

**MEETING TO BE
LIVE STREAMED AT**
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**AGENDA FOR THE REGULAR BUSINESS MEETING
OF THE TOWNSHIP COUNCIL OF WEST WINDSOR TOWNSHIP
WEST WINDSOR SENIOR CENTER
271 CLARKSVILLE ROAD
TO THE EXTENT KNOWN
April 11, 2022**

VIA Zoom Video Communications

7:00 P.M.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - January 7, 2022 to The Times and the Princeton Packet and posted on the Township web-site. All Council meetings are open to the public with access via Zoom for those who wish to attend virtually. Please see Township web-site for further details.
4. Salute to the Flag
5. Ceremonial Matters and/or Topics for Priority Consideration
225 Years of Governance - A Trip Back to West Windsor's First Meeting
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

2022-R101 Authorizing the Mayor and Clerk to Execute an Easement Modification Agreement for 17 Banff Drive

2022-R102 Authorizing the Mayor and Clerk to Execute an Easement Modification Agreement for 14 Orly Court

B. Minutes

February 28, 2022 - Closed Session

March 14, 2022 - Business Session - as amended

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2022-R103 Authorizing the Business Administrator to Purchase Security Camera System and Installation Services from Network Cabling Inc., dba Net Q Multimedia Company Through the New Jersey State Cooperative Purchasing System - \$18,539.29

2022-R104 Authorizing the Business Administrator to Purchase One (1) 2022 Ford Transit Cargo Van From DFFLM, LLC T/A Ditschman Flemington Ford Through the New Jersey State Cooperative Purchasing System - \$26,669.00

2022-R105 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Center State Engineering for Construction Administration and Observation Services for the Annual Roadway Improvement Project 2020 - \$34,000.00

2022 R106 Authorizing the Business Administrator to Purchase Hardware to Provide Additional Virtual Infrastructure Storage Capacity from CDW Government Through the New Jersey State Cooperative Purchasing System - \$21,817.23

2022-R107 Authorizing the Mayor and Clerk to Execute a Conservation Easement Agreement between the Delaware and Raritan Canal Commission (DRCC) and West Windsor Township with Regard to Off-Site Mitigation for Certain Environmental Impacted Areas Resulting from the Princeton Junction Train Station Redevelopment (Avalon) Project

2022-R108 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

2022-R109 Authorizing Local Examination of the 2022 Budget

14. Introduction of Ordinances

2022-04 AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) CHAPTER 82 FEES, SECTION 82-19 SEWER PERMIT FEES AND SECTION CHAPTER 133 SEWERS; 133-15 SEWER EXTENSIONS/ADDITIONS CREATING A SEWER REIMBURSEMENT PROGRAM FOR THE SOUTHFIELD ROAD PUMP STATION AND SOUTH POST ROAD PUMP STATION SEWER EXTENSIONS AND UPGRADES

PUBLIC HEARING: April 25, 2022

2022-05 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

PUBLIC HEARING: May 9, 2022

2022 BUDGET INTRODUCTION

PUBLIC HEARING: May 9, 2022

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, Pratyush Rai and Angelina Lee, owners of property located at 17 Banff Drive, West Windsor Township, New Jersey, also known as Block 24.15, Lot 21, in West Windsor, New Jersey 08550 has made a request for a waiver to permit the construction of a fence in a drainage easement in the rear yard of their property; and

WHEREAS, the Township Engineer has reviewed and approved this request subject to compliance with the terms of the Easement Modification Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of West Windsor Township that the waiver requested by Pratyush Rai and Angelina Lee be hereby granted subject to the acceptance of the recommendations of the Township Engineer and the execution of the annexed Easement Modification Agreement; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute said agreement which shall be filed in the Mercer County Clerk's Office by the Township Attorney.

Adopted: April 11, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 11th day of April 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, Wesley Sun and Rachel Wu, owners of property located at 14 Orly Court, West Windsor Township, New Jersey, also known as Block 24.17, Lot 15, in West Windsor, New Jersey 08550 has made a request for a waiver to permit the construction of a fence in a utility easement in the side yard of their property; and

WHEREAS, the Township Engineer has reviewed and approved this request subject to compliance with the terms of the Easement Modification Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of West Windsor Township that the waiver requested by Wesley Sun and Rachel Wu be hereby granted subject to the acceptance of the recommendations of the Township Engineer and the execution of the annexed Easement Modification Agreement; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute said agreement which shall be filed in the Mercer County Clerk's Office by the Township Attorney.

Adopted: April 11, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 11th day of April 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township Administration continues to proceed with security measures for all municipal facilities including new keyless card access entry technology, motion detectors, panic alarms, security cameras and emergency notification equipment; and

WHEREAS, the West Windsor Township Public Works Facility requires replacement of an antiquated security camera system; and

WHEREAS, Network Cabling Inc. dba Net Q Multimedia Company has been awarded the New Jersey State Contract T2989-88739 for Communications Wiring Services along with New Jersey State Contract T1778 for Cable and Associated Products; and

WHEREAS, the total cost of the equipment and installation services for the overall project are \$18,539.29 and the Chief Financial Officer has approved funding for the above from the following capital accounts:

Municipal Public Works Complex General Improvements	405-2016-09-019	\$15,836.66
Municipal Public Works Complex General Improvements	405-2017-21-026	\$ 2,702.63

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Windsor authorizes the Business Administrator to purchase the above from Network Cabling Inc. dba Net Q Multimedia Company under New Jersey State Contracts T2989-88739 and T1778 for a total not to exceed of \$18,539.29.

Adopted: April 11, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 11th day of April 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor wishes to purchase one (1) model year 2022 Ford Transit Cargo Van to replace one (1) antiquated 1997 Ford Econoline Van for utilization by the Division of Buildings and Grounds under the State of New Jersey's Cooperative Purchasing Program (NJSA 40A:11-12); and

WHEREAS, DFFLM, LLC. T/A Ditschman Flemington Ford, 215 US Highway 202, Flemington, NJ 08822 has been awarded New Jersey State Contract #A88211 (T2103) for said vehicle; and

2022 Ford Transit Cargo Van	\$24,878.00
96C Interior Upgrade, Vinyl Floors, Cargo Area Protectors, etc.	\$ 1,435.00
21C Gray Cloth Seats	\$ 115.00
43B Backup Alarm	\$ 145.00
17A Rear Cargo Door Glass	\$ 250.00
942 Daytime Running Lights	\$ 45.00
NJ State Contract 10% Factory Option Discount	<u>(-\$199.00)</u>
	\$26,669.00

WHEREAS, the total cost of said vehicle including factory options is \$26,669.00 and the Chief Financial Officer has certified that funding is available for said vehicle in the following accounts:

Van Replacement	405-2021-14-001	\$25,400.00
Vehicle Repairs	105-53-278	\$1,269.00

NOW, THEREFORE, BE IT RESOLVED, by Township Council of the Township of West Windsor that the Business Administrator is hereby authorized to purchase one (1) 2022 Ford Transit Cargo Van with factory options from DFFLM, LLC. T/A Ditschman Flemington Ford, 215 US Highway 202, Flemington, NJ 08822 under New Jersey State Contract #A88211 (T2103) for a total not to exceed \$26,669.00.

Adopted: April 11, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 11th day of April 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has a need to acquire professional construction administration and observation services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Center State Engineering has submitted a proposal dated March 31, 2022 indicating they will provide professional construction administration and observation services for the West Windsor Annual Road Program (2020) for various roads including Edith Court, Kingsley Court, Jason Court, Lenape Lane, Mather Avenue, Kehoe Court, Schuyler Drive, Stark Court, Hamilton Drive, Hudson Court, P/O Saratoga Drive (from Bennington to Hamilton) and P/O Hickory Corner Road (north of Oak Lane) and drainage improvements on Village Road near the intersection of Village Road and Edinburg Road for Thirty Four Thousand Dollars (\$34,000); and

WHEREAS, the Township wishes to enter into an agreement with Center State Engineering for the aforesaid services; 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 account:

Roadway Improvements	405 2020 14 013	\$34,000.00
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NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor as follows:

- (1) The Mayor and Clerk are hereby authorized to execute, on behalf of the Township a professional services agreement with Center State Engineering, with a performance period concurrent with the construction project from the date of project initiation for construction administration and observation services, for an amount not to exceed Thirty Four Thousand Dollars (\$34,000).
- (2) The Agreement so authorized shall require the Provider to provide professional construction administration and observation services pursuant to its proposal received March 31, 2022. 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 Center State Engineering and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: April 11, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 11th day of April 2022.

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, the Township is in need of additional virtual infrastructure production storage capacity; and

WHEREAS, CDW Government is an authorized vendor under New Jersey State approved Co-op #65 MCESCCPS, Bid #ESCNJ 18/19-03-Technology Supplies & Services, and

WHEREAS, as of March 31, 2022 the Township's total aggregate spending with CDW Government under NJ State Contract MNWNC-124 89980 and M0483-89974; Computer Equipment, Peripherals and Related Services was as follows:

Resolution # 2022-051	CDW Government	1/24/2022	\$13,650.00
Resolution # 2022-063	CDW Government	2/14/2022	\$19,000.00

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

Network, Computer, Printer & Scanner Replacements	405-2020-14-001	\$21,817.23
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NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator Marlana Schmid is hereby authorized to purchase the above from CDW-Government under New Jersey State approved Co-op #65 MCESCCPS, Bid #ESCNJ 18/19-03-Technology Supplies & Services for a total not to exceed of \$54,467.23.

Adopted: April 11, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 11th day of March, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, AvalonBay Communities, Inc (“Developer”) received preliminary and final major site plan and preliminary and final major subdivision approval from the Planning Board (“Planning Board Approval”) on October 13, 2021, adopted by Resolution of Memorialization on November 10, 2021, for the development of a mixed-use town center on a tract of land situate in West Windsor Township, Mercer County, New Jersey designated on the West Windsor Tax Map as Block 6, Lots 8, 54, 55.01 and 76 (the “Development”); and
- WHEREAS, Developer received approval (“DRCC Approval”) for the Development from the Delaware and Raritan Canal Commission (“DRCC”), which approval was a condition of the Planning Board’s Approval; and
- WHEREAS, the DRCC Approval included a waiver of strict adherence based upon compelling public need that authorized certain impacts to the wooded stream corridor on the Development, which drains to the Millstone River, conditioned upon Developer performing off-site mitigation for such authorized stream corridor impacts pursuant to *N.J.A.C. 7:45-12.2*; and
- WHEREAS, the DRCC regulates the stream corridor; and
- WHEREAS, Developer proposed to satisfy the off-site mitigation requirement associated with the Development through the preservation of an approximately 2.66-acre wooded, stream corridor on a tract of land (Duck Pond Park) situate on the West Windsor Tax Map as Block 8, Lot 48 (“the Conservation Easement Property”), which is owned by the Township of West Windsor (the “Township”); and
- WHEREAS, Developer’s representatives discussed such mitigation proposal with the Township’s Land Use staff and it was agreed that the Township would enter into a Conservation Easement Agreement with DRCC with respect to an easement area located on the Conservation Easement Property; and
- WHEREAS, the purpose of the Conservation Easement is, through preservation of the easement area as described therein, to mitigate, off-site, impact from the Development to the stream corridor, including restriction of the easement area against development or disturbance or removal of vegetation or soil; and
- WHEREAS, such Conservation Easement has been prepared by counsel for DRCC and the Township, including a description of the easement area in Exhibits A and B thereto; and
- WHEREAS, it is in the best interests of the Township to enter into the Conservation Easement with DRCC to ensure that Developer meets its obligations under the Planning Board Approval and because of the public benefits that flow therefrom, including the realignment of portions of State Highway Route 64.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Conservation Easement in the form attached hereto be approved and that the Mayor and the Clerk be authorized and directed to execute the same, whereupon the Conservation Easement shall be filed with the County Clerk.

ADOPTED: April 11, 2022

I hereby certify this is a true copy of a Resolution adopted by the West Windsor Township Council at their meeting held on the 11th day of April, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

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 Township 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 11, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 11th day of April 2022.

Gay M. Huber
Township Clerk
West Windsor Township

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 2022 budget year.

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 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 11, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 11th day of April 2022.

Gay M. Huber
Township Clerk
West Windsor Township

ORDINANCE 2022-04

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

AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF
WEST WINDSOR (1999) CHAPTER 82 FEES, SECTION 82-19 SEWER PERMIT FEES
AND SECTION CHAPTER 133 SEWERS; 133-15 SEWER EXTENSIONS/ADDITIONS
CREATING A SEWER REIMBURSEMENT PROGRAM FOR THE SOUTHFIELD ROAD
PUMP STATION AND SOUTH POST ROAD PUMP STATION SEWER EXTENSIONS
AND UPGRADES

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 82 of the Code of the Township of West Windsor (1999), Fees, Section 82-19, Sewer permit fees, is hereby amended as follows. Added text is **bold underlined** and text being eliminated is ~~struck through~~.

§ 82-19 Sewer permit fees

Sewer permit fees shall be as follows:

- A. Residential: \$0.75 per square foot with a minimum fee of \$1,000 per dwelling unit, except for owners/occupants who are exempt senior citizens.
 - (1) For residential projects containing low- and moderate-income dwelling units, the sewer hookup fee for the low- and moderate-income dwelling units shall be reduced to \$600 per dwelling unit. The fee for market-rate units will be as noted above.
- B. Nonresidential: \$0.75 per square foot with a minimum fee of \$2,500.
- C. Exempt senior citizen [2]: \$15.
 - [2] Editor's Note: A resident qualified for tax purposes for the senior citizen exemption.
- ~~D. Assunpink Basin sewer reimbursement.~~

~~(1) The owners of properties within the developments listed below, all of which will be benefited by the sewer improvement within the Assunpink Basin, shall pay the sum set forth in Subsection A(4)(b) to Polekoff Farm, Inc., and Windsor Development Corporation, d/b/a/ Winbrook, Inc., who paid for the construction of said sewer in lieu of the fees set forth, as applicable, above. The developments are as follows:~~

- (a) ~~Millbrook Farms (formerly Lanwin Lower Tract): 130 units.~~
- (b) ~~Windsor Hunt (formerly Dutch Neck Estates II): 149 units.~~
- (c) ~~Windsor Princeton (formerly Wang Tract): 38 units.~~
- (d) ~~Windsor Park Estates (formerly Sharbell Tract): 132 units.~~
- (e) ~~Golden Estates (formerly Karis Tract): 46 units.~~
- (f) ~~Lower Portion of Le Parc II (formerly Bradgate and also formerly Squire's Gate):
30 units.~~
- (g) ~~Portion of Hunter's Run (formerly Mesa): 27 units.~~
- (2) ~~The sum referred to in Subsection D(1) shall be \$8,500 per lot for Windsor Park Estates (formerly Sharbell Tract); the sum for all others set forth in Subsection D(1) shall be \$9,300 per lot. No interest shall accrue on sold sums.~~
- (3) ~~The Construction Official shall maintain a list of the individual lots contained in the above developments, and no certificate of occupancy shall be issued unless a written receipt evidencing payment of the aforesaid sums to Polekoff Farm, Inc., and Windsor Development Corporation, d/b/a Winbrook, Inc., shall be filed with the Construction Official.~~

ED. Clarksville Road-Everett Drive extension sewer reimbursement.

- (1) The owners of all properties abutting the Clarksville Road-Everett Drive sewer extension who will be connected to the sewer extension shall pay the pro rata share of the cost of the construction of the aforesaid extension based upon their proportionate flow as a percentage of the total estimated flow, as calculated by the Township Engineer.
- (2) The above sewer reimbursement shall be in addition to the sewer permit fees imposed by Subsections A ~~and B~~ **through C** of § 82-19, as well as any sewer user charges that may be imposed pursuant to § 82-20 of the Code of West Windsor.

E. Southfield Road Pump Station & South Post Road Pump Station extensions and upgrades sewer reimbursement.

- (1) **The owners of all property who will be connected to the sewer system, or provided with additional capacity within the system if already connected, within the district served by the Southfield Road Pump Station and South Post Road**

Pump Station, as shown on Exhibit A attached hereto and incorporated herein, shall each pay to the Township their *pro rata* share of the costs of the aforesaid extensions and upgrades, the documents showing such extensions and upgrades being on file in the Office of the Township Engineer. Each share shall be based upon the owner's proportionate flow as a percentage of the total estimated flow capacity, as calculated by the Township Engineer. In the case of a property already connected to the system and being provided additional capacity, each share shall be based upon the proportionate increase in flow as a percentage of total estimated flow capacity.

- (2) The above sewer reimbursement shall be in addition to the sewer permit fees imposed by Subsections A through C of §82-19, as well as any sewer user charges that may be imposed pursuant to §82-20 of the Code of West Windsor.**

Section 2. Chapter 133 of said Code, Sewers, Section 133-15, is hereby amended as follows.

§ 133-15. Sewer extensions/additions.

- A. All extensions/additions to the Township sewer system shall comply with the respective Sewer **Utilities Plan Element of the** Master Plan in effect for the particular drainage basin.
- B. All pipe sizes shall be as dictated by the Sewer Master Plan (or applicable code). Deviation from the Sewer Master Plan requirements may be granted by resolution of the Township Council.
- C. All plans to enter the sewer system shall be reviewed and approved by the appropriate Township boards or employees.
- D. All plans for proposed extensions to the Township sewer system shall provide for gravity flow **unless otherwise specified in the Utilities Element of the Master Plan.**
- E. Private pumping stations are prohibited except where a waiver may be granted by the Township Council upon good cause shown.

Section 3. In the event of any conflict between the provisions and requirements of these sections and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern. Each section, subsection, sentence, clause and phrase of this article is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this article to be unconstitutional, void or ineffective for any cause or reason shall not affect any other portion of these sections.

Section 4. 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; and upon publication according to law.

INTRODUCTION:

PUBLIC HEARING:



ADOPTION:

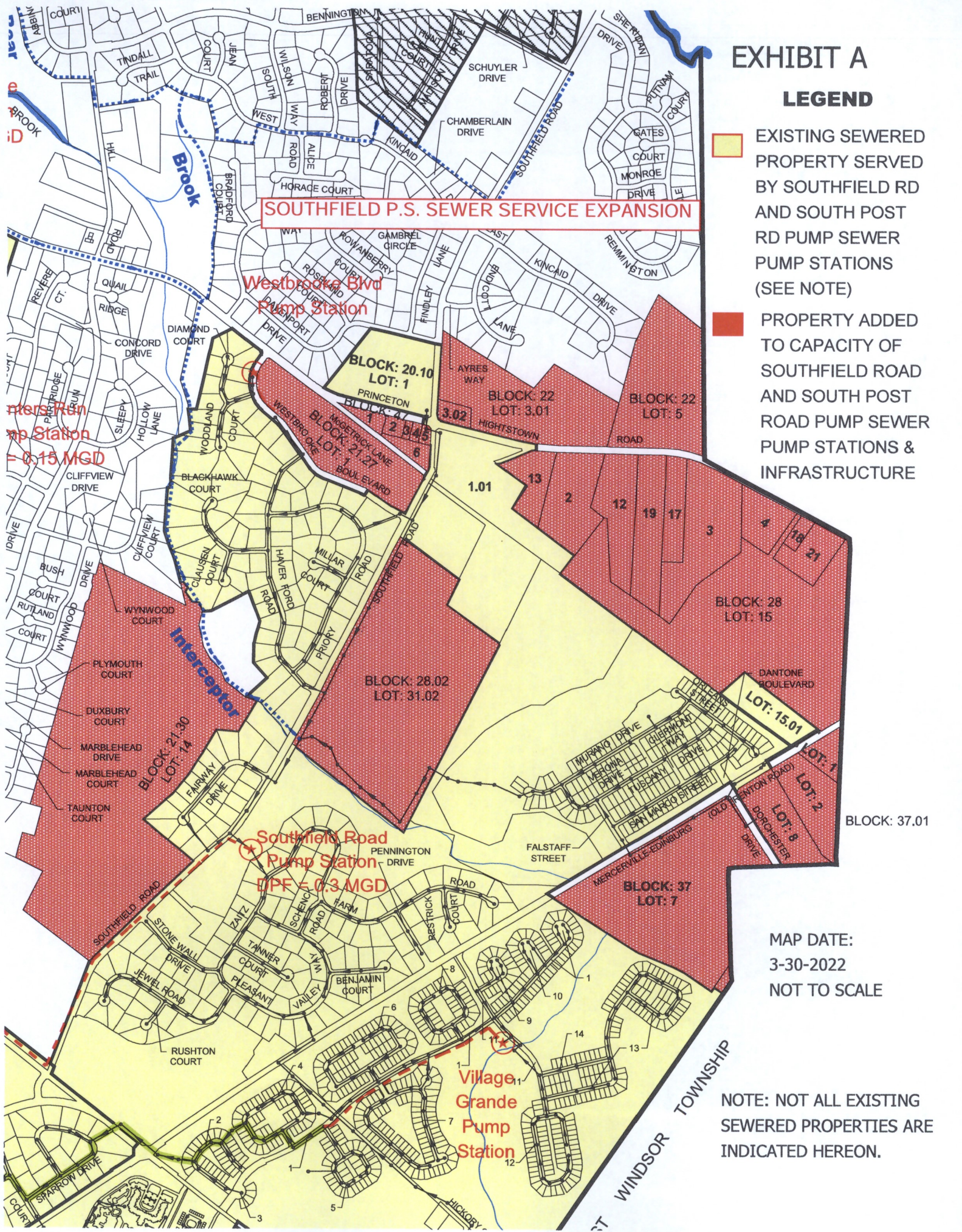
MAYOR APPROVAL:

EFFECTIVE DATE:

EXHIBIT A

LEGEND

-  EXISTING SEWERED PROPERTY SERVED BY SOUTHFIELD RD AND SOUTH POST RD PUMP SEWER PUMP STATIONS (SEE NOTE)
-  PROPERTY ADDED TO CAPACITY OF SOUTHFIELD ROAD AND SOUTH POST ROAD PUMP SEWER PUMP STATIONS & INFRASTRUCTURE



MAP DATE:
3-30-2022
NOT TO SCALE

NOTE: NOT ALL EXISTING SEWERED PROPERTIES ARE INDICATED HEREON.

2022-05

TOWNSHIP OF WEST WINDSOR

COUNTY OF MERCER

CALENDAR YEAR 2022

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 2022 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 \$319,535.46 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 2022 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 \$1,118,374.11 and that the CY 2022 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 11, 2022

Public Hearing: May 9, 2022

Adoption:

Mayor's Approval:

Effective Date: