

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

April 6, 2020

5:00 P.M.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - January 10, 2020 to The Times and the Princeton Packet. Notice for change of time was sent to the Princeton Packet and The Times on March 27, 2020.
4. Salute to the Flag
5. Ceremonial Matters and/or Topic for Priority Consideration
6. Public Comment: (30 minutes comment period; 3-minute limit per person)
7. Administration Comments
8. Council Member Comments
9. Chair/Clerk Comments
10. Public Hearings
11. Consent Agenda
  - A. Resolutions
  - B. Minutes  
March 9, 2020 - Business Session - as amended
  - C. Bills & Claims

12. Items Removed from Consent Agenda
13. Recommendations from Administration and Council/Clerk
  - 2020-R099 Authorizing Local Examination of the 2020 Budget
  - 2020-R100 Certification of Compliance With the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964" In Accordance With N.J.S.A. 40A:4-5
  - 2020-R101 Reauthorizing the Awarding of Contract to Kane Communications with Solar Bi-directional RRFB Crosswalk Signs at Wallace Road Project Revising the Funding Sources - \$53,363.00
14. Introduction of Ordinances
  - 2020-10 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
  
PUBLIC HEARING: May 11, 2020  
  
**2020 BUDGET INTRODUCTION**  
  
PUBLIC HEARING: May 11, 2020
15. Additional Public Comment (three-minute limit per person)
16. Council Reports/Discussion/New Business
17. Administration Updates
18. Closed Session
19. Adjournment

## RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5 the Township of West Windsor has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer and Township Auditor have determined that the Township meets the necessary conditions to participate in the program for the 2020 budget year, so now therefore;

BE IT RESOLVED, by the Township Council of the Township of West Windsor that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceeding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq. is fully met (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate, and correctly stated,
  - b. Items of appropriation are properly set forth,

- c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution is forwarded to the Director of the Division of Local Government Services.

Adopted: April 6, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 6th day of April 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township

*WEST WINDSOR TOWNSHIP*  
MERCER COUNTY, NEW JERSEY

**CERTIFICATION OF APPROVED BUDGET**

It is hereby certified that the 2020 Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Dated: 4/6/20

by: \_\_\_\_\_  
Chief Financial Officer

This certification form and resolution of the governing body executing such certification should be annexed to the adopted budget (N.J.A.C. 5:30-7.6(e))

2020-10

TOWNSHIP OF WEST WINDSOR

COUNTY OF MERCER

CALENDAR YEAR 2020

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5 percent unless authorized by ordinance to increase it to 3.5 percent over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5 percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of West Windsor in the County of Mercer finds it advisable to increase its CY 2020 budget by up to 3.5 percent over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1.0 percent increase in the budget for said year, amounting to \$300,269.28 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of West Windsor, in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Township of West Windsor shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50 percent, amounting to \$1,050,942.48 and that the CY 2020 municipal budget for the Township of West Windsor be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, is filed with said Director within 5 days after such adoption.

This Ordinance shall be in force after action or inaction by the Mayor as provided by law or an override of mayoral veto by the Council, whichever is applicable. Publication will be according to law.

Introduction:            April 6, 2020  
Public Hearing:         May 11, 2020  
Adoption:  
Mayor's Approval:  
Effective Date:

## ORDINANCE SUMMARY

2020 – Ordinance to exceed the municipal budget appropriation limits and to establish a cap bank

This ordinance authorizes the 2020 budget to increase up to 3.50 percent over the previous year's final appropriations subject to certain exceptions. It also authorizes any amount not used as part of the final budget to be part of the next succeeding year's budgets, re-establishing cap banking.

The public hearing on this ordinance will be held at the Township Council meeting of May 11, 2020. Prior to the public hearing date you may obtain a complete copy of this ordinance free of charge by calling the Township Clerk's Office at West Windsor Township (609-799-2400) or coming to the Clerk's Office at the West Windsor Municipal Building.

Gay M. Huber  
Township Clerk  
West Windsor Township





**GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF COMPLIANCE WITH THE  
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S  
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment  
Decisions Under Title VII of the Civil Rights Act of 1964"**

**GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES  
NO PHOTO COPIES OF SIGNATURES**

STATE OF NEW JERSEY  
COUNTY OF MERCER

We, members of the governing body of the Township of West Windsor being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the Township Council of the Township of West Windsor in the county of Mercer;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

(L.S.)	(L.S.)
(L.S.)	(L.S.)
(L.S.)	(L.S.)
(L.S.)	(L.S.)
(L.S.)	(L.S.)

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_  
Notary Public of New Jersey

\_\_\_\_\_  
Clerk

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The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its approved budget to the Division of Local Government Services. The executed certificate and the adopted resolution must be kept on file and available for inspection.

RESOLUTION

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE  
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S  
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in  
Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of West Windsor, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Adopted: April 6, 2020

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 6<sup>th</sup> day of April, 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township

## RESOLUTION

WHEREAS, on January 27, 2020 the Township of West Windsor awarded a sidewalk ramp improvements and crosswalk improvements project at Wallace Road to Kane Communications, LLC of Trenton, NJ; and

WHEREAS, the project was awarded utilizing funds available in the following line item appropriation account:

<u>Bicycle and Pedestrian Improvements</u>	<u>405-2013-09 004</u>	<u>\$53,363.00</u>
Account Title	Account Number	Amount

WHEREAS, the Township has need to amend the sources of funding for the project award in recognition of the project construction being partially funded by a NJDOT Local Aid grant; and

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

<u>Wallace Rd Pedestrian Safety-NJDOT</u>	<u>405-2012-08 019</u>	<u>\$30,000.00</u>
Account Title	Account Number	Amount
<u>Bicycle and Pedestrian Improvements</u>	<u>405-2013-09 004</u>	<u>\$23,363.00</u>
Account Title	Account Number	Amount

NOW, THEREFORE, BE IT RESOLVED by the Township of West Windsor that the funding sources for the contract awarded to Kane Communications, LLC, 572 Whitehead Rd, Suite 201, Trenton, NJ 08619 for the Solar Bi-directional RRFB Crosswalk Signs at Wallace Road Project, in the amount of \$53,363.00, are hereby amended.

Adopted: April 6, 2020

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 6<sup>th</sup> day of April 2020.

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Gay M. Huber  
Township Clerk  
West Windsor Township

**West Windsor Township  
Township Council Meeting  
Electronic Participation Instructions for the April 6, 2020 Business Session  
Start Time 5:00 p.m.**

The West Windsor Township encourages residents to participate in the upcoming Township Council meeting through one of the below methods using your phone or computer.

You may call in starting 10 to 15 minutes before the meeting begins. You will not hear anything on the other end of the line until the meeting starts at the designate time. You will be muted so you can hear us but we won't be able to hear you.

By Phone:

Call into Phone Number: **978-990-5000**


Enter Access Code: **560396#**

By Computer:

- Go to website: <https://www.freeconferencecall.com/wall/ghuber2/host>
- Access Code: 560396
- Click on "Join Online Meeting"
- Enter your name and email address
- Click "Join"
- Enable your computer Audio by clicking on the phone icon at the top of your screen
- Click on Mic & Speakers
- Click Yes on the popup box that says "let [www.freeconferencecall.com](http://www.freeconferencecall.com) use your microphone?"
- It may take a few minutes to hear the audio

Public Participation

When its Public Comment Time in the meeting the following will occur:

- The computer will be changed to Q&A Mode. You will hear this announcement.
- Phone callers will dial \*6 to get in line to make a comment
- If you are using a computer, you will need a microphone to verbally make a public comment, or to write a message to us, click the Chat icon 
- Wait until you hear an automated message saying "Ask your question now" you will need to state your name and address before you start your comments. You will have the normal three (3) minutes for your comments. You will be unmuted so that everyone can hear you.

Email Prior to Meeting Public Comments to be read at meeting

You can e-mail the Township Clerk at [ghuber@westwindsortwp.com](mailto:ghuber@westwindsortwp.com) by 4:00 p.m. the day of the meeting and your comments will be read into the record. Please include your name and address.