

**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**

November 28, 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
Womanspace - Communities of Light Day - December 5, 2022
6. Public Comment: (30 minute comment period; 3-minute limit per person)
7. Administration Comments
8. Council Member Comments
9. Chair/Clerk Comments

10. Public Hearings

2022-23 BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 2021-14 OF THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY, FINALLY ADOPTED AUGUST 9, 2021, IN ORDER TO AMEND THE PROJECT DESCRIPTION OF SECTION 3(E)(3) THEREIN.

11. Consent Agenda

A. Resolutions

2022-R253 Endorsing the Application for Membership to the New Jersey State Firemen's Association for Sohan R. Muppidi of the West Windsor Volunteer Fire Company #1

B. Minutes

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2022-R254 Authorizing the Business Administrator to Execute Change Order #1 to Pal-Pro Builders, LLC for Quantity Adjustment and Supplemental Work for the Project Known as West Windsor Township Municipal Building Alterations Project - \$297,729.14

2022-R255 Authorizing Contract Amendment #1 for the Spiegle Architectural Group, Inc. for Professional Architectural Services in the Amount of \$4,200.00 for a Total not to Exceed of \$13,200.00

2022-R256 Authorizing the Mayor and Clerk to Execute Amendment #3 for Additional Supplementary Work for the Project Known as D&R Sewer Interceptor in the Amount of \$21,344.00 For a Total Not to Exceed of \$96,948.15

- 2022-R257 Authorizing the Business Administrator to Purchase from Houston Freightliner One (1) New Conventional Cab for the Department of Public Works - \$137,251.00
- 2022-R258 Authorizing the Business Administrator to Purchase from H.A. DeHart & Son One (1) New Cobra Magnum Rear Loader for the Department of Public Works - \$105,087.48
- 2022-R259 Authorizing the Business Administrator to Purchase from Houston Freightliner One (1) New Conventional Chassis for the Department of Public Works - \$105,620.00
- 2022-R260 Authorizing the Business Administrator to Purchase from Trius Inc., One (1) New Dump Body with Plow Package for the Department of Public Works - \$94,362.35
- 2022-R261 Authorizing the Mayor and Clerk to Execute an Agreement for Renewal of Membership in the Mid Jersey Municipal Joint Insurance Fund for a Period of Three Years to Expire January 1, 2026

14. Introduction of Ordinances

2022-24 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 140 "SMOKING AND USE OF TOBACCO PRODUCTS BANNED"; ARTICLE 1 "SCHOOL FACILITIES AND PROPERTIES; AND ARTICLE II "PUBLIC PLACES AND ADDING ARTICLE IV "MULTIPLE DWELLING SMOKING POLICY REQUIRED IN MULTIPLE DWELLINGS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY (1999)

PUBLIC HEARING: December 12, 2022

2022-25 AN ORDINANCE OF THE TOWNSHIP OF WEST WINDSOR AUTHORIZING ACQUISITION OF TEMPORARY CONSTRUCTION EASEMENT OVER CERTAIN REAL PROPERTY KNOWN AS BLOCK 6, LOT 48 AS REFERRED ON THE TAX MAP CONSISTING OF .448 ACRES WITHIN THE TOWNSHIP OF WEST WINDSOR FOR PUBLIC PURPOSES

PUBLIC HEARING: December 12, 2022

15. Additional Public Comment (three-minute limit per person)
16. Council Reports/Discussion/New Business
Discussion of Best Practices Submission
17. Administration Updates
18. Closed Session
19. Adjournment

ORDINANCE 2022-23

BOND ORDINANCE AMENDING BOND
ORDINANCE NUMBERED 2021-14 OF THE
TOWNSHIP OF WEST WINDSOR, IN THE COUNTY
OF MERCER, NEW JERSEY, FINALLY ADOPTED
AUGUST 9, 2021, IN ORDER TO AMEND THE
PROJECT DESCRIPTION OF SECTION 3(E)(3)
THEREIN.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-
thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section One. Section 3(E)(3) of Bond Ordinance numbered 2021-14 of the
Township of West Windsor, in the County of Mercer, New Jersey (the "Township"), finally
adopted August 9, 2021, is hereby amended to remove the "Replacement of Engine 44
and replacement of Brush 44, including all related costs and expenditures incidental
thereto" and to read as follows:

"Replacement of Engine 44 and acquisition of High Water Truck, including
all related costs and expenditures incidental thereto."

Section Two. The Township hereby certifies that it has adopted a capital budget
or a temporary capital budget, as applicable. The capital or temporary capital budget of
the Township is hereby amended to conform with the provisions of this bond ordinance
to the extent of any inconsistency herewith. To the extent that the purposes authorized
herein are inconsistent with the adopted capital or temporary capital budget, a revised

capital or temporary capital budget has been filed with the Division of Local Government Services.

Section Three. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Introduction: November 14, 2022
Public Hearing: November 28, 2022
Adoption:
Mayor Approval:
Effective Date:

RESOLUTION

WHEREAS, Sohan R. Muppidi, a member of the West Windsor Volunteer Fire Company, has applied for membership in the New Jersey State Firemen's Association; and

WHEREAS, his application is complete in all ways.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that it hereby authorizes the municipal endorsement of the application of Sohan R. Muppidi for membership in the New Jersey State Firemen's Association.

Adopted: November 28, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of November, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, West Windsor Township awarded a construction contract in the amount of \$3,551,000.00 on November 9, 2020 (Resolution 2020-R232) to Pal-Pro Builders, LLC. of Garfield, New Jersey for the West Windsor Township Municipal Building Alterations Project; and

WHEREAS, Certifications of Funds for the original contract were received from the Chief Financial Officer and funds for said contract were available in the following line item appropriation accounts:

<u>Meeting Room "A"</u>	<u>405-1996-07-002</u>	<u>\$6,014.11</u>
<u>Municipal Complex Repaving</u>	<u>405-2014-13-007</u>	<u>\$26,672.72</u>
<u>Municipal Complex Renovations</u>	<u>405-2018-15-010</u>	<u>\$222,210.00</u>
<u>Municipal Administration Building Impr.</u>	<u>405-2019-18-002</u>	<u>\$11,249.20</u>
<u>Municipal Complex Renovations</u>	<u>405-2019-18-005</u>	<u>\$200,865.00</u>
<u>Improvements to Municipal Complex</u>	<u>405-2019-33-001</u>	<u>\$3,051,988.97</u>
<u>Network/Computer/printer/Scanners</u>	<u>405-2019-18-001</u>	<u>\$6,800.00</u>
<u>Municipal Administration Building Impr.</u>	<u>405-2020-14-002</u>	<u>\$25,200.00</u>
Account Title	Account Number	Amount

WHEREAS, the Contractor was required to perform supplemental work as needed; and

WHEREAS, Change Order No.1, which accounts for an increase of \$297,729.14 (8.38%) in the total contract amount for quantity adjustment and supplemental work, has been submitted by the Contractor; 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:

<u>Improvements to Municipal Complex</u>	<u>405-2019-33-001</u>	<u>\$297,729.14</u>
Account Title	Account Number	Amount

WHEREAS, the Facilities Maintenance Manager along with the Architect of Record have reviewed and endorse the change order.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor Change Order No. 1 for quantity adjustment and supplemental work as needed is hereby approved, adjusting the original contract amount of \$3,551,000.00 to a revised contract amount of \$3,848,729.14

BE IT FURTHER RESOLVED that the Township Business Administrator is hereby authorized to execute Change Order No. 1 for quantity adjustment and supplemental work as needed.

Adopted: November 28, 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 28th day of November, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, On February 8, 2021, the Township Council passed Resolution 2021-R047 authorizing a Professional Services Agreement with the Spiezle Architectural Group, Inc. of Hamilton, NJ in the amount of Nine Thousand Dollars (\$9,000.00) for professional architectural services in conjunction with interior modifications within the Detective Bureau located at the Township Police Department; and

WHEREAS, the Township wishes to amend the Professional Services Agreement with the Spiezle Architectural Group, Inc. for revisions to the current architectural plans and specifications; and

WHEREAS, the total revised contract for the Spiezle Architectural Group, Inc. for professional architectural services will not exceed Thirteen Thousand Two Hundred Dollars (\$13,200.00); 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:

<u>Municipal Police/Court Bldg. - General Improvements</u>	<u>405-2022-08 028</u>	<u>\$4,200.00</u>
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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 the Spiezle Architectural Group, Inc., for professional architectural services in an amount not to exceed Thirteen Thousand Two Hundred Dollars (\$13,200.00).
- (2) The Agreement so authorized shall require the Provider to provide supplemental professional architectural services. A contract amendment may be executed 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 Amended Professional Services Agreement between the Township and the Spiezle Architectural Group, Inc. and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: November 28, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of November, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor required professional services for engineering assessment, for the televising and assessment of the D&R Sewer Interceptor; and

WHEREAS, Van Cleef Engineering Associates was awarded a professional services contract on October 15, 2018, for the total contract amount of \$19,056.00; and

WHEREAS, Van Cleef Engineering Associates was awarded Amendment #1 to their contract on May 28, 2019 in the amount of \$6,168.15; and

WHEREAS, Van Cleef Engineering Associates was awarded Amendment #2 to their contract on September 30, 2019 for design and bid document preparation of the damaged areas discovered with construction administration and observation services in the amount of \$50,380.00; and

WHEREAS, there is presently a need for construction observation and coordination of the contract work for repairs to the deteriorated sections of pipe and manholes, as outlined in the Van Cleef Engineering Associates letter of October 12, 2022; and

WHEREAS, the value of the amount of additional services is Twenty-One Thousand, Three Hundred Forty-Four Dollars and No Cents (\$21,344.00) for a total revised contract amount of Ninety-Six Thousand Nine-Hundred Forty-Eight Dollars and Fifteen Cents (\$96,948.15); 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:

Sanitary /Storm Sewer Improvements 405-2021-14 030 \$21,344.00

WHEREAS, said Amendment #3 to the Agreement for Professional Services has been reviewed by the Township Engineer and recommends it be executed; and

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, Amendment #3 to the Agreement for Professional Engineering Services with Van Cleef Engineering Associates of Hamilton, NJ.
- (2) This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law.
- (3) All other terms and conditions of the Agreement with Van Cleef Engineering Associates, dated October 15, 2018 remain in full force and effect.

- (4) An Executed copy of the revised Agreement between the Township and Van Cleef Engineering Associates and a copy of this Resolution shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: November 28, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of November, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

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

WHEREAS, West Windsor Township is a member of The Houston Galveston Area Council National Cooperative (HGAC-Buy); and

WHEREAS, HGAC-Buy awarded contract # HT06-20 to Houston Freightliner, 9550 North Loop East, Houston, TX 77029 and the total cost of one (1) New Conventional Cab including options and a five (5) year extended warranty is \$137,251.00 per the contract pricing worksheet dated October 12, 2022; and

WHEREAS, the Chief Financial Officer has certified funds are available in the following account:

Public Works	Acquisition of Vehicle	Account Code 405 2022 08030	\$137,251.00
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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) New Conventional Cab from Houston Freightliner, 9550 North Loop East, Houston, TX 77029 for a total of \$137,251.00

Adopted: November 28, 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 28th day of November, 2022.

Gay M. Huber,
Township Clerk
West Windsor Township

RESOLUTION

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

WHEREAS, West Windsor Township is a member of the Educational Services Commission of New Jersey Cooperative System (65MCESCCPS-ESCNJ BID #20/21-55) and the Cobra Magnum Rear Loader is available from H.A. DeHart & Son, 311 Crown Point Rd., Thorofare, NJ 08086; and

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

Public Works - Acquisition of Vehicle Account Code 405 2022 08030 \$105,087.48

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) New Cobra Magnum Rear Loader Body under the Educational Services Commission of New Jersey Cooperative System (65MCESCCPS-ESCNJ BID# 20/21-55) for a total of \$105,087.48 from H.A. DeHart & Son, 311 Crown Point Rd., Thorofare, NJ 08086.

Adopted: November 28, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of November, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

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

WHEREAS, West Windsor Township is a member of The Houston Galveston Area Council National Cooperative (HGAC-Buy); and

WHEREAS, HGAC-Buy awarded contract #HT06-20 to Houston Freightliner, 9550 North Loop East, Houston, TX 77029 and the total cost of one (1) New Conventional Chassis including options and a five (5) year extended warranty is \$105,620.00 per the contract pricing worksheet dated November 1, 2022; and

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

Public Works -Acquisition of Vehicle	Account Code 405 2022 08030	\$105,620.00
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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) New Conventional Chassis from Houston Freightliner, 9550 North Loop East, Houston, TX 77029 for a total of \$105,620.00.

Adopted: November 28, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of November, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor needs to purchase one (1) New Dump Body with Plow Package for the Department of Public Works; and

WHEREAS, West Windsor Township is a member of the Educational Services Commission of New Jersey Cooperative System (65MCESCCPS-EJCNJ BID#20/21-55) and the Dump Body with Plow Package is available from Trius Inc., 5049 Industrial Rd., Farmingdale, NJ 07727; and

WHEREAS, the Chief Financial Officer has certified funds are available for in the following accounts:

Public Works - Acquisition of Vehicle	Account Code 405 2021 14028	\$24,982.35
	405 2022 08030	\$69,380.00

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) New Dump Body with Plow Package under the Educational Services Commission of New Jersey Cooperative System (65MCESCCPS-EJCNJ BID#20/21-55) for a total of \$94,362.35 from Trius Inc., 5049 Industrial Rd., Farmingdale, NJ 07727.

Adopted: November 28, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of November, 2022.

Gay M. Huber,
Township Clerk
West Windsor Township

RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE
MID JERSEY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Township of West Windsor (Township) is a member of the Mid Jersey Municipal Joint Insurance Fund; and

WHEREAS, said renewal membership terminates as of January 1, 2023*, unless earlier renewed by agreement between the Township and the Fund; and

WHEREAS, the Township desires to renew said membership.

NOW THEREFORE BE IT RESOLVED as follows:

1. The Township of West Windsor agrees to renew its membership in the Mid Jersey Municipal Joint Insurance Fund for a period of three (3) years beginning January 1, 2023, and ending January 1, 2026*, and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Township Clerk are hereby authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Mid Jersey Municipal Joint Insurance Fund evidencing the Township's intention to renew its membership.

Adopted: November 28, 2022

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 28th day of November, 2022.

Gay M. Huber
Township Clerk
West Windsor Township

*12:01a.m.

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 140 “SMOKING AND USE OF TOBACCO PRODUCTS BANNED”; ARTICLE I “SCHOOL FACILITIES AND PROPERTIES; AND ARTICLE II “PUBLIC PLACES AND ADDING ARTICLE IV “MULTIPLE DWELLING SMOKING POLICY REQUIRED IN MULTIPLE DWELLINGS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY (1999)

- WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or of the United States, as it may deem necessary and proper for the good of government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and
- WHEREAS, N.J.S.A. 26:3D-63 expressly authorizes municipalities to enact strict ordinances regulating smoking; and
- WHEREAS, P.L. 2005, c. 383, the New Jersey Smoke-Free Air Act, N.J.S.A. 26:3D-55 et seq. was enacted by the state legislature to ensure workers have a safe, smoke-free workplace and all nonsmokers – including children and senior citizens, can breathe smoke-free air in public places; and
- WHEREAS, West Windsor Township Council seeks to update the language in the local ordinance related to smoking to provide clarity and to align with state regulations; and
- WHEREAS, retail establishments which encourage congregation of smokers in locations which are located in close proximity to residential dwellings and/or indoor workplaces pose potential health risks for the public; and
- WHEREAS, the Township Council recognizes the well-known health and safety risks posed by smoking to the smoker and those exposed to second-hand smoke, and finds that it is within the public interest to require property owners to adopt policies to govern smoking on properties where individuals reside separately, but within close proximity to one another; and
- WHEREAS, Township Council further finds that establishing requirements for property owners of multi-unit dwellings to adopt smoking policies for housing complexes and inform residents about the content of the policy, will help enable residents and future residents in making informed decisions regarding home selection and will protect health, safety and welfare of the public.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Windsor, in the County of Mercer and State of New Jersey, Chapter 140 is amended as follows:

Article I School Facilities and Properties

140-1 Smoking prohibited; exceptions.

[The smoking of tobacco products within any facility, property or vehicle owned, leased or contracted for by the District[1] by an individual within the Township of West Windsor is prohibited. Consistent with N.J.S.A. 26:3D-16 and 26:3D-17, "smoking" means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco, except as part of a classroom instruction or a theatrical production.]

Smoking is prohibited in any area of any building of, or on the grounds of, any public or nonpublic elementary or secondary school, regardless of whether the area is an indoor public place or is outdoors. Smoking by individuals is further prohibited within any vehicle owned, leased or contracted for by the District. Smoking means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco, cannabis or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

Editor's Note: The "District" means the West Windsor-Plainsboro School District.

Article II Public Places

140-5 Definitions.

Smoking

The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco, cannabis or any other matter that can be smoked, or the inhaling or exhaling of smoke[.] from an electronic smoking device.

140-6 Prohibition of smoking in public places; signs.

D. Retail establishments.

1. Smoking shall be prohibited in all retail establishments located within or as part of another indoor public place or workplace, such as a retail establishment located within a shopping mall; or in a retail establishment which shares a common wall, ceiling or floor with an adjacent indoor public place, workplace or private residence; such as a mixed-use property that contains both residential-use and retail spaces.
2. Smoking shall be prohibited in outdoor seating areas constructed for retail establishments which sell or provide tobacco, cannabis or any other matter that can be smoked or inhaled when the outdoor seating area is located within twenty-five (25) feet of a residential property

or indoor public place or workplace which is smoke-free in accordance with the New Jersey Smoke-free Air Act.

Article IV Multiple Dwelling Smoking Policy Required in Multiple Dwellings

140-15 Purpose. The purpose of this article is to establish requirements for owners of multiple dwellings to adopt and implement a Multiple Dwelling Smoking Policy for the property and provide notification of such to current and future occupants.

140-16 Definitions.

"Smoking" means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco, cannabis or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

"Multiple Dwelling" means any building or structure and any land appurtenant thereto, and any portion thereof, in which three or more dwelling units are occupied or intended to be occupied by three or more persons living independently of each other. "Multiple dwelling" also means any group of ten or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two dwelling units are occupied or intended to be occupied by two persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof. "Multiple dwelling" does not include those buildings and structures that are excluded by statute.

"Person" means an individual, firm, corporation, association, society, or partnership and its agents or employees.

140-17 Requirements for a Multiple Dwelling Smoking Policy Established.

- A. Existing Multiple Dwelling. Every owner of an existing multiple dwelling shall adopt a written Multiple Dwelling Smoking Policy within six (6) months following the effective date of this ordinance. The property owner shall file an attestation with the Health Department indicating compliance with the requirements of West Windsor Township Code, Chapter 140, Article IV.
- B. New Multiple Dwellings. Owners of multiple dwellings established after the effective date of this ordinance shall adopt a written Multiple Dwelling Smoking Policy prior to occupancy of the building. The property owner shall file an attestation indicating compliance with the requirements of West Windsor Township Code, Chapter 140, Article IV with the Health Department a minimum of thirty (30) days prior to submission of the application for a Certificate of Occupancy.
- C. An attestation form for use of property owners shall be created and maintained by the Health Department.

- D. Property owners shall be responsible for enforcement of the Multiple Dwelling Smoking Policy established for the property.
- E. The Multiple Dwelling Smoking Policy shall include the following:
1. Smoking prohibitions or allowances for all indoor areas of the multiple dwelling as not otherwise prohibited by the Smoke-Free Air Act, N.J.S.A. 26:3D-55 et. seq., including common areas and dwelling units; and
 2. Smoking prohibitions or allowances for outdoor areas of the premises, including common courtyards, rooftops, balconies, patios, parking garages and any outdoor area connected to dwelling units; and
 3. A provision which allows the use of medical cannabis in specified locations on the property by patients who have medical documentation from a healthcare provider that prescribes inhalation by smoking as the required method of delivery for the prescribed product; and
 4. A designated point of contact who shall be responsible for implementation and distribution of the smoking policy to current and future residents, and
 5. A complaint response plan to be used by property management to address smoking-related complaints.
- F. The Multiple Dwelling Smoking Policy shall apply to all tenants, shareholders, and/or unit owners and their invitees as well as other persons on the premises.
- G. The Multiple Dwelling Smoking Policy shall not be binding on a tenant renting or leasing a dwelling unit during the term of the lease, sublease, or other rental agreement in effect at the time of the adoption of such smoking policy, unless otherwise provided in such lease, sublease, or other rental agreement.
- H. Notification Requirements.
1. Upon adoption of a Multiple Dwelling Smoking Policy, and annually thereafter, the owner of a multiple dwelling shall post within a prominent location on the premises and provide a written copy of the smoking policy to all tenants, shareholders, and owners.
 2. The owner shall maintain a record of the physical location of policy postings and the dates postings were affixed or replaced.
 3. The policy shall be incorporated into any agreements to purchase, rent or lease a dwelling unit in such a building.
- I. Regulation of Smoking within a Condominium, Homeowners, or Cooperative Association.

1. The property's Multiple Dwelling Smoking Policy shall be incorporated into the bylaws, master deed, or other relevant governing document.
2. An owner or tenant who is renting or leasing a dwelling unit to a second party shall incorporate the property's Multiple Dwelling Smoking Policy into any agreement to rent or lease the dwelling unit to a sub-tenant or sub-lessee.

J. Material Changes of the Multiple Dwelling Smoking Policy.

The Owner of a multiple dwelling shall provide written notification to all tenants, shareholders and/or owners of any material change to the Multiple Dwelling Smoking Policy, and post, in a prominent location within such dwelling, any material change to the policy.

K. Document Retention.

The owner of a multiple dwelling shall make available for inspection written documentation of the following:

1. Records of notifications required by Section 140-17 H. and 140-17 J. of this code shall be maintained by the owner for a twelve (12) month period.
2. Records of all smoking related complaints filed by residents of the property during the previous three (3) years.

140-18 Enforcement.

- A. The provisions of this article shall be enforced by the Health Officer and/or their designees. Alternate municipal officials may be appointed as enforcement agents by the Business Administrator at his/her discretion.
- B. Whenever a violation of this article is identified in a multiple dwelling complex, a notice of violation, in writing, shall be given to the owner to abate the same within such time as shall be specified therein. A duplicate of the notice may be left with the property manager of the premises or sent both certified mail and regular first-class mail to the owner. If the owner cannot be notified speedily, notice to the owner of the violation and the time to abate shall be deemed complete three (3) days after the date on the violation notice, if served by regular first-class mail.
- C. Except for conditions addressed in 140-18 D, the enforcement officer shall specify in writing in a notice of violation to the property owner, the time period allotted for abatement prior to issuance of a municipal court summons. The time period shall be determined by the enforcement officer and shall be no less than seven (7) days and no longer than sixty (60) days from the date notification is provided.
- D. Failure to provide notification as required by section 140-17 H. 3 or 140-17 I.2 of West Windsor Code may be subject to issuance of immediate court summons for violations of this code.

- E. The failure of a property owner to enforce provisions of the adopted Multiple Dwelling Smoking Policy to the satisfaction of a complainant is not an enforceable violation of this ordinance.

140-19 Violation and penalties.

- A. Any person(s) who is found to be in violation of the provisions of this article shall, upon conviction, pay a fine of \$1,000 for the first violation, \$2,500 for the second violation, and \$5,000 for third and each subsequent violation.
- B. Separate violations. Every day in which a violation of any provision of this article exists shall constitute a separate violation.
- C. All court summons filed for violations of this article shall require a court appearance by the owner or the owner's designated representative.
- D. No fines shall be issued for violations cited during the first one hundred and eighty (180) days following adoption of this article.

Introduction: November 28, 2022

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:

ORDINANCE 2022-25

**TOWNSHIP OF WEST WINDSOR
MERCER COUNTY, NEW JERSEY**

**AN ORDINANCE OF THE TOWNSHIP OF WEST WINDSOR
AUTHORIZING ACQUISITION OF TEMPORARY CONSTRUCTION
EASEMENT OVER CERTAIN REAL PROPERTY, KNOWN AS BLOCK
6, LOT 48, AS REFERRED ON THE TAX MAP CONSISTING OF .448
ACRES, WITHIN THE TOWNSHIP OF WEST WINDSOR
FOR PUBLIC PURPOSES**

WHEREAS, beginning with efforts commenced in 2004, the Township of West Windsor (the “**Township**”) designated several areas generally located near the vicinity of the Princeton Junction Train Station as redevelopment areas pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*; and

WHEREAS, one of the goals of such redevelopment efforts was to ensure the completion of certain roadway improvements intended to alleviate traffic congestion by realigning existing roadways and/or creating new roadways; and

WHEREAS, in particular, on December 19, 2005, the Council of the Township of West Windsor (the “**Township Council**”) adopted Resolution 2005-R285 designating the area around the Princeton Junction Train Station (the “**Princeton Junction Redevelopment Area**”), including the properties designated as Block 6, Lots 8, 54, 55.01 and 76 (the “**AVB Property**”), as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-6b (5); and

WHEREAS, over the ensuing years, the Township, with the assistance of its professionals, subcommittees and steering committees, examined the need for, and means by which traffic improvements should be made within the Princeton Junction Redevelopment Area; and

WHEREAS, on March 23, 2009, after such examination, the Township Council adopted an ordinance approving the original redevelopment plan for the Princeton Junction Redevelopment Area (the “**Princeton Junction Redevelopment Plan**”), which identified, as a principal goal, the reconstruction and extension of Vaughn Drive to Washington Road (County Road 571) and the corresponding realignment and reconstruction of Washington Road to benefit the general traveling public in the area (the “**Washington Road Improvements**”); and

WHEREAS, the Washington Road Improvements, once constructed, will result in the realignment and extension of Vaughn Drive (the “**Vaughn Drive Extension**”) as a Township-owned throughway that will provide another point of connection between Alexander Road (a Township-owned roadway) and Washington Road (a County roadway); and

WHEREAS, the Township’s Circulation Plan Element of its Master Plan has also long identified the Vaughn Drive Extension as a public roadway; and

WHEREAS, on June 11, 2018, after a previously unfulfilled redeveloper agreement with another redeveloper was terminated, the Township, Avalon Watch and AvalonBay Communities, Inc. (“**AVB**”) entered into a Settlement and Redeveloper’s Agreement (the “**Agreement**”) that, in relevant part, established the terms and conditions by which AVB would redevelop the AVB Property; and

WHEREAS, following the execution of the Agreement, a number of meetings between the Township, Mercer County and/or the New Jersey Department of Transportation (“**NJDOT**”), all of which have jurisdictional interests in the Washington Road Improvements, were conducted for the purposes of determining the final design and scope of those Improvements; and

WHEREAS, the final design for the Washington Road Improvements is the result of the direction of such public entities, as all roads to be constructed and/or realigned will be publicly owned and serve the benefit of the general, traveling public; and

WHEREAS, on October 13, 2021, the West Windsor Township Planning Board granted preliminary and final major site plan approval and preliminary and final major subdivision approval (the “**Planning Board Approval**”) for AVB’s proposed development of the Property (“**AVB Project**”); and

WHEREAS, the terms and conditions of the Planning Board Approval require AVB to construct the Washington Road Improvements as a component of the AVB Project, which will fulfill one of the primary goals of the Princeton Junction Redevelopment Plan; and

WHEREAS, upon the completion of the Washington Road Improvements: (i) the Vaughn Drive Extension (referred to in the Planning Board approval as “**Road A**”) will be dedicated to the Township, who will maintain such roadway as a public roadway; and (ii) Washington Road will be realigned with the incorporation of a roundabout to be constructed, which improvements will be maintained by the County of Mercer as a public roadway; and

WHEREAS, as a result of the construction of the Washington Road Improvements, Washington Road will be relocated from its current position and, as such, it is necessary to eliminate the current driveway that serves Block 6, Lot 48 (70 Washington Road) (the “**AI Property**”) and construct a new entrance and associated improvements (the “**Relocated AI Driveway**”) so as to provide the AI Property reasonable access to the roadway network via the to-be-constructed Vaughn Drive Extension; and

WHEREAS, pursuant to Section 30 of the Agreement, the Township agreed to use its powers of eminent domain, if necessary, to facilitate any off-tract improvements, including but not limited to roadway improvements; and

WHEREAS, in order to implement the Washington Road Improvements, it is necessary to acquire a temporary construction easement over an approximately .448-acre (19,494 square feet) portion of the AI Property, as more particularly described in **Exhibit A** hereto (such portion, the “**Easement Area**”), for the purpose of accessing the AI Property and constructing thereon the Relocated AI Driveway; and

WHEREAS, the Township Council has determined that said uses are public purposes and will promote the general health and welfare of the community; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5(a)(1) of the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., the Township may provide for the acquisition of any real property, capital improvement, or personal property by purchase, gift, devise, lease, exchange, condemnation or installment purchase agreement.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST WINDSOR, THAT:

Section 1. The aforementioned Recitals are incorporated herein as though set forth at length.

Section 2. The Township is hereby authorized to acquire a temporary construction easement over the approximately .448-acre (19,494 square feet) portion of the AI Property, more particularly described and depicted in **Exhibit A** attached hereto.

Section 3. That the property acquisition authorized herein may be achieved by any of the following methods: (i) consummation of a purchase and sale contract by negotiations with the property owner, (ii) by a gift, grant, or contribution by the property owner, or (iii) by condemnation of any such property, pursuant to the Eminent Domain Act (N.J.S.A. 20:3-1 et seq.).

Section 4. That the Township Attorney and/or other special legal counsel, and the Township’s Land Use Manager, are hereby authorized and directed to perform or carry out or cause to be performed or carried out, any studies, surveys, tests, soundings, borings, appraisals, title searches and title report reviews, as may be necessary to determine the value of the property interest sought herein, the location and quality of the property and any environmental matters associated therewith, and to undertake any action necessary or appropriate to acquire such property interest, and that any such actions taken prior to the date hereof are hereby ratified.

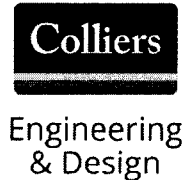
Section 5. That the Mayor and Township Clerk and such other officers as may be necessary are hereby authorized to undertake any actions and execute and deliver any paper, form, instrument or document necessary or appropriate to acquire said property interest by any of the methods set forth herein, including such documents relating to an action in condemnation.

Section 6. The ordinance shall take effect after action or inaction by the Mayor or an override of the mayoral veto by the Township Council, whichever is applicable, upon publication, according to law.

INTRODUCTION: November 28, 2022
PUBLIC HEARING: December 12, 2022
ADOPTION:
MAYOR APPROVAL:
EFFECTIVE DATE:

Exhibit A
Description and Depiction of Property to be Acquired

331 Newman Springs Road
Suite 203
Red Bank, New Jersey 07701
Main: 877 627 3772



DESCRIPTION OF PROPERTY
TOWNSHIP OF WEST WINDSOR
MERCER COUNTY, NEW JERSEY

TEMPORARY CONSTRUCTION EASEMENT
PART OF BLOCK 6, LOT 48
PROJECT NO. 16000081A
OCTOBER 19, 2022
PAGE 1 | 2

All that certain lot, tract or parcel of land situate, lying and being in the Township of West Windsor, in the County of Mercer and the State of New Jersey, and being all of a variable width temporary construction easement, the same being a portion of Lot 48, Block 6, as shown on a map entitled "Temporary Construction Easement Exhibit for AI Property, Block 6, Lot 48, Township of West Windsor, Mercer County, New Jersey", prepared by Colliers Engineering & Design, dated October 20, 2022, and being more particularly bounded and described as follows:

BEGINNING at the intersection of the southeasterly line of Lot 48, Block 6 with the southwesterly right of way line of Washington Road (aka Mercer C.R. 571 & 526), (variable width right of way), and running; thence-

1. **S 48°53'06" W, 248.26 feet**, along the aforesaid southeasterly line of Lot 48, Block 6, to a point in the same; thence -

The following seven (7) courses running through a portion of the aforesaid Lot 48, Block 6:

2. **N 41°06'54" W, 17.12 feet**; thence -
3. **S 48°53'06" W, 22.36 feet**; thence -
4. **N 41°06'54" W, 67.73 feet**; thence -
5. **N 48°51'53" E, 100.95 feet**; thence -
6. **S 41°06'54" E, 15.24 feet**, to a point of curvature; thence -
7. **SOUTHEASTWARDLY** along an arc having a radius of **3.00 feet** and curving to the left, an arc distance of **4.71 feet** (Central Angle of 90°00'00"), said arc being connected by a chord bearing of **S 86°06'54" E** and a chord distance of **4.24 feet**, to a point of tangency; thence -
8. **N 48°53'06" E, 166.67 feet**, to the aforesaid southwesterly right of way line of Washington Road; thence -
9. **S 41°06'54" E, 66.64 feet**, along the aforesaid southwesterly right of way line of Washington Road; to the Point and Place of **BEGINNING**.

DESCRIPTION OF PROPERTY
TOWNSHIP OF WEST WINDSOR
MERCER COUNTY, NEW JERSEY

TEMPORARY CONSTRUCTION EASEMENT
PART OF BLOCK 6, LOT 48
PROJECT NO. 16000081A
OCTOBER 19, 2022
PAGE 2 | 2

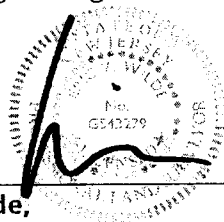


Engineering
& Design

CONTAINING: 19,494 square feet or 0.448 acres of land, more or less.

SUBJECT TO: to all easements, restrictions, reservations, agreements, covenants and rights of way of record.

The foregoing description was prepared by the undersigned surveyor for the firm of Colliers Engineering & Design and is based on the aforementioned easement exhibit.



October 19, 2022

Eric V. Wilde,

Digitally signed by Eric Wilde
Date: 2022.10.20 09:18:23-04'00'

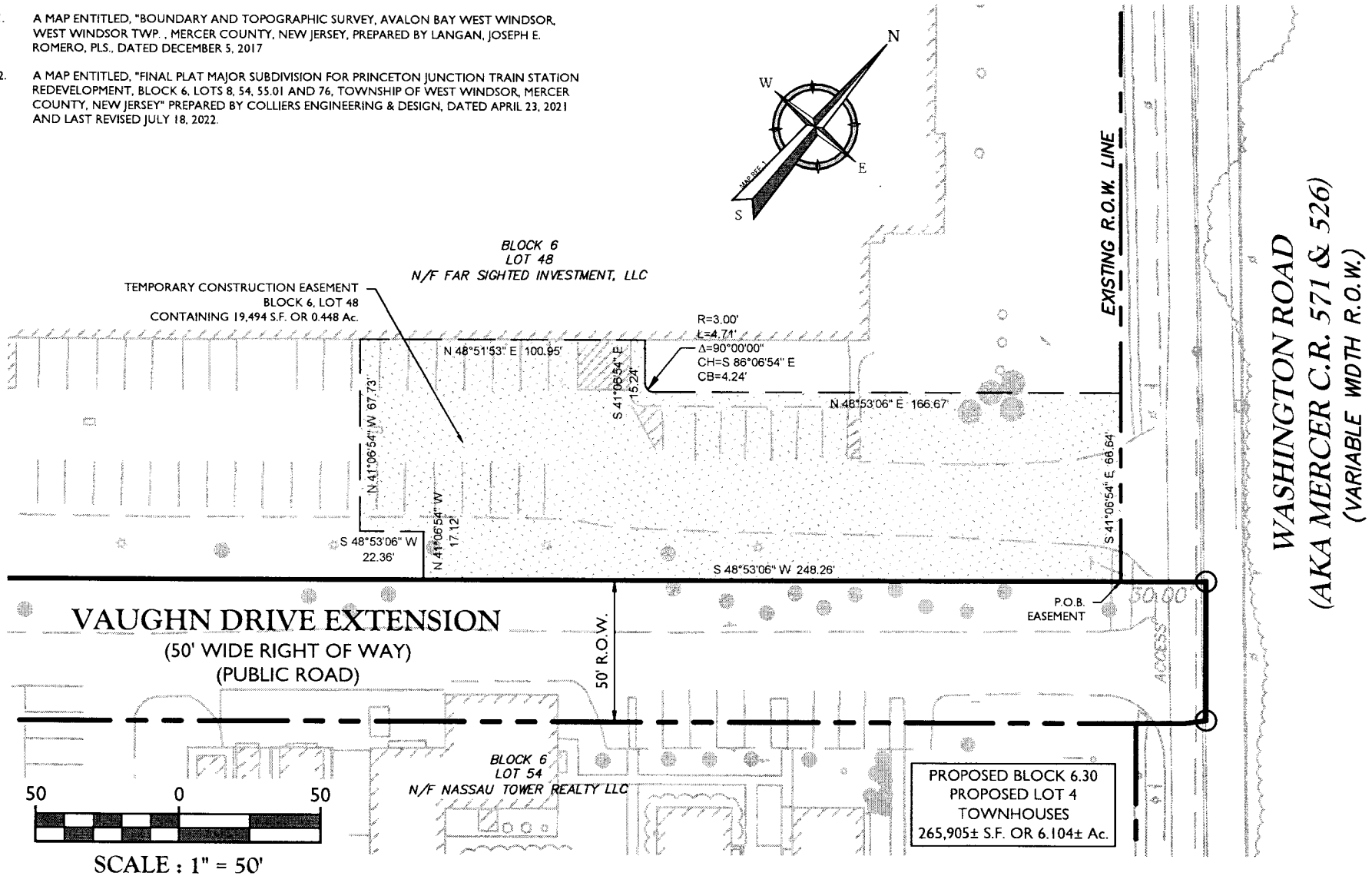
Date:

New Jersey Professional Land Surveyor

License Number GS43279

MAP REFERENCES:

1. A MAP ENTITLED, "BOUNDARY AND TOPOGRAPHIC SURVEY, AVALON BAY WEST WINDSOR, WEST WINDSOR TWP., MERCER COUNTY, NEW JERSEY, PREPARED BY LANGAN, JOSEPH E. ROMERO, PLS., DATED DECEMBER 5, 2017
2. A MAP ENTITLED, "FINAL PLAT MAJOR SUBDIVISION FOR PRINCETON JUNCTION TRAIN STATION REDEVELOPMENT, BLOCK 6, LOTS 8, 54, 55.01 AND 76, TOWNSHIP OF WEST WINDSOR, MERCER COUNTY, NEW JERSEY" PREPARED BY COLLIERS ENGINEERING & DESIGN, DATED APRIL 23, 2021 AND LAST REVISED JULY 18, 2022.



2017(6)16000081ASurveyExhibitsV-EXBT-TEMP-CNST-ESMT-LT48.dwg V-01-EXHIBIT By: HAPPELEGATE



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REV	DATE	DRAWN BY	DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT EXHIBIT FOR AI PROPERTY BLOCK 6, LOT 48

TOWNSHIP OF WEST WINDSOR
MERCER COUNTY
NEW JERSEY

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Colliers Engineering & Design

RED BANK (Headquarters)
331 Newman Springs Road, Suite 203
Red Bank, NJ 07701
Phone: 732.383.1950
COLLIERS ENGINEERING & DESIGN, INC.
DOING BUSINESS AS MASER CONSULTING

SCALE: AS SHOWN	DATE: 10/20/22	DRAWN BY: HA	CHECKED BY: MRM
PROJECT NUMBER: 16000081A	DRAWING NAME: V-EXBT-TEMP-CNST-ESMT-LT		

SHEET TITLE: EASEMENT EXHIBIT

SHEET NUMBER: 1 of 1