

**MEETING TO BE
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**AGENDA FOR A BUSINESS SESSION MEETING
OF THE TOWNSHIP COUNCIL OF WEST WINDSOR TOWNSHIP
WEST WINDSOR MUNICIPAL BUILDING
271 CLARKSVILLE ROAD
TO THE EXTENT KNOWN**

November 27, 2023

7:00 P.M.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - January 13, 2023 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

Community of Lights Proclamation

Police Awards
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

- 2023-17 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" SECTION 109-6 INSPECTION REQUIREMENTS PART B
- 2023-18 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4, ENTITLED "ADMINISTRATION OF GOVERNMENT," SECTION 4-22.1.1 "PROHIBITION AWARDDING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY (1999), IN AMENDING THE TOWNSHIP POLICY FOR THE AWARDDING OF PUBLIC PROFESSIONAL SERVICE CONTRACTS
- 2023-19 AN ORDINANCE AMENDING CHAPTER 4 "ADMINISTRATIAION OF GOVERNMENT" ARTICLE II OFFICE OF MAYOR AND ARTICLE III COUNCIL OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR, EXTENDING THE TERMS OF OFFICE FOR THE EXISTING MAYOR AND COUNCIL MEMBERS
- 2023-20 AN ORDINANCE AMENDING CHAPTER 4 "ADMINISTRATIAION OF GOVERNMENT" OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR, ARTICLE III "COUNCIL", AND ARTICLE XIII "SEPARATE AGENCIES AND BOARDS NOT ASSIGNED", AMENDING ANNUAL ORGANIZATIONAL MEETING DATE AND TERMS OF MEMBERS OF VARIOUS BOARDS AND AGENCIES
- 2023-21 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 168 "TRAFFIC AND PARKING" OF THE REVISED ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR - VILLAGE ROAD EAST
- 2023-22 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 168 "TRAFFIC AND PARKING" OF THE REVISED ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR - OLD TRENTON ROAD

11. Consent Agenda

A. Resolutions

2023-R223 Approving Refund of Construction Permit fee for Solar System to Tesla Energy Operations, Inc. in the amount of \$719.15 for Permit 2023-057

2023-R224 Approving Refund of Construction Permit fee for Solar System to Tesla Energy Operations, Inc. in the amount of \$659.30 for Permit 2022-1775

2023-R225 Approving Refund of Construction Permit fee for Solar System to Tesla Energy Operations, Inc. in the amount of \$454.10 for Permit 2023-0263

2023-R226 Approving Refund of Construction Permit Fee for Solar System to Tesla Energy Operations, Inc. in the amount of \$498.75 for Permit 2023-0265

B. Minutes

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2023-R227 Authorizing the Business Administrator to Purchase Scanning Services for Township Health Documents from Dell an Authorized State Contract Vendor - \$35,985.60

2023-R228 Authorizing the Chief Financial Officer to Increase the Professional Services Agreement with Parker McCay, P.A. Township Attorney by \$35,000.00 for a Total Not to Exceed of \$110,000.00

2023-R229 Authorizing the Business Administrator to Execute Change Order #1 With Manny Concrete, Inc., in the Amount of \$24,101.00 for a 19.80% Increase for the 2023 Sidewalk Repair Program

- 2023-R230 Granting the Full Release of Cash Maintenance Guarantee for the Project Known as Public Off-Site Improvements for the Institute for Islamic Studies Phase 2 ZB11-01SP.2
- 2023-R231 Authorizing the Mayor to Execute Project Agreement #15 with New Jersey Department of Environmental Protection Green Acres Program for a Funding Increase of \$700,000.00
- 2023-R232 Authorizing the Business Administrator to Purchase A 2025 Vac-Con Combination Jet/Vacuum Truck from Vac-Con Services, Inc., dba Pierce Eagle Equipment Company Through Sourcewell Cooperative Purchasing For the Department of Public Works - \$673,895.00
- 2023-R233 Authorizing the Business Administrator to Purchase One New Club Car "Carryall 500" from Vic Gerard Golf Cars Through Sourcewell Cooperative Purchasing For the Department of Public Works- \$12,371.00
- 2023-R235 Authorizing the Business Administrator to Purchase Key Control Devices from the Knox Company for the Division of Fire and Emergency Services - \$45,641.00
- 2023-R236 Authorizing the Business Administrator to Purchase One 2023 Mustang Mach E (K1S) Select AWD From Nielsen Ford of Morristown, Inc. for the Division of Health - \$51,125.40

Introduction of Ordinances

- 2023-25 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 100 "HOUSING STANDARDS" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY TO INCLUDE ARTICLE II, LEAD SAFE RESIDENTIAL RENTAL INSPECTION REQUIREMENTS AND CHAPTER 82 FEES

Public Hearing: December 11, 2023

14. Additional Public Comment (15 minutes comment period; three-minute limit per person)

15. Council Reports/Discussion/New Business
16. Administration Updates
17. Closed Session
18. Adjournment

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" SECTION 109-6 INSPECTION REQUIREMENTS PART B

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 revise the inspection 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

§ 109-6 Inspection requirements.

- A. 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.]
- B. 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 [Uniform Construction Code, Uniform Fire Code, and] Health Codes **and represent** [with] no **Uniform Construction Code and Uniform Fire Code** violations and/or penalties [remaining] **remain** outstanding. In addition, the establishment must comply with each of the following minimum requirements:
 - (1) All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall be constructed of material with surfaces which are smooth, nonabsorbent, and which may be readily disinfected.
 - (2) A public restroom shall be available to clients and employees during all business hours.
 - (3) 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.
 - (4) 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.
 - (5) The premises shall have adequate equipment for disinfecting nondisposable instruments and materials used in administering massages. Such nondisposable instruments and materials shall be disinfected after use on each patron.
 - (6) Adequate handwashing facilities shall be conveniently located to each treatment area to maintain clean hands and arms of all employees before, after and during treatments.
 - (7) Hand sinks shall be provided with hot and cold water capable of delivering running water under pressure at a temperature of 90° Fahrenheit to 110° Fahrenheit.

Section II:

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 III 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.

Brackets mean removal[]; **Bold** and underline mean added

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:



ORDINANCE 2023-18

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4, ENTITLED
“ADMINISTRATION OF GOVERNMENT,” SECTION 4-22.1.1 “PROHIBITION
AWARDING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS” OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY
(1999), AMENDING THE TOWNSHIP POLICY FOR THE AWARDING OF PUBLIC
PROFESSIONAL SERVICE CONTRACTS

WHEREAS, a change to N.J.S.A. 19:44A-8 has changed the reportable amount to the Election Law Enforcement Commission (ELEC) contribution reporting threshold to over \$200.00; and

WHEREAS, the Township of West Windsor’s policy was “zero” dollars to be contributed and due to the change in N.J.S.A. 19:44A-8 a change is necessary.

NOW, THEREFORE BE IT RESOLVED BY the Township Council of the Township of West Windsor that the following changes be made:

Section 1.

§ 4-22.1 **Awarding of public professional service contracts.**

A.

Prohibition of awarding public contracts to certain contributors.

(1)

Any other provision of law to the contrary notwithstanding, the Township or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure services from any professional service provider if that provider has solicited or made any contribution of money or pledge of a contribution, including in-kind contributions, to a campaign committee of any West Windsor Township candidate or holder of public office within the Township having responsibility for the award of the contract or to any West Windsor Township or Mercer County Party Committee **over \$200.00** within one calendar year immediately preceding the date of the contract or agreement.

(2)

No professional service provider which enters into negotiations for or agrees to any contract or agreement with the Township or any department or agency thereof or of its independent authorities for the rendition of professional services shall knowingly solicit or make any contribution of money or pledge of a contribution including in-kind contributions, to any West Windsor Township candidate or holder of public office within the Township having responsibility for the award of the contract or to any West Windsor Township or Mercer County Party Committee between the time of first communications between that service provider and the Township regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement **over \$200.00**.

(3)

For purposes of this section, a "professional service provider" seeking a public contract means an individual, including the individual's spouse, if any, and any child living at home; person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a service provider includes all principals who own 1% or more of the equity in the corporation or business trust, partners and officers in the aggregate employed by the provider as well as any subsidiaries directly controlled by the service provider.

(4)

For purposes of this section, the office that is considered to have responsibility for the award of the contract shall be:

(a)

The West Windsor Township Council if the contract requires approval or appropriation from the Council or a public officer who is responsible for the award of a contract if that public officer is appointed by Council; or

(b)

The Mayor of West Windsor Township if the contract requires the approval of the Mayor or a public officer who is responsible for the award of contract if that public officer is appointed by the Mayor; or

(c)

Both of the above.

B.

Contributions made prior to the effective date. No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any West Windsor Township candidate for Mayor or Township Council or West Windsor Township party committee shall be deemed a violation of this section nor shall an agreement for property, goods or services of any kind whatsoever be disqualified thereby if that contribution or agreement was made by the professional business entity prior to the effective date of this section.

C.

Contribution statement by professional business entity.

(1)

Prior to awarding any contract or agreement to procure services with any professional service provider, the Township or any of its purchasing agents or agencies or independent authorities, as the case may be, shall receive a sworn statement from the professional business entity made under penalty of perjury that the professional service provider has not made a contribution in violation of Subsection A hereof.

(2)

The professional service provider shall have a continuing duty to report any violations of this section that may occur during the negotiation or duration of a contract. The certification required under this subsection shall be made prior to entry into the contract or agreement with the Township and shall be in addition to any other certifications that may be required by any other provision of law.

D.

Penalty.

(1)

All Township of West Windsor professional service agreements shall provide that it shall be a breach of the terms of the government contract for a professional service provider, as defined in Subsection A(3), to violate Subsection A(2) or to knowingly conceal or misrepresent contributions given or received or to make or solicit contributions through intermediaries or any Mercer County Party Committee for the purpose of concealing or misrepresenting the source of the contribution.

(2)

Any professional service provider, as defined in Subsection A(3) who knowingly fails to reveal a contribution made in violation of this section or who knowingly makes or solicits contributions through intermediaries, including but not limited to Mercer County Party Committee, for the purpose of concealing or misrepresenting the source of the contribution shall be disqualified from eligibility for future Township contracts for a period of four calendar years from the date of the violation.

Section 3

All articles or sections thereof in conflict with this Ordinance are hereby repealed.

Section 4

The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by and Court of competent jurisdiction, such judgement shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

Section 5

This Ordinance shall be enacted twenty (20) days after action or inaction by the Mayor as approved by law or an override of a mayoral veto by the Council, whichever is applicable; and upon publication according to law.

Brackets mean removal[]; **Bold** and underline mean added

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

ORDINANCE 2023-19

AN ORDINANCE AMENDING CHAPTER 4 "ADMINISTRACION OF GOVERNMENT"
ARTICLE II OFFICE OF MAYOR AND ARTICLE III COUNCIL OF THE CODE OF THE
TOWNSHIP OF WEST WINDSOR, EXTENDING THE TERMS OF OFFICE FOR THE
EXISTING MAYOR AND COUNCIL MEMBERS

WHEREAS, Ordinance 2010-04 established the West Windsor Township Municipal Elections on the same day as the November General Elections; and

WHEREAS, Legislation approved on July 20, 2023 by Senate Bills 3159 and 3593 which changed the date for the elected officials to take office to January 15; and

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

Section 1

Section 4-10 of the Township Code, concerning the term of office for the Mayor is hereby amended to read as follows:

Article II Office of Mayor

§ 4-10 **Election; term of office.**

The Mayor shall be elected by the voters of the Township in a nonpartisan election to be held at the time of the November general election and shall serve for a term of four years, beginning on January [1] **15** following such election. Accordingly, the term of the Mayor holding office at the time of the adoption of this section shall be extended until [December 31] **January 14th** beyond the expiration date of the Mayor's present term.

Section 2

Section 4-13 of the Township code concerning the term of office of the Township Council, is hereby amended to read as follows:

Article III Council

§ 4-13 **Membership; term of office.**

The Township Council shall consist of five members, elected at-large by the voters of the Township at the regular nonpartisan municipal election to be held at the time of the November general election. The terms of the members of the Council shall be four years, beginning on January [1] **15** following such election. Accordingly, the terms of the Council members holding office at the time of the adoption of this section shall be extended until [December 31] **January 14th** beyond the expiration of their present term of office.

Section 3

All articles or sections thereof in conflict with this Ordinance are hereby repealed.

Section 4

The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by and Court of competent jurisdiction, such judgement shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

Section 5

This Ordinance shall be enacted twenty (20) days after action or inaction by the Mayor as approved by law or an override of a mayoral veto by the Council, whichever is applicable; and upon publication according to law, to be effective January 1, 2024, in accordance with law.

Brackets mean removal[]; **Bold** and underline mean added

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

ORDINANCE 2023-20

AN ORDINANCE AMENDING CHAPTER 4 “ADMINISTRACION OF GOVERNMENT” OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR, ARTICLE III “COUNCIL”, AND ARTICLE XIII “SEPARATE AGENCIES AND BOARDS NOT ASSIGNED”, AMENDING ANNUAL ORGANIZATIONAL/REORGANIZATIONAL MEETING DATE AND TERMS OF MEMBERS OF VARIOUS BOARDS AND AGENCIES

WHEREAS, Ordinance 2010-11 established the West Windsor Township Municipal Elections on the same day as the November General Elections; and

WHEREAS, Legislation approved on July 20, 2023 by Senate Bills 3159 and 3593 which changed the date for the elected officials to take office which is now January 15; and

WHEREAS, the annual organizational/reorganization meeting will be held on January 15th at 12 o'clock noon or at some other hour on any day during a seven day period beginning on January 15th; and

WHEREAS, appointments and terms of members of and advisers and/or liaisons to various boards and agencies will run from January 15 to January 14 of each year commencing on January 1, 2024.

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

Section 1

§ 4-14 President and Vice President; term; presiding officer; annual meeting.

The Council, at its annual organizational/**reorganizational** meeting, to be held on January [1] **15th** at 12:00 noon or at some other hour on any day during [the] [first] **a seven day period beginning on January 15th** [week] [of] [January] of each year, shall elect a President and Vice President to serve for one-year terms and until the election and qualification of their successors. If a vacancy occurs in the position of President during the year, the Vice President will move into the position and the Council will elect a member to fill the position of Vice President for the remainder of the term. If a vacancy occurs in the position of Vice President during the year, the Council will elect a member to fill position for the remainder of the term. In the absence of both President and Vice President of the Council, the Council shall elect a temporary presiding officer, who shall have the functions, powers and duties of the President during the President's absence. Upon the arrival of the President or the Vice President, as the case may be, the officer presiding shall relinquish the chair immediately upon the conclusion of the particular item of business before Council. At its annual organizational/**reorganizational** meeting, the Council shall approve its rules of procedure and set forth the format of its formal agenda.

§ 4-16 **Public meetings.**

A.

Council shall hold its regular meetings and work sessions as per a resolution to be adopted at the annual organizational/reorganizational meeting, but not less than one meeting per month. This resolution may be amended or modified by subsequent resolutions duly adopted.

B.

Notice.

(1)

In conformity with the Open Public Meetings Act,⁽¹⁾ written notice of all meetings of the Council and every other public body as defined in the Act shall be noticed at least 48 hours in advance, giving time, date, location and, to the extent known, the agenda of any regular, special or rescheduled meeting. Such notice shall accurately state whether formal action may or may not be taken and shall be prominently posted on at least one place reserved for such or similar announcements on a bulletin board in the lobby of the Municipal Building and be mailed, telephoned, telegraphed or hand-delivered to at least two newspapers designated by the Township Council. Designated newspapers must publish often enough for the forty-eight-hour notice to be given to members of the public. Copies of the notice shall be filed with the Township Clerk.

[1]

Editor's Note: See N.J.S.A. 10:4-6 et seq.

(2)

Where the Council announces annual notice of its regular meetings, no further notice shall be required concerning such meetings. Such notice shall be in accordance with the schedule of the regular meetings of the Council to be held during the ensuing year, which the Township Clerk shall prepare, post and submit within seven days following the annual organizational/reorganizational meeting of the Council, or, if there be no such organizational/reorganization meeting in the year, [then not later than January 10 of such year], **said notice will be** pursuant to the terms of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. The Township Clerk shall, whenever a special meeting of the Council is called in accordance with the law, issue and cause notices thereof to be served upon the members of the Council, and other persons whose presence may be required, pursuant to law.

H.

Requests for schedules. Any person may request that the Council mail copies of any regular meeting schedule or revision thereof, including notice of regular, special or rescheduled meetings. The Council may pass a resolution to provide a reasonable prepayment fee for this service. All requests for meeting schedules shall terminate at 12:00 midnight, [December 31] **January 14th** of each year, but shall be subject to renewal upon request to the Council.

§ 4-20 **Budget preparation.**

A.

The budget shall be prepared by the Mayor with the assistance of the Business Administrator, the Township Chief Financial Officer and other applicable Directors. During the month of November, the Mayor shall require all Directors to submit requests for appropriations for the ensuing budget

year and to appear at public hearings before the Mayor and/or Business Administrator about the various requests.

B.

The Business Administrator, with the assistance of the Chief Financial Officer, shall prepare all estimates of non-property tax revenues anticipated for the support of each annual budget.

C.

The budget document shall be prepared in such form as is required by law for municipal budgets and in accordance with the Charter. There shall be appended to the budget a detailed analysis of all items of expenditure and revenue.

D.

On or before [January 15] **the date determined by the Division of Local Government Services for transmittal of the budget**, the Mayor shall submit to the Council the recommended budget, together with such explanatory comment or statement as deemed desirable. At this time the budget shall become the Council's budget (N.J.S.A. 40:69A-46 et seq.).

E.

Council may reduce any item or items in the Mayor's budget by a vote of the majority of the Council, but any increase in any item or items shall become effective only upon an affirmative vote of 2/3 of the entire membership of the Council.

Section 2.

ARTICLE XIII

§ 4-55 Boards and agencies not assigned to Township departments.

D.

Unless specifically provided otherwise, all terms of all members of and advisers and/or liaisons to the various board/bodies/committees listed above shall run from January [1]**15** to [December 31] **January 14**.

§ 4-56.1 Agricultural Advisory Committee.

A.

Preamble. A Township goal is to preserve farmland. That goal can be advanced through the preparation of a farmland preservation element of the Master Plan and securing grants therefor from higher level jurisdictions. One form of grant available is a planning incentive grant through the New Jersey Department of Agriculture. To be eligible for such a grant, the Planning Board must prepare and adopt a farmland preservation plan element in consultation with a municipal agriculture advisory committee. It is in the best interest of the Township to create such a committee in order to plan systematically for farmland preservation and to be eligible for planning incentive grants and in order to best manage Township-owned farmland.

B.

Creation; appointment; terms of office; vacancies; compensation.

(1)

There is hereby created an Agricultural Advisory Committee consisting of three members appointed by the Mayor with the consent of the Township Council. They shall be residents of the

Township, and a majority thereof shall be actively engaged in farming and shall own a portion of the land they farm. They shall serve without compensation.

(2)

The members shall serve for terms of three years each. The initial appointments shall be staggered so that one term shall be for one year, one for two years and one for three years. Terms shall expire on [December 31] **January 14** of the year of expiration.

(3)

All appointments to fill vacancies shall be for the unexpired term.

(4)

A Chairman shall be elected annually by the Committee.

§ 4-61.1 **Shade Tree Commission.**

A.

Preamble. The Township has acquired and will continue to acquire various public lands, and the Township right-of-way has increased and will continue to increase with the future development of the Township. It is in the best interests of the Township to create a Shade Tree Commission in order to encourage proper arboriculture and desirable horticultural activities, to develop and periodically update a community forest and shade tree plan for the care, planting and location of trees and shrubbery on public land and in public rights-of-way and to set policy for the maintenance of the trees and shrubbery in such areas.

B.

Creation; appointment; terms of office; vacancies; compensation.

(1)

There is hereby created a Shade Tree Commission, which shall be known as the "Shade Tree Commission of West Windsor Township." The Commission shall consist of five members appointed by the Mayor with the advice and consent of Township Council. The members shall be residents of the Township and shall serve without compensation.

(2)

The members shall serve for terms of five years each. However, the initial appointments shall be staggered for respective periods of one, two, three, four and five years. The initial term of appointment shall be designated at the time of appointment. Terms shall expire on [December 31] **January 14** of the year of expiration.

(3)

All appointments to fill vacancies shall be for the unexpired term.

(4)

A Chairperson shall be elected annually by the Commission. The Chairperson shall serve without compensation.

(5)

A Secretary shall be elected annually by the Commission. The Secretary shall serve without compensation.

§ 4-62 Human Relations Council.

A.

Preamble. Under the direction of the Mayor, the Human Relations Council will develop, coordinate and amplify community awareness of the diverse cultures represented in the Township. This is to be accomplished through the development and implementation of approved programs and services which will foster cultural exchange. The Council will report annually and/or as requested or needed on its activities and recommendations.

B.

Creation. There is hereby created a Human Relations Council to develop, coordinate and amplify the community awareness of the diverse cultures as represented in the Township.

C.

Appointment; terms; vacancies; compensation.

(1)

The Council shall consist of 12 members, who shall be representatives of the diverse cultural interests within the Township. All members shall be appointed by the Mayor, with advice and consent of the Council. Advisers, but not regular members, may be nonresidents who are employed within the Township.

(2)

Members shall serve for terms of two years each. Six of the initial appointments shall be for one year and the other six shall be for two years. At the expiration of the one-year terms, the ensuing appointments shall be for two years. All terms shall expire on [December 31] **January 14** of the year of the expiration.

(3)

A vacancy occurring other than by expiration of term shall be filled in the same manner as other appointments, but said appointment is for the unexpired term only.

(4)

Members shall receive no compensation for their services.

D.

Structure. The Council shall designate one of its members as Chair and that person shall serve as such until the first day of January next following the appointment and until the successor shall be appointed and shall qualify. Vacancies in the Chair shall be filled in the same manner as other vacancies for the unexpired term only.

§ 4-65 Planning Board.

A.

The Planning Board heretofore created by West Windsor Township is continued and is hereby established pursuant to N.J.S.A. 40:55D-23 et seq. as the Planning Board for said municipality.

B.

Composition.

(1)

The Planning Board shall consist of nine members, who shall be divided into the following four classes for convenience in designating their manner of appointment:

(a)

Class 1: The Mayor, or the Mayor's designee in the absence of the Mayor.

(b)

Class 2: One of the officials of the Township other than a member of the Council, to be appointed by the Mayor, provided that the member of the Environmental Commission who is also a member of the Planning Board, as may be required by N.J.S.A. 40:56A-1, shall be deemed to be a Class 2 Planning Board member if there is both a member of the Zoning Board of Adjustment and a member of the Board of Education among Class 4 or alternate members.

(c)

Class 3: A member of the Township Council, to be appointed by it.

(d)

Class 4: Six other citizens of the municipality, to be appointed by the Mayor. The members of Class 4 shall hold no other municipal office, except that one member may be a member of the Zoning Board of Adjustment and one may be a member of the Board of Education. A member of an Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be a Class 4 Planning Board member unless there be among the Class 4 or alternate members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education, in which case the member of the Environmental Commission shall be deemed to be the Class 2 member of the Planning Board.

(2)

In addition to the nine members set forth above, there are established two alternate members to be appointed by the same appointing authority as class 4 members.

(3)

The alternate members shall serve for two years from January 1 of the year of their appointment. The initial terms of the alternate members shall be for one and two years, respectively, as designated by the Mayor at the time of their appointment. The Mayor shall designate the alternate members as "Alternate No. 1" and "Alternate No. 2."

(4)

Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate is to vote, Alternate No. 1 shall vote.

C.

Terms.

(1)

The term of the member comprising Class 1 shall correspond with the Mayor's official tenure of office, or if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's official tenure. The terms of the members comprising Class 2 and Class 3 shall be for one year or terminate at the completion of their respective terms of office, whichever shall first occur, except for a Class 2 member who is also a member of the Environmental Commission, if any. The term of a Class 2 or Class 4 member who is also a member of the Environmental Commission, if any, shall be for three years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever shall have first occurred.

(2)

The term of a Class 4 member who is also a member of the Board of Adjustment or the Board of Education shall terminate whenever the Class 4 member is no longer a member of such other body or at the completion of the member's Class 4 term, whichever shall first occur.

(3)

The terms of all Class 4 members first appointed pursuant to this section shall be so determined that, to the greatest practical extent, the expiration of such terms shall be evenly distributed over the first four years after their appointment as determined by resolution of the Township Council; provided, however, that no term of any member shall exceed four years; and, further, provided that nothing herein shall affect the term of any present member of the Planning Board, all of whom shall continue in office until the completion of the term for which they were appointed. Thereafter, all Class 4 members shall be appointed for terms of four years except as otherwise herein provided.

(4)

All terms shall run from January [1] **January 15** of the year in which the appointment was made.

§ 4-68 Zoning Board of Adjustment.

A.

Establishment; membership; terms; officers; staff; rules; compensation.

(1)

Establishment. The Zoning Board of Adjustment heretofore created is continued and is hereby established pursuant to N.J.S.A. 40:55D-69 et seq. as the Board of Adjustment for the municipality.

(2)

Membership. The Zoning Board of Adjustment shall consist of seven regular members and two alternate members. All members including alternates shall be appointed by the Council. Alternate members shall be designated at the time of appointment "Alternate No. 1" and "Alternate No. 2."

(3)

Terms. The terms of the members first appointed shall be so determined that, to the greatest practicable extent, the expiration of such terms shall be distributed in the case of regular members evenly over the first four years after their appointment and in the case of alternate members evenly over the first two years after their appointment, provided that the initial term of no regular member shall exceed four years and that the initial term of no alternate member shall exceed two years. Thereafter, the term of each regular member shall be four years, and the term of each alternate member shall be two years. All terms of office shall run from January [1] 15 of the year in which the appointment was made.

Section 3

All articles or sections thereof in conflict with this Ordinance are hereby repealed.

Section 4

The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by and Court of competent jurisdiction, such judgement shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

Section 5

This Ordinance shall be enacted twenty (20) days after action or inaction by the Mayor as approved by law or an override of a mayoral veto by the Council, whichever is applicable; and upon publication according to law, to be effective January 1, 2024, in accordance with law.

Brackets mean removal[]; **Bold** and underline mean added

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

REQUEST FOR COUNCIL ACTION

Date of Request: October 20, 2023

Initiated By: Sgt. Kevin Loretucci

Division/Department: Police

ACTION REQUESTED/ EXECUTIVE SUMMARY: An Ordinance to amend Chapter 168 of Township Code to establish a No Stopping or Standing zone along a portion of Village Road East in front of the Dutch Neck Elementary School in the interest of public safety. I am recommending the installation of No Stopping or Standing signs on the north side of Village Road East, to the east and west of the front drop-off loop driveway exit, to improve the visibility for drivers exiting the loop and merging into traffic along Village Road East.

SOURCE OF FUNDING: N/A
CONTRACT AMOUNT: N/A
CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED


Ordinance Request Letter
Traffic Sergeant Memo Map

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW


Department/Division Head

10/27/2023
Date

10/27/2023

 10/27/23

APPROVED FOR AGENDA OF: November 12, 2023

By:


Marlena Schmid, Business Administrator

MEETING DATE: 11/7/23 Ordinance # 2023-21 Resolution # _____

Council Action Taken:

ORDINANCE 2023-21

AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 168, "TRAFFIC AND PARKING," OF THE
REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF WEST WINDSOR

WHEREAS, the Township Traffic Sergeant, upon request, has evaluated a section of Village Road East at Dutch Neck Elementary School for no stopping or standing restrictions; and

WHEREAS, Pursuant to *N.J.S.A. 39:4-8*, the Township Traffic Sergeant has provided recommendations that certain no stopping or standing restrictions along a segment of Village Road East at Dutch Neck Elementary School are appropriate at this location after an investigation has been undertaken by said Office, and it appears to be in the best interest of public safety and the expedition of traffic on this section of Village Road East to implement certain no stopping or standing restrictions at said location; and

WHEREAS, the Township of West Windsor desires to implement certain no stopping or standing restrictions along a segment of Village Road East, along its north side, at the exit to the drop-off loop serving Dutch Neck Elementary School, which is entirely within the Township of West Windsor.

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 amended and supplemented as follows:

SECTION I.

CODE OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY

PART II: GENERAL LEGISLATION

CHAPTER 168: TRAFFIC AND PARKING

ARTICLE VII: Schedules

Section 168-72: Schedule XVII: No Stopping or Standing, shall be amended as follows:

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
<u>Village Road East</u>	<u>North</u>	<u>All</u>	<u>From a point of 50 feet east of the Dutch Neck School drop-off loop exit to the parking lot entrance on the west side of the Dutch Neck School.</u>

SECTION II

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 shall be deemed severable therefrom and shall not be affected.

SECTION III

This ordinance shall take effect upon final passage and publication in accordance with the law.

Brackets mean removal[]; **Bold** and underline mean added

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

REQUEST FOR COUNCIL ACTION

Date of Request: October 30, 2023

Initiated By: Sgt. Kevin Loretucci #476 Division/Department: Police Department

ACTION REQUESTED/ EXECUTIVE SUMMARY: An Ordinance to amend Chapter 168 of Township Code to add regulations prohibiting stopping or standing of vehicles at all times on certain streets. The Office of the Mercer County Engineer and the Township Traffic Sergeant are seeking to prohibit vehicles from stopping or standing along Mercerville-Edinburg Road a.k.a. Old Trenton Road (County Route 535) between Village Road and the Township border with East Windsor Township. The narrow shoulder widths, high traffic volumes, and higher speed limit on this roadway do not support stopping or standing of vehicles. The Township Engineer has reviewed and is in support of this recommendation.

SOURCE OF FUNDING: N/A

CONTRACT AMOUNT: N/A

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED

Ordinance
Map

Traffic Sergeant Memo

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

_____ *Frank Omk* 10/31/2023
Department/Division Head Date

APPROVED FOR AGENDA OF: November 13, 2023

By: *Marlena A. Schmid*
Marlena Schmid, Business Administrator

MEETING DATE: 11/13 Ordinance # 2023-22 Resolution # _____
Council Action Taken:

ORDINANCE 2023-22

AN ORDINANCE TO AMEND AND SUPPLEMENT
CHAPTER 168, "TRAFFIC AND PARKING," OF THE
REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF WEST WINDSOR

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

SECTION I.

CODE OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY
PART II: GENERAL LEGISLATION
CHAPTER 168: TRAFFIC AND PARKING
ARTICLE III: PARKING REGULATIONS, is amended to read as follows:

Section 168-24.1: Stopping or standing prohibited at all times on certain streets.
No person shall stop or stand a vehicle between the hours specified in Schedule XVII.I (§ 168-72.1) of any day upon any of the streets or parts of streets described in Schedule XVII.I attached to and made a part of this chapter.

SECTION II

PART II: GENERAL LEGISLATION
CHAPTER 168: TRAFFIC AND PARKING
ARTICLE VII: Schedules, is amended to read as follows:

Section 168-72.1: Schedule XVII.I: Stopping or standing prohibited at all times on certain streets.

In accordance with the provisions of § 168-24.1, no person shall stop or stand a vehicle at any time upon any of the following described streets or parts of streets:

<u>Name of Street</u>	<u>Sides</u>	<u>Location</u>
<u>Mercerville-Edinburg Road (Old Trenton Road) County Route 535</u>	<u>Both</u>	<u>From Village Road to the Township border with East Windsor</u>

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 shall be deemed severable therefrom and shall not be affected.

SECTION IV.

This ordinance shall take effect upon final passage and publication in accordance with the law.

Brackets mean removal[]; **Bold** and underline mean added

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

REQUEST FOR COUNCIL ACTION

Date of Request: November 8th, 2023

Initiated By: Jason Harris

Division/Department Code Enforcement

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Refund of Solar System permit fee to Tesla Energy Operations, Inc. for 4 Restrict Court.

SOURCE OF FUNDING: N/A

CONTRACT AMOUNT: N/A

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Memo to Marlena Schmid, Business Administrator for permit refund

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Jason Harris 11/14/23
Department/Division Head Date

APPROVED FOR AGENDA OF:

By: Marlena Schmid 11/14/2023
Marlena Schmid, Business Administrator

MEETING DATE: 11/27 Ordinance # _____ Resolution # 2023-R223

Council Action Taken:

RESOLUTION

WHEREAS, the Construction Official, Jason Harris, has certified the following applicant has paid \$803.00 for a permit to install a Solar System (#2023-057); and

WHEREAS, said Applicant permit's for 4 Restrict Court were cancelled by the homeowner; and

WHEREAS, said Applicant is entitled to a refund of \$719.15 which is the permit fees minus the Plan Review Fees and the DCA fees, which are nonrefundable.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor approves payment refund of the below:

<u>Applicant</u>	<u>Refund</u>
Tesla Energy Operations, Inc. 1001 Lower Landing Rd, Suite 601 Blackwood NJ 08012	\$719.15

Adopted: November 27th, 2023

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 27th day of November, 2023.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: November 8th, 2023

Initiated By: Jason Harris

Division/Department Code Enforcement

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Refund of Solar System permit fee to Tesla Energy Operations, Inc. for 19 Hathaway Drive

SOURCE OF FUNDING: N/A

CONTRACT AMOUNT: N/A

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Memo to Marlena Schmid, Business Administrator for permit refund

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Department/Division Head

Kevin Omy 11/14/23

Date

APPROVED FOR AGENDA OF: _____

By:

Marlena Schmid 11/20/2023

Marlena Schmid, Business Administrator

MEETING DATE: 11/27 Ordinance # _____ Resolution # 2023-R224

Council Action Taken:

RESOLUTION

WHEREAS, the Construction Official, Jason Harris, has certified the following Applicant has paid \$730.00 for applications for permit fees to install a Solar System (2022-1775); and

WHEREAS, said Applicant's permits for 19 Hathaway Drive were cancelled by the homeowner; and

WHEREAS, said applicant is entitled to a refund of \$659.30 which is the permit fees minus the Plan Review fees and the DCA fees, which are nonrefundable.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor approves refund payment of the below:

<u>Applicant</u>	<u>Refund</u>
Tesla Energy Operations, Inc. 1001 Lower Landing Rd, Suite 601 Blackwood, NJ 08012	\$659.30

Adopted: November 27th, 2023

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 27th day of November, 2023

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: November 8th, 2023

Initiated By: Jason Harris

Division/Department Code Enforcement

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Refund of Solar System permit fee to Tesla Energy Operations, Inc. for 11 Lockwood Drive.

SOURCE OF FUNDING: N/A

CONTRACT AMOUNT: N/A

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Memo to Marlena Schmid, Business Administrator for permit refund

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Kevin Giff 11/14/23
Department/Division Head Date

APPROVED FOR AGENDA OF:

By: Marlena Schmid 11/20/2023
Marlena Schmid, Business Administrator

MEETING DATE: 11/27/2023 Ordinance # _____ Resolution # 2023 R225

Council Action Taken:

RESOLUTION

WHEREAS, the Construction Official, Jason Harris, has certified the Applicant has paid \$502.00 for permits to install a Solar System (#2023-0263); and

WHEREAS, said Applicant's permits for 11 Lockwood Drive were cancelled by the homeowner; and

WHEREAS, said Applicant is entitled to a refund of \$454.10 which is the permit fees minus the Plan Review Fees and the DCA fees, which are nonrefundable.

NOW, THEREFORE, BE IT RESOLVED, the Township Council of the Township of West Windsor approves payment of the refund below:

<u>Applicant</u>	<u>Refund</u>
Tesla Energy Operations, Inc. 1001 Lower Landing Rd, Suite 601 Blackwood, NJ 08012	\$454.10

Adopted: November 27th, 2023

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 27th day of November, 2023.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: November 8th, 2023

Initiated By: Jason Harris

Division/Department Code Enforcement

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Refund of Solar System permit fee to Tesla Energy Operations, Inc. for 5 Abbington Lane.

SOURCE OF FUNDING: N/A

CONTRACT AMOUNT: N/A

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Memo to Marlana Schmid, Business Administrator for permit refund

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Department/Division Head

Date

APPROVED FOR AGENDA OF:

By:

Marlena Schmid, Business Administrator

MEETING DATE: 11/27/2023 Ordinance # _____ Resolution # 2023-7226

Council Action Taken:

RESOLUTION

WHEREAS, the Construction Official, Jason Harris, has certified the Applicant paid \$553.00 for permits to install a Solar System (#2023-0265); and

WHEREAS, said Applicant's permits for 5 Abbington Lane were cancelled by the homeowner; and

WHEREAS, said Applicant is entitled to a refund of \$498.75 which is the permit fees minus the Plan Review fees and the DCA fees, which are nonrefundable.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor approves payment of the refund below:

<u>Applicant</u>	<u>Refund</u>
Tesla Energy Operations, Inc. 1001 Lower Landing Rd, Suite 601 Blackwood, NJ 08012	\$498.75

Adopted: November 27th, 2023

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 27th day of November, 2023.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of West Windsor has the need on a timely basis to purchase technological goods or services utilizing State contracts; and

WHEREAS, DELL is an authorized vendor under New Jersey State Contract Software T3121 #20-TELE-01510; and

WHEREAS, the following resolutions and purchase orders were approved and certification of funds were authorized as follows:

Purchase Order No.	59217	\$ 1,250.57
Purchase Order No.	59313	\$ 5,312.22
Resolution No.	2023-R101	\$ 68,385.00
Resolution No.	2023-R103	\$ 18,236.00
Resolution No.	2023-R104	\$ 4,249.13
Resolution No.	2023-R105	\$ 27,591.53
Resolution No.	2023-R122	\$ 14,532.03
Resolution No.	2023-R139	\$ 125,838.67
Resolution No.	2023-R151	\$ 866.36
Resolution No.	2023-R167	\$ 4,868.10
Resolution No.	2023-R173	\$ 3,186.14
Resolution No.	2023-R204	\$ 1,970.58
Resolution No.	2023-R219	\$16,654.14
		<u>\$ 292,940.47</u>

WHEREAS, the Township wants to continue with its scanning program and this year will have Health documents scanned into the laserfiche system; and

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

Clerk-Consulting Fees	105-01-210	\$22,235.60
Health Grant/Strengthening Local Public Health - (ELPHI)		\$13,750.00

Page 2
2023-R227

NOW, THEREFORE, BE IT RESOLVED, that the Township Council authorizes the Business Administrator, Marlena Schmid to purchase the above services from Dell under New Jersey State Contract T3121 #20-TELE-01510 in the amount of \$35,985.60.

Adopted: November 27, 2023

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 27th day of November 2023.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: November 2, 2023

Initiated By: Hemant Marathe, Ph.D. Division/Department: Administration

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Authorizing \$35,000.00 increase for the Professional Services Agreement with Parker McCay, P.A. as Township Attorney Services (legal Fees) for the period January 1, 2023 through December 31, 2023.

SOURCE OF FUNDING: Current Fund

CONTRACT AMOUNT: Increase of \$35,000.00

CONTRACT LENGTH: 01/01/2023-12/31/2023

OTHER SUPPORTING INFORMATION ATTACHED:

E-mail

S:\AGENDA INBOX : Parker McCay, P.A.-Res-increase-2023

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Marlena Schmid 11/20/2023

Department/Division Head

Date

APPROVED FOR AGENDA OF: November 27, 2023

By: Marlena Schmid 11/20/2023

Marlena Schmid, Business Administrator

**** PLEASE NOTE ** DEADLINE FOR SUBMISSION TO THE CLERK'S OFFICE FOR REVIEW AND APPROVAL BY THE BUSINESS ADMINISTRATOR IS 10:00 A.M. ON THE FRIDAY ONE WEEK PRECEDING THE COUNCIL MEETING.**

MEETING DATE: 11/27 Ordinance # _____ Resolution # 2023-3228

Council Action Taken:

RESOLUTION

WHEREAS, the Township of West Windsor Council entered into a Professional Services Agreement with the Law Office of Parker McCay, P.A. on January 23, 2023 for legal services as Township Attorney; and

WHEREAS, a certification of funds for the original Agreement was received from the Chief Financial Officer and funds were available in the following accounts:

Legal – Legal Fees	105-46-223	\$35,000.00
Legal – Legal Fees – Tsp. Council	105-46-224	\$20,000.00
Legal – Litigation	105-46-228	<u>\$20,000.00</u>
	Total	\$75,000.00

WHEREAS, the scope of work authorized in the original Agreement remains in force and effect; and

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

Legal – Legal Fees	105-46-223	\$35,000.00
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NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor hereby authorizes the Chief Financial Officer to increase the Professional Services Agreement by \$35,000.00 with Law Office of Parker McCay, P.A. to a revised contract amount not to exceed of \$110,000.00.

Adopted: November 27, 2023

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 27th day of November 2023.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: November 15, 2023

Initiated By: Dan Dobromilsky Division/Department: Comm. Dev./Engineering

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Adoption of a resolution authorizing execution of Change Order No. 1 for final quantities adjustment of the contract known as "2023 Sidewalk Repair Program," with Manny Concrete, LLC. The contract is being amended to increase the contract total to cover additional quantity adjustments due to field conditions. The attached Change Order No. 1 includes an increase reflecting the costs of all materials and labor. The net increase in the contract amount is 19.80% of the current contract total.

SOURCE OF FUNDING:

<u>Bicycle and Pedestrian Improvements</u>	<u>405-2023-09-013</u>	<u>\$ 24,101.00</u>
Account Title	Account Number	Amount

CONTRACT AMOUNT:

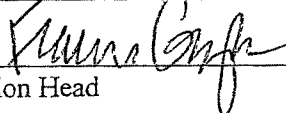
<u>Original Contract Amount:</u>	\$ 121,656.00
<u>Change Order:</u>	+\$ 24,101.00
<u>Final Contract Amount:</u>	\$ 145,757.00

CONTRACT LENGTH: NO CHANGE

OTHER SUPPORTING INFORMATION ATTACHED:

Resolution	Change Order #1
Engineer's Memorandum	Copy of Resolution (Contract Award)
Certification of Funds	

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

<u></u>	<u>11/15/2023</u>
Department/Division Head	Date

APPROVED FOR AGENDA OF: November 27, 2023

By:  11/20/2023
Marlena Schmid, Business Administrator

MEETING DATE: 11/27/2023 Ordinance # _____ Resolution # 2023-0229

Council Action Taken:

RESOLUTION

WHEREAS, West Windsor Township awarded a contract on October 10, 2023 to Manny Concrete LLC, for the project known as "2023 Sidewalk Repair Program" for the contract amount of \$121,656.00 as set forth in the contract documents; and

WHEREAS, Change Order No. 1 which accounts for an increase of \$24,101.00 for additional quantities adjustment due to field conditions has been submitted; and

WHEREAS, the Township Landscape Architect has inspected the project and recommends the change order; and

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

Bicycle and Pedestrian Improvements	405-2023-09-013	\$ 24,101.00
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NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that Change Order No. 1 for additional quantities is hereby approved, adjusting the quantities for a revised contract amount of \$145,757.00

BE IT FURTHER RESOLVED that the Township Business Administrator Marlena Schmid is hereby authorized to execute Contract Change Order No. 1 for additional quantities.

Adopted: November 27, 2023

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 27th day of November 2023.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

WHEREAS, Institute for Islamic Studies, Inc. has made a request for a release of the cash maintenance guarantee posted for public off-site improvements in connection with construction associated with the project known as Institute for Islamic Studies Phase 2 Off-site Work (ZB11-01SP.2); and

WHEREAS, the West Windsor Township Consulting Engineer for the project, Van Cleef Engineering Associates, have performed inspections and recommends the maintenance guarantee in the amount of \$31,208.25 for public off-site improvements be released in connection with construction associated with the project known as Institute for Islamic Studies Phase 2 Off-site Work (ZB11-01SP.2), as follows:

WHEREAS, the Township Engineer has reviewed the report from the Consulting Engineer and recommends the release of the cash maintenance guarantee be approved by the Township Council.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor, the maintenance guarantee in the amount of \$31,208.25 posted by Institute for Islamic Studies, Inc. for public off-site improvements in connection with construction associated with the project known as Institute for Islamic Studies Phase 2 Off-site Work (ZB11-01SP.2), be released to Institute for Islamic Studies, Inc.

ADOPTED: November 27, 2023

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 27th day of November 2023.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: November 6, 2023

Initiated By: Samuel J. Surtees Division/Department: Community Dev./Land Use

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Execution of the attached amended Green Acres Project Agreement (#15) between the State of New Jersey DEP and West Windsor Township will increase the funding amount from Green Acres from \$7,825,000.00 to \$8,525,000.00 (\$700,000.00 grant). This is a 50% matching grant award.

SOURCE OF FUNDING:

100% from Green Acres, NJ DEP

CONTRACT AMOUNT: NA

CONTRACT LENGTH: NA

OTHER SUPPORTING INFORMATION ATTACHED:

Resolution
Green Acres Project Agreement (2 originals)
Memo from Samuel J. Surtees dated November 1, 2023

S:\AGENDA INBOX _____

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Department/Division Head 11.3.23 Frank Griffin
Date

APPROVED FOR AGENDA OF: November 27, 2023

By: Marlena Schmid 11/20/2023
Marlena Schmid, Business Administrator

**** PLEASE NOTE ** DEADLINE FOR SUBMISSION TO THE CLERK'S OFFICE FOR REVIEW AND APPROVAL BY THE BUSINESS ADMINISTRATOR IS 10:00 A.M. ON THE FRIDAY ONE WEEK PRECEDING THE COUNCIL MEETING.**

MEETING DATE: 11/27/2023 Ordinance # _____ Resolution # 2023-R231

Council Action Taken:

RESOLUTION

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES PROGRAM

ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of West Windsor has previously obtained a Green Acres grant of \$7,825,000.00 from the State to fund the following project(s):

#1113-97-144 West Windsor Planning Incentive; and

WHEREAS, the Township of West Windsor intends to increase Green Acres funding by \$700, 000.00 for a total of \$8,525.000.00 in funding.

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 THAT:

1. The Mayor of the above-named body or board is hereby authorized to execute an agreement and any amendments(s) thereto with the State known as West Windsor Planning Incentive #1113-97-144, and;
2. The applicant agrees to provide its matching share to the Green Acres funding, if a match is required, in the amount of \$8,525,000.00, and;
3. The applicant agrees to comply with all applicable federal, state, and local laws, rules and regulations in its performance of the project, and;
4. This resolution shall take effect immediately.

CERTIFICATION

I, Gay M. Huber, do hereby certify that the foregoing is a true copy of a resolution adopted by the West Windsor Township Council at their meeting held on the 27rd day of November, 2023.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 27rd day of November, 2023.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: 11/8/2023

Initiated By: Anthony Esposito **Division/Department:** Department of Public Works

ACTION REQUESTED/ EXECUTIVE SUMMARY: Resolution approving the purchase of one (1) 2025 Vac-Con Combination Jet/Vacuum Sewer Cleaner VPD4212HEN/1300 Mounted on a Freightliner 114SD Plus Chassis from Vac-Con Services, Inc., dba Pierce Eagle Equipment Co., 3388 Route 22 West, Branchburg, NJ 08876 through Sourcewell Cooperative #101221-VAC.

The use of the Sourcewell contract is pursuant to the Local Public Contracts Law (N.J.S.A. 40:A11-1 et, seq.) and is authorized by the State of New Jersey Purchase Bureau.

SOURCE OF FUNDING: 405202309038

CONTRACT AMOUNT: \$673,895.00

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Resolution 2023-R , bid sheets, and certification of funds

S:\AGENDA INBOX (file name)

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Marlena Schmid 11/20/2023
Department/Division Head Date

APPROVED FOR AGENDA OF: _____

By: Marlena Schmid 11/20/2023
Marlena Schmid, Business Administrator

**** PLEASE NOTE ** DEADLINE FOR SUBMISSION TO THE CLERK'S OFFICE FOR REVIEW AND APPROVAL BY THE BUSINESS ADMINISTRATOR IS 10:00 A.M. ON THE FRIDAY ONE WEEK PRECEDING THE COUNCIL MEETING.**

MEETING DATE: 11/24/2023 **Ordinance #** _____ **Resolution #** 2023-R232

Council Action Taken:

RESOLUTION

- WHEREAS, the Township of West Windsor a 2009 Combination Jet/Vacuum Sewer Cleaner Truck used to clean and maintain the sewer collection and storm water systems needs to be replaced; and
- WHEREAS, the Township of West Windsor wishes to purchase new equipment from the Sourcewell Cooperative Program pursuant to statutory and regulatory requirements of the State of New Jersey; and
- WHEREAS, the Township of West Windsor advertised the “Intent to Purchase Under a National Cooperative Purchasing Agreement” Agreement in the official newspaper and posted the advertisement on the Township web-site for a ten (10) day comment period and no comments were received; and
- WHEREAS, Vac-Con Services, Inc. dba Pierce Eagle Equipment Co., 3388 Route 22 West, Branchburg, NJ 08876 is an authorized dealer (Dealer) under Sourcewell Contract #101221-VAC and the availability of this contract best serves the needs of the Township of West Windsor; and
- WHEREAS, the Dealer has provided a proposal dated October 31, 2023 for one (1) 2025 VAC-CON Combination Jet/Sewer Cleaner VPD4212HEN/1300 Mounted on a Freightliner 114SD Plus Chassis for a total price not to exceed \$675,895.00; and
- WHEREAS, the Dealer shall be bound by the specifications for the 2025 VAC-CON Combination Jet/Sewer Cleaner VPD4212HEN/1300 dated October 31, 2023 and the specifications for the Freightliner 114SD Plus Chassis dated October 23, 2023; and
- WHEREAS, the Chief Financial Officer has certified funds are available in the following account:

Public Works - Acquisition of Vehicle	405 2023 09038	\$673,895.00
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NOW, THEREFORE, BE IT RESOLVED, by the Township Council of West Windsor that the Business Administrator, Marlena Schmid is authorized to purchase one (1) 2025 VAC-CON Combination Jet/Vacuum Sewer Cleaner VPD4212HEN/1300 Mounted on a Freightliner 114 SD Plus from Vac-Con Services, Inc. dba Pierce Eagle Equipment Co., 3388 Route 22 West, Branchburg, NJ 08877 for a total price not to exceed \$675,895.00.

Adopted: November 27, 2023

I hereby certify the above resolution was adopted by the Township Council of the Township of West Windsor at their meeting held on the 27th day of November.

Gay M. Huber,
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: October 30, 2023

Initiated By: Anthony Esposito

Division/Department: Department of Public Works

ACTION REQUESTED/ EXECUTIVE SUMMARY: Resolution authorizing purchase of New Club Car 'Carryall 500' purchased from Vic Gerard Golf Cars, 281 Squankum Rd Farmingdale, NJ 07727.

SOURCE OF FUNDING: 405 2022 08 030

CONTRACT AMOUNT: \$12,371.00

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:
Resolution 2023-R , bid sheets, and certification of funds

S:\AGENDA INBOX (file name)

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Department/Division Head Date

APPROVED FOR AGENDA OF: _____

By: _____
Marlena Schmid, Business Administrator

MEETING DATE: 11/27 **Ordinance #** _____ **Resolution #** 2023-R233

Council Action Taken:

RESOLUTION

WHEREAS, the Township of West Windsor needs to purchase One (1) New Club Car 'Carryall 500' for the Department of Public Works; and

WHEREAS, Vic Gerard Golf Cars, 281 Squankum Rd Farmingdale, NJ 07727 has been awarded Sourcewell Contract # 122220-CCR; and

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

Public Works - Acquisition of Vehicle 405 2022 08030 \$12,371.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of West Windsor that the Business Administrator Marlena Schmid is authorized to purchase from Vic Gerard Golf Cars, 281 Squankum Rd Farmingdale, NJ 07727 one (1) New Club Car 'Carryall 500' under Sourcewell Contract # 122220-CCR.

Adopted: November 27, 2023

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 27th day of November, 2023.

Gay M. Huber,
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: 10/2/2023

Initiated By: Tim Lynch

Division/Department: Fire & Emergency Services

ACTION REQUESTED/ EXECUTIVE SUMMARY:

A resolution authorizing West Windsor Township to purchase key control devices from the Knox Company, 1601 W. Deer Valley Road, Phoenix, AZ 85027

SOURCE OF FUNDING: 405-2022-08-021 – Emergency Services Acquisition of Equipment, Non-Vehicular

CONTRACT AMOUNT: n/a

CONTRACT LENGTH:

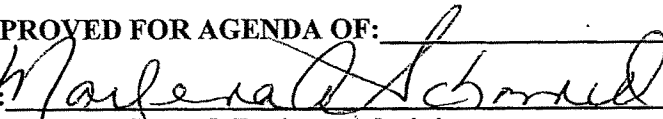
OTHER SUPPORTING INFORMATION ATTACHED:

- Memo
- Quote
- Financial Documents,
- Resolution
- Sole Source Letter

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW


10/27/2023

 Department/Division Head Date

APPROVED FOR AGENDA OF: _____
 By:  11/20/2023

 Marlena Schmid, Business Administrator

MEETING DATE: 11/27/2023 **Ordinance #** _____ **Resolution #** 2023-R235

Council Action Taken:

RESOLUTION

- WHEREAS, N.J.A.C. 5:70-3, 506.1 states “Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location”; and
- WHEREAS, “The key box shall be of an approved type listed in accordance with UL 1037, and shall keys to gain necessary access as required by the fire code official”; and
- WHEREAS, each commercial building in West Windsor Township has complied with N.J.A.C 5:70-3, 506.1 by purchasing and installing a key box through Knox Company; and
- WHEREAS, Knox Company has provided Knox Master Keys™ to access these lock boxes to the West Windsor Fire Official thereby enabling West Windsor Township emergency response agencies to access to all commercial buildings during emergency responses; and
- WHEREAS, West Windsor Township wishes to protect Knox Master Keys™ from theft, loss or misplacement by securing them in Key Control devices in emergency response vehicles; and
- WHEREAS, the sole manufacturer of Key Control devices is Knox Company, 1601 W. Deer Valley Road, Phoenix, AZ 85027; and
- WHEREAS, Knox Company’s proposal for Key Control devices totals \$45,641.00, which exceeds the Township bid threshold of \$17,500.00; and
- WHEREAS, N.J.A.C. 5:34-9, Special Circumstances, permits the Township to purchase proprietary goods or services, in this case Key Control devices from Knox Company; and
- WHEREAS, the Chief Financial has certified sufficient fund are available for this purchase in the following account: 405-2022-08-021.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Township Business Administrator, Marlana Schmid is hereby authorized to purchase Key Control devices from Knox Company for a total not to exceed to \$45,641.00.

Approved: November 27, 2023

I hereby certify the above resolution was approved by the Township Council of the Township of West Windsor at their meeting on the 27th day of November 2023.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: 11/17/2023

Initiated By: Jill Swanson

Division/Department: Health

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Resolution approving the purchase of a 2023 Ford Mustang Mach-E AWD fully electric vehicle. This vehicle will provide reliable transportation for Health Department staff performing field inspections, site visits, clinics, outreach and similar public health activities.

SOURCE OF FUNDING: Approved Health Capital Budget for 2023 – #405202309023

CONTRACT AMOUNT: \$51,125.40

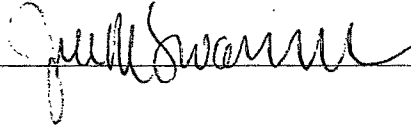
CONTRACT LENGTH: NA

OTHER SUPPORTING INFORMATION ATTACHED:

- Resolution Draft
- Nielson Ford quote
- State Contract
- Certification of Funds

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Health/ Jill Swanson




November 17, 2023

Department/Division Head

Date

APPROVED FOR AGENDA OF:

By:  11/20/2023
Marlena Schmid, Business Administrator

MEETING DATE: 11/27/2023 **Ordinance #** _____ **Resolution #** 2023-R236

Council Action Taken:

RESOLUTION

WHEREAS, the Township of West Windsor, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29 (c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, Nielsen Ford of Morristown, Inc, 170 Ridgedale Ave., Morristown, NJ 07960 has been awarded New Jersey State Contract, 23-FLEET-34921 for said vehicle, 2023 Ford Mustang Mach-E (K1S) Select AWD, \$51,125.40, and;

WHEREAS, the total cost for this vehicle is \$51,125.40, and

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

Health-Acquisition of Vehicles 405-2023-09-023 \$51,125.40

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator Marlana Schmid is hereby authorized to purchase one (1) fully electric, 2023 Ford Mustang Mach E (K1S) Select AWD under New Jersey State Contract #23-FLEET-34921 from Nielsen Ford of Morristown Inc., 170 Ridgedale Ave., Morristown, NJ 07960.

Adopted: November 27, 2023

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 27th day of November 2023.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: October 25, 2023

Initiated By: Jill Swanson

Division/Department: Health

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Introduction of ordinance amending Chapter 100, "Housing Standards" to establish provisions to allow the Township to comply with new state regulations which require that municipalities ensure periodic lead paint inspections of certain rental dwellings; and Chapter 82, "Fees" to establish fees for the inspection program.

SOURCE OF FUNDING: na

CONTRACT AMOUNT:

CONTRACT LENGTH:

OTHER SUPPORTING INFORMATION ATTACHED:

Proposed Ordinance, Memorandum

S:\AGENDA INBOX Lead-safe Housing

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Jill Swanson 10/25/23.
Department/Division Head Date

APPROVED FOR AGENDA OF:

By: Marlena Schmid 11/20/2023
Marlena Schmid, Business Administrator

**** PLEASE NOTE ** DEADLINE FOR SUBMISSION TO THE CLERK'S OFFICE FOR REVIEW AND APPROVAL BY THE BUSINESS ADMINISTRATOR IS 10:00 A.M. ON THE FRIDAY ONE WEEK PRECEDING THE COUNCIL MEETING.**

MEETING DATE: 11/27/2023 Ordinance # 2023-25 Resolution # _____

Council Action Taken:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 100, "HOUSING STANDARDS" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY TO INCLUDE ARTICLE II, LEAD SAFE RESIDENTIAL RENTAL INSPECTION REQUIREMENTS" AND CHAPTER 82 "FEES".

WHEREAS, pursuant to P.L. 2021, c. 182 (N.J.S.A. 52:27D-437.16 et seq.), municipalities are required to implement a lead-safe inspection program for certain single-family, two-family and multiple rental dwellings constructed prior to 1978; and

WHEREAS, Township Council recognizes the well-known negative health consequences posed by deteriorated lead-based paint often found in dwellings constructed prior to 1978; and

WHEREAS, the Township desires to implement an inspection program to ensure hazards are identified and abated in accordance with state regulations; and

WHEREAS, the Township has determined that it is in the best interest of the residents of West Windsor to supplement the Housing Standards to require inspection of certain residential rental units for lead-based paint, in order to protect vulnerable individuals from negative health consequences and to ensure compliance with New Jersey regulations for lead-based paint inspections in rental dwellings.

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 100, Housing Standards is amended by adding thereto a new article entitled "Lead Safe Residential Rental Requirements" and Chapter 82, "Fees" by adding thereto section 82-26 "Lead-paint Rental Requirements" as follows:

Article I Housing Standards.

Article II Lead Safe Residential Rental Requirements

100-14 Enforcement.

A. The Construction Code Official, Fire Official, Health Officer, Zoning Officer or other designated and duly authorized employees designated by the Business Administrator of the West Windsor Township shall administer, implement and enforce the provisions of this article.

B. In the absence of a permanent local agency responsible for rental housing inspections and the issuance of certificates of occupancy for said units, the term "municipal lead inspector" shall mean a lead evaluation contractor retained by the Township.

100-15 Inspections; remediation; certification.

A. Initial lead paint hazard inspection required.

The owner of every single-family, two-family, and multiple rental dwelling constructed prior to 1978 shall obtain an initial lead paint hazard inspection of said unit and file a lead-safe or lead-free certificate with the Township prior to July 22, 2024, or upon tenant turnover, whichever is sooner, in accordance with N.J.S.A. 52:27D-437.16 and N.J.A.C. 5:28A-1.1 et seq.

B. Periodic lead paint hazard inspection and certification required.

Following the initial lead paint hazard inspection and filing of a lead-safe certification per 100-15A, property owners shall:

1. Obtain a lead paint hazard inspection and file a valid lead-free or lead-safe certification of every non-exempt, single-family, two-family, and multiple rental dwelling constructed prior to 1978, every three years, or upon tenant turnover, whichever is earlier, except, inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification at the time of tenant turnover.
2. Provide evidence of a valid lead-safe or lead-free certification obtained pursuant to this section, to new tenants of the property at the time of tenant turnover unless not required to have had an inspection.
3. Maintain records of lead-safe and/or lead-free certifications for prior six (6) years, which shall include name(s) of the unit tenant(s), if inspection was conducted during a period of tenancy.

C. Standards. Inspections for lead-based paint hazards in rental dwelling units shall be governed by the standards set forth in N.J.S.A. 52:27D-437.16 et seq., and N.J.S.A. 55:13A-1 et seq., as may be amended from time to time.

D. Township-facilitated inspection. A municipal lead inspector designated by the Township shall be authorized and empowered to conduct periodic lead-based paint inspections for all applicable rental dwelling units in accordance with N.J.S.A. 52:27D-437.16 and N.J.A.C. 5:28A-1.1 et seq.

1. Notice of Inspection.

- a. Requests for township-facilitated initial inspections must be submitted in writing by the property owner prior to April 1, 2024 or a minimum of 20 business days prior to the scheduled date of tenant turnover. It is the responsibility of the property owner to schedule inspections.
- b. Requests for township-facilitated periodic inspections must be submitted in writing by the property owner a minimum of 20 business days prior to the scheduled date of tenant turnover or expiration of the valid lead-safe

certification. It is the responsibility of the property owner to schedule inspections.

2. Required inspection fees per Chapter 82-26 and applications shall be received by Township a minimum of 2 business days prior to a scheduled inspection. Inspections or re-inspections shall not be conducted prior to receipt of fees by the Township.
3. Every inspection for which the landlord, tenant, owner or agent has failed to provide access for inspection shall be deemed a failed inspection and the inspection fees shall be forfeited. If an owner desires to cancel an inspection, a written notice of cancellation must be provided to the Township a minimum of 48 business hours in advance of the scheduled inspection. Business hours are Monday – Friday, 9 AM through 5 PM, excluding Holidays.

Owner Option to designate a private lead evaluation contractor.

1. A dwelling owner or landlord may hire a private lead evaluation contractor certified to provide lead paint inspections services in accordance with N.J.S.A. 52:27D-437.16 et seq., to conduct lead paint inspections and provide lead-safe or lead-free certificates in lieu of obtaining a Township-facilitated inspection.
 2. Notwithstanding this option, the Township retains the authority to conduct inspections or investigations of landlords or owners that directly hire private lead evaluation contractors to ensure periodic lead-based paint inspections are being performed in accordance with this chapter. The Township also retains the authority to prohibit an owner from directly hiring a private lead evaluation contractor to conduct a periodic lead-based paint inspection where: (i) the owner previously opted to hire a lead evaluation contractor to perform the periodic lead-based paint inspection and failed to have the inspection completed; or (ii) the Township determines there is a conflict of interest between the owner and their lead-evaluation contractor of choice.
 - a. If the Township restricts the owner from directly hiring a private lead evaluation contractor, the Township shall provide written notice to the owner that a Township-facilitated inspection is required and fees outlined in Chapter 82-26 shall be applicable.
- E. If lead-based paint hazards are identified, the owner of the dwelling shall remediate the hazards through abatement or lead-based paint hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16(d) and N.J.A.C. 5:28A-2.5.
1. If interim controls are used to remediate the hazards, the owner shall obtain a reinspection within 60 days.
 2. If abatement is used to remediate the hazards, and a lead abatement clearance certificate has been issued in accordance with N.J.A.C. 5:17, then the lead-free certificate issued at the final clearance inspection shall exempt the

dwelling from future periodic lead-based paint inspections.

- F. If no lead-based paint hazards are identified, the lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years and shall be filed with the Township.

100-16 Exemptions. Dwelling units in single-family, two-family, or multiple rental dwellings shall be exempt from this Article if they meet the stipulations in N.J.S.A. 52:27D-437.16(c).

100-17 Fees. Fees for the provisions of this Article are established in Chapter 82.

100-18 Violations and penalties.

- A. If a property owner fails to conduct a required inspection or initiate remediation as required by N.J.S.A. 52:27D-437.1 et seq. the owner shall be provided a written Notice of Violation and given thirty (30) days to cure the violation.
- B. If a property owner fails to cure the violation after thirty (30) days, the property owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts have been initiated.

CHAPTER 82 FEES

82-26 Lead-safe rentals.

- A. Filing fee for certifications issued following inspections required by Chapter 100, Article II.
 - 1. Lead-safe or lead-free certification \$50 per dwelling unit
This fee shall include a \$20 per unit assessment in accordance with N.J.S.A. 52:27D-437.16(h).
 - 2. Lead-safe or lead-free certifications dated prior to the effective date of Chapter 100, Article II shall be assessed a fee of \$20 per unit in accordance with N.J.S.A. 52:27D-437.16(h).
- B. Lead-based paint hazard inspection fees.
 - 1. Initial and periodic inspection fee.
\$200 base fee for a one bedroom dwelling plus additional \$50 for each additional bedroom in the unit; or the amount paid by the Township to a third-party lead evaluation contractor plus a 12% administrative fee; whichever is greater.
 - 2. Re-inspection fees.

\$150 base fee for a one bedroom dwelling plus additional \$50 for each additional bedroom in the unit; or the amount paid by the Township to a third-party lead evaluation contractor plus a 12% administrative fee; whichever is greater.

3. Inspection fees shall not apply if the owner directly hires a private lead evaluation contractor who meets the qualifications of the New Jersey Department of Community Affairs prior to scheduling an inspection with the Township, and the Township has not issued a notice requiring a Township-facilitated inspection.

C. Dust wipes \$35 per sample

D. Fee for checks returned for insufficient funds \$75 per check

- E. Fees required by this section are non-refundable and non-transferable. Requests to cancel a scheduled inspection must be submitted a minimum 48 business hours in advance of the inspection, or fees shall be forfeited.

Brackets mean removal[]; **Bold** and underline mean added

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYOR'S APPROVAL:

EFFECTIVE DATE