \$15,440.00.
- (2) The Mayor and Clerk are hereby authorized and directed to acquire and accept the Right-of-Way Easement from the Sellers for the acquisition of said easement upon final passage, approval and publication of said ordinance according to law.

Section 2. This ordinance shall take effect twenty (20) days after action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Council, whichever is applicable; and upon publication according to law.

INTRODUCTION:
PUBLIC HEARING:
ADOPTION DATE:
MAYORAL APPROVAL:
EFFECTIVE DATE:

TOWNSHIP OF WEST WINDSOR
Community Development Department
Division of Engineering



MEMORANDUM

TO: Marlena Schmid, Business Administrator

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

SUBJECT: Right-of-Way Easement Acquisitions
North Post Road Bikeway
Block 15.03, Lots 46 and 46.01

DATE: June 26, 2024

In order to construct the proposed bikeway parallel to North Post Road, from Village Road West to Woodhollow Road, there is a need to obtain permanent easements from two properties, owned by the same entity, the Hunter Family Real Estate Trust. The Hunters have agreed to the purchase price established by the appraisal obtained by the Township (copy enclosed) and have executed the draft easement documents and Right of Entry authorization.

An Ordinance for each acquisition has been drafted and will be introduced for Township action.

Please contact me with any questions or for any additional information needed.

FG
Enclosure

RIGHT-OF-WAY EASEMENT
Over a Portion of Block 15.03, Lot 46
West Windsor Township, Mercer County, New Jersey

WHEREAS, NANCY E. HUNTER, TRUSTEE under the Hunter Family Realty Estate Trust Agreement dated June 29, 2007, with an address of 18 North Post Road, West Windsor, NJ 08550 (hereinafter the “Grantor”) is the owner of certain real property designated as Lot 46 in Block 15.03 on the official tax map of the Township of West Windsor, County of Mercer (collectively hereinafter referred to as “the Property”) and at the request of the Township, grants to the Township of West Windsor, a municipal corporation of the State of New Jersey, (hereinafter “the Township), having an address at 271 Clarksville Road, West Windsor, NJ 08550, an easement in perpetuity for road right-of-way purposes on the property.

NOW, THEREFORE, in consideration of the sum of Fifteen Thousand Four Hundred and Forty Dollars (\$ 15,440.00), paid by the Township of West Windsor, receipt of which is acknowledged by Grantor, the parties agree as follows:

1. The Grantor does hereby grant to the Township, its successors and assigns, a perpetual and nonexclusive easement for public road right-of-way purposes in, under, through and across upon a portion of Block 15.03, Lot 46 as identified on the official tax map of the Township of West Windsor (“the Easement” or the “Easement Area”) with full rights to the Township to plan, construct, install, renew, repair and maintain a widened cartway, drainage, curbing, sidewalk and bikeway and for conducting such other activities necessary and incidental thereto within the Easement Area including free and unlimited access to, egress and ingress in, from and over all points of said easement areas, as is reasonable or necessary for the full use, occupancy and enjoyment of said easement. A description of the easement areas is shown on a certain plan prepared by Ted Pivovarnick, NJPLS #35868 of Roberts Engineering Group LLC entitled “Proposed Variable

Width Bike Path Easement Plan of Lot-46, Block-15.03 for the Township of West Windsor”, dated May 10, 2024, with no revisions, attached hereto as Schedule A and further described in the metes and bounds descriptions attached hereto as Schedule B prepared by Ted Pivovarnick, NJPLS #35868 of Roberts Engineering Group LLC dated May 10, 2024.

2. Upon installation of improvements, including public sidewalk or bikeway, and up until such time as the Property is developed by the Grantee, its successors or assigns, the Township agrees to maintain and keep in good repair the improvements constructed in the Easement Area in compliance with the requirements of the municipal ordinances applicable thereto, as amended from time to time, and to restore the Easement Area if damaged as a result of the exercise of any right granted hereunder. Upon development of the Property by the Grantee, its successors or assigns, the obligations of maintenance of improvements within the Easement Area shall be governed by the provisions of Chapter 152, Streets and Sidewalks, of the Revised General Ordinances of the Township of West Windsor, Mercer County, New Jersey.

3. The front yard setback line for the Grantor’s Property shall be measured from the new right-of-way line established by this easement. No buildings, recreational equipment, structures or fences shall be placed within the Easement Area by the Grantor.

4. During periods of use of the Easement Area by the Township, the Township shall indemnify the Grantor against any and all claims and liability, should the Grantor incur any liability or claims in connection with any act, omission or condition related to or in connection with the Township’s use of the Easement Area.

5. The Grantor covenants and represents that the Easement Area is free and clear of encumbrances of record which would interfere with the Township’s intended use.

6. The Grantor hereby reserves the right to use the Easement Area for any purpose not inconsistent with the terms hereof.

7. This Easement shall run with the land and shall be binding upon the heirs, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the said Grantor has hereunto fixed its hand and seal this 26th day of June, 2024.

WITNESS:

Cynthia Rymer
Cynthia Rymer

Nancy E. Hunter
**BY: Nancy E. Hunter, Trustee Under
Hunter Family Trust Agreement
Dated June 29, 2007**



May 10, 2024

Description of a Variable Width Bike Path Easement on Lot-46, Block-15.03 located north of North Post Road in West Windsor Township, Mercer County, New Jersey for West Windsor Township.

Beginning at a Point at the easterly terminus of a transition line connecting the westerly right of way line of North Post Road (variable width ROW) and the northerly right of way line of Village Road, (variable width ROW), and running; thence

1. South $59^{\circ}30'18''$ West, along the said transition line, a distance of 36.90 feet, to a point; thence

Through Lot-46, Block-15.03 the following six courses:

2. North $17^{\circ}04'32''$ East, a distance of 14.82 feet, to an angle point; thence
3. North $59^{\circ}30'18''$ East, a distance of 21.56 feet, to an angle point; thence
4. North $11^{\circ}57'27''$ East, 50.00 feet westerly parallel to the centerline of said North Post Road, a distance of 189.59 feet, to an angle point; thence
5. North $37^{\circ}13'21''$ East, a distance of 26.94 feet, to an angle point; thence
6. North $11^{\circ}57'27''$ East, 38.50 feet westerly parallel to the centerline thereof, a distance of 342.65 feet to an angle point; thence
7. North $12^{\circ}46'58''$ East, along the same, a distance of 331.92 feet, to a point on the southerly line of Lot-46.01, Block-15.03; thence
8. South $77^{\circ}13'02''$ East, along the said line of Lot-46.01, a distance of 3.50 feet, to a point on the westerly line of an 18.50 Foot Wide Roadway Easement; thence

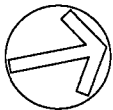
Again, through Lot-46 the following four courses:

9. South $12^{\circ}46'58''$ West, 35.00 feet westerly parallel to the centerline of North Post Road, a distance of 24.87 feet, to a point; thence
10. South $77^{\circ}13'02''$ East, a distance of 8.50 feet, to a point on the westerly line of a 10 Foot Wide Roadway and Sidewalk Easement; thence
11. South $12^{\circ}46'58''$ West, along said Sidewalk Easement, being 26.50 feet westerly parallel to the centerline thereof, a distance of 306.96 feet, to an angle point; thence
12. South $11^{\circ}57'27''$ West, along the same, a distance of 366.93 feet, to a point on the right of way line of North Post Road; thence
13. North $78^{\circ}02'33''$ West, along the said right of way line and through said Lot-46, a distance of 13.50 feet, to a point; thence
14. South $11^{\circ}57'27''$ West, through Lot-46, and 40.00 feet westerly parallel to the centerline of North Post Road, a distance of 194.00 feet to the **Point of Beginning**.

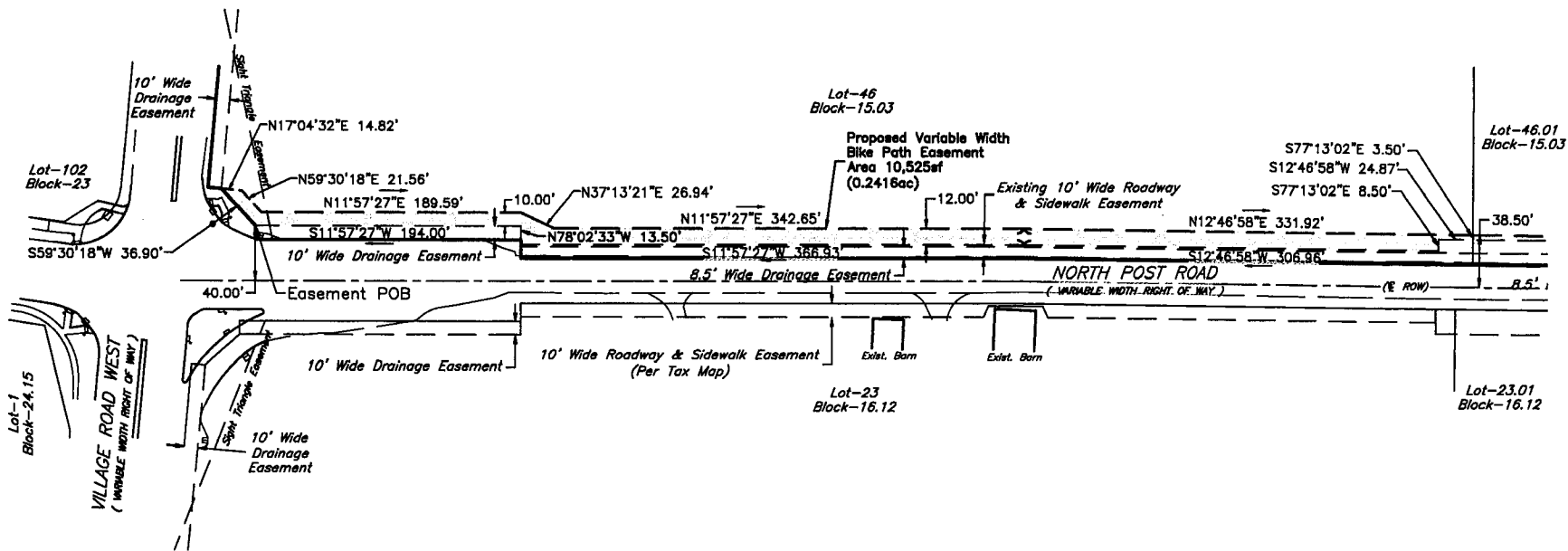
Containing 10,525 square feet, or 0.2416 acres of land.

As shown on a plan entitled "Proposed Variable Width Bike Path Easement Plan of Lot-46, Block-15.03 for the Township of West Windsor, Located in West Windsor Township, Mercer County, New Jersey", dated May 10, 2024, and prepared by Roberts Engineering Group, LLC, Ted W. Pivovarnick, NJPLS#35868

Ted W. Pivovarnick, NJPLS#35868
Director of Surveying



Dead North



PROJECT NO.	W23204
DATE	05/10/2024
SCALE	1"=50'

1 OF 1

Proposed Variable Width Bike Path Easement Plan
of Lot-46, Block-15.03 for the
Township of West Windsor
Located in
West Windsor Township * Mercer County * New Jersey

Date: 5/10/24

Ted W. Pivovarnick
N.J.P.L.S. License #35868

Roberts
ENGINEERING & SURVEYING
INCORPORATED
CERTIFICATE OF AUTHORIZATION
#240200000

1870 Washington Boulevard, Suite 200
Roseland, New Jersey 07068
908 998 1414 Fax 908 998 1416

TOWNSHIP OF WEST WINDSOR
CERTIFICATION OF FUNDS

I, JOHN V. MAUDER, Chief Financial Officer of the Township of West Windsor, do hereby certify as follows:

1. I have examined the Capital Accounts of the Township of West Windsor in order to determine if sufficient funds are available for Nancy E. Hunter, as Trustee under the Hunter Family Real Estate Trust. Acquisition of Right-of-Way Easement on Block 15.03, Lot 46 on the Tax Maps of the Township of West Windsor to Construct Bikeway Improvements.

The projected cost of which is not to exceed \$15,440.00.

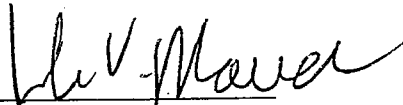
2. I have determined that such funds as are necessary are available in the following line item appropriation accounts:

Bicycle and Pedestrian Improvements 405-2021-14-010 15,440.00

3. I have determined that the above described expenditure may be authorized by the Township Council against the aforesaid line item account(s) in the amounts specified for each.

Now therefore, based on the foregoing, I do hereby certify that adequate funds are currently available for the purposes and in the line item amounts specified above and further, I shall encumber the same for a period of sixty (60) days from the date of this certification or until an ordinance or resolution authorizing the expenditure described above is enacted, whichever event shall occur sooner.

SIGNED AND CERTIFIED BY ME THIS
25th, Day of June 2024



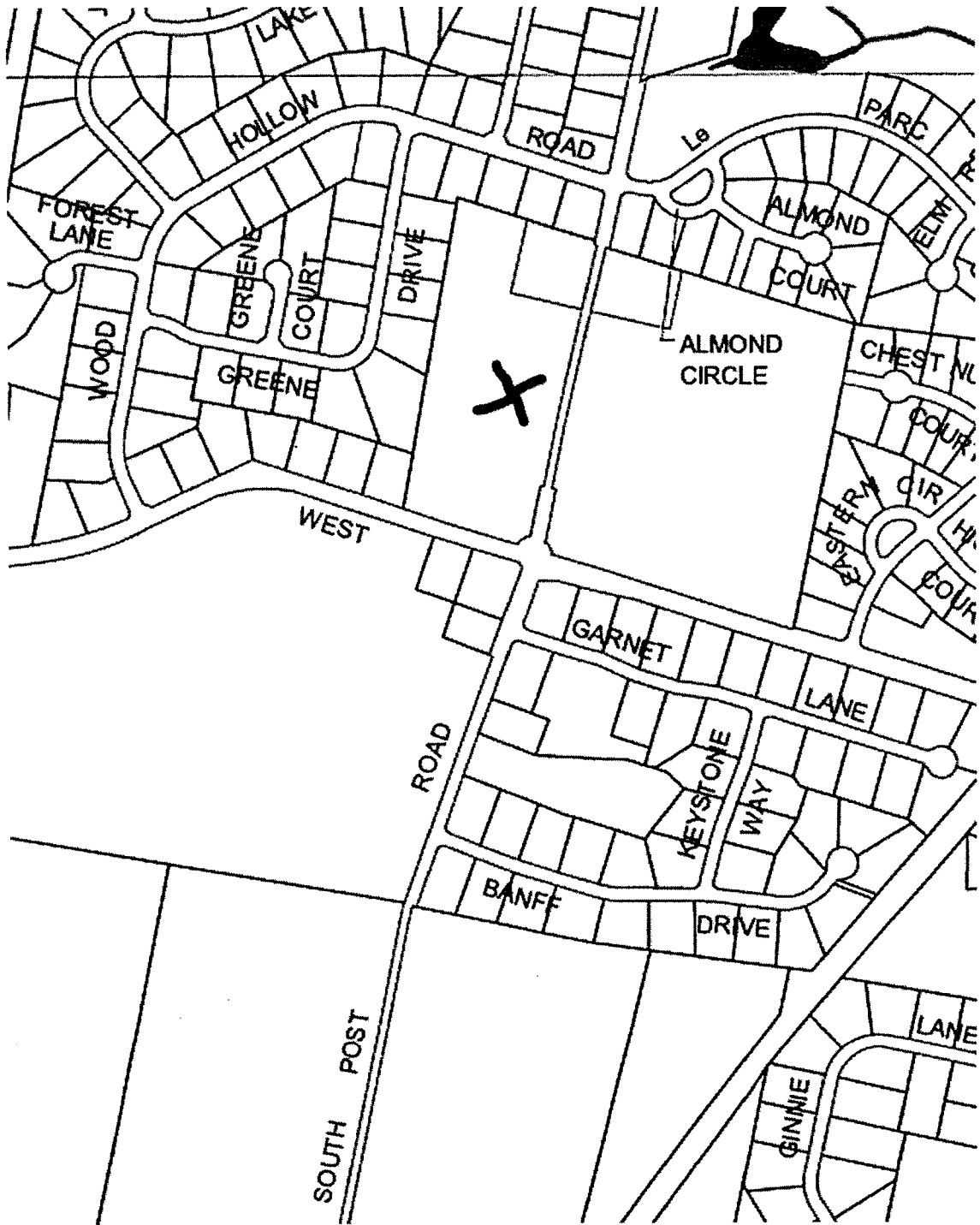
JOHN V. MAUDER
CHIEF FINANCIAL OFFICER

I, MICHAEL W. HERBERT, Township Attorney for the Township of West Windsor, have reviewed the above Certification of Availability and find the same has been signed by the Township Treasurer, is in order, and the Township Council may adopt the necessary resolution or ordinance authorizing the expenditure described therein.

DATE _____

MICHAEL W. HERBERT
TOWNSHIP ATTORNEY

PROJECT MAP



REQUEST FOR COUNCIL ACTION

Date of Request: June 26, 2024

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

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Approval of an Ordinance authorizing the acquisition of a Right-of-Way Easement from Hunter Family Real Estate Trust, along Block 15.03, Lot 46.01 (North Post Road) for the purpose of constructing certain public bikeway improvements. Walter and Nancy Hunter, Trustees, are willing and cooperative property owners and consent to the acquisition of the easement for the purchase price of Two Thousand Five Hundred Dollars (\$2,500.00). The work requiring the easement is planned to be publicly bid for construction this year.

SOURCE OF FUNDING:

<u>Bicycle and Pedestrian Improvements</u>	<u>405-2021-14 010</u>	<u>\$2,500.00</u>
Account Title	Account Number	Amount

CONTRACT AMOUNT: N/A

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Ordinance	Easement Offer Memo	Map
Right-of-Way Easement	Certification of Funds	

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

<u>Francis Guzik</u>	<u>6/26/24</u>
Department/Division Head	Date

APPROVED FOR AGENDA OF: July 15, 2024

By: Maflena Schmid 07/08/2024
Maflena Schmid, Business Administrator

MEETING DATE: 7/15 Ordinance # 2024-17 Resolution # _____

Council Action Taken:

TOWNSHIP OF WEST WINDSOR
ORDINANCE AUTHORIZING THE ACQUISITION OF
A RIGHT-OF-WAY EASEMENT
FROM HUNTER FAMILY REAL ESTATE TRUST
LOCATED AT BLOCK 15.03, LOT 46.01

WHEREAS, the Township of West Windsor has determined that it is necessary to acquire one permanent easement on certain real property owned by Hunter Family Real Estate Trust (Walter and Nancy Hunter, Trustees; "Sellers") located at Block 15.03, Lot 46.01 (North Post Road) in the Township of West Windsor, Mercer County, New Jersey for the purpose of constructing bikeway improvements to be utilized for the purpose of public mobility; and

WHEREAS, the Sellers are willing to grant such easement; and

WHEREAS, the Township and Sellers have agreed upon fair compensation for the easement; and

WHEREAS, the Local Lands and Buildings Law, *N.J.S.A. 40A:12-1 et. seq.*, requires that an Ordinance be adopted permitting the Township to acquire the Right-of-Way Easement.

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

- (1) The Township wishes to acquire a Right-of-Way Easement on certain real property owned by Hunter Family Real Estate Trust, located at Block 15.03, Lot 46.01 (North Post Road) in the Township of West Windsor, Mercer County, NJ for the purpose of constructing bikeway improvements to be utilized for the purpose of public mobility for the purchase price of Two Thousand Five Hundred Dollars and Zero Cents (\$2,500.00).
- (2) The Mayor and Clerk are hereby authorized and directed to acquire and accept the Right-of-Way Easement from the Sellers for the acquisition of said easement upon final passage, approval and publication of said ordinance according to law.

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

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYOR'S APPROVAL:


EFFECTIVE DATE

TOWNSHIP OF WEST WINDSOR

*Community Development Department
Division of Engineering*

MEMORANDUM

TO: Marlena Schmid, Business Administrator

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

SUBJECT: Right-of-Way Easement Acquisitions
North Post Road Bikeway
Block 15.03, Lots 46 and 46.01

DATE: June 26, 2024

In order to construct the proposed bikeway parallel to North Post Road, from Village Road West to Woodhollow Road, there is a need to obtain permanent easements from two properties, owned by the same entity, the Hunter Family Real Estate Trust. The Hunters have agreed to the purchase price established by the appraisal obtained by the Township (copy enclosed) and have executed the draft easement documents and Right of Entry authorization.

An Ordinance for each acquisition has been drafted and will be introduced for Township action.

Please contact me with any questions or for any additional information needed.

FG
Enclosure

RIGHT-OF-WAY EASEMENT
Over a Portion of Block 15.03, Lot 46.01
West Windsor Township, Mercer County, New Jersey

WHEREAS, NANCY E. HUNTER, TRUSTEE under the Hunter Family Realty Estate Trust Agreement dated June 29, 2007, with an address of 18 North Post Road, West Windsor, NJ 08550 (hereinafter the “Grantor”) is the owner of certain real property designated as Lot 46.01 in Block 15.03 on the official tax map of the Township of West Windsor, County of Mercer (collectively hereinafter referred to as “the Property”) and at the request of the Township, grants to the Township of West Windsor, a municipal corporation of the State of New Jersey, (hereinafter “the Township), having an address at 271 Clarksville Road, West Windsor, NJ 08550, an easement in perpetuity for road right-of-way purposes on the property.

NOW, THEREFORE, in consideration of the sum of Two Thousand Five Hundred Dollars (\$ 2,500.00), paid by the Township of West Windsor, receipt of which is acknowledged by Grantor, the parties agree as follows:

1. The Grantor does hereby grant to the Township, its successors and assigns, a perpetual and nonexclusive easement for public road right-of-way purposes in, under, through and across upon a portion of Block 15.03, Lot 46.01 as identified on the official tax map of the Township of West Windsor (“the Easement” or the “Easement Area”) with full rights to the Township to plan, construct, install, renew, repair and maintain a widened cartway, drainage, curbing, sidewalk and bikeway and for conducting such other activities necessary and incidental thereto within the Easement Area including free and unlimited access to, egress and ingress in, from and over all points of said easement areas, as is reasonable or necessary for the full use, occupancy and enjoyment of said easement. A description of the easement areas is shown on a certain plan prepared by Ted Pivovarnick, NJPLS #35868 of Roberts Engineering Group LLC

entitled "Proposed 3.50 Foot Wide Bike Path Easement Plan of Lot-46.01, Block-15.03 for the Township of West Windsor", dated May 9, 2024, with no revisions, attached hereto as Schedule A and further described in the metes and bounds descriptions attached hereto as Schedule B prepared by Ted Pivovarnick, NJPLS #35868 of Roberts Engineering Group LLC dated May 03, 2024.

2. Upon installation of improvements, including public sidewalk or bikeway, and up until such time as the Property is developed by the Grantee, its successors or assigns, the Township agrees to maintain and keep in good repair the improvements constructed in the Easement Area in compliance with the requirements of the municipal ordinances applicable thereto, as amended from time to time, and to restore the Easement Area if damaged as a result of the exercise of any right granted hereunder. Upon development of the Property by the Grantee, its successors or assigns, the obligations of maintenance of improvements within the Easement Area shall be governed by the provisions of Chapter 152, Streets and Sidewalks, of the Revised General Ordinances of the Township of West Windsor, Mercer County, New Jersey.

3. The front yard setback line for the Grantor's Property shall be measured from the new right-of-way line established by this easement. No buildings, recreational equipment, structures or fences shall be placed within the Easement Area by the Grantor.

4. During periods of use of the Easement Area by the Township, the Township shall indemnify the Grantor against any and all claims and liability, should the Grantor incur any liability or claims in connection with any act, omission or condition related to or in connection with the Township's use of the Easement Area.

5. The Grantor covenants and represents that the Easement Area is free and clear of encumbrances of record which would interfere with the Township's intended use.

6. The Grantor hereby reserves the right to use the Easement Area for any purpose not

inconsistent with the terms hereof.

7. This Easement shall run with the land and shall be binding upon the heirs, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the said Grantor has hereunto fixed its hand and seal this 26th day of JUNE, 2024.

WITNESS:

Cynthia Ruffner
Cynthia Ruffner

Nancy E. Hunter
**BY: Nancy E. Hunter, Trustee Under
Hunter Family Trust Agreement
Dated June 29, 2007**



May 3, 2024

Description of a 3.50 Foot Wide Bike Path Easement on Lot-46.01, Block-15.03 located north of North Post Road in West Windsor Township, Mercer County, New Jersey for West Windsor Township.

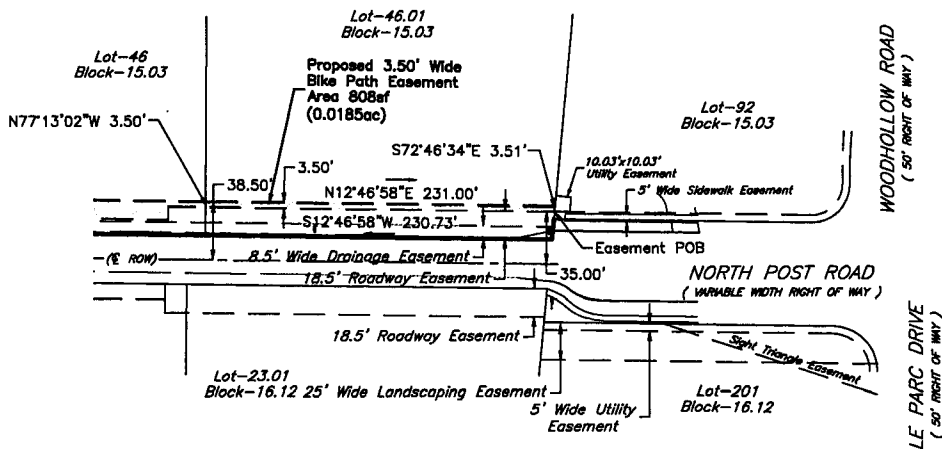
Beginning at a Point on the southerly line of Lot-92, Block-15.03, said point bearing North $72^{\circ}46'34''$ West, a distance of 4.93 feet, from the southeasterly corner thereof, said point being 35.00 feet west of the centerline of North Post Road and on the westerly side of an 18.50 Foot Wide Roadway Easement, and running; thence

1. South $12^{\circ}46'58''$ West, 35.00 westerly parallel to the centerline thereof, through Lot-46.01, Block-15.03, and along the westerly line of said Roadway Easement, a distance of 230.73 feet, to a point on the northerly line of Lot-46, Block-15.03; thence
2. North $77^{\circ}13'02''$ West, along the said line of Lot-46, a distance of 3.50 feet, to a point; thence
3. North $12^{\circ}46'58''$ East, 38.50 feet westerly parallel to the centerline of North Post Road, through said Lot-46.01, a distance of 231.00 feet, to a point on the aforementioned line of Lot-92; thence
4. South $72^{\circ}46'34''$ East, along the said line of Lot-92, a distance of 3.51 feet to the **Point of Beginning**.

Containing 808 square feet, or 0.0185 acres of land.

As shown on a plan entitled "Proposed 3.50 Foot Wide Bike Path Easement Plan of Lot-46.01, Block-15.03 for the Township of West Windsor, Located in West Windsor Township, Mercer County, New Jersey", dated May 3, 2024, and prepared by Roberts Engineering Group, LLC, Ted W. Pivovarnick, NJPLS#35868

Ted W. Pivovarnick, NJPLS#35868
Director of Surveying



FILE NUMBER	HW12304
DATE	06/09/2024
SCALE	1"=40'

1 OF 1

Proposed 3.50 Foot Wide Bike Path Easement Plan
 of Lot-46.01, Block-15.03 for the
 Township of West Windsor
 West Windsor Township • Mercer County • New Jersey

Ted W. Pivovarnick
 N.J.P.L.S. License #359685
 Date: 06/09/24

Roberts
 ENGINEERING CONSULTING LLC
 2464 JEFFERSON
 WEST WINDSOR, NJ 08051
 TEL: 609.683.1234 FAX: 609.683.1235

TOWNSHIP OF WEST WINDSOR
CERTIFICATION OF FUNDS

I, JOHN V. MAUDER, Chief Financial Officer of the Township of West Windsor, do hereby certify as follows:

1. I have examined the Capital Accounts of the Township of West Windsor in order to determine if sufficient funds are available for Nancy E. Hunter, as Trustee under the Hunter Family Real Estate Trust. Acquisition of Right-of-Way Easement on Block 15.03, Lot 46.01 on the Tax Maps of the Township of West Windsor to Construct Bikeway Improvements.

The projected cost of which is not to exceed \$2,500.00.

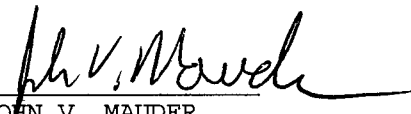
2. I have determined that such funds as are necessary are available in the following line item appropriation accounts:

Bicycle and Pedestrian Improvements 405-2021-14-010 2,500.00

3. I have determined that the above described expenditure may be authorized by the Township Council against the aforesaid line item account(s) in the amounts specified for each.

Now therefore, based on the foregoing, I do hereby certify that adequate funds are currently available for the purposes and in the line item amounts specified above and further, I shall encumber the same for a period of sixty (60) days from the date of this certification or until an ordinance or resolution authorizing the expenditure described above is enacted, whichever event shall occur sooner.

SIGNED AND CERTIFIED BY ME THIS
25th, Day of June 2024

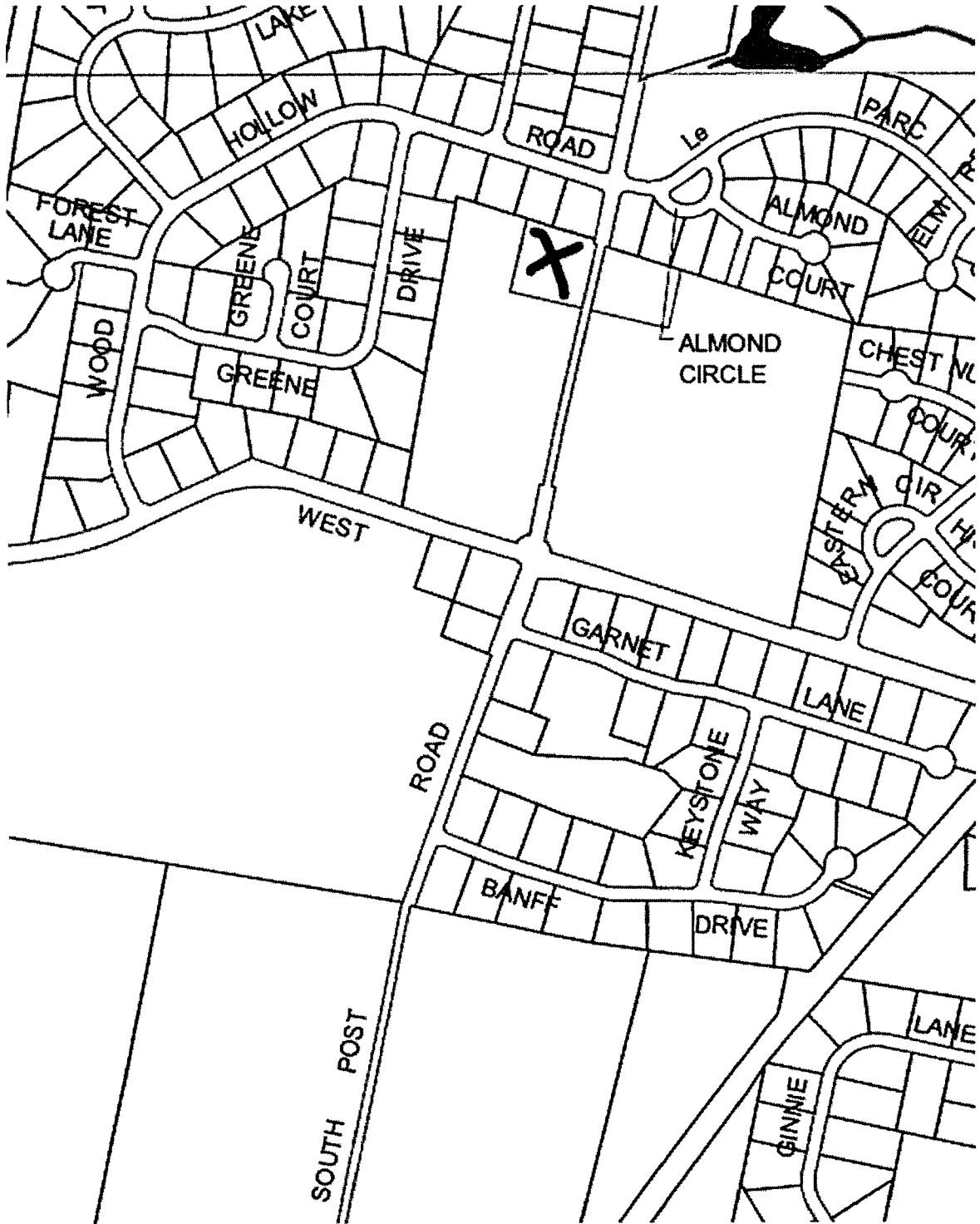

JOHN V. MAUDER
CHIEF FINANCIAL OFFICER

I, MICHAEL W. HERBERT, Township Attorney for the Township of West Windsor, have reviewed the above Certification of Availability and find the same has been signed by the Township Treasurer, is in order, and the Township Council may adopt the necessary resolution or ordinance authorizing the expenditure described therein.

DATE _____

MICHAEL W. HERBERT
TOWNSHIP ATTORNEY

PROJECT MAP



REQUEST FOR COUNCIL ACTION

Date of Request: June 26, 2024

Initiated By: John V. Mauder Division/Department: Administration

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Bond Ordinance providing for various capital improvements of the Township of West Windsor, appropriating the aggregate amount of \$11,205,306, authorizing the issuance of \$10,024,500 in bonds and notes.

SOURCE OF FUNDING:

Capital – Down Payment and Debt Authorized

CONTRACT AMOUNT:

N/A

CONTRACT LENGTH:

N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Ordinance Summary

S:\AGENDA INBOX (file name) 2024 General Improvement Bond Ordinance

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

John V. Mauder 7/2/24
Department/Division Head Date

APPROVED FOR AGENDA OF: July 15, 2024

By: Marlena Schmid 07/08/2024
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: 7/15 Ordinance # 2024-18 Resolution # _____

Council Action Taken:

2024-18

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$11,205,306 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$10,024,500 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 \$11,205,306, including a \$526,581 grant expected to be received from the State of New Jersey Department of Transportation (the "NJDOT") for Woodmere Way Improvements II described in Section 3(C)(4) hereof and a \$153,000 grant expected to be received from the NJDOT for the Safe Streets to Transit Program - Washington Road Pedestrian Safety described in Section 3(C)(5) (together, the "State Grants") and further including the

aggregate sum of \$501,225 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 \$10,024,500 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:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
A) ADMINISTRATION 1) <u>Acquisition of Equipment</u> Network, computer, printer and scanner replacement and/or upgrades and copier machine replacement, including all related costs and expenditures incidental thereto.	\$320,250	\$305,000	5 years

<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 Facilities and Related Improvements</u> Improvements to the Municipal Administration Building, 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 Health and Recreation Building and roof replacement of the Fire and Emergency Services Station 45 building, including all work and materials necessary therefor and incidental thereto.	\$352,800	\$336,000	10 years
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.	\$10,500	\$10,000	10 years
5) <u>Municipal Facilities and Related Improvements</u> Roof and air conditioning replacement at the Police/Court building, including all work and materials necessary therefor and incidental thereto.	\$1,055,250	\$1,005,000	10 years
6) <u>Municipal Facilities and Related Improvements</u> Improvements to the Arts Council Building, including roof replacement, including all work and materials necessary therefor and incidental thereto.	\$330,750	\$315,000	10 years
7) <u>Municipal Facilities and Related Improvements</u> Sprinkler system replacement at the Senior Center Building, including all work and materials necessary therefor and incidental thereto.	\$15,225	\$14,500	15 years

<u>Purpose</u>	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
<p>8) <u>Municipal Facilities and Related Improvements</u> Improvements to Schenck Historical Farmstead, including all work and materials necessary therefor and incidental thereto.</p>	\$25,200	\$24,000	15 years
<p>9) <u>Municipal Facilities and Related Improvements</u> PJ Fire Station infrastructure improvements, including all work and materials necessary therefor and incidental thereto.</p>	\$50,400	\$48,000	10 years
<p>B) COMMUNITY DEVELOPMENT – CODE ENFORCEMENT <u>Acquisition of Equipment – Vehicular</u> Acquisition of a four-wheel drive, including all related costs and expenditures incidental thereto.</p>	\$45,150	\$43,000	5 years
<p>C) COMMUNITY DEVELOPMENT – ENGINEERING <u>Acquisition of Equipment</u> 1) Undertaking of digital tax map conversion, including all work and materials necessary therefor and incidental thereto.</p>	\$252,000	\$240,000	10 years
<p>2) <u>Bicycle and Pedestrian Improvements</u> The Bike Lane Extension Program, the Sidewalk Extension Program, the Cranbury Road Sidewalk Improvements Phase III, the Crosswalk Improvement Program and sidewalk repairs - street trees, 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>	\$561,750	\$535,000	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>
<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>	\$50,400	\$48,000	20 years
<p>4) <u>Roadway Improvements</u> The Annual Residential Road Improvement Program, the Annual Road Improvement Program – Collector Roads, Vaughn Drive extension and *Woodmere Way Improvements 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>	\$2,805,081 (*includes a grant expected to be received from the NJDOT in the amount of \$526,581)	\$2,170,000	10 years
<p>5) <u>Traffic Safety Improvements - Hazard Mitigation & Other Improvements</u> Signage and striping improvements, Grover's Mill Dam inspection and repairs, the Wallace Road Bus Garage Remediation Program, compost facility remediation, the Annual Flood Abatement Program, the EAB Management Program - street trees, the Annual Utility Maintenance and Improvement Program and *the Safe Streets to Transit Program – Washington Road Pedestrian Safety, including all work and materials necessary therefor and incidental thereto.</p>	\$531,000 (*includes a grant expected to be received from the NJDOT in the amount of \$153,000)	\$360,000	10 years
<p>6) <u>Municipal Facilities and Related Improvements-Sewer</u> Sewer extension and pump station improvements and the Watershed Improvement Plan and storm sewer system mapping, including all work and materials necessary therefor and incidental thereto.</p>	\$1,758,750	\$1,675,000	20 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
D) COMMUNITY DEVELOPMENT – LAND USE <u>Municipal Properties Improvements</u> The Street Tree Planting Program, including all work and materials necessary therefor and incidental thereto.	\$21,000	\$20,000	10 years
E) HEALTH, HUMAN SERVICES AND RECREATION 1) <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	5 years
2) <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
3) <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
F) PUBLIC SAFETY – FIRE & EMERGENCY SERVICES 1) <u>Acquisition of Equipment</u> Replacement of automatic external defibrillators (AED's), including all related costs and expenditures incidental thereto.	\$15,750	\$15,000	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>
2) <u>Acquisition of Equipment – Non Vehicular</u> Replacement of a fire hose, a nozzle and equipment and the acquisition of personal protective equipment (PPE) for firefighters – coats, trousers, etc., including all related costs and expenditures incidental thereto.	\$126,000	\$120,000	10 years
3) <u>Acquisition of Equipment - Vehicular</u> Replacement of Rescue 43 and Engine 44, including all related costs and expenditures incidental thereto.	\$603,750	\$575,000	20 years
4) <u>Municipal Facilities and Related Improvements</u> Building and general improvements to the PJ Firehouse and sprinkler system replacement - Station 44, including all work and materials necessary therefor and incidental thereto.	\$40,950	\$39,000	15 years
5) <u>Municipal Facilities and Related Improvements</u> Building and general improvements to the Fire and Emergency Services Facility, including all work and materials necessary therefor and incidental thereto.	\$25,200	\$24,000	15 years
G) PUBLIC SAFETY – POLICE 1) <u>Acquisition of Equipment – Office/Computer Technology</u> and computer replacement, software replacement, the Security Systems Upgrade Project, DWI and DB interview rooms Axon System, multi-task and surveillance solution upgrades and 911 system upgrades, including all related costs and expenditures incidental thereto.	\$425,250	\$405,000	5 years

<u>Purpose</u>	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
2) <u>Acquisition of Equipment – Vehicular</u> Acquisition of four-wheel drive vehicles, including all related costs and expenditures incidental thereto.	\$136,500	\$130,000	5 years
3) <u>Acquisition of Equipment – Non Vehicular</u> Acquisition of firearms, portable radios, emergency equipment for patrol vehicles, a mobile data terminal (MDT) and a UAS Program, including all related costs and expenditures incidental thereto.	\$288,750	\$275,000	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.	\$50,400	\$48,000	15 years
H) PUBLIC WORKS			
1) <u>Acquisition of Equipment – Non Vehicular</u> Replacement of a medium rider mower and a roadside mower, including all related costs and expenditures incidental thereto.	\$173,250	\$165,000	5 years
2) <u>Acquisition of Equipment – Vehicular</u> Acquisition of trucks, a crane truck and a one-man leaf truck, including all related costs and expenditures incidental thereto.	\$656,250	\$625,000	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

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
4) Municipal Facilities and Related Improvements – Sewer Sanitary sewer system improvements and storm sewer improvements for Public Works, including all work and materials necessary therefor and incidental thereto.	\$270,900	\$258,000	40 years
I) RECREATION – SWIM POOL <u>Swim Pool Complex</u> Improvements to the swim pool complex - water works, including all related costs and expenditures incidental thereto.	\$ <u>100,800</u>	\$ <u>96,000</u>	15 years
TOTALS:	\$<u>11,205,306</u>	\$<u>10,024,500</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 12.34 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 \$10,024,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$1,000,000 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:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:

REQUEST FOR COUNCIL ACTION

Date of Request: June 26, 2024

Initiated By: John V. Mauder Division/Department: Administration

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Introduction of Capital Improvement Ordinance Providing for Various Capital Improvements and Other Related Expenses Appropriating \$455,000.00.

SOURCE OF FUNDING:

These Projects are Fully Funded by Monies currently Held in the Open Space Tax Trust Fund Account.

CONTRACT AMOUNT:

N/A

CONTRACT LENGTH:

N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Ordinance Summary

S:\AGENDA INBOX (file name) 2024 Capital Ordinance – General Capital

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

John V. Mauder 6/26/24
Department/Division Head Date

APPROVED FOR AGENDA OF: July 15, 2024

By: Marlena A. Schmid 07/08/2024
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 MEETING.**

MEETING DATE: 7/15 Ordinance # 2024-19 Resolution # _____

Council Action Taken:

TOWNSHIP OF WEST WINDSOR

CAPITAL IMPROVEMENT ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN OR FOR THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY APPROPRIATING THE AMOUNT OF \$455,000.00

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY, AS FOLLOWS:

SECTION 1. The improvements described in Section 2 of this Capital Improvement Ordinance are hereby authorized to be undertaken by the Township of West Windsor, New Jersey as General Improvements. For the improvements described in Section 2 there is hereby appropriated the sum of \$445,000.00.

SECTION 2. The description of the improvements required are as follows:

GENERAL IMPROVEMENT APPROPRIATIONS

1) Open Space Land Acquisition – Consultant Fees	\$ 10,000.00
2) Parks Open Space - Maintenance Program	\$ 120,000.00
3) Parks Open Space – Development Program	\$ 200,000.00
4) Preserve Open Space - Maintenance Program	\$ 100,000.00
5) Preserve Open Space - Development Program	\$ 25,000.00
TOTAL	\$ 455,000.00

SECTION 3. The improvements described in Section 2 of this Capital Improvement Ordinance are financed from funds already received by the Township of West Windsor which are presently being held in the following accounts:

1) Reserve for Open Space Tax Trust Fund	\$ 10,000.00
2) Reserve for Open Space Tax Trust Fund	\$ 120,000.00
3) Reserve for Open Space Tax Trust Fund	\$ 200,000.00
4) Reserve for Open Space Tax Trust Fund	\$ 100,000.00
5) Reserve for Open Space Tax Trust Fund	\$ 25,000.00
TOTAL	\$ 455,000.00

SECTION 4. This Ordinance shall take effect twenty (20) days after action or Inaction by the Mayor as provided by law or an override of a mayoral veto by the Council, whichever is applicable, and upon publication according to the law.

INTRODUCTION: July 15, 2024
PUBLIC HEARING: August 12, 2024
ADOPTION:
MAYOR APPROVAL:
EFFECTIVE DATE:

REQUEST FOR COUNCIL ACTION

Date of Request: July 29, 2024

Initiated By: Kelly A. Montecinos, CTC Division/Department: Finance/Tax Collection

ACTION REQUESTED/ EXECUTIVE SUMMARY: Extension of the grace period for the 2024 third quarter taxes.

SOURCE OF FUNDING:

CONTRACT AMOUNT:

CONTRACT LENGTH:

OTHER SUPPORTING INFORMATION ATTACHED:

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

K. Montecinos J. V. Mowbray 7/29/24
Department/Division Head Date

APPROVED FOR AGENDA OF: 8/12/2024

By: Marlene L. Schmid 08/05/2024
Marlene Schmid, Business Administrator

MEETING DATE: 8/12/24 Ordinance # _____ Resolution # 2024-R159

Council Action Taken:

RESOLUTION

WHEREAS, by N.J.S.A. 54:4-64, the Tax Collector shall complete work of the preparing and mailing the tax bills at least twenty-five (25) days before the third installment of taxes falls due; and

WHEREAS, said mailing of the 2024 tax bills did not meet the requirements stated above; and

WHEREAS, the Tax Collector is requesting the time period provided by the statute (N.J.S.A. 54:4-67) for interest to be collected (within ten days after the date upon which same becomes payable) be extended; and

WHEREAS, the Tax Collector is requesting the third quarter interest shall be charged after August 29, 2024 (instead of August 10, 2024).

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the date to charge interest on the payment of third quarter taxes be extended from August 10th to August 29th, 2024.

BE IT FURTHER RESOLVED that in accordance with N.J.S.A. 54:4-67, interest calculated on payments received after August 29, 2024 will revert back to the original due date of August 1, 2024.

Adopted: August 12, 2024

I certify the above Resolution was adopted by the West Windsor Township Council at their meeting on the 12th day of August, 2024.

Gay M. Huber
Township Clerk
West Windsor Township

TOWNSHIP OF WEST WINDSOR
COUNTY OF MERCER

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2023 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey prescribes reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments

Recommendations

and

WHEREAS, the members of the Governing Body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Township of West Windsor, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Adopted: August 12, 2024

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of August, 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: July 20, 2023

Initiated By: John V. Mauder Division/Department: Finance

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Resolution providing for insertion of the State of New Jersey Strengthening Local Public Health Capacity Grant 2025 in the 2024 Budget. The Township has been approved for funding by the State of New Jersey Department of Health from 07/01/2024 - 06/30/2025 in the amount of \$74,664

SOURCE OF FUNDING:

State of New Jersey

CONTRACT AMOUNT:

\$74,664

CONTRACT LENGTH:

N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Notice of Original Grant Award and Notice of Increase of Grant Award.

S:\AGENDA INBOX (file name) ch159Strengthening Local 2025

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

John V. Mauder 7/17/24
Department/Division Head Date

APPROVED FOR AGENDA OF: August 12, 2024

By: Marlena A. Schmid 08/06/2024
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 MEETING.**

MEETING DATE: 8/12/24 Ordinance # _____ Resolution # 2024-R161

Council Action Taken:

RESOLUTION

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF
REVENUE IN THE BUDGET OF THE TOWNSHIP OF WEST WINDSOR
PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such item of revenue in the budget of the county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Windsor, in the County of Mercer, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024 which item is now available as a revenue from monies held pursuant to the provisions of statute.

Strengthening Local Public Health Capacity 104671 \$74,664.00

BE IT FURTHER RESOLVED that a like sum of \$74,664.00 and the same is hereby appropriated under the following caption:

Strengthening Local Public Health Capacity 10660571 \$74,664.00

Adopted: August 12, 2024

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of August 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: July 17, 2024

Initiated By: John V. Mauder Division/Department: Finance

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Resolution providing for insertion of the New Jersey Association of County and City Health Officials (NJACCHO) Sustaining Local Public Health Infrastructure Grant in the 2024 Budget. The Township has been approved for funding by NJACCHO in the amount of \$168,049.00

SOURCE OF FUNDING:

NJACCHO

CONTRACT AMOUNT:

\$168,049.00

CONTRACT LENGTH:

07/01/2024 – 03/21/2026

OTHER SUPPORTING INFORMATION ATTACHED:

Copy of Letter of Agreement

S:\AGENDA INBOX (file name) ch159NJACCHO-24

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

John V. Mauder 7/17/24
Department/Division Head Date

APPROVED FOR AGENDA OF: August 12, 2024

By: Marlena A. Schmid 08/05/2024
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 MEETING.**

MEETING DATE: 8/12/24 Ordinance # _____ Resolution # 2024-R162

Council Action Taken:

RESOLUTION

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF
REVENUE IN THE BUDGET OF THE TOWNSHIP OF WEST WINDSOR
PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such item of revenue in the budget of the county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Windsor, in the County of Mercer, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024 which item is now available as a revenue from monies held pursuant to the provisions of statute.

Sustaining Local Public Health Infrastructure Grant 104670 \$168,049

BE IT FURTHER RESOLVED that a like sum of \$168,049 and the same is hereby appropriated under the following caption:

Sustaining Local Public Health Infrastructure Grant 10660570 \$168,049

Adopted: August 12, 2024

I hereby certify the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of August 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: July 31, 2024

Initiated By: John V. Mauder, CFO Division/Department: Finance/Administration

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Resolution authorizing 2024 Capital Budget Amendment. The Adopted Capital Budget on May 13, 2024 had a Total of \$64,680,768.00. The Budget Amendment increase is for \$5,100,000.00 bringing the New Total to \$69,780,768.00.

SOURCE OF FUNDING: N/A

CONTRACT AMOUNT: N/A

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

S:\AGENDA INBOX (file name) 2024Capital Budget Admendment Council Request Form

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

John V. Mauder
Department/Division Head

7/31/24
Date

APPROVED FOR AGENDA OF: August 12, 2024

By: Marlena A. Schmid

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 MEETING.**

MEETING DATE: 8/12/24 Ordinance # _____ Resolution # 2024-2163

Council Action Taken:

TOWNSHIP OF WEST WINDSOR - COUNTY OF MERCER

CAPITAL BUDGET AMENDMENT

RESOLUTION 2024-R163

WHEREAS, the local capital budget for the year 2024 was approved on the 13th day of May 2024; and

WHEREAS, it is desired to amend said adopted capital budget section,

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of West Windsor, County of Mercer, that the following amendment to the capital budget be made:

Recorded Vote: (insert last names)

(((
(((
Ayes (Nays (Abstain (
(((
((Absent (
(((

**FROM
CAPITAL BUDGET (CURRENT YEAR ACTION)
2024**

Project	Estimated Total Cost	Amounts Reserved in Prior Years	Planned Funding Services for Current Year 2024					To Be Funded in Future Years
			2024 Budget Appropriation	Capital Improvement Fund	Capital Surplus	Grants-in-Aid & Other Funds	Debt Authorized	
	\$	\$	\$	\$	\$	\$	\$	\$
Total All Projects	\$ 64,680,768	\$	\$	\$ 501,225	\$	\$ 3,529,581	\$ 10,024,500	\$ 50,625,462

**FROM
6 YEAR CAPITAL PROGRAM 2024 - 2029
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENT**

Project	Estimated Total Cost	Estimated Completion Time	Funding Amounts per Budget Year					
			2024	2025	2026	2027	2028	2029
	\$		\$	\$	\$	\$	\$	\$
Total All Funds	\$ 64,680,768		\$ 11,660,306	\$ 18,740,560	\$ 10,439,960	\$ 7,560,260	\$ 9,144,322	\$ 7,135,360

**FROM
6 YEAR CAPITAL PROGRAM 2024 - 2029
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

Project	Estimated Total Cost	Budget Appropriations		Capital Improvement Fund	Capital Surplus	Grants in-Aid and Other Funds	Bonds and Notes	
		Current Year 2024	Future Years				General	Self- Liquidating
	\$	\$	\$	\$	\$	\$	\$	\$
Total All Funds	\$ 64,680,768	\$	\$	\$ 3,091,538	\$	\$ 3,529,581	\$ 58,059,649	\$

TO
CAPITAL BUDGET (CURRENT YEAR ACTION)
 2024

Project	Estimated Total Cost	Amounts Reserved in Prior Years	Planned Funding Services for Current Year 2024					To Be Funded in Future Years
			2024 Budget Appropriation	Capital Improvement Fund	Capital Surplus	Grants-in-Aid & Other Funds	Debt Authorized	
Washington Road Impvts.	\$ 5,100,000	\$	\$	\$	\$	\$ 1,500,000	\$ 3,600,000	\$
Total All Funds	\$ 69,780,768	\$	\$	\$ 501,225	\$	\$ 5,029,581	\$ 13,624,500	\$ 50,625,462

6 YEAR CAPITAL PROGRAM 2024 - 2029
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENT

Project	Estimated Total Cost	Estimated Completion Time	Funding Amounts per Budget Year					
			2024	2025	2026	2027	2028	2029
Washington Road Impvts.	\$ 5,100,000		\$ 5,100,000	\$	\$	\$	\$	\$
Total All Funds	\$ 69,780,768		\$ 16,760,306	\$ 18,740,560	\$ 10,439,960	\$ 7,560,260	\$ 9,144,322	\$ 7,135,360

TO
6 YEAR CAPITAL PROGRAM 2024 - 2029
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

Project	Estimated Total Cost	Budget Appropriations		Capital Improvement Fund	Capital Surplus	Grants in-Aid and Other Funds	Bonds and Notes	
		Current Year 2024	Future Years				General	Self- Liquidating
Washington Road Impvts.	\$ 5,100,000	\$	\$	\$	\$	\$ 1,500,000	\$ 3,600,000	\$
Total All Funds	\$ 69,780,768	\$	\$	\$ 3,091,538	\$	\$ 5,029,581	\$ 61,659,649	\$

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 12th day of August, 2024.

Certified by me

Date
TRENTON, NEW JERSEY
APPROVED _____, 2024

Gay M. Huber
Township Clerk

Director of Local Government Services

REQUEST FOR COUNCIL ACTION

Date of Request: 07/11/2024

Initiated By: Chief Robert Garofalo Division/Department: Police

ACTION REQUESTED/ EXECUTIVE SUMMARY:

This purchases will support the Administrative Operations of the Police Department by replenishing our ink/toner supply for computer operations.

SOURCE OF FUNDING:

105-18-233

CONTRACT AMOUNT:

\$1,847.13

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 07/11/2024
Department/Division Head _____ Date

APPROVED FOR AGENDA OF: _____

By: Margena B. Schmid 10/05/2024
Margena 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: 8/12/24 Ordinance # _____ Resolution # 2024-R164

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 ink/toner cartridges for the Police Department from SHI International Corp. as an Authorized Vendor of Computer Equipment & Peripherals (2022-2024) under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 24-38 with the County of Bergen in the amount of \$1,847.13; and

WHEREAS, as of August 12, 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, Subcontracts 22-24 and 24-38 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
Resolution No.	2024-R125	\$ 17,299.77
		<u>\$181,333.16</u>

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

Police-Office Furniture/Equipment Maintenance	105-18-233	\$1,847.13
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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 24-38 with the County of Bergen for a total not to exceed of \$183,180.29.

Adopted: August 12, 2024

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of August, 2024.

Gay M. Huber
 Township Clerk
 West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: 07/30/2024

Initiated By: Chief Robert Garofalo Division/Department: Police

ACTION REQUESTED/ EXECUTIVE SUMMARY:

These purchases will support the police departments upgrade for our Barracuda Essentials subscription. This upgrade will enhance our cybersecurity as it provides greater protection to our network system.

SOURCE OF FUNDING:

Operating Account #105-18-233

CONTRACT AMOUNT:

\$1,609.20

CONTRACT LENGTH:

until 6/10/2025

OTHER SUPPORTING INFORMATION ATTACHED:

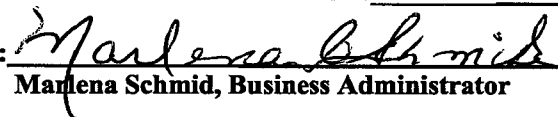
Quote with NJ Cooperative Purchasing Alliance Contract #CK04 Subcontract #24-38

S:\AGENDA INBOX (file name) _____

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Chief Robert Garofalo	07/30/2024
_____	_____
Department/Division Head	Date

APPROVED FOR AGENDA OF: _____

By:  08/05/24
Marlana 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: 8/12/24 Ordinance # _____ Resolution # 2024-2165

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 an upgrade to the existing Barracuda cybersecurity subscription for the Division of Police from SHI International Corp. as an Authorized Vendor of Computer Equipment & Peripherals (2022-2024) under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 24-38 with the County of Bergen in the amount of \$1,609.20; and

WHEREAS, as of August 12, 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, Subcontracts 22-24 and 24-38 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
Resolution No.	2024-R125	\$ 17,299.77
<u>Resolution No.</u>	<u>2024-R</u>	<u>\$1,847.13</u>
		\$183,180.29

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

Police-Office Furniture/Equipment Maintenance 105-18-233 \$1,609.20

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator Marlena A. Schmid is hereby authorized to purchase the Barracuda subscription upgrade above from SHI International Corp. as an Authorized Vendor of Computer Equipment and Peripherals (2022-2024) under the New Jersey, Cooperative Purchasing Alliance Contract #CK04, Subcontract 24-38 with the County of Bergen for a total not to exceed of \$184,789.49

Adopted: August 12, 2024

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of August, 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: 07/30/2024

Initiated By: Chief Robert Garofalo **Division/Department:** Police

ACTION REQUESTED/ EXECUTIVE SUMMARY:

These purchases will support the police departments firearms program. All officers are mandated to qualify with their weapons twice annually. Officers also attend training that requires the use of their firearm.

SOURCE OF FUNDING:

Operating Account #105-18-317
Operating Account #106-18-599

CONTRACT AMOUNT:

\$18,881.65

CONTRACT LENGTH:

N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Quote with state contact numbers #17-FLEET-00721, #T0106

S:\AGENDA INBOX (file name) _____

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Chief Robert Garofalo	07/30/2024
_____	_____
Department/Division Head	Date

APPROVED FOR AGENDA OF: _____

By: Marlene Schmid 08/05/2024
Marlene 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: 8/12/24 **Ordinance #** _____ **Resolution #** 2024-2166

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, Eagle Point Gun is an authorized vendor under NJ State Contract #17-Fleet-00721, #T0106 and the Township needs to purchase ammunition for officers' firearms in the amount of \$18,881.65; and

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

Gun Ammunition	105-18-317	\$13,951.14
Gun Ammunition	106-18-599	\$4,930.51

NOW, THEREFORE, BE IT RESOLVED, that the Township Council authorizes the Business Administrator Marlena Schmid to purchase ammunition from Eagle Point Gun under NJ State Contract #17-FLEET-00721, #T0106, for a total not to exceed \$18,881.65.

Adopted: August 12, 2024

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of August, 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: July 19, 2024

Initiated By: Alexander Lesniak **Division/Department:** Comm. Dev./Engineering

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Adoption of a resolution authorizing execution of a professional services agreement with Van Cleef Engineering Associates to provide professional engineering survey and design services for the Scott Avenue & Berrien Avenue Drainage Improvements Project. Van Cleef Engineering Associates provided a responsible and qualified fee proposal for the survey and design of drainage improvements within the aforementioned roadways. The Township Engineer is recommending a contract be awarded to Van Cleef Engineering Associates.

SOURCE OF FUNDING:

<u>Traffic Safety Improv. Hazard Mitigation</u>	<u>405 2021 14 014</u>	<u>\$55,000.00</u>
Account Title	Account Number	Amount

CONTRACT AMOUNT: \$55,000.00

CONTRACT LENGTH: 90 days upon commencement

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 |
| Project Location Map | | |

COMPLETE AND READY FOR ADMINISTRATOR’S REVIEW


7/26/24

Department/Division Head Date

APPROVED FOR AGENDA OF: August 12, 2024

By: 
08/05/2024

Marlena Schmid, Business Administrator

MEETING DATE: 8/12/24 **Ordinance #** _____ **Resolution #** 2024-2167

Council Action Taken:

RESOLUTION

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

WHEREAS, Van Cleef Engineering Associates, has submitted a proposal dated July 12, 2024 indicating they will provide professional engineering survey and design services related to drainage improvements for the Scott Avenue & Berrien Avenue Drainage Improvements Project for \$55,000.00; and

WHEREAS, the Township wishes to enter into a Professional Services Agreement with Van Cleef Engineering Associates, for the aforesaid services for an amount not to exceed \$55,000.00; and

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

<u>Traffic Safety Improv. Hazard Mitigation</u>	<u>405 2021 14 014</u>	<u>\$55,000.00</u>
Account Title	Account Number	Amount

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 Van Cleef Engineering Associates, to cover the period August 12, 2024 through the completion of the project, for an amount not to exceed \$55,000.00.
- (2) The Agreement so authorized shall require the Provider to provide professional engineering survey and design services, pursuant to its proposal dated July 12, 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 Van Cleef Engineering Associates and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: August 12, 2024

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of August 2024.

 Gay M. Huber
 Township Clerk
 West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: July 29, 2024

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

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Adoption of a resolution granting release of a Performance Bond posted with the Township in conjunction with Street Opening Permit No. 2024-26 for work that was done at 11 Meadow Run Road. Carter Johns posted a performance bond on July 12, 2024 for sidewalk repairs. The project was completed and has been inspected by the Township Engineer, who is recommending the bond release.

SOURCE OF FUNDING: N/A

CONTRACT AMOUNT: N/A

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

- Resolution
- Engineer's Report
- Supporting Documentation

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Francis Guzik 7/29/24
Department/Division Head Date

APPROVED FOR AGENDA OF: August 12, 2024

By: Marlene A. Schmid 08/05/2024
Marlene Schmid, Business Administrator

MEETING DATE: 8/12/24 Ordinance # _____ Resolution # 2024-R168

Council Action Taken:

RESOLUTION

WHEREAS, the Township of West Windsor presently holds a Performance Bond in the amount of \$500.00 from Carter Johns for Street Opening Permit No. 2024-26 covering work to be performed at 11 Meadow Run Road, in West Windsor Township; and

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

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Windsor that the Performance Bond presently in effect on Street Opening Permit No. 2024-26 be released in accordance with the recommendation of the Township Engineer.

BE IT FURTHER RESOLVED the Chief Financial Officer is hereby authorized to release the following performance bond presently held in Trust:

<u>Performance</u> <u>Guarantee</u>	<u>Original</u> <u>Amount</u>	<u>Date</u> <u>Issued</u>
Check #136	\$500.00	7/12/2024

Adopted: August 12, 2024

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of August 2024.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

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

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

WHEREAS, DELL is an authorized vendor under New Jersey State Contract Software T3121 #20-TELE-01510; and

WHEREAS, the Township wants to continue with its scanning program this year scanning various department/division documents into the laserfiche system; and

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

Clerk-Consulting Fees	105-01-210	\$28,444.73
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NOW, THEREFORE, BE IT RESOLVED, that the Township Council authorizes the Business Administrator, Marlena Schmid to purchase the above services from Dell under New Jersey State Contract T3121 #20-TELE-01510 in the amount of \$28,444.73.

Adopted: August 12, 2024

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of August, 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: July 11, 2024

Initiated By: Robert Garofalo/Kerry Giammetta **Division/Department:** Police/Administration

ACTION REQUESTED/ EXECUTIVE SUMMARY: Resolution authorizing the Mayor and Township Clerk to execute the 2023-2027 Employment Agreement between Township of West Windsor and the Chief of Police, Robert Garofalo

SOURCE OF FUNDING: Salary and Wage Ordinance

CONTRACT AMOUNT:

CONTRACT LENGTH: January 1, 2023 – December 31, 2027

OTHER SUPPORTING INFORMATION ATTACHED:

Resolution, Agreement, Memo

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Kerry Giammetta 7-11-24
Department/Division Head Date

APPROVED FOR AGENDA OF: _____, 2024

By: Marlena Schmid 08/05/2024
Marlena Schmid, Business Administrator

MEETING DATE: 8/12/24 **Ordinance #** _____ **Resolution #** 2024-R170

Council Action Taken:

RESOLUTION

WHEREAS, Robert Garofalo has been serving as the Chief of Police for the Township of West Windsor since July 1, 2017; and

WHEREAS, the Township and the Chief of Police have agreed to memorialize the terms and conditions of his employment in an Employment Agreement; and

WHEREAS, the Mayor and Administration recommend to the Township Council that the Employment Agreement between the Township of West Windsor and Robert Garofalo to serve as Chief of Police be approved retroactive from January 1, 2023 through December 31, 2027.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Mayor and Township Clerk are hereby authorized and directed to execute the Employment Agreement between the Township of West Windsor and Robert Garofalo, Chief of Police for West Windsor Township.

Adopted: August 12, 2024

I hereby certify the above resolution was adopted by the West Windsor Township Council at their meeting held on the 12th day of August, 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: July 30, 2024

Initiated By: John V. Mauder Division/Department: Administration

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Bond Ordinance providing for Roadway Improvements of the Township of West Windsor, appropriating the aggregate amount of \$5,100,000, authorizing the issuance of \$3,600,000 in bonds and notes.

SOURCE OF FUNDING:

Capital – Down Payment (Trust Account Entitled Off-tract Road Assessment/Improvement) and Debt Authorized

CONTRACT AMOUNT:

N/A

CONTRACT LENGTH:

N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Memo from Francis Guzik, Bond Ordinance and Ordinance Summary

S:\AGENDA INBOX (file name) 2024 Roadway Improvement Bond Ordinance

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

John V. Mauder 7/30/24
Department/Division Head Date

APPROVED FOR AGENDA OF: August 12, 2024

By: Marlena Schmid, 08/05/2024
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: 8/12/24 Ordinance # 2024-20 Resolution # _____

Council Action Taken:

July 30, 2024

John V. Mauder
Chief Financial Officer
Township of West Windsor
271 Clarksville Road
West Windsor, NJ 08550

Re: \$5,100,000/\$3,600,000 Bond Ordinance

Dear John:

In accordance with your request, I have prepared and enclose herewith a form of bond ordinance providing for realignment improvements to Washington Road and related expenses. The bond ordinance should be adopted in accordance with the usual procedure set forth below for your convenience.

The electronic Supplemental Debt Statement should be prepared on the date of introduction of the bond ordinance and sent to the Clerk on that same date. The Supplemental Debt Statement should also be filed electronically with the Division of Local Government Services prior to final adoption of the bond ordinance. Please retain a copy of the electronic receipt sent to you by the Division of Local Government Services, as we will need a copy for our records. In order to comply with the capital budget regulations, the bond ordinance contains a provision amending the capital budget to the extent of any inconsistency with the bond ordinance and it should be sent to Trenton and filed along with the resolution of the governing body in the form required by the Local Finance Board showing the details of the amended capital budget. It will not be necessary to publish the resolution.

The bond ordinance may be introduced and read by title only and adopted by a majority of the members of the governing body present, assuming a quorum. After introduction, the Notice of Pending Bond Ordinance and Summary must be published in the local newspaper, a form of which I have enclosed for your use. Also, the bond ordinance should be posted on the bulletin board customarily used for notices, together with the Notice of Pending Bond Ordinance and Summary, and copies of the bond ordinance should be made available to anyone who requests them of the Clerk after introduction.

The bond ordinance can be considered for final adoption not less than ten days after introduction and not less than seven days after the publication of the Notice of Pending Bond Ordinance and Summary. If the bond ordinance has been posted and copies made available as indicated above, the bond ordinance can be read at the second hearing by title only. If the bond ordinance posting procedure has not been followed, the bond ordinance must be read in full at the second hearing. After the bond ordinance is read for the second time, the governing body should hold a public hearing and should give all

members of the public a chance to be heard on the bond ordinance. After the public hearing, the bond ordinance can be finally adopted by the affirmative vote of not less than two-thirds of the full membership of the governing body. After final adoption, the Bond Ordinance Statement and Summary must be published, a copy of which I have enclosed for your use. Note that if the approval of an officer is required to make the bond ordinance effective, the bond ordinance must be approved by that officer, or passed over veto, before it is published after final adoption.

After the bond ordinance is finally adopted, it will be necessary for us to establish a record of proceedings documenting the proper adoption of the bond ordinance. In order to do this, we will need one completely executed set of the documents enumerated on the attached checklist. By copy of this letter, I am sending the Clerk a copy of the checklist along with a copy of the bond ordinance. With the exception of the Affidavits of Publication, I am also sending the Clerk the necessary certificates to be completed, executed and returned to us along with the necessary attachments to provide us with this documentation. It should be noted that the Clerk's Certificate must be executed no sooner than 21 days following the final publication in order to attest that there has been no protest within the statutory twenty-day protest period.

If you or the Clerk have any questions about the form of the bond ordinance, the adoption procedure or the form of the certificates, please call me.

Thank you for this opportunity to have been of assistance.

Very truly yours,

Matthew D. Jessup

Matthew D. Jessup

Enclosures

cc: Gay Huber, Clerk, w/encl.
Allison Sheehan, Deputy Clerk, w/ encl.
Michael W. Herbert, Esq., w/encl.
Robert Swisher, C.P.A., w/encl.

TOWNSHIP OF WEST WINDSOR

*Community Development Department
Division of Engineering*

MEMORANDUM

TO: John Mauder, CFO

FROM: Francis A. Guzik, P.E., C.M.E.
Director of Community Development and Township Engineer

COPY: Marlena Schmid, Business Administrator

SUBJECT: **Construction Cost Budget**
Princeton Junction Redevelopment - AvalonBay
Washington Road Realignment Improvements
PB20-15RT571

DATE: July 30, 2024

The Amendment to Settlement Agreement (“ASA”) for the subject project provides that, amongst other things, AvalonBay (“AVB”) would proceed with the design and installation of the improvements to Washington Road (MC Route 526/571). The costs for same are to be a credit against AVB’s off-tract roadway improvement contribution due the Township. Any approved expenses exceeding said contribution value will be reimbursed by the Township to AVB.

As per a report memorandum dated July 9, 2024 from VCEA, the Developer has been found to be approximately 50.12% complete with construction of the improvements, with a value of the completed improvements at \$1,866,658.00 (based on the approved Collier’s Engineering Engineer’s Estimate dated 2/22/2022). The ASA requires the Township implement funding for reimbursements in a timely manner upon approval of 50% construction completion. The following is provided as a basis for establishing a budget for reimbursement purposes:

Improvement	Estimated Cost
MC Route 526/571 per Colliers Cost Estimate 2/22/2022	\$ 3,712,146.00
NJDOT Route 64 per Colliers Cost Estimate 2/22/2022	\$ 178,172.00
A.I. Property Driveway & Parking Relocation Improvement	\$ 48,666.00
Change Orders Requested (\$1,287,211 @ 50% presumed valid)	\$ 643,605.50
Soft Costs (presumed valid initial budget \$500,000.00)	\$ 500,000.00
INITIAL BUDGET RECOMMENDATION	Total \$ 5,100,000.00

Funds are permitted to be allocated from current and future developer contributions to the Off-Tract Roadway Improvement program and capital bonding. Recommendations for reimbursement from this budget would be issued separately by this office for Township Council action. Should you have any questions, please do not hesitate to contact me.

FG

2024-20

BOND ORDINANCE PROVIDING FOR REALIGNMENT
IMPROVEMENTS TO WASHINGTON ROAD IN AND BY THE
TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW
JERSEY, APPROPRIATING \$5,100,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$3,600,000 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 improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of West Windsor, in the County of Mercer, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$5,100,000, including the sum of \$1,500,000 as the down payment required by the Local Bond Law. The down payment is now available from the Off-Tract Road Assessment/Improvement Trust Account.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,600,000 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. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is realignment improvements to Washington Road, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

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 improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 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 \$3,600,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$1,000,000 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 purpose or improvement.

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 described in Section 3(a) 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 purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or 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:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:

REQUEST FOR COUNCIL ACTION

INDICATE ACTION REQUESTED (check one):

Date of Request :July 25, 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: Amending the Administrative Code (200-237.2 Administration) for Affordable Housing Administration Agent.

EXECUTIVE SUMMARY: It is recommended to change the local code for Affordable Housing Administration Agent to allow the Township to establish more than one Administrative Agent (if it chooses), one will be designated as the lead Administrative Agent.

OTHER SUPPORTING INFORMATION ATTACHED

Resolution

DISKfilename(OR) S:\AGENDAINBOX(file name: Amendment Administrative Agent

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Marlena A. Schmid 08/05/2024 July 25, 2024
Department/Division Head Date

APPROVED FOR AGENDA OF: August 12, 2024

By: Marlena A. Schmid, Business Administrator

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

MEETING DATE: 8/12/24 Ordinance # 2024-31 Resolution # _____
Council Action Taken:
Distributed:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) CHAPTER 200 LAND USE, PART 4 ARTICLE XXXI GENERAL PROVISIONS AND SUPPLEMENTAL REGULATIONS GOVERNING CERTAIN USES, SECTION 200 AFFORDABLE HOUSING REGULATIONS, SECTION 200-237.2 ADMINISTRATIVE AGENT, TO ALLOW THE TOWNSHIP TO ESTABLISH MORE THAN ONE AFFORADABLE HOUSING ADMINISTRATIVE AGENT

WHEREAS, the Township of West Windsor wants to have the ability to establish more than one Affordable Housing Administrative Agent; and

WHEREAS, if the Township so choses to establish more than one Administrative Agent, one will be designated as the lead Administrative Agent.

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

Section 200-237.2 Administrative agent.

- A. Purpose. The purpose of this section is to create the administrative mechanisms needed for the execution of West Windsor Township's responsibility to promote and oversee the provision of affordable housing pursuant to the Fair Housing Act of 1985.
- B. Establishment of position; powers and duties. [An] Administrative agents may be an independent entity serving under contract to and reporting to the municipality. The fees of the administrative agents shall be paid by the owners of the affordable units for which the services of the administrative agents are required. The administrative agents shall perform the duties and responsibilities of [an] administrative agents as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:
 - (1) Affirmative marketing:
 - (a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of West Windsor Township and the provisions of N.J.A.C. 5:80-26.15; and
 - (b) Providing counseling or contracting to provide counseling services to low-and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 - (2) Household certification:
 - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;

- (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low or moderate-income unit;
 - (c) Providing written notification to each applicant as to the determination of eligibility or noneligibility;
 - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
 - (f) Employing a random selection process as provided in the affirmative marketing plan of West Windsor Township when referring households for certification to affordable units.
- (3) Affordability controls:
- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Mercer County Register of Deeds or Mercer County Clerk's office after the termination of the affordability controls for each restricted unit;
 - (d) Communicating with lenders regarding foreclosures; and
 - (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Resales and rentals:
- (a) Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental; and
 - (b) Instituting and maintaining an effective means of communicating information to low- (or very-low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (5) Processing requests from unit owners:

- (a) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this section;
 - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
 - (c) Notifying the municipality of an owner's intent to sell a restricted unit; and
 - (d) Making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement:
- (a) Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent;
 - (c) Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent or other charges can be made;
 - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - (e) Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
 - (f) Creating and publishing a written operating manual for each affordable housing program administered by the administrative agent, to be approved by the Township Council and the Court, setting forth procedures for administering the affordability controls.
- (7) Additional responsibilities:
- (a) The administrative agents shall have the authority to take all actions necessary and appropriate to carry out [its] their responsibilities hereunder.
 - (b) The administrative agents shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this section.
 - (c) The administrative agents shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

- C. Additional administrative agents. Any agreement that the municipality enters into with one or more administrative agents will address the areas of responsibility of each administrative agent as to each other and with respect to the municipality. The municipality may designate one of the administrative agents as the “lead” agent, and require that the other administrative agent(s) that may be established report to the lead agent and regularly provide information to the lead administrative agent about the affordable units that the other administrative agent is responsible for, so that the lead administrative agent has the same access to the information as if it was solely responsible for the affordable units and performing the duties described in this Section.
- D. Change of administrative agents. The municipality and administrative agents shall, to the extent necessary and applicable, comply with the provisions of N.J.A.C. 5:80-26.17 (Procedures for changing administrative agents).
- E. Choice of administrative agents. The selection of administrative agent is the municipality’s in its sole discretion.

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:

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

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

REQUEST FOR COUNCIL ACTION

Date of Request: July 24, 2024

Initiated By: Samuel J. Surtees Division/Department: Comm. Dev./Land Use

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Introduction and adoption of an ordinance to request Township Council to authorize the Mayor and the Township Clerk to execute a contract (lease agreement) between West Windsor Township and the West Windsor Parking Authority for use of certain township property located at the north west corner of Wallace Road and Route 571 (Block 59, Lots 1 & 2) for a parking lot.

SOURCE OF FUNDING: NA

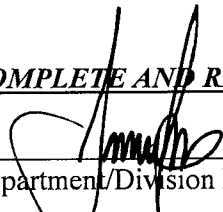

CONTRACT AMOUNT: NA

CONTRACT LENGTH: 50 years

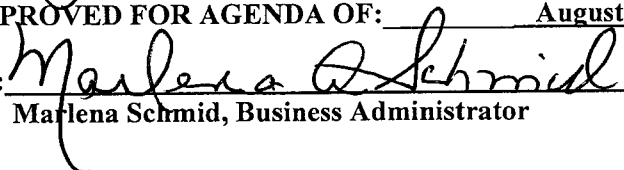
OTHER SUPPORTING INFORMATION ATTACHED:

Ordinance
Contract (Lease Agreement) between West Windsor Parking Authority
Memorandum from Kevin McManimon, Esq.

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

 7-25-24 
Department/Division Head Date

APPROVED FOR AGENDA OF: August 12, 2024

By:  08/05/2024
Marlena Schmid, Business Administrator

MEETING DATE: 8/12/24 Ordinance # 2024-22 Resolution # _____

Council Action Taken:

TO: West Windsor Township Council

CC: Hemant Marathe, Mayor
Marlena Schmid, Business Administrator
John Mauder, Chief Financial Officer
Samuel Surtees, Land Use Manager
Michael Herbert, Esq., Township Attorney
Gay Huber, Township Clerk

FROM: McManimon, Scotland & Baumann, LLC

SUBJECT: Parking Authority Agreement

DATE: July 25, 2024

Enclosed herewith is a proposed form of ordinance authorizing the Township to enter into an Agreement (the "**Agreement**") with the West Windsor Parking Authority (the "**Parking Authority**") relating to the property located at the intersection of Princeton-Hightstown and Wallace Roads, designated as Block 59, Lots 1 and 2 (the "**Project Area**").

The Township designated several areas near the Princeton Junction Train Station (the "**Train Station**") as redevelopment areas pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. Some of the goals of such redevelopment efforts are to provide more parking for Township residents, to address insufficient and disconnected parking in and around the Train Station, and to remediate contaminated sites. In particular, in 2005, the Township designated the area around the Train Station (the "**Princeton Junction Redevelopment Area**"), including the Project Area, as an area in need of redevelopment, and in 2009, the Township adopted a redevelopment plan for such area (the "**Princeton Junction Redevelopment Plan**").

Additional parking is necessary in and around the Train Station to meet the growing demands and needs of commuters. The Township owns the Project Area, which is underutilized, at a highly visible location, is of a size and proportions not readily adaptable for many uses and is environmentally contaminated (although it's being remediated). The Township and the Parking Authority propose the construction, on the Project Area, of a parking lot with approximately Thirty-Eight (38) spaces (this number is subject to change through the planning process) (the "**Parking Lot**"), which will be available to commuters and business patrons, and a passive "pocket park" intended to provide partial screening of the Amtrak electrical substation (the "**Project**").

The Township has the power to lease land to the Parking Authority to facilitate the construction of parking facilities. The Township proposes to lease the Project Area to the Parking Authority on terms set forth in the Agreement enclosed herewith, including terms relating to the construction of the Project. The Agreement is proposed to be effective upon the adoption, by the Township of: (a) an amendment to the Princeton Junction Redevelopment Plan, which governs the zoning in the Project Area, to permit the uses comprising the Project, (b) an amendment to the Land Use Element of the Township's Master Plan, and (c) an ordinance implementing such zoning changes.

Notably, the proposed deal structure is similar to that under which the Parking Authority constructed, and manages, the Vaughn Drive Lot.

If you have any questions, please contact Kevin McManimon at (973) 622-4869. Thank you.

ORDINANCE AUTHORIZING LEASE AGREEMENT WITH THE WEST WINDSOR PARKING AUTHORITY FOR CERTAIN REAL PROPERTY WITHIN THE TOWNSHIP OF WEST WINDSOR FOR PUBLIC PURPOSES

- WHEREAS, the Township of West Windsor (the “Township”) designated several areas generally located near the Princeton Junction Train Station (the “Train Station”) as redevelopment areas pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and
- WHEREAS, some of the goals of such redevelopment efforts are to provide more parking for Township residents, to address the insufficient and disconnected parking in and around the Train Station and to remediate contaminated sites; and
- WHEREAS, in particular, on December 19, 2005, the Council of the Township of West Windsor (the “Township Council”) adopted Resolution 2005-R285 designating the area around the Princeton Junction Train Station (the “Princeton Junction Redevelopment Area”), including Block 59, Lots 1 and 2 on the Official Tax Maps of the Township, as an area in need of redevelopment; and
- WHEREAS, on March 23, 2009, after such examination, the Township Council adopted an ordinance approving the original redevelopment plan for the Princeton Junction Redevelopment Area (the “Princeton Junction Redevelopment Plan”); and
- WHEREAS, the Township owns Block 59, Lots 1 and 2 on the Township’s Official Tax Maps, located at the intersection of Princeton-Hightstown Road and Wallace Road (the “Project Area”); and
- WHEREAS, the Project Area is underutilized, at a highly visible location within the Township, is of a size and proportions not readily adaptable for many uses, and is being environmentally remediated; and
- WHEREAS, the Township recognizes additional parking is necessary in and around the Train Station to meet the growing demands and needs of commuters; and
- WHEREAS, the West Windsor Parking Authority (the “Parking Authority”) was created pursuant to N.J.S.A. 40:11A-4 by the Township for the purposes, among others, of acquiring, operating, managing, and/or otherwise providing parking facilities particularly near the Train Station; and
- WHEREAS, the Parking Authority has constructed and operated its own parking facilities, and has managed parking facilities owned by NJ Transit, in and around the Train Station; and

WHEREAS, the Township and the Parking Authority propose the construction of a parking lot with approximately Thirty-Eight (38) spaces (this number is subject to change through the planning process) (the "Parking Lot"), available to commuters and business patrons, and a passive "pocket park" intended to provide partial screening of the Amtrak electrical substation (the "Project"); and

WHEREAS, pursuant to N.J.S.A. 40:11A-22, the Township may lease land to the Parking Authority that may be necessary or useful and convenient for the Parking Authority's purposes; and

WHEREAS, the Township intends to lease the Project Area to the Parking Authority on terms set forth in the Contract, attached hereto as Exhibit A (the "Agreement"), including terms relating to the construction of the Project; and

WHEREAS, the Township Council has determined that entering into the Agreement for construction of the Project is a public purpose and will promote the general health and welfare of the community; and

WHEREAS, the Agreement will be effective upon the adoption, by the Township of: (a) an amendment to the Princeton Junction Redevelopment Plan, which governs the zoning in the Project Area, to permit the uses comprising the Project, (b) an amendment to the Land Use Element of the Township's Master Plan, and (c) an ordinance implementing such zoning changes;

NOW THEREFORE, BE IT ORDAINED by the Township Council of West Windsor, County of Mercer, State of New Jersey, that the Township is hereby authorized to lease the Project Area to the Parking Authority on terms particularly described in the Agreement attached hereto as Exhibit A.

BE IT FURTHER ORDAINED that the Township is further authorized to execute the Agreement and enter into any agreement necessary to promote the objectives as outline in the Agreement.

INTRODUCTION:
PUBLIC HEARING:
ADOPTION DATE:
MAYORAL APPROVAL:
EFFECTIVE DATE:

Exhibit A
Agreement Between the Township and Parking Authority

CONTRACT BETWEEN

THE WEST WINDSOR PARKING AUTHORITY

AND

WEST WINDSOR TOWNSHIP

THIS AGREEMENT, (the "Agreement") is made and dated as of 25 day of July 2024, by and between:

The West Windsor Parking Authority (hereinafter referred to as "Parking Authority"), a body politic and corporate of the State of New Jersey, having a mailing address of 64 Princeton-Hightstown Road, Suite 24, Princeton Junction, New Jersey 08550,

And

West Windsor Township (hereinafter referred to as "Township" and, together with the Parking Authority, the "Parties"), a public body politic and corporate of the State of New Jersey, having a mailing address of 271 Clarksville Road, Princeton Junction, New Jersey 08550

WITNESSETH

WHEREAS, the Township owns Block 59, Lots 1 and 2 on the Township's Official Tax Maps located at the intersection of Princeton-Hightstown Road and Wallace Road (the "Project Area"); and

WHEREAS, the Project Area is within the Township's Princeton Junction Redevelopment Plan area around the Train Station (as defined below); and

WHEREAS, the Project Area is underutilized, at a highly visible location within the Township, is of a size and proportions to not be readily adaptable for many uses, and is being environmentally remediated; and

WHEREAS, the Parties recognize additional parking is necessary in and about the Princeton Junction/West Windsor Train Station (the "**Train Station**") to meet the growing demands and needs of commuters; and

WHEREAS, the Parking Authority was created pursuant to N.J.S.A. 40:11A-4 by the Township for the purpose, among others, of acquiring, operating, managing and/or otherwise providing parking particularly within the area in and about the Train Station; and

WHEREAS, the Parking Authority has constructed and operated its own parking facilities, as well as manages parking facilities owned by NJ Transit, in and around the Train Station; and

WHEREAS, the Parties propose the construction of a parking lot with approximately Thirty-Eight (38) spaces (the "**Parking Lot**"), available to commuters and business patrons, and a passive "pocket park" intended to provide partial screening of the Amtrak electrical substation (the "**Project**", as depicted in the Concept Plan attached hereto as **Exhibit A**); and

WHEREAS, the Parties desire to memorialize their respective rights and obligations, understandings and undertakings in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the Township and the Parking Authority hereby agree as follows:

1) The Township agrees to enter into a lease agreement with the Parking Authority for the Project Area for a period of 50 years for a consideration of \$1.00 per year.

2) The Parking Authority agrees, at its cost, to permit and develop the Parking Lot for approximately 38 vehicles. The Parking Authority shall also be responsible for the design of the Parking Lot, the submission of which, while not legally required to be made to the West Windsor Planning Board, will nevertheless be submitted for the Planning Board's comments as a matter of courtesy and in the interest of comity between all Parties. Such costs will include, but not be limited to, all reasonable costs associated with zoning changes necessary to permit the Project.

3) The Parties shall enter into a separate cost-sharing agreement pursuant to which the Township will reimburse the Parking Authority for the design, permitting and construction of the Parking Lot, but only to the extent the Township receives grant funds associated with such design, permitting and construction costs. The Township agrees to apply for a grant from the NJDEP Hazardous Discharge Site Remediation Fund (HDSRF).

4) The Township, as the property owner, shall remain responsible to fund the ongoing environmental remediation on the Property in accordance with the Remedial Action Work Plan to be developed by the Townships Licensed Site Remediation Professional ("LSRP"), as well as future investigation and remediation related to existing on-site environmental contamination.

5) The Township shall work with the New Jersey Department of Transportation and its professionals to dedicate a portion of the Project Area for the bridge replacement of State Highway Route 64 over

the railroad tracks. The Parking Authority shall reserve adequate area in its Project design for this to occur, as needed based on the NJDOT design plans to be provided to the Parking Authority by the Township, and for continued site environmental monitoring to occur as recommended by the LSRP, without negatively impacting the Project.

6) The Parking Authority will operate and maintain the Project as an adjunct to its operation of other parking facilities at the Train Station, including the pocket park and buffer landscaping, and will collect fees from commuters and other users of the Parking Lot. The Township shall have the right to utilize the Project Area each Saturday and Sunday for events as they so choose, using the parking spaces therein without payment. Notice of the Township's intent to utilize the Project Area should be given, by the Township to the Parking Authority, Fourteen (14) days in advance.

7) Until any lease agreement is approved, the Township shall maintain all insurance having to do with the Project Area, including but not limited to title insurance and liability insurance, with a responsible insurance company organized under the laws of the United States and qualified to do business in this State, which shall be sufficient to cover the Township's interest and demands.

8) Any notice(s) required or permitted to be given under the provisions of this Agreement shall be deemed given (i) three (3) days after same is deposited in the U.S. Mail as First class, certified, return receipt requested, postage prepaid, or (ii) when delivered by a reputable nationwide overnight delivery service, one (1) business day

after the date of delivery of such notice to the delivery service, or (iii) when transmitted by telecopy and/or electronically to the applicable telecopier number or email address, to the party intended to receive same, provided that such transmission is confirmed by duplicate notice in such manner as permitted above, upon receipt of such telecopier number and/or electronic confirmation.

9) The Township and the Parking Authority each represents and warrants to the other that each has all requisite power and authority to execute and deliver and perform its obligations under this Agreement and has taken all action required by law or otherwise to authorize, execute and deliver this Agreement and the consummation of the transactions contemplated hereby; provided, however, that, the effectiveness of this Agreement is subject to the Township's adoption of: (a) an amendment to the Princeton Junction Redevelopment Plan, which governs the zoning in the Project Area, to permit the uses comprising the Project, (b) an amendment to the Land Use Element of the Township's Master Plan, and (c) an ordinance implementing such zoning changes.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Parties hereto have caused this document to be signed as of the date appearing on the first page hereof.

ATTEST:

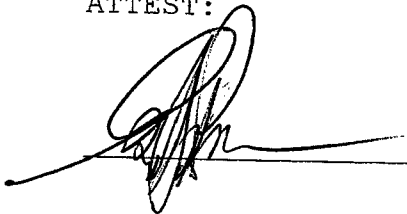
Township of West Windsor

Gay M. Huber, Township Clerk

Hemant Marathe, Mayor

ATTEST:

West Windsor Parking Authority





Andy Lupo, Chairman

Exhibit A
Concept Plan

ORDINANCE 2024-23

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF WEST WINDORS, CHAPTER 168 "TRAFFIC AND PARKING," ARTICLE VI, "PARKING AUTHORITY PROPERTY", SECTION 168-39; 168-40 AND 168-41

WHEREAS, the West Windsor Parking Authority has recommended certain modifications to portions of Chapter 168, Traffic and Parking, that will improve the efficiency of parking enforcement in West Windsor Township; and

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

Section 1. Chapter 168 of the Code of the Township of West Windsor, "Traffic and Parking," Article VI, "Parking Authority Property," is amended in part to read as follows (deletions indicated with brackets[], supplemental material indicated with **bold underline:**)

§ 168-38 Parking allowed in accordance with regulations.

Lawful parking on premises owned, leased or operated by the Parking Authority of the Township of West Windsor shall be allowed in accordance with the regulations prescribed herein.

§ 168-39 General regulations.

- A. Parking shall be permitted only in those areas designated for parking by appropriate lines identifying the spaces and/or within a designated space or stall. Parking shall be prohibited in all other areas.
- B. Parking shall require either an unexpired permit, [decal or other type of marking] duly issued by the Parking Authority or payment of a daily fee as prescribed by the West Windsor Parking Authority through local ordinance.

§ 168-40 Definitions.

[Amended 6-26-2017 by Ord. No. 2017-24]

As used in this article, the following terms shall have the meanings indicated:

LICENSE PLATE RECOGNITION (LRP)

Scanning device used by authorized parking enforcement officers to read license plates on vehicles that are parked on premises owned and/or managed by the West Windsor Parking Authority. A database of information is created based on the information provided by parking customers when registering vehicles, and LRP allows enforcement officers to quickly identify unauthorized and/or unregistered vehicles on these premises.

PERMIT PARKING

The West Windsor Parking Authority [has completely phased out window decals and is in the process of phasing out all mirror hang-tag permits. Instead the WWPA] will rely upon a customer's registration of his or her vehicle, including license plate number and other identifiers. Parking enforcement officers shall use LRP scanning to determine whether cars parked in "permit parking only" areas are authorized and registered to do so.

§ 168-41 Permit parking.

[Amended 4-19-1999 by Ord. No. 99-07; 10-29-2012 by Ord. No. 2012-18]

- A. Permit parking area(s) established. There shall be various permit areas established by the West Windsor Parking Authority. These permit areas shall consist of the areas, streets or parts of streets and municipal parking lots described in the plan on file in the West Windsor Township Clerk's Office, with the West Windsor Parking Authority and with the West Windsor Police and New Jersey Department of Transportation, which shall include all parking permit areas owned and/or managed by the West Windsor Parking Authority which are hereby made a part of this chapter and incorporated herein by reference; provided, however, where an emergency or temporary condition is declared by the Township, all rules and regulations set forth hereinafter shall be subject to such changes as shall be provided.
- B. Operation and use; permit area. No person shall park a vehicle in any space in the areas established by this article unless: [Amended 6-26-2017 by Ord. No. 2017-24]
- (1) A parking permit has been issued by the West Windsor Parking Authority for the designated vehicle whose designation shall be by motor vehicle registration and is kept on file with the West Windsor Parking Authority; or
- (2) The **[designated]** vehicle has been properly registered with the West Windsor Parking Authority such that the vehicle can be positively identified as "permitted" or authorized to park in certain areas using LPR scanning.
- C. Persons who are authorized to park in designated off-street parking facilities owned and/or managed by the West Windsor Parking Authority shall park "head-first" to allow for effective scanning and identification by the LPR technology. Parking permits are not transferable to other motor vehicles unless authorized, in writing, by the West Windsor Parking Authority. [Amended 6-26-2017 by Ord. No. 2017-24]
- D. A person accepting parking privileges for a motor vehicle on property owned and/or managed by the West Windsor Parking Authority shall be subject to all rules, regulations, amendments and decisions issued or promulgated by the West Windsor Parking Authority and/or the Township of West Windsor. Parking on premises owned and/or managed by the West Windsor Parking Authority by an unauthorized or unregistered motor vehicle in violation of the rules and regulations or amendments hereunder shall be in violation of this article and shall be subject to fines and/or penalties promulgated by the West Windsor Parking Authority and/or the Township of West Windsor.
- E. A person parking with a vehicle that does not have a current valid and unexpired Parking Permit issued by the West Windsor Parking Authority must purchase a Daily parking permit. This person can park in Parking Lots that have signage designating the lot as allowing Daily Parking. The person, upon parking their vehicle, must pay for the full parking session at either a Paystation located in the parking lots or using the Parkmobile app (available for download on most Apple or Android devices app store). There must be an active and valid daily parking session for the entirety of the time the person's vehicle is parked on property owned and/or managed by the West Windsor Parking Authority.

Section 2. Repealer, Severability, and Effective Date.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed

to be invalid or unenforceable for any reason, then the Township Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

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



Offices @ 64 Windsor Plaza
Suite 24

P.O. Box 58
Princeton Junction, NJ 08550

7/13/24

West Windsor Town Council,

The West Windsor Parking Authority requests that Municipal Parking Ordinances 168-39 A & B, as well as 168-40 A – E are amended with the changes shown on the attached document. These changes to the Ordinances are necessary as over the years of managing the parking operations at the Princeton Junction Train Station the procedures used in parking enforcement have changed with new technology. The amended areas made to the ordinances are due to these procedural changes as it will provide a clearer definition of the violation for someone who receives a ticket to ensure any confusion about exactly why the violation was issued is minimized.

Thank you

Scot MacPherson
Director of Operations
West Windsor Parking Authority

ORDINANCE# 2024-24

AN ORDINANCE OF THE TOWNSHIP OF WEST WINDSOR, IN MERCER COUNTY, NEW JERSEY, SUBMITTING A PUBLIC INITIATIVE TO THE VOTERS OF WEST WINDSOR TOWNSHIP CONCERNING ALTERNATIVES TO THE TOWNSHIP'S FORM OF GOVERNMENT

WHEREAS, under the Charter of West Windsor Township, the Township currently operates under a non-partisan Mayor-Council form of government under the Faulkner Act, with a five-member council and non-partisan local elections being held during the general election in November; and

WHEREAS, a Petition was submitted to the Township Clerk, by a Committee of Petitioners comprised of five qualified voters in the Township (the "Petition"), proposing one question for the general election ballot which seeks to amend the Township Charter to provide for the following alternative to the current non-partisan Mayor-Council form of government under the Faulkner Act: (i) partisan elections to be held in the November General Election; and

WHEREAS, pursuant to N.J.S.A. 40:69A-25.1, a petition seeking to amend a municipal charter may be initiated by voters, subject to the provisions of N.J.S.A. 69A-184 through -196 or initiated by ordinance adopted by the governing body, subject to provisions of N.J.S.A. 69A-191 through N.J.S.A. 69A-196; and

WHEREAS, pursuant to N.J.S.A. 40:69A-25.1, a petition seeking to amend a municipal charter must be signed by a number of the legal voters of the municipality equal in number to at least twenty-five percent (25%) of the total votes cast in the municipality at the last election at which members of the General Assembly were elected; and

WHEREAS, pursuant to N.J.S.A. 40:69A-184, attached to the petition paper there shall be an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that all the signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be; and

WHEREAS, pursuant to N.J.S.A. 40:69A-25.1(a)(2)(a), the Petition must be submitted to the Township Clerk at least 20 days prior to being introduced as an ordinance by the Township Council at its next regularly scheduled meeting, a public hearing must take place at the following regularly scheduled meeting, and, if passed, the ordinance must be submitted to the County Clerk for placement on the general election ballot by August 27, 2024.

WHEREAS, the Township Clerk received the Petitions on July 24th, 2024 and on August 5th, 2024 advised the Committee of Petitioners that they were insufficient in the number of signatures required for the initiative to be placed on the November ballot and that they had till August 14th to provide additional petitions to the Township Clerk per N.J.S.A. 40:69A-188; and

WHEREAS, the Committee of Petitioners provided additional petitions to the Township Clerk on August 6th as per N.J.S.A. 40:69A-188 and after review of these petitions the Township Clerk certified to the Committee of Petitioners that the Petition contains a proper statement of the circulators and is signed by the proper amount of qualified voters on August 12, 2024, which is 25% of the total voters in the last General Assembly Election which was held in November of 2023 and therefore finds the Petition to be sufficient under the standard imposed by N.J.S.A. 40:69A-187; and

WHEREAS, per N.J.S.A. 40:69A-187 the Township Clerk at the next public meeting of the Township Council which is August 12, 2024 will certify the petition results to the Township Council and the Public; and

WHEREAS, the Township Clerk per N.J.S.A. 40-69A-190 that upon the Township Clerk's certification to the Township Council this will be deemed to have first reading and a Public Hearing is to be scheduled which will occur at the next Township Council meeting to be held on August 26, 2024; and

WHEREAS, per N.J.S.A. 40-69A-191 "If within 20 days of the submission of a certified petition by the municipal clear the council shall fail to pass an ordinance requested by an initiative petition in substantially the form requested or to repeal an ordinance as requested by referendum petition, the municipal clerk shall submit the ordinance to the voters unless, within 10 days after final adverse action by the council or after the expiration of the time allowed for such action, as the case may be, a paper signed by at least four of the five members of the Committee of Petitions shall be filed with the municipal clerk requesting that the petition be withdrawn. Upon the filing of such a request, the original petition shall cease to have any force or effect"; and

WHEREAS, this ordinance if passed by the voters of West Windsor Township will be binding and would take effect for the 2025 Primary and General Election and cannot be changed for at least three years; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Council of the Township of West Windsor that pursuant to N.J.S.A. 40:69A-25.1, the Township Clerk is hereby authorized to forward the ordinance to the Mercer County Clerk who will place the below initiative question on the West Windsor Township ballot for the November 5, 2024 General Election:

Shall the municipal charter of the Township of West Windsor, governed by the non-partisan Mayor-Council form of government under the Faulkner Act, be amended, as permitted under that plan, to provide for a change from non-partisan to partisan municipal elections to be held in November?

Yes No

BE IT FURTHER ORDAINED AND ENACTED, that the County Clerk shall also print the below Interpretative Statement to appear on the November 5, 2024 ballot to provide guidance to the voters in making this decision.

Interpretative Statement

The Township of West Windsor currently holds nonpartisan municipal elections in November, meaning that a candidate's party affiliation is not currently indicated on the ballot. Voting "yes" to this question will allow for a change from non-partisan candidates for municipal office to partisan candidates for office to appear on the ballot as either a nominee of a political party or as an independent. A "No" vote will result in the continuation of nonpartisan elections to be held in November.

Repealer, Severability and Effective Date.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

- B. Severability. In the event that any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof

- C. Effective Date. This ordinance shall take effect upon affirmative vote of the voters of West Windsor Township and the certification of election results by the Mercer County Clerk of the General Election of November 5, 2024.