

**MEETING TO BE
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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**

October 25, 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

Proclamation Recognizing the West Windsor Community Farmers Market as #1 In New Jersey; #1 On the Northeast; and #4 Nationwide

Proclamation for Hindu American Heritage Month
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

2022-18 AN ORDINANCE AMENDING CHAPTER 200 LAND USE; PART 1, SITE PLAN REVIEW; ARTICLE II, TERMINOLOGY; SECTION 200-4, DEFINITIONS, SUBSECTION B AND CREATING CHAPTER 200 LAND USE; PART 1, SITE PLAN REVIEW; ARTICLE VI, DESIGN DETAILS; SECTION 200-27.1, ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) AND CREATING CHAPTER 200 LAND USE; PART 1, SITE PLAN REVIEW; ARTICLE VI, DESIGN DETAILS; SECTION 200-28D.(4) ESTABLISHING THE PROCEDURES FOR THE INSTALLATION OF ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) AND MAKE-READY PARKING SPACES AND ESTABLISHING ASSOCIATED REGULATIONS AND OTHER STANDARDS; AND CHAPTER 82, FEES, ADDING SECTION 82-25 TO ESTABLISH FEES FOR PUBLIC ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE)

2022-21 AN ORDINANCE AMENDING AND SUPPLEMENTING PART II "GENERAL LEGISLATION" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY (1999) CHAPTER 109 "MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENTS", IN ORDER TO PROVIDE REGISTRATION REQUIREMENTS FOR SAID ESTABLISHMENTS

11. Consent Agenda

A. Resolutions

B. Minutes

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

- 2022-R226 Certification of Compliance with the Promulgation of the Local Finance Board of the State of New Jersey for the 2021 Annual Report of Audit
- 2022-R227 Authorizing the Tax Collector to Conduct an Electronic Tax Sale
- 2022-R228 Authorizing the Increase of the Change Fund for the Tax Collector
- 2022-R229 Authorizing the Mayor and Clerk to Execute a Contract with Princeton Air Condition to "Maintain and Service Heating, Ventilation and Air Conditioning (HVAC) Systems for Various Township Buildings" - \$52,032.00
- 2022-R230 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement Amendment with StarNet Solutions, LLC., Inc. for Professional Information Technology Support for the Police Division - \$14,400.00
- 2022-R231 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Pennoni Associates to Provide Data Collection for Road Assessment Program - \$15,000.00
- 2022-R232 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with RoadBotics for Road Assessment Project - \$12,200.00
- 2022-R233 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Center State Engineering to Provide Engineering Services for the Project Known as Dey Forest Park at Carlton Place Project - \$15,200.00
- 2022-R234 Authorizing the Full Release of Performance Guarantees for Private On-Site Improvements for the Project Known as PSE&G Penns Neck Substation Expansion (ZB18-08)

2022-R235 Authorizing the Mayor and Clerk to Execute a Contract with Scheideler Excavating Company, Inc. for Snow Removal Services - \$70,000.00

2022-R236 Authorizing the Business Administrator to Purchase One (1) New Case Loader Backhoe and Attachments from GT Mid Atlantic - \$160,630.00

14. Introduction of Ordinances

2022-20 AN ORDINANCE ADDING CHAPTER 123 "PUBLIC ACCESS TO MUNICIPAL FACILITIES" OF THE TOWNSHIP OF WEST WINDSOR PROHIBTING PUBLIC ACCESS TO CERTAIN MUNICIPALLY-OWNED, LEASED, AND OPERATED AREAS OR CONTROLLED PROPERTY

Public Hearing: November 14, 2022

2022-22 TOWNSHIP OF WEST WINDSOR ORDINANCE AUTHORIZING THE GRANT OF A PERMANENT UTILITY EASEMENT TO THE COUNTY OF MERCER LOCATED AT BLOCK 5, LOT 42, MILLSTONE ROAD

Public Hearing: November 14, 2022

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

16. Council Reports/Discussion/New Business

Review of the Shade Tree Report on Sidewalk Alternatives

17. Administration Updates

18. Closed Session

19. Adjournment

ORDINANCE 2022-18

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

AN ORDINANCE AMENDING CHAPTER 200 LAND USE; PART 1, SITE PLAN REVIEW; ARTICLE II, TERMINOLOGY; SECTION 200-4, DEFINITIONS, SUBSECTION B AND CREATING CHAPTER 200 LAND USE; PART 1, SITE PLAN REVIEW; ARTICLE VI, DESIGN DETAILS; SECTION 200-27.1, ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPEMNT (EVSE) AND CREATING CHAPTER 200 LAND USE; PART 1, SITE PLAN REVIEW; ARTICLE VI, DESIGN DETAILS; SECTION 200-28D.(4) ESTABLISHING THE PROCEDURES FOR THE INSTALLATION OF ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) AND MAKE-READY PARKING SPACES AND ESTABLISHING ASSOCIATED REGULATIONS AND OTHER STANDARDS; AND CHAPTER 82, FEES, ADDING SECTION 82-25 TO ESTABLISH FEES FOR PUBLIC ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE)

WHEREAS, supporting the transition to electric vehicles contributes to the Township of West Windsor's commitment to sustainability and is in the best interest of public welfare; and

WHEREAS, installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

WHEREAS, the Township of West Windsor encourages increased installation of EVSE and Make Ready parking spaces; and

WHEREAS, adoption of this ordinance supports the State of New Jersey's goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to NJ's 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 362); and

WHEREAS, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

WHEREAS, adoption of this ordinance will support the Master Plan of the Township of West Windsor adopted in concurrence with P.L. 1975 c. 291, s. 1 eff. Aug. 1, 1976, and is consistent with the goals of Land Use, Circulation, Sustainability Elements of the Master Plan; and

WHEREAS, the Township of West Windsor encourages greater ownership and use of electric vehicles, thus the Township is amending the Code of the Township of West Windsor to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

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 1, Site Plan Review, Article II, Terminology, Section 200-4, Definitions, Subsection B is amended by adding the following NEW definitions.

CABLE MANAGEMENT SYSTEM – An apparatus designed to control and organize the output cable to an electric vehicle or to the primary pad.

CERTIFICATE OF APPROVAL – The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

CERTIFICATE OF OCCUPANCY – The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

CHARGING LEVEL – The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

- (1) Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
- (2) Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit
- (3) Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

ELECTRIC VEHICLE – Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPEMENT OR (EVSE) – The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

MAKE-READY PARKING SPACE – The pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a “plug and play” basis. “Make-Ready” is synonymous with the term “charger ready,” as used in P.L.2019, c.362 (C.48:25-1 et al.).

EVSE, PRIVATE – EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

EVSE, PUBLICLY-ACCESSIBLE – EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

Section 2. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 1, Site Plan Review, Article VI, Design Details, Section 200-27.1, Electric Vehicle Supply/Service Equipment (EVSE), is hereby created as follows

§ 200-27.1 Electric Vehicle Supply/Service Equipment

- A. Purpose. The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State’s transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:
- (1) Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
 - (2) Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
 - (3) Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
 - (4) Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.
- B. Approvals and Permits.
- (1) An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use

and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.

- (2) EVSE and Make-Ready Parking Spaces installed pursuant to Section C. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
- (3) All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
- (4) The Zoning Officer shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of the Township of West Windsor's land use regulations.
- (5) An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the zoning officer, provided the application meets the following requirements:
 - (a) the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
 - (b) all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
 - (c) the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
- (6) An application pursuant to Section 5. above shall be deemed complete if:
 - (a) the application, including the permit fee and all necessary documentation, is determined to be complete,
 - (b) a notice of incompleteness is not provided within 20 days after the filing of the application, or
 - (c) a one-time written correction notice is not issued by the Zoning Officer within 20 days after filing of the application detailing all deficiencies in

the application and identifying any additional information explicitly necessary to complete a review of the permit application.

- (7) EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
- (8) A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

C. Requirements for New Installation of EVSE and Make-Ready Parking Spaces.

- (1) As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
 - (a) Prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
 - (b) Within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
 - (c) Within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
 - (d) Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
 - (e) Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
- (2) As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
 - (a) Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
 - (b) Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.

- (c) Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
- (d) Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
- (e) Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
- (f) In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
- (g) Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
- (h) Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

D. Minimum Parking Requirements.

- (1) All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to Section 200-27.
- (2) A parking space prepared with EVSE or Make-Ready equipment shall count as two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
- (3) All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
- (4) Additional installation of EVSE and Make-Ready parking spaces above what is required in Section C. above may be encouraged, but shall not be required in development projects.

E. Standards for all new EVSE and Make-Ready Parking Spaces.

- (1) Installation.
 - (a) Installation of EVSE and Make-Ready parking spaces shall meet the Electrical Subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.

- (b) Accessible EVSE and Make-Ready parking spaces shall meet the Barrier Free Subcode of the Uniform Construction Code, N.J.A.C. 5:23-7 and any other applicable State Regulations / Guidelines regulating accessibility.
 - (c) Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide and 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
 - (d) To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
 - (e) Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards. In the absence of specific regulations, the accessible parking spaces, to the greatest extent possible, shall comply with the guidelines provided in the “New Jersey Department of Environmental Protection (DEP) It Pay\$ to Plug In (IPPI) EV Charging Grant Program Compliance and Best Practices Guidelines for Accessible EV Charger Installation” document.
- (2) EVSE Parking:
- (a) Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE.
 - (b) A time limit on the use of publicly-accessible or privately-accessible EVSE may be established by the property owner or designee.
 - (c) Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
 - (d) Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality’s police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be subject to fine and/or impoundment of

the offending vehicle as described in Chapter 1 General Provisions of this Municipal Code. All penalties for a violation of this provision shall be Court mandatory. Signage indicating the penalties for violations shall comply with Section 4. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.

- (e) Private Parking. The use of EVSE shall be monitored by the property owner or designee.

(3) Safety

- (a) Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.
- (b) Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with the Township of West Windsor's ordinances and regulations.
- (c) Adequate EVSE protection shall be used to protect publicly-accessible EVSE. Bollard protection shall be provided as per Section 312 of the NJ Edition of the 2018 International Fire Code.
- (d) EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- (e) Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- (f) Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

(g) Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, the Township of West Windsor shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

(4) Signs

(a) Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.

(b) All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.

(c) Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.

(d) In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:

[1] Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;

[2] Usage fees and parking fees, if applicable; and

[3] Contact information (telephone number) for reporting when the equipment is not operating or other problems.

- (5) Usage Fees
 - (a) For publicly-accessible municipal EVSE. In addition to any parking fees, the fee to use publicly-accessible municipal EVSE parking spaces shall be in accordance with Section 82-25 of the Township code.
 - (b) Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.
- (6) Conflicts with the State Uniform Construction Code. In the event there is a conflict in the provisions of this ordinance and the State Uniform Construction Code Act, the State Uniform Construction Code Act shall supersede the provisions of this ordinance.

Section 3. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 1, Site Plan Review, Article VI, Design Details, Section 200-28D.(4), is hereby created as follows

- (4) EVSE And Make-Ready parking modifications. A parking space prepared with EVSE or Make-Ready equipment shall count as two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.

Section 4. Chapter 82 of the Code of the Township of West Windsor (1999), Fees, Section 82-25, Publicly-Accessible Municipal Electric Vehicle Supply/Service Equipment (EVSE) is hereby created as follows

§ 82-25 Publicly-Accessible Municipal Electric Vehicle Supply/Service Equipment (EVSE)

Fees for publicly accessible municipal electric vehicle supply/service equipment (EVSE) usage shall be as follows:

- A. For each hour or part thereof where the vehicle is charging: \$1.50
- B. For each hour or part thereof where the vehicle is not charging but remains plugged in to an electric vehicle charging station: \$3.00

Section 5. 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 6. 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:

2022-21

AN ORDINANCE AMENDING AND SUPPLEMENTING PART II “GENERAL LEGISLATION” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY (1999) CHAPTER 109 “MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENTS”,

WHEREAS, the Township of West Windsor has determined that requiring registration of massage, bodywork and somatic therapy establishments will serve to protect and promote the health and safety of the residents; and

WHEREAS, such regulation will require the amendment of the Township Code to add a new chapter describing the registration requirements;

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

Section I:

New Chapter 109 of the Township Code entitled: “Massage, Bodywork and Somatic Therapy” is hereby enacted as follows:

109-1. Definitions.

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

MASSAGE, BODYWORK AND SOMATIC THERAPIES shall mean any systems of activity of structured touch which include, but are not limited to, holding, applying pressure, positioning and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic, auditory and palpating skills to assess the body for purposes of applying therapeutic massage, bodywork or somatic principles. Such applications may include, but are not limited to, the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external applications, external application of herbal or topical preparations not classified as prescription drugs, movement and neuromyofacial education and education in self-care and stress management. Massage, bodywork and somatic therapies do not include the diagnosis or treatment of illness, disease, impairment or disability.

MASSAGE, BODYWORK AND SOMATIC THERAPIST shall mean any person licensed pursuant to the provisions of the Massage and Bodywork Therapist Licensing Act, N.J.S.A. 45:11-53.

MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENT shall mean any establishment wherein massage, bodywork and/or somatic therapies are

administered or are permitted to be administered, when such therapies are administered for any form of consideration.

109-2. Nonlicensed Therapists Prohibited.

The administering of massage, bodywork and/or somatic therapies for any form of consideration by any person not licensed by the State of New Jersey pursuant to the Massage and Bodywork Therapist Licensing Act, P.L. 1999 c.19 amended 2007, c. 337. shall be prohibited throughout the Township of West Windsor.

109-3. License Required

Establishment. No person, firm or corporation shall operate any establishment or utilize any premises in the Township of West Windsor as or for a massage, bodywork and somatic therapy establishment unless or until such person, firm or corporation has obtained a license for such establishment or premises from the Municipal Clerk in accordance with the terms and provisions of this chapter.

109-4. Renewals

All licenses shall be valid for a period of three (3) years from the date of issuance.

Licensees may renew their licenses prior to expiration by filing a new application with the Municipal Clerk in the manner prescribed in this chapter under 109-5a and accompanied by the requisite fee.

109-5. Initial Application for License.

Establishment. Any person desiring a massage, bodywork and somatic therapy establishment license shall file a written application with the Municipal Clerk upon a form provided by the Clerk. The application form shall contain the following information:

- A. The type of ownership of the business i.e., whether individual, partnership, corporation or otherwise.
- B. The name, style and designation under which the business is to be conducted.
- C. The business address and all telephone numbers, including facsimile and email, where business is to be conducted.
- D. A complete list of the names and residence addresses of all massage, bodywork and somatic therapists and employees of the business and the name and residence address of the manager or other person principally in charge of the operation of the business.

- E. A sworn statement indicating that all massage, bodywork and somatic therapists employed or to be employed by the establishment or otherwise permitted to work at the establishment have been licensed by the State of New Jersey pursuant to the Massage and Bodywork Therapist Licensing Act, P.L. 1999 c.19 amended 2007, c. 337.
- F. The following personal information concerning the applicant (s), if an individual; concerning each stockholder holding more than ten (10%) percent of the stock of the corporation, each officer and each director, if the applicant is a corporation; concerning the partners, including limited partners, if the applicant is a partnership; and concerning the manager or other person principally in charge of the operation of the business shall be provided:
1. The name, complete residence address and residence telephone number.
 2. The two (2) previous addresses immediately prior to the present address of the applicant.
 3. Written proof of age.
 4. Height, weight, sex, color of hair and eyes.
 5. Two (2) front-face portrait photographs taken within thirty (30) days of the date of the application and at least two by two (2 x 2) inches in size.
 6. Provide any massage therapy or similar business history and experience, including, but not limited to, whether or not such person has previously operated in this or another municipality or state under a license or permit or has had such license or permit denied, revoked or suspended and the reason therefore and the business activities or occupations subsequent to such action or denial, suspension or revocation.
 7. All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and circumstances thereof. The applicant shall execute a waiver and consent to allow a criminal background check by the Township Police Division. Failure to execute such a waiver and consent shall result in a denial of a license.
 8. The names and addresses of three (3) adult residents who will serve as character references. These references must be persons other than relatives and business associates.
 9. The fingerprints of the applicant(s).
- 10. Proof of Insurance**
- 11. Two (2) legal forms of ID, one of which must be a photo ID**
- 12. Copy of Certification of each therapist**
- G. At the time the application is filed, a fee as established in Chapter 82 Fees, shall be paid to the Township Clerk to cover the cost of processing the application and investigating the facts stated therein.

109-5a Renewal Application for License

Every three years from the date of issuance the establishment is required to file a renewal application and pay the applicable fees in accordance with Chapter 82 Municipal Fees.

Renewal application will be provided by the Municipal Clerk's Office prior to the expiration of the current license.

1. Two (2) front-face portrait photographs taken within thirty (30) days of the date of the application and at least two by two (2 x 2) inches in size.
2. Renewal licenses will be required to file a SBI form. Fees associated with this are authorized in Chapter 82, Fees.
3. The applicant shall execute a waiver and consent to allow a criminal background check by the Township Police Division. Failure to execute such a waiver and consent shall result in a denial of a license.
4. If needed the Police Division may require fingerprints.
5. All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and circumstances thereof.
6. Proof of Insurance
7. Two (2) legal forms of ID, one of which must be a photo ID
8. Copy of Certification of each therapist

A complete list of the names and residence addresses of all massage, bodywork and somatic therapists and employees of the business and the name and residence address of the manager or other person principally in charge of the operation of the business.

No review/inspection will be necessary for renewal application from other Departments/Divisions with the exception of yearly inspections being conducted by various departments/divisions in accordance with applicable codes.

109-5b Temporary License

A temporary license may be issued by the Township Clerk in thirty (30) day increments to cover the period between the expiration of the current license and the renewal license being issued.

109-5c. Change in Ownership

If a licensed establishment has a change in ownership this must be reported to the Township Clerk within 5 business days and an application must be filed within 10 business days for review and approval by the Township in accordance with 109-5 Application for License.

No review will be necessary from other Departments/Divisions due to yearly inspections being conducted in accordance with applicable codes.

109-6. Inspection Requirements.

The Municipal Clerk, upon receiving an **initial** application for a massage, bodywork and somatic therapy establishment license, shall refer the application to the various municipal departments (**i.e.** Division of Code Enforcement, Zoning, Health, **Fire and** Emergency Services) for review and conformance with applicable State and Township Codes for such an establishment.

No massage, bodywork and somatic therapy establishment shall be issued a license or be operated, established or maintained in the Township unless **the Owner of the business can represent compliance with applicable** [inspections by the appropriate municipal departments reveals that the establishment complies with the minimum requirements of the] Uniform Construction Code, **Uniform Fire Code**, and Health Codes [for businesses operating in the Township of West Windsor] **no violations and/or penalties remain outstanding**. In addition, the establishment must comply with each of the following minimum requirements:

- A. All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall be constructed of material with surfaces which are smooth, non-absorbent, and which may be readily disinfected.
- B. A public restroom shall be available to clients and employees during all business hours.
- C. Water closets and lavatories shall be in conformance with the regulations set forth in the New Jersey Uniform Construction Code, N.J.A.C. 5:23
- D. If bathing, dressing and locker facilities are provided for the patrons and male and female patrons are served simultaneously, separate bathing, dressing, locker and massage room facilities shall be provided.
- E. The premises shall have adequate equipment for disinfecting non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron.
- F. Adequate hand washing facilities shall be conveniently located to each treatment area to maintain clean hands and arms of all employees before, after and during treatments.
- G. Hand sinks shall be provided with hot and cold water capable of delivering running water under pressure at a temperature of 90-110 degrees Fahrenheit.

109-7. Investigating and Issuance of License

- A. When said application is properly filled out, signed by the applicant and has been filed with the Municipal Clerk with all accompanying information, the application shall be referred by the Clerk to the Township Police Division. The Chief of Police or his or her designee shall investigate the information available as to the applicant's business and good moral character of the applicant as deemed necessary for the protections of the public health, welfare and safety.
- B. If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory or that the issuance of a license to the applicant would present a danger to the public health, welfare or safety, the Chief of Police shall endorse on such application his disapproval and reasons for same and return the application to the Township Clerk, who shall notify the applicant that the application is disapproved.
- C. If as a result of such investigation the character and business responsibility of the applicant are found to be satisfactory and the issuance of the license to the applicant will present no danger to the public health, safety and welfare, the Chief of Police shall indicate his approval on the application and return the application to the Township Clerk, who shall execute and deliver to the applicant the license.

109-8. Revocation of License.

- 1. Licenses issued under this chapter may be revoked by the Chief of Police, after notice and a hearing, for any of the following causes:
 - A. Fraud, misrepresentation or false statement in the application for the license.
 - B. Fraud, misrepresentation or false statement made in the course of carrying on the licensed business in the Township.
 - C. If the Chief of Police, Health Officer or their designee is denied access to the premises for the purpose of conducting an inspection.
 - D. Any violation of this chapter.
 - E. Conviction of a crime involving moral turpitude, a felony, an offense involving sexual misconduct, keeping or residing in a house of prostitution, and any crime involving dishonesty.
 - F. Conducting the licensed business in the Township in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.

Notice of the hearing for the revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be given personally or mailed to the licensee at his/her last known address at least five (5) days prior to the date set for the hearing. (see section 109-17)

Such license may, pending revocation proceedings, be suspended for not more than ten (10) days by the Chief of Police if, in his/her opinion, the conduct of the licensee is detrimental to the health, safety and general welfare of the Township of West Windsor.

The Chief of Police shall serve as hearing officer for any hearing pursuant to this subsection.

109-9. Criteria for Immediate Closure

The Licenses issued under this chapter may be immediately suspended by the Chief of Police for the following reasons:

- i. Massage, bodywork or somatic therapy is provided by unlicensed therapist.
- ii. Unsanitary or unsafe conditions which may adversely impact the health and/or safety of the public.

109-10. Display of License.

The massage, bodywork and somatic therapy establishment shall display its license as well as the New Jersey license of each and every massage, bodywork and somatic therapist employed in the establishment in an open and conspicuous place on the premises of the establishment.

109-11. Operating Requirements.

Every massage, bodywork, and somatic therapy establishment shall comply with the following:

- A. Every portion of the massage, bodywork, and somatic therapy establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition. A broad spectrum anti-microbial disinfectant shall be used.
- B. Price rates for all services shall be prominently posted (brochures or price list) in the reception area in a location available to all prospective customers.

- C. All employees, including massage, bodywork, and somatic therapists, shall be clean and wear clean, nontransparent outer garments. Dressing rooms must be available on the premises. Doors to such dressing rooms shall open inward, be self-closing, and non-lockable.
- D. Handwash sink shall be used solely for the washing hands, arms and other parts of the body.
- E. Handsinks shall be supplied with liquid soap and disposable hand towels at all times.
- F. Every area of the establishment shall be provided with lighting capable of providing a minimum of 50 foot candles of artificial light. Lighting may be dimmed during treatment sessions.
- G. Massage tables shall be maintained in good condition and free of rips or tears
- H. Toilet paper, covered trash, liquid hand soap and disposable paper towels or alternate means of hand drying shall be provided in restrooms.
- I. All massage, bodywork and somatic therapy establishments shall be provided with clean laundered sheets and towels in sufficient quantity which shall be laundered after each use thereof and stored in a sanitary manner.
- J. Soiled linens and draping materials shall be either commercially laundered or washed on site in a clothes washing machine, in hot water with detergent and at least one cup of bleach or an antibacterial agent, and dried on the high heat setting in a clothes dryer.
- K. Linens used in a licensed establishment may not be laundered in a private home.
- L. Closed containers shall be provided for soiled linens.
- M. The sexual or genital area of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or massage, bodywork or somatic therapist.
- N. It shall be unlawful for any person knowingly, in a massage, bodywork, and somatic therapy establishment, to place his or her hand upon or touch with any part of his or her body, to fondle in any manner or to massage a sexual or genital area of any other person. No massage, bodywork and somatic therapist, employee or operator shall perform or offer to perform any act which would require the touching of the patron's sexual or genital area.
- O. All walls, ceilings, floors, pools, showers, bathtubs, steamrooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary

condition. Wet and dry heat-rooms, steam or vapor rooms or steam or vapor cabinets and shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors it shall be kept dry.

- P. Oils, creams, lotions and other preparations used in administering massage, bodywork and somatic therapies shall be kept in clean closed containers or cabinets.
- Q. Animals, except for [Seeing Eye] service or guide dogs, shall not be permitted in the massage work area.
- R. Each massage, bodywork and somatic therapist shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a massage.

109-12. Inspections by Police Division or Health Department.

The Chief of Police and Health Officer and/or their designees are authorized to conduct random inspections of massage, bodywork and somatic therapy establishments granted a permit under the provisions of this chapter for the purpose of determining whether the provisions of this chapter are being complied with. Such inspections shall be unannounced but shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any licensee or employee of the licensee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

The operator shall permit access to all parts of the establishment and all pertinent records required for the inspection shall be made available to the health authority representative for review.

109-13. Sleeping Quarters.

No part of any quarters of any massage, bodywork and somatic therapy establishment shall be used for or connected with any bedroom or sleeping quarters nor may any person sleep in such massage, bodywork and somatic therapy establishment except for limited periods incidental to and directly related to a massage, bodywork or somatic therapy treatment or bath. This provision shall not preclude the location of massage, bodywork and somatic therapy establishment in separate quarters of a building housing a hotel or other separate businesses or clubs.

109-14. Prohibited Acts.

- A. No owner or manager of a massage, bodywork and somatic therapy establishment shall tolerate in his or her establishment any activity or behavior prohibited by the laws of the State of New Jersey, particularly, but not limited to, laws proscribing prostitution, indecency and obscenity, including the sale, uttering or exposing and public communication of obscene material; laws which relate to the commission of sodomy, adultery and proscribing fornication, nor shall any owner or manager

tolerate in his or her establishment any activity or behavior which violates this chapter.

- B. Any conviction of any employee of a massage, bodywork and somatic therapy establishment of a violation of the aforementioned statutes and codes may devolve upon the owner or manager of such establishment, it being specifically declared that following such conviction of an employee, the owner or manager of the establishment may be prosecuted as an accessory to such violation and the licenses which have been issued may be automatically revoked.

109-15. Exceptions.

The provisions of this chapter shall not apply to massage, bodywork or somatic therapies given:

- A. In the office of licensed physician, chiropractor or physical therapist; or
- B. By a regularly established medical center, hospital or sanitarium having a staff which includes licensed physicians, chiropractors and/or physical therapists; or
- C. By any licensed physician, chiropractor or physical therapist in the residence of his or her patient; or
- D. By a licensed barber or cosmetologist/ hairstylist limited to the areas of the face, neck, scalp or upper part of the body as set forth in the Cosmetology and Hairstyling Act of 1984, N.J.S.A. 45:5B-1 et seq.

109-16. Violations and Penalties.

In addition to the revocation or suspension of the license granted under this chapter any person violating any provision of this chapter shall be subject to the penalty stated in Chapter 1, General Provisions, Article II, Penalty, 1-3.

109-17. Relicensing after Revocation

- A. Any person whose license has been revoked under the provisions of 109-8 may apply to be relicensed upon filing of proof that all loss caused by the actor or omissions for which the license was revoked had been fully satisfied and that all conditions imposed by the decision of the revocation have been complied with.
- B. Payment of a registration fee as established in Chapter 82, Fees.

109-18. Service of notices

Whenever notice is required or permitted to be given by this chapter, such notice may be effected by personal service upon the licensee if an individual or any general partner, if a partnership, or upon any corporate officer, if a corporation, or alternatively, to any of foregoing, by certified mail, return receipt requested, to the last address listed in the Township Clerk's office in conjunction with the license information. It shall be the duty of each licensee to keep the township advised of any subsequent change of address. Upon failure of a licensee to comply with this requirement, any notice returned with the notation "unknown," "moved," or "not claimed" shall be deemed proper service of all notices required by this chapter.

Section III:

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

Section IV. Effective Date

This Ordinance shall become effective twenty (20) days after action or inaction by the Mayor as provided by law or an override of mayoral veto by the Township Council. Publication shall be in accordance with law.

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

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 2021 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: October 25, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 25th day of October, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, in accordance with NJSA 54:5 et seq, the Township of West Windsor is entitled to recover costs in connection with the tax sale mailing and estimated advertising; and

WHEREAS, the Township of West Windsor wishes to participate in an electronic tax sale and assess the cost of processing and administering all phases of the tax sale process against only the taxpayers who are delinquent.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of West Windsor hereby authorizes the Tax Collector to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary; and

BE IT FURTHER RESOLVED, the Tax Collector is authorized to charge and collect a fee of \$25.00 per direct mailing to be added to the cost of sale not to exceed \$50.00.

Adopted: October 25, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 25th day of October 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, from time to time, the Tax Collector's office is required to make change for cash payments received; and

WHEREAS, there exists a need to maintain such a fund for use of operation for the Tax Collector's office; and

WHEREAS, New Jersey State regulations allow change funds to be established by an initial resolution and to continue from year to year without additional governing body action until the funds need to be adjusted.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor approves the Tax Collectors request to increase the change fund from \$175.00 to \$600.00 for the purpose of making change.

Adopted: October 25, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 25th day of October, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has by public bid solicited proposals for maintenance and service of the heating, ventilation and air conditioning (HVAC) systems for various Township Buildings; and

WHEREAS, one (1) bid was received at the bid opening held on Friday, September 30, 2022; and

WHEREAS, the Township has determined that the lowest responsible bidder is Princeton Air Conditioning, Inc. of 39 Everett Drive, Princeton Junction, NJ 08550, with a bid of \$52,032.00; and

WHEREAS, the Township Chief Financial Officer has certified that funds for these services are available subject to the adoption of the 2023 Municipal Budget in the following account:

2023 Building and Grounds Operating Budget - HVAC Repair and Maintenance 105-53-
218

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor the contract for to “Maintain and Service the Heating, Ventilation and Air Conditioning (HVAC) Systems for Various Township Buildings” be awarded to Princeton Air Conditioning, Inc. for the period of January 1, 2023 through December 31, 2023 and the Mayor and Clerk are hereby authorized to execute said contract.

Adopted: October 25, 2022

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 25th day of October 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor Police Division has a need to acquire additional Information Technology Support services; and

WHEREAS, the services are professional in nature and are exempt from public bidding pursuant to N.J.S.A. 40A:11-5(1)(a) ; and

WHEREAS, as of August 8, 2022 the Township’s total aggregate spending with StarNet Solutions, LLC, Inc. of Farmingdale, New Jersey for Information Technology Support services was as follows:

Resolution	2022-R094	StarNet Solutions LLC Inc.	3/28/2022	\$16,425.00
Resolution	2022-R117	StarNet Solutions LLC Inc.	5/9/2022	\$30,600.00
Resolution	2022-R177	StarNet Solutions LLC Inc.	8/8/2022	\$24,480.00

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

Police-Acquisition of Office Furniture/Equipment Maintenance	105 18 233	\$14,400.00
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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 an Amended Professional Services Agreement with StarNet Solutions LLC, Inc., for Information Technology Support Services in the amount of \$14,400.00 for a total not to exceed of \$85,905.00.
- (2) 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.
- (3) An executed copy of the Amended Professional Services Agreement between the Township and StarNet Solutions, LLC., Inc. and a copy of this Resolution shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: October 25, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 25th day of October 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, the Township of West Windsor has a need to acquire professional services; and
- WHEREAS, Pennoni Associates has submitted a proposal dated August 26, 2022 indicating they will provide professional services for the collection of data for the Road Assessment Project 2022 to be used by RoadBotics as part of the Road Assessment Project for \$15,000.00; and
- WHEREAS, Pennoni Associates has performed this type of data collection in concert with Roadbotics for other Townships; and
- WHEREAS, the Township wishes to enter into a professional services agreement with Pennoni Associates 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	\$15,000.00
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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 Pennoni Associates, with a performance period to completion of the project, for an amount not to exceed \$15,000.00.
- (2) The Agreement so authorized shall require the Provider to provide professional services pursuant to its proposal received August 26, 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 Contract between the Township and Pennoni Associates and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: October 25, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 25th day of October 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

- WHEREAS, the Township of West Windsor has a need to acquire professional services; and
- WHEREAS, RoadBotics has submitted a proposal dated June 16, 2022 indicating they will provide professional services for the assessment of the entire road network in West Windsor Township for the Road Assessment Project 2022 for \$12,200.00; and
- WHEREAS, RoadBotics has successfully performed the assessment of road conditions for West Windsor (2019) and for other Townships; and
- WHEREAS, the Township wishes to enter into a professional services agreement with RoadBotics 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	\$12,200.00
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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 RoadBotics, with a performance period to completion of the project, for an amount not to exceed \$12,200.00.
- (2) The Agreement so authorized shall require the Provider to provide professional services pursuant to its proposal received June 16, 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 Contract between the Township and RoadBotics and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: October 25, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at its meeting held on the 25th day of October 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; and

WHEREAS, Center State Engineering has submitted a proposal July 21, 2022 indicating they will provide professional construction administration and observation services for the Dey Forest Park at Carlton Place Project for \$15,200.00; and

WHEREAS, Center State Engineering has indicated a performance period for the construction administration and observation services concurrent with the construction project; 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:

Bike & Pedestrian Improvements	405-2020-14 010	\$15,200.00
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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 \$15,200.00.
- (2) The Agreement so authorized shall require the Provider to provide professional construction administration and observation services pursuant to its proposal received July 21, 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 Contract 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: October 25, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 25th day of October 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, Public Service Electric & Gas Company has made a request for a release of the performance guarantees posted for private site improvements in connection with construction associated with the project known as Penns Neck Substation Expansion (ZB18-08); and

WHEREAS, the performance guarantees are currently at 100% of their original amounts; and

WHEREAS, the West Windsor Township Consulting Engineer for the project, Turek Consulting Engineers, and the Township Landscape Architect have performed inspections and recommended that the performance guarantees for private site improvements in connection with construction associated with the project known as Penns Neck Substation Expansion (ZB18-08), be released at this time as follows:

<u>Performance Guarantee</u>	<u>Original Amount</u>	<u>Date Issued</u>	<u>Current Amount</u>	<u>Recommended Reduction</u>
Cash - Site	\$272,712.00	8/12/19	\$272,712.00	FULL RELEASE
Cash – Safety & Stab	\$ 8,181.50	8/12/19	\$ 8,181.50	FULL RELEASE

WHEREAS, the Township Engineer has reviewed the reports from the Consulting Engineer and Landscape Architect and recommends that this action be approved by the Township Council.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor, the following performance guarantees posted for private site improvements in connection with construction associated with the project known as Penns Neck Substation Expansion (ZB18-08), be released to Public Service Electric & Gas Company, as follows:

<u>Performance Guarantee</u>	<u>Original Amount</u>	<u>Date Issued</u>	<u>Current Amount</u>	<u>Recommended Reduction</u>
Cash - Site	\$272,712.00	8/12/19	\$272,712.00	FULL RELEASE
Cash – Safety & Stab	\$ 8,181.50	8/12/19	\$ 8,181.50	FULL RELEASE

ADOPTED: October 25, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 25th day of October 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, West Windsor Township has by public bid solicited proposals for Snow Removal Services; and

WHEREAS, at the bid opening on October 13, 2022 one bid was received in response to such solicitation; and

WHEREAS, the bid has been reviewed and Scheideler Excavating Co., Inc. of 149 Penn Lyle Road, Princeton Jct., NJ 08550 is a responsive responsible bidder; and

WHEREAS, the Township's Chief Financial Officer has certified that funds for these services are available in the 2022 Municipal Budget Snow Removal – Service/Maintenance Contracts and is subject to the adoption of the 2023 Municipal Budget:

Snow Removal – Service/Maintenance Contracts

105-41-251	2022	\$10,000.00
105-41-251	2023	<u>\$60,000.00</u>
		\$70,000.00

NOW, THEREFORE, BE IT RESOLVED by the West Windsor Township Council of the Township of West Windsor the Contract for Snow Removal Services be awarded to Scheideler Excavating Co., Inc. for the period November 1, 2022 through October 31, 2023 and the Mayor and Clerk are hereby authorized to execute said contract.

Adopted: October 25, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 25th day of October 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor needs to purchase One (1) New Case Loader Backhoe with various attachments for the Department of Public Works; and

WHEREAS, West Windsor Township is a member of the Educational Services Commission of New Jersey (ESCNJ 18/19-25) and the loader backhoe is available from GT Mid Atlantic, 21 Monmouth Road, Freehold, New Jersey; and

WHEREAS, the attachments below are needed for optimal operation of the backhoe loader and are not part of the cooperative pricing system and well be provided and installed by the dealer:

93" 4 x 1 Bucket; 18" Bucket; 10' Snow Pusher; Tink Claw and 4 Corner Strobes

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

Public Works Acquisition of Equipment 405 2022 08 029 \$160,630.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator is authorized to purchase one (1) Case Loader Backhoe and listed above attachments for a total not to exceed of \$160,630.00 per quotation dated September 21, 2022 from GT Mid Atlantic, 212 Monmouth Road, Freehold, New Jersey.

Adopted: October 25, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 25th day of October, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

ORDINANCE NO. 2022-20

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

**AN ORDINANCE ADDING CHAPTER 123 “PUBLIC ACCESS TO MUNICIPAL
FACILITIES” OF THE TOWNSHIP OF WEST WINDSOR PROHIBITING PUBLIC
ACCESS TO CERTAIN MUNICIPALLY-OWNED, LEASED, AND OPERATED AREAS
OR CONTROLLED PROPERTY**

WHEREAS, the Township of West Windsor (“Township”) will soon reopen the Municipal Building after extensive renovations; and

WHEREAS, the Mayor and Township Council of the Township of West Windsor desire to implement reasonable restrictions of access to nonpublic areas of municipally-owned, leased, and operated areas or controlled property to protect staff and safeguard information not subject to public disclosure, all while allowing for the lawful exercise of First Amendment Rights.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer and State of New Jersey that:

The Code for the Township of West Windsor is hereby amended to add Chapter 123, entitled “Public Access to Municipal Facilities.”

Article I: Chapter 123, “Public Access to Municipal Facilities.”

§ 123-1 No Public Access to Restricted or Secured Areas

A. No member of the public shall access municipally-owned, leased, and operated areas or controlled property, or any portion thereof, with restricted or secured access. Nonpublic areas of municipally-owned, leased and operated areas, or controlled property include, but are not limited to:

- (1) All work areas intended primarily for the use by Township employees in the conduct of their business;
- (2) All other areas designated as “nonpublic” pursuant to this Section, as evidenced by signage and/or physical barriers pursuant to Subsection B.
- (3) This ordinance does not restrict access by the public to attend any public meeting held by any Board/Commission/Committee/Council.

B. Nonpublic areas shall be identified by a non-ambiguous sign, posted on or directly adjacent to the door, doorframe, or entrance to the restricted or secured area. Public access may also be restricted through the use of reasonable physical barriers. Signage limiting access to nonpublic areas shall include language such as “Authorized Personnel Only”,

“Authorized Access Only,” “Township Personnel Only,” or “No Public Access Beyond This Point.”

§ 123-2 Public Access to Nonpublic Areas

Members of the public will not be allowed in a nonpublic forum area without an escort.

Members of the public who have an appointment with an employee who works in a non-public area or while engaging in legitimate business with a department located in a nonpublic area will be escorted the entirety of their visit. If the public has legitimate business with the department but no appointment they must receive permission from said department/employee before being escorted in and will be escorted the entirety of the visit.

§ 123-3 Violations and Penalties

It shall be a violation of this Chapter if a member of the public accesses restricted or secured areas owned, leased and operated areas, controlled property by the Township property in violation of Section 1 of this Chapter, or gains access to nonpublic areas without an appointment and is not escorted by a Township employee in violation of Section 2 of this Chapter. Violations of this Chapter shall be subject to the penalties provided in Article II, Section 1-3 of the Township Code.

Article II: Repealer, Severability, and Effective Date.

- A. Repealer. All ordinances or parts thereof inconsistent herewith are repealed as to such inconsistencies.
- B. Severability. If 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. The ordinance shall take effect upon its passage and publication.

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

2022-22

TOWNSHIP OF WEST WINDSOR
ORDINANCE AUTHORIZING THE GRANT OF
A PERMANENT UTILITY EASEMENT
TO THE COUNTY OF MERCER
LOCATED AT BLOCK 5, LOT 42, MILLSTONE ROAD

WHEREAS, the County of Mercer has determined that it is necessary to grant an easement along the frontage of certain real property owned by the Township of West Windsor located at Block 5, Lot 42 (Millstone Road) in the Township of West Windsor, Mercer County, NJ to the County of Mercer for the purposes of access, installation, maintenance, repair and replacement of utility infrastructure to be relocated as part of the reconstruction of Mercer County Bridge #760.4 over Millstone River, located on Millstone Road; 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 grant the Permanent Utility 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 grant a Permanent Utility Easement on certain real property owned by the Township located at Block 5, Lot 42 in the Township of West Windsor, Mercer County, NJ to the County of Mercer for the purpose of access, installation, maintenance, repair and replacement of public utility infrastructure as part of the Mercer County Bridge #760.4 over Millstone River, located on Millstone Road.
- (2) The Mayor and Clerk are hereby authorized and directed to execute the Permanent Utility Easement for the granting 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 APPROVAL:

EFFECTIVE DATE: