

**MEETING TO BE BROADCAST ON COMCAST CHANNEL 27
AND VERIZON CHANNELS 41 AND 42**

**AGENDA FOR THE REGULAR BUSINESS MEETING
OF THE COUNCIL OF WEST WINDSOR TOWNSHIP
271 CLARKSVILLE ROAD
TO THE EXTENT KNOWN
September 3, 2019**

7:00 P.M.

1. Call to Order
2. Statement of Adequate Notice - January 11, 2019 to The Times and the Princeton Packet.
3. Salute to the Flag
4. Roll Call
5. Ceremonial Matters and/or Topic for Priority Consideration
6. Public Comment: (30 minutes comment period; 3-minute limit per person)
6. Administration Comments
7. Council Member Comments
8. Chair/Clerk Comments
9. Public Hearings

2019-25 AN ORDINANCE TO ESTABLISH A SALARY AND WAGE PLAN FOR THE TOWNSHIP OF WEST WINDSOR AND PROVIDE FOR THE ADMINISTRATION THEREOF - Supervisory

10. Consent Agenda

A. Resolutions

2019-R180 Authorizing the Appointment of Siddharth Satish as a Student Member of the Human Relations Council - term to expire December 31, 2020

2019-R181 Authorizing the Refund of Permit Fees
for Yisong Yang - 4 Popular Court

B. Minutes

Closed Session - July 29, 2019
Business Session - July 29, 2019

C. Bills & Claims

11. Items Removed from Consent Agenda

12. Recommendations from Administration and Council/Clerk

2019-R182 Granting the Release of the Cash Performance
Bond for Street Opening Permit 2018-18 to
Hults Plumbing, LLC - 198 Mather Avenue

2019-R183 Authorizing the Business Administrator to
purchase from CDW-Government through the New
Jersey Cooperative Purchasing Program
Computer Supplies for the Police Division -
\$5,000.00

2019-R184 Authorizing the Business Administrator to
purchase through the Middlesex Regional
Education Services Commission Co-op One
Conventional Chassis from Campbell
Freightliner, LLC - \$123,575.78

2019-R185 Authorizing the Business Administrator to
purchase through the Middlesex Regional
Education Services Commission Co-op One New
Cobra Magnum Rear Loader from Environmental
Equipment - \$71,825.00

2019-R186 Authorizing the Business Administrator to
purchase through the Middlesex Regional
Education Services Commission Co-op One
Timmerman Aerial Lift Body from Timmerman
Equipment - \$158,635.25

2019-R187 Authorizing the Business Administrator to
purchase through the Middlesex Regional
Education Services Commission Co-op One
Conventional Chassis from Campbell
Freightliner, LLC - \$84,344.19

2019-R188 Authorizing the Mayor and Clerk to Execute a Developer's Agreement with Woodstone at West Windsor, LLC (PB-17-08)

2019-R189 Authorizing the Mayor and Clerk to Execute an Amendment to the Easement for the Storm Drain for the Development Known as Woodstone at West Windsor, LLC (PB17-08)

2019-R190 Authorizing the Mayor and Clerk to Execute an Agreement with the Communication Workers of America Local 1032 from January 1, 2019 through December 31, 2022

2019-R191 Designating Block 38, Lots 1,2,3,25 and 45 and Block 39, Lots 4,5,7,16 and 27 as an Area in Need of Redevelopment and Directing the West Windsor Planning Board to Prepare a Redevelopment Plan for the Redevelopment Area and submit same to the Township Council

13. Introduction of Ordinances

2019-26 AN ORDINANCE TO ESTABLISH A SALARY AND WAGE PLAN FOR THE TOWNSHIP OF WEST WINDSOR AND PROVIDE FOR THE ADMINISTRATION THEREOF

PUBLIC HEARING: September 16, 2019

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

15. Council Reports/Discussion/New Business

16. Administration Updates

17. Closed Session

18. Adjournment

ORDINANCE 2019-25

AN ORDINANCE TO AMEND AND SUPPLEMENT
THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF WEST WINDSOR

AN ORDINANCE TO ESTABLISH A SALARY AND WAGE PLAN FOR
THE TOWNSHIP OF WEST WINDSOR AND
PROVIDE FOR THE ADMINISTRATION THEREOF

Section 1. BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY
that the salary and wage plan for employees and officers of the Township is as follows:

A. JOB CLASSIFICATIONS AND SALARY RANGES FOR EMPLOYEES whose
positions are Supervisory shall be as noted below:

JOB CLASS A **\$ 37,064-\$70,069**

Maintenance Manager

JOB CLASS B **\$ 41,598-\$75,569**

Assistant Manager of Recreation
Assistant Manager of Senior and Social Services
Public Works Office Manager
Technical Assistant to the Construction Official (TACO)
Principal Assistant Assessor
Technical Assistant to the Land Use Manager

JOB CLASS C **\$ 54,381-\$86,566**

Assistant Superintendent of Public Works
Deputy Clerk
Assistant Manager of Engineering

JOB CLASS D **\$ 57,124-\$105,489**

Building Sub-Code Official
Electrical Sub-Code Official
Plumbing Sub-Code Official
Fire Sub-Code Official
Deputy Tax Assessor
Manager of Senior and Social Services
Court Administrator
Special Assistant to Administration
Superintendent of Public Works
Manager of Environmental Health Services
Assistant Township Engineer
Facilities Maintenance Manager

JOB CLASS E **\$ 67,310-\$130,296**

Tax Assessor
Manager of Land Use
Fire and Emergency Services Manager
Construction Code Official
Manager of Parks and Recreation
Assistant Chief Financial Officer
Tax Collector
Health Officer

JOB CLASS F **\$ 72,366-\$139,758**

Township Clerk
Chief Financial Officer
Township Engineer

JOB CLASS G **\$ 77,428-\$148,198**

Director of Public Works
Director of Human Services
Director of Community Development

JOB CLASS H **\$107,332-\$175,817**

Business Administrator
Chief of Police
Director of Community Development/Township Engineer

Section 2. Part-time and per diem employees are paid based on the hourly rate of annual salary.

Section 3. This Ordinance shall be retroactive to January 1, 2019, after action or inaction by the Mayor as provided by law or an override of mayoral veto by the Council, whichever is applicable. Publication will be according to law.

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

ORDINANCE

AN ORDINANCE TO AMEND AND SUPPLEMENT
THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF WEST WINDSOR

AN ORDINANCE TO ESTABLISH A SALARY AND WAGE PLAN FOR
THE TOWNSHIP OF WEST WINDSOR AND
PROVIDE FOR THE ADMINISTRATION THEREOF

Section 1. BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF WEST WINDSOR, COUNTY OF MERCER, STATE OF NEW
JERSEY, that the salary and wage plan for employees and officers of the Township is as
follows:

- A. JOB CLASSIFICATIONS AND SALARY RANGES FOR EMPLOYEES whose
positions are Non-Supervisory White and Blue Collar Workers shall be as noted
below:

<u>JOB CLASS 1</u> Clerk Typist Receptionist	<u>\$31,643-\$50,730</u>
<u>JOB CLASS 2</u> Custodian Laborer	<u>\$33,994-\$53,534</u>
<u>JOB CLASS 3</u> Records Clerk 1 Secretary 1 Finance Clerk 1 Animal Control Officer Violations Clerk Equipment Operator 1 Utility Person 1 Assessment Clerk 1 Tax Clerk 1	<u>\$36,564-\$56,600</u>
<u>JOB CLASS 4</u> Secretary 2 Records Clerk 2 Finance Clerk 2 Mechanic's Assistant Utility Person 2 Equipment Operator 2 Assessment Clerk 2 Tax Clerk 2	<u>\$39,044-\$60,454</u>

<u>JOB CLASS 5</u>	<u>\$41,608-\$62,629</u>
Sanitary Inspector	
Secretary 3	
Social Worker	
Records Clerk 3	
Finance Clerk 3	
Tax Clerk 3	
Assessment Clerk 3	
<u>JOB CLASS 6</u>	<u>\$44,104-\$67,468</u>
Equipment Operator 3	
Deputy Court Administrator	
Assistant Assessor	
Utility Person 3	
Human Resource Assistant	
Assistant Municipal Treasurer	
<u>JOB CLASS 7</u>	<u>\$46,633-\$69,657</u>
Administrative Assistant	
Lead Mechanic	
Payroll Benefits Coordinator	
Public Safety Telecommunicator	
<u>JOB CLASS 8</u>	<u>\$49,085-\$71,551</u>
Crew Chief	
<u>JOB CLASS 9</u>	<u>\$51,927-\$75,353</u>
Network Administrator	
Accountant	
Senior Administrative Assistant	
Purchasing Assistant	
<u>JOB CLASS 10</u>	<u>\$52,557-\$79,152</u>
Senior Administrative Assistant/Office Manager	
Senior Accountant	
Draftsperson	
Environmental Health Specialist	
Deputy Tax Collector	
Administrative Public Safety Telecommunicator	
<u>JOB CLASS 11</u>	<u>\$60,635-\$88,149</u>
Senior Environmental Health Specialist	
Engineer Technician	

JOB CLASS 12
 Building Inspector
 Electrical Inspector
 Plumbing Inspector
 Landscape Architect
 Network & Systems Engineer
 Fire Protection Inspector

\$68,708-\$97,141

C. UNCLASSIFIED SALARIED POSITIONS:

Mayor	\$17,685
Township Council	\$ 4,941
Judge	\$41,741

D. OTHER POSITIONS:

Student employees/Interns	\$ 8.85-\$15.00/hour
Temporary Seasonal Public Works Employees	\$12.00-\$18.00/hour
Temporary Seasonal Public Health Investigator	\$10.00-\$20.00/hour
Crossing Guards	\$20.00-\$21.38/hour
Court Attendant Officer	\$25.12-\$27.39/hour
Assistant Zoning Enforcement Officer	\$25.00- 35.00/hour
Bus Driver – (CDL required)	\$16.97-\$18.14/hour
Audio Visual Specialist	\$50-\$200 per meeting
Emergency Shelter Monitor	\$35.00/hour
Emergency Shelter Coordinator	\$45.00/hour

Section 2. Part-time and per diem employees are paid based on the hourly rate of annual salary.

Section 3. This Ordinance shall be retroactive to January 1, 2019, after action or inaction by the Mayor as provided by law or an override of mayoral veto by the Council, whichever is applicable. Publication will be according to law.

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

RESOLUTION

WHEREAS, there was a vacancy for a student volunteer member of the Human Relations Council; and

WHEREAS, Siddharth Satish has expressed her interest in being considered for appointment as a student volunteer member on the Human Relations Council; and

WHEREAS, it is recommended that Siddharth Satish be appointed with a term to expire December 31, 2020; and

WHEREAS, Mayor Hemant Marathe recommends this appointment and seeks the Council's consent to appoint Siddharth Satish to the Student Volunteer Member of the Human Relations Council.

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

Siddharth Satish Student Volunteer Member Term Expires 12/31/2020

Adopted: September 3, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 3rd day of September, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Construction Official, Domenick Cardarelli, has certified that the following applicant has paid \$443.00 for permit fees; and

WHEREAS, the applicant had permits for 4 Poplar Court cancelled by the homeowner; and

WHEREAS, the applicant is entitled to a refund of \$420.00 which is the permit fees minus the DCA fees which are nonrefundable.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of West Windsor Township that the following refund be made to:

<u>Applicant</u>	<u>Refund</u>
Yisong Yang 4 Poplar Court West Windsor NJ 08550	\$420.00

Adopted: September 3, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 3rd day of September, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor presently holds a Cash Performance Bond in the amount of \$500.00 from Hults Plumbing, LLC for Street Opening Permit No. 2018-18 covering work to be performed at 198 Mather Avenue, in West Windsor Township; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Cash Performance Bond presently in effect on Street Opening Permit No. 2018-18 be released in accordance with the recommendation of the Township Engineer; and

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

<u>Performance Guarantee</u>	<u>Original Amount</u>	<u>Date Issued</u>
Check # 1949	\$500.00	6/21/2018

Adopted: September 3, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 3rd day of September 2019.

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, CDW Government is an authorized vendor of HP Inc. under NJ State Contract M0483-89974; and

WHEREAS, the following resolution was approved and certification of funds was authorized as follows:

2019-R178	CDW Government	8/19/2019	\$61,891.00	COF 2019-77
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WHEREAS, the Chief Financial Officer has approved funding for the above from the following account:

Police - Office Supplies	105-18-332	\$5,000.00
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NOW, THEREFORE, BE IT RESOLVED, that the Township Council authorizes the Business Administrator Marlena Schmid to purchase the above from CDW Government under NJ State Contracts M0483-89974.

BE IT FURTHER RESOLVED, that the authorization to the New Jersey State Contract M0483-88974 is amended to reflect the \$5,000.00 increase from \$61,891.00 to \$66,891.00.

Adopted: September 3, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 3rd day of September, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor needs to purchase One (1) New Conventional Chassis for the Department of Public Works; and

WHEREAS, West Windsor Township is a member of the Middlesex Regional Education Service Commission (65MCESCCPS-ESCNJ 17/18-30) and the Conventional Chassis is available from Campbell Freightliner LLC, 1015 Cranbury South River South Brunswick, NJ 08831; and

WHEREAS, Alexander Drummond, Director of Public Works recommends the Township purchase One (1) Conventional Chassis; and

WHEREAS, funding for the acquisition of said equipment for the Department of Public Works is available through the approved 2019 Capital Budget; and

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

Public Works - Acquisition of Vehicle

Account Code 405 2019 18 027 \$123,575.78

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator is authorized to purchase of one (1) New Conventional Chassis under the Middlesex Regional Education Services Commission (MRESC 17/18-30, New Jersey State Approved Co-Op#: 65MCESCCPS) for a total of \$123,575.78 from Campbell Freightliner LLC, 1015 Cranbury South River South Brunswick, NJ 08831.

Adopted: September 3, 2019

I hereby certify that the above resolution was adopted by the Township Council of the Township of West Windsor at their meeting held on 3rd day of September 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor needs to purchase One (1) Cobra Magnum Rear Loader for the Department of Public Works; and

WHEREAS, West Windsor Township is a member of the Middlesex Regional Education Service Commission (65MCESSCCPS-ESCNJ 17/18-30) and the Cobra Magnum Rear Loader is available from Environmental Equipment of Long Island Inc, 1670 New Highway Farmingdale, NY 11735; and

WHEREAS, Alexander Drummond, Director of Public Works recommends the Township purchase One (1) Cobra Magnum Rear Loader; and

WHEREAS, funding for the acquisition of said equipment for the Department of Public Works is available through the approved 2019 Capital Budget; and

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

Public Works - Acquisition of Vehicle

Account Code 405 2019 18 027 \$71,825.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator is authorized to purchase of one (1) New Cobra Magnum Rear Loader under the Middlesex Regional Education Services Commission (MRESC 17/18-30, New Jersey State Approved Co-Op#: 65MCESSCCPS) for a total of \$71,825.00 from Environmental Equipment of Long Island Inc., 1670 New Highway Farmingdale, NY 11735.

Adopted: September 3, 2019

I hereby certify that the above resolution was adopted by the Township Council of the Township of West Windsor at their meeting held on 3rd day of September 2019.

Gay Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor needs to purchase One (1) New Aerial Lift body for the Department of Public Works; and

WHEREAS, West Windsor Township is a member of the Middlesex Regional Education Service Commission (65MCESCCPS-ESCNJ 17/18-30) and the Aerial Lift body is available from Timmerman Equipment Company, PO Box 71 Whitehouse NJ, 08888; and

WHEREAS, Alexander Drummond, Director of Public Works recommends the Township purchase One (1) Aerial Lift Truck; and

WHEREAS, funding for the acquisition of said equipment for the Department of Public Works is available through the approved 2019 Capital Budget; and

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

Public Works - Acquisition of Equipment

Account Code 405 2019 18 027 \$158,635.25

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator is authorized to purchase of one (1) New Timmerman Aerial Lift body under the Middlesex Regional Education Services Commission (MRESC 17/18-30, New Jersey State Approved Co-Op#: 65MCESCCPS) for a total of \$158,635.25 from Timmerman Equipment Company, PO Box 71 Whitehouse, NJ 08888.

Adopted:

I hereby certify that the above resolution was adopted by the Township Council of the Township of West Windsor at their meeting held on the 3rd day of September 2019. .

Gay M. Huber,
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor needs to purchase One (1) New Conventional Chassis for the Department of Public Works; and

WHEREAS, West Windsor Township is a member of the Middlesex Regional Education Service Commission (65MCESCCPS-ESCNJ 17/18-30) and the Conventional Chassis is available from Campbell Freightliner LLC, 1015 Cranbury South River South Brunswick, NJ 08831; and

WHEREAS, Alexander Drummond, Director of Public Works recommends the Township purchase One (1) Conventional Chassis; and

WHEREAS, funding for the acquisition of said equipment for the Department of Public Works is available through the approved 2019 Capital Budget; and

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

Public Works - Acquisition of Vehicle

Account Code 405 2019 18 027 \$84,344.19

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator is authorized to purchase of one (1) New Conventional Chassis under the Middlesex Regional Education Services Commission (MRESC 17/18-30, New Jersey State Approved Co-Op#: 65MCESCCPS) for a total of \$84,344.19 from Campbell Freightliner LLC, 1015 Cranbury South River South Brunswick, NJ 08831..

Adopted: September 3, 2019

I hereby certify that the above resolution was adopted by the Township Council of the Township of West Windsor at their meeting held on the 3rd day of September 2019. .

Gay M. Huber,
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, Woodstone at West Windsor, LLC (“Woodstone”) received preliminary and final subdivision and site plan approval from the West Windsor Planning Board on June 13, 2018 adopted by Resolution of Memorialization (“Resolution”) on July 11, 2018, for the construction of a multi-family inclusionary development on a tract of land situate in West Windsor Township, Mercer County, New Jersey; and

WHEREAS, a condition of the Resolution is that Woodstone executes a developer’s agreement (“Developer’s Agreement”) setting forth its obligation as to off-tract improvements and assessments, among other things; and

WHEREAS, such Developer’s Agreement has been prepared by Woodstone and by counsel for the Township; and

WHEREAS, it is in the best interest of the Township to enter into the Developer’s Agreement with Woodstone to ensure that the obligations set forth therein are memorialized and met.

NOW, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Developer’s Agreement in the form attached hereto be approved and that the Mayor and the Clerk be authorized and directed to execute the same.

ADOPTED: September 3, 2019

I hereby certify this is a true copy of a Resolution adopted by the West Windsor Township Council at their meeting held on the 3rd day of September, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, Princeton Theological Seminary (“PTS”) is the owner and Woodstone at West Windsor, LLC (“Woodstone”) is ground lessee of a certain lot known as Block 7, Lot 61.002; and

WHEREAS, Woodstone has secured preliminary and final site plan approval for a 443 multi-family inclusionary development on such lot; and

WHEREAS, the Township is the grantee of a perpetual, non-exclusive Storm Drainage Easement over, on, and under the portion of the lot set forth in Exhibit B-3 of the Deed of Road Vacation attached hereto as Exhibit C; and

WHEREAS, it is necessary to amend such Easement to satisfy a condition of the Planning Board approval so as to permit at-grade features such as sidewalks, sight lighting and landscaping to occupy the easement area in accordance with the approved site plan; and

WHEREAS, it is in the best interest of the Township to execute the Amendment to Easement for storm drains so doing.

NOW, THEREFORE BE IT RESOLVED that the Township Council of West Windsor hereby authorizes the Mayor and Clerk to execute the Amendment to Easement for the Storm Drain.

ADOPTED: September 3, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 3rd day of September, 2019..

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, in December 2018, negotiations between the Township of West Windsor and the Communications Workers of America (CWA) Local 1032 (the “Parties”) were initiated; and

WHEREAS, the collective bargaining negotiations process has recently been completed with the approval of a contract for the period from January 1, 2019 through December 31, 2022; and

WHEREAS, the negotiations teams of both Parties recommend to the Mayor and Township Council that the agreement attached hereto reflects accurately all of the matters bargained and is in the best interest of both the employees in the bargaining unit and the Township.

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 an Agreement with the West Windsor Communications Workers of America CWA Local 1032.

Adopted: September 3, 2019

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 3rd day of September, 2019.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “Redevelopment Law”), authorizes a municipality to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and
- WHEREAS, by Resolution 2019-R090, adopted on April 15, 2019, the Township Council (the “Council”) of the Township of West Windsor (the “Township”) authorized and directed the Planning Board of the Township (the “Planning Board”) to conduct a preliminary investigation of the area including Block 38, Lots 1, 2, 3, 25 and 45, and Block 39, Lots 4, 5, 7, 16 and 27 on the Official Tax Map of the Township (collectively, the “Study Area”), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically N.J.S.A. 40A:12A-5, and should be designated as an area in need of redevelopment; and
- WHEREAS, in Resolution 2019-R090, the Council provided that, if the Study Area is ultimately designated as an area in need of redevelopment, then the Township shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain; and
- WHEREAS, the Planning Board caused Burgis Associates (the “Planning Consultant”) to conduct a preliminary investigation to determine whether the Study Area should be designated an area in need of redevelopment; and
- WHEREAS, the Planning Consultant conducted such investigation and prepared a report, dated July 3, 2019 and entitled “Route 1 Penns Neck Area in Need of Redevelopment Study” (the “Report”); and
- WHEREAS, the Planning Board conducted a public hearing on the matter on July 24, 2019; and
- WHEREAS, the Planning Consultant concluded in the Report, and David Novak, on behalf of the Planning Consultant, testified before the Planning Board on July 24th, that the following properties meet the following criteria, set forth in N.J.S.A. 40A:12A-5, for redevelopment area designation:

- Block 38, Lot 2 – criteria N.J.S.A. 40A:12A-5a and b; and
- Block 39, Lot 5 - criteria N.J.S.A. 40A:12A-5a, b and d; and
- Block 39, Lot 27 – criterion N.J.S.A. 40A:12A-5d; and

WHEREAS, the Planning Consultant also concluded that the following properties should be designated as an area in need of redevelopment, under N.J.S.A. 40A:12A-3, because their inclusion is necessary for the effective redevelopment of the area, although they do not meet criteria set forth in N.J.S.A. 40A:12A-5:

Block 38, Lot 3; and
Block 39, Lot 4; and

WHEREAS, the Planning Consultant concluded that the balance of the Study Area, including the following properties, do not meet criteria set forth in N.J.S.A. 40A:12A-5:

Block 38, Lot 1;
Block 38, Lot 25;
Block 38, Lot 45;
Block 39, Lot 7;
Block 39, Lot 16; and

WHEREAS, the Planning Consultant recommended, therefore, that such properties not be designated as an area in need of redevelopment and, instead, recommended that the Township re-zone such properties, under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.* (the “MLUL”) to reflect more appropriate uses in light of the area’s gateway opportunity; and

WHEREAS, the Planning Board considered the Report, the testimony offered by Mr. Novak and comments from members of the public, then the Planning Board voted, unanimously, to recommend that the Township designate the entire Study Area as an area in need of redevelopment; and

WHEREAS, the Planning Consultant recommended that Block 38, Lot 3 and Block 39, Lot 4 be designated as an area in need of redevelopment, even though they do not exhibit conditions that meet criteria set forth in N.J.S.A. 40A:12A-5, because their location relative to other lots that did exhibit such conditions (ie, Block 38, Lot 2 and Block 39, Lots 5 and 27), make it necessary to include Block 38, Lot 3 and Block 39, Lots 4 and 5 to create a contiguous parcel that a redeveloper can effectively redevelop; and

WHEREAS, the Planning Board agreed with the Planning Consultant, however, the Planning Board also found that including Block 38, Lot 1 will, in addition, present an area with more frontage along the Route 1 corridor; and

- WHEREAS, the Planning Board concluded, therefore, that Block 38, Lot 1 should also be included because it is necessary to effectively redevelop the overall area; and
- WHEREAS, the Planning Board also found that the parcels along Route 1 are shallow, particularly for properties fronting on a major highway; and
- WHEREAS, the Planning Board concluded, therefore, that the inclusion of Block 38, Lots 25 and 45, and Block 39, Lots 7 and 16 is necessary to effectively redevelop the area because they will, when coupled with properties fronting on Route 1, create an overall depth that will encourage more comprehensive, better-planned redevelopment; and
- WHEREAS, the Planning Consultant recommended that the parcels not fronting on Route 1 could be re-zoned, through conventional re-zoning under the MLUL, that would complement the re-zoning undertaken under the Redevelopment Law, in order to accomplish the goal of effectively redeveloping the entire Study Area; and
- WHEREAS, the Planning Board believes, however, that there is no practical difference between, on the one hand, redeveloping a portion of the Study Area and conventionally re-zoning the other portion thereof and, on the other hand, re-zoning the entire Study Area under the Redevelopment Law; and
- WHEREAS, finally, the Planning Board found that the majority of the parcels in the Study Area are already owned by the same party, and most of the rest of the parcels are owned by another party; and
- WHEREAS, the Planning Board concluded that common ownership of the vast majority of the parcels in the Study Area lends itself to redevelopment under the Redevelopment Law, rather than conventional re-zoning under the MLUL; and
- WHEREAS, after the July 24, 2019 Planning Board hearing, McManimon, Scotland & Baumann, LLC, on behalf of the Planning Board, prepared a memorandum, dated August 20, 2019, detailing the Planning Board's findings and recommendations (the "Planning Board Memorandum"); and
- WHEREAS, the Council concurs with the Planning Board's findings, that Block 38, Lot 2, and Block 39, Lots 5 and 27 meet the above-referenced criteria set forth in N.J.S.A. 40A:12A-5 and should be designated as an area in need of redevelopment, for the reasons set forth in the Report, at the hearing on July 24, 2019 and in the Planning Board Memorandum; and

WHEREAS, the Council further concurs with the Planning Board's findings that, although Block 38, Lots 1 and 3, and Block 39, Lots 4, 7, and 16 do not meet criteria set forth in N.J.S.A. 40A:12A-5 for redevelopment area designation, such properties should be so designated, under N.J.S.A. 40A:12A-3, because their inclusion in the area is necessary for the effective redevelopment of the Study Area, for the reasons set forth in the Report, at the hearing on July 24, 2019 and in the Planning Board Memorandum.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, that the area including Block 38, Lots 1, 2, 3, 25 and 45, and Block 39, Lots 4, 5, 7, 16 and 27 on the Official Tax Map of the Township is hereby designated as an area in need of redevelopment under the Redevelopment Law.

BE IT FURTHER RESOLVED that the Township shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain.

BE IT FURTHER RESOLVED that the Planning Board is hereby directed to prepare a redevelopment plan for the Redevelopment Area, and submit same to the Council, pursuant to N.J.S.A. 40A:12A-7e.

Adopted: September 3, 2019

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 3rd day of September 2019.

Gay M. Huber
Township Clerk
West Windsor Township