

**MEETING TO BE
LIVE STREAMED AT**
<https://www.youtube.com/channel/UC8i0yw7lhozymbgo4N68jJdg/live>

**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**

August 26, 2024

7:00 p.m.

1. Call to Order
2. Roll Call
3. Statement of Adequate Notice - January 19, 2024 to The Times and the Princeton Packet and posted on the Township web-site.
4. Salute to the Flag
5. Ceremonial Matters and/or Topics for Priority Consideration

4th Annual Shop West Windsor Month

Proclamation Recognizing Gay M. Huber's Years of Service to West Windsor Township
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

2024-24 AN ORDINANCE OF THE TOWNSHIP OF WEST WINDSOR, IN MERCER COUNTY, NEW JERSEY, SUBMITTING A PUBLIC INITIATIVE TO THE VOTERS OF WEST WINDSOR TOWNSHIP CONCERNING ALTERNATIVES TO THE TOWNSHIP'S FORM OF GOVERNMENT

- 2024-20 BOND ORDINANCE PROVIDING FOR REALIGNMENT IMPROVEMENTS TO WASHINGTON ROAD IN AND BY THE TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$5,100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,600,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF
- 2024-21 AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) CHAPTER 200 LAND USE, PART 4 ARTICLE XXXI GENERAL PROVISIONS AND SUPPLEMENTAL REGULATIONS GOVERNING CERTAIN USES, SECTION 200 AFFORDABLE HOUSING REGULATIONS, SECTION 200-237.2 ADMINISTRATIVE AGENT, TO ALLOW THE TOWNSHIP TO ESTABLISH MORE THAN ONE AFFORDABLE HOUSING ADMINISTRATIVE AGENT
- 2024-22 ORDINANCE AUTHORIZING LEASE AGREEMENT WITH THE WEST WINDSOR PARKING AUTHORITY FOR CERTAIN REAL PROPERTY WITHIN THE TOWNSHIP OF WEST WINDSOR FOR PUBLIC PURPOSES
- 2024-23 AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF WEST WINDSOR, CHAPTER 168 "TRAFFIC AND PARKING," ARTICLE VI, "PARKING AUTHORITY PROPERTY", SECTION 168-39; 168-40 AND 168-41

11. Consent Agenda

A. Resolutions

B. Minutes

July 15, 2024 - Business Session - As Amended

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2024-R171 Authorizing the Mayor and Clerk to Execute Amendment #1 to the Professional Services Agreement with Roberts Engineering Group, LLC for Additional Professional Engineering Survey and Design Services for Improvements to Existing Crosswalk on Village Road East Fronting the Dutch Neck Elementary School for \$3,500.00 for a Total Not to Exceed \$23,000.00

2024-R172 Authorizing the Business Administrator to
Purchase the Equipment and Installation of a New
Lighting System and Other Items from Musco Sports
Lighting, LLC Through Co-Op #65MCESCCPS, Contract
#ESCNJ 24/25-06 - \$757,141.00

14. Introduction of Ordinances
15. Additional Public Comment (15 minutes comment period;
three-minute limit per person)
16. Council Reports/Discussion/New Business
17. Administration Updates
18. Closed Session
19. Adjournment

ORDINANCE 2024-24

AN ORDINANCE OF THE TOWNSHIP OF WEST WINDSOR, IN MERCER COUNTY, NEW JERSEY, SUBMITTING A PUBLIC INITIATIVE TO THE VOTERS OF WEST WINDSOR TOWNSHIP CONCERNING ALTERNATIVES TO THE TOWNSHIP'S FORM OF GOVERNMENT

WHEREAS, under the Charter of West Windsor Township, the Township currently operates under a nonpartisan Mayor-Council form of government under the Faulkner Act, with a five-member council and nonpartisan local elections being held during the general election in November; and

WHEREAS, a Petition was submitted to the Township Clerk, by a Committee of Petitioners comprised of five qualified voters in the Township (the "Petition"), proposing one question for the general election ballot which seeks to amend the Township Charter to provide for the following alternative to the current nonpartisan Mayor-Council form of government under the Faulkner Act: (i) partisan elections to be held in the November General Election; and

WHEREAS, pursuant to N.J.S.A. 40:69A-25.1, a petition seeking to amend a municipal charter may be initiated by voters, subject to the provisions of N.J.S.A. 69A-184 through -196 or initiated by ordinance adopted by the governing body, subject to provisions of N.J.S.A. 69A-191 through N.J.S.A. 69A-196; and

WHEREAS, pursuant to N.J.S.A. 40:69A-25.1, a petition seeking to amend a municipal charter must be signed by a number of the legal voters of the municipality equal in number to at least twenty-five percent (25%) of the total votes cast in the municipality at the last election at which members of the General Assembly were elected; and

WHEREAS, pursuant to N.J.S.A. 40:69A-184, attached to the petition paper there shall be an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that all the signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be; and

WHEREAS, pursuant to N.J.S.A. 40:69A-25.1(a)(2)(a), the Petition must be submitted to the Township Clerk at least 20 days prior to being introduced as an ordinance by the Township Council at its next regularly scheduled meeting, a public hearing must take place at the following regularly scheduled meeting, and, if passed, the ordinance must be submitted to the County Clerk for placement on the general election ballot by August 27, 2024.

WHEREAS, the Township Clerk received the Petitions on July 24th, 2024 and on August 5th, 2024 advised the Committee of Petitioners that they were insufficient in the number of signatures required for the initiative to be placed on the November ballot and that they had till August 14th to provide additional petitions to the Township Clerk per N.J.S.A. 40:69A-188; and

WHEREAS, the Committee of Petitioners provided additional petitions to the Township Clerk on August 6th as per N.J.S.A. 40:69A-188 and after review of these petitions the Township Clerk certified to the Committee of Petitioners that the Petition contains a proper statement of the circulators and is signed by the proper amount of qualified voters on August 12, 2024, which is 25% of the total voters in the last General Assembly Election which was held in November of 2023 and therefore finds the Petition to be sufficient under the standard imposed by N.J.S.A. 40:69A-187; and

WHEREAS, per N.J.S.A. 40:69A-187 the Township Clerk at the next public meeting of the Township Council which is August 12, 2024 will certify the petition results to the Township Council and the Public; and

WHEREAS, the Township Clerk per N.J.S.A. 40-69A-190 that upon the Township Clerk's certification to the Township Council this will be deemed to have first reading and a Public Hearing is to be scheduled which will occur at the next Township Council meeting to be held on August 26, 2024; and

WHEREAS, per N.J.S.A. 40-69A-191 "If within 20 days of the submission of a certified petition by the municipal clerk the council shall fail to pass an ordinance requested by an initiative petition in substantially the form requested or to repeal an ordinance as requested by referendum petition, the municipal clerk shall submit the ordinance to the voters unless, within 10 days after final adverse action by the council or after the expiration of the time allowed for such action, as the case may be, a paper signed by at least four of the five members of the Committee of Petitions shall be filed with the municipal clerk requesting that the petition be withdrawn. Upon the filing of such a request, the original petition shall cease to have any force or effect"; and

WHEREAS, this ordinance if passed by the voters of West Windsor Township will be binding and would take effect for the 2025 Primary and General Election and cannot be changed for at least three years; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Council of the Township of West Windsor that pursuant to N.J.S.A. 40:69A-25.1, the Township Clerk is hereby authorized to forward the ordinance to the Mercer County Clerk who will place the below initiative question on the West Windsor Township ballot for the November 5, 2024 General Election:

Shall the municipal charter of the Township of West Windsor, governed by the nonpartisan Mayor-Council form of government under the Faulkner Act, be amended, as permitted under that plan, to provide for a change from nonpartisan to partisan municipal elections to be held in November?

Yes No

BE IT FURTHER ORDAINED AND ENACTED, that the County Clerk shall also print the below Interpretative Statement to appear on the November 5, 2024 ballot to provide guidance to the voters in making this decision.

Interpretative Statement

The Township of West Windsor currently holds nonpartisan municipal elections in November, meaning that a candidate's party affiliation is not currently indicated on the ballot. Voting "Yes" to this question will allow for a change from nonpartisan candidates for municipal office to partisan candidates for office to appear on the ballot as either a nominee of a political party or as an independent. A "No" vote will result in the continuation of nonpartisan elections to be held in November.

Repealer, Severability and Effective Date.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof
- C. Effective Date. This ordinance shall take effect upon affirmative vote of the voters of West Windsor Township and the certification of election results by the Mercer County Clerk of the General Election of November 5, 2024.

REQUEST FOR COUNCIL ACTION

Date of Request: July 30, 2024

Initiated By: John V. Mauder Division/Department: Administration

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Bond Ordinance providing for Roadway Improvements of the Township of West Windsor, appropriating the aggregate amount of \$5,100,000, authorizing the issuance of \$3,600,000 in bonds and notes.

SOURCE OF FUNDING:

Capital – Down Payment (Trust Account Entitled Off-tract Road Assessment/Improvement) and Debt Authorized

CONTRACT AMOUNT:

N/A

CONTRACT LENGTH:

N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Memo from Francis Guzik, Bond Ordinance and Ordinance Summary

S:\AGENDA INBOX (file name) 2024 Roadway Improvement Bond Ordinance

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW/

John V. Mauder 7/30/24
Department/Division Head Date

APPROVED FOR AGENDA OF: August 12, 2024

By: Marlena Schmid 08/05/2024
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: 8/12/24 Ordinance # 2024-20 Resolution # _____

Council Action Taken:

July 30, 2024

John V. Mauder
Chief Financial Officer
Township of West Windsor
271 Clarksville Road
West Windsor, NJ 08550

Re: \$5,100,000/\$3,600,000 Bond Ordinance

Dear John:

In accordance with your request, I have prepared and enclose herewith a form of bond ordinance providing for realignment improvements to Washington Road and related expenses. The bond ordinance should be adopted in accordance with the usual procedure set forth below for your convenience.

The electronic Supplemental Debt Statement should be prepared on the date of introduction of the bond ordinance and sent to the Clerk on that same date. The Supplemental Debt Statement should also be filed electronically with the Division of Local Government Services prior to final adoption of the bond ordinance. Please retain a copy of the electronic receipt sent to you by the Division of Local Government Services, as we will need a copy for our records. In order to comply with the capital budget regulations, the bond ordinance contains a provision amending the capital budget to the extent of any inconsistency with the bond ordinance and it should be sent to Trenton and filed along with the resolution of the governing body in the form required by the Local Finance Board showing the details of the amended capital budget. It will not be necessary to publish the resolution.

The bond ordinance may be introduced and read by title only and adopted by a majority of the members of the governing body present, assuming a quorum. After introduction, the Notice of Pending Bond Ordinance and Summary must be published in the local newspaper, a form of which I have enclosed for your use. Also, the bond ordinance should be posted on the bulletin board customarily used for notices, together with the Notice of Pending Bond Ordinance and Summary, and copies of the bond ordinance should be made available to anyone who requests them of the Clerk after introduction.

The bond ordinance can be considered for final adoption not less than ten days after introduction and not less than seven days after the publication of the Notice of Pending Bond Ordinance and Summary. If the bond ordinance has been posted and copies made available as indicated above, the bond ordinance can be read at the second hearing by title only. If the bond ordinance posting procedure has not been followed, the bond ordinance must be read in full at the second hearing. After the bond ordinance is read for the second time, the governing body should hold a public hearing and should give all

members of the public a chance to be heard on the bond ordinance. After the public hearing, the bond ordinance can be finally adopted by the affirmative vote of not less than two-thirds of the full membership of the governing body. After final adoption, the Bond Ordinance Statement and Summary must be published, a copy of which I have enclosed for your use. Note that if the approval of an officer is required to make the bond ordinance effective, the bond ordinance must be approved by that officer, or passed over veto, before it is published after final adoption.

After the bond ordinance is finally adopted, it will be necessary for us to establish a record of proceedings documenting the proper adoption of the bond ordinance. In order to do this, we will need one completely executed set of the documents enumerated on the attached checklist. By copy of this letter, I am sending the Clerk a copy of the checklist along with a copy of the bond ordinance. With the exception of the Affidavits of Publication, I am also sending the Clerk the necessary certificates to be completed, executed and returned to us along with the necessary attachments to provide us with this documentation. It should be noted that the Clerk's Certificate must be executed no sooner than 21 days following the final publication in order to attest that there has been no protest within the statutory twenty-day protest period.

If you or the Clerk have any questions about the form of the bond ordinance, the adoption procedure or the form of the certificates, please call me.

Thank you for this opportunity to have been of assistance.

Very truly yours,

Matthew D. Jessup

Matthew D. Jessup

Enclosures

cc: Gay Huber, Clerk, w/encl.
Allison Sheehan, Deputy Clerk, w/ encl.
Michael W. Herbert, Esq., w/encl.
Robert Swisher, C.P.A., w/encl.

TOWNSHIP OF WEST WINDSOR
Community Development Department
Division of Engineering

MEMORANDUM

TO: John Mauder, CFO

FROM: Francis A. Guzik, P.E., C.M.E.
Director of Community Development and Township Engineer

COPY: Marlena Schmid, Business Administrator

SUBJECT: **Construction Cost Budget**
Princeton Junction Redevelopment - AvalonBay
Washington Road Realignment Improvements
PB20-15RT571

DATE: July 30, 2024

The Amendment to Settlement Agreement (“ASA”) for the subject project provides that, amongst other things, AvalonBay (“AVB”) would proceed with the design and installation of the improvements to Washington Road (MC Route 526/571). The costs for same are to be a credit against AVB’s off-tract roadway improvement contribution due the Township. Any approved expenses exceeding said contribution value will be reimbursed by the Township to AVB.

As per a report memorandum dated July 9, 2024 from VCEA, the Developer has been found to be approximately 50.12% complete with construction of the improvements, with a value of the completed improvements at \$1,866,658.00 (based on the approved Collier’s Engineering Engineer’s Estimate dated 2/22/2022). The ASA requires the Township implement funding for reimbursements in a timely manner upon approval of 50% construction completion. The following is provided as a basis for establishing a budget for reimbursement purposes:

Improvement	Estimated Cost
MC Route 526/571 per Colliers Cost Estimate 2/22/2022	\$ 3,712,146.00
NJDOT Route 64 per Colliers Cost Estimate 2/22/2022	\$ 178,172.00
A.I. Property Driveway & Parking Relocation Improvement	\$ 48,666.00
Change Orders Requested (\$1,287,211 @ 50% presumed valid)	\$ 643,605.50
Soft Costs (presumed valid initial budget \$500,000.00)	\$ 500,000.00
INITIAL BUDGET RECOMMENDATION	Total \$ 5,100,000.00

Funds are permitted to be allocated from current and future developer contributions to the Off-Tract Roadway Improvement program and capital bonding. Recommendations for reimbursement from this budget would be issued separately by this office for Township Council action. Should you have any questions, please do not hesitate to contact me.

FG

2024-20

BOND ORDINANCE PROVIDING FOR REALIGNMENT
IMPROVEMENTS TO WASHINGTON ROAD IN AND BY THE
TOWNSHIP OF WEST WINDSOR, IN THE COUNTY OF MERCER, NEW
JERSEY, APPROPRIATING \$5,100,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$3,600,000 BONDS OR NOTES OF
THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of West Windsor, in the County of Mercer, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$5,100,000, including the sum of \$1,500,000 as the down payment required by the Local Bond Law. The down payment is now available from the Off-Tract Road Assessment/Improvement Trust Account.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,600,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is realignment improvements to Washington Road, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this

bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. 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 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of

the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,600,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$1,000,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such

undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Introduction:
Public Hearing:
Adoption:
Mayor Approval:
Effective Date:

REQUEST FOR COUNCIL ACTION

INDICATE ACTION REQUESTED (check one):

Date of Request :July 25, 2024

- Ordinance
- (Summary attached)
- Resolution
- (Backup documents complete)
(Contracts require Affirmative
Action Certificate)
- Item for Discussion only

Initiated By: John V. Mauder Department of Administration

ACTION REQUESTED: Amending the Administrative Code (200-237.2 Administration) for Affordable Housing Administration Agent.

EXECUTIVE SUMMARY: It is recommended to change the local code for Affordable Housing Administration Agent to allow the Township to establish more than one Administrative Agent (if it chooses), one will be designated as the lead Administrative Agent.

OTHER SUPPORTING INFORMATION ATTACHED
Resolution

DISKfilename(OR) S:\AGENDA\INBOX(file name: Amendment Administrative Agent

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Marlena A. Schmid 08/05/2024 July 25, 2024
Department/Division Head Date

APPROVED FOR AGENDA OF: August 12, 2024

By: Marlena A. 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 BUSINESS MEETING.**

MEETING DATE: 8/12/24 Ordinance # 2024-21 Resolution # _____
Council Action Taken:
Distributed:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) CHAPTER 200 LAND USE, PART 4 ARTICLE XXXI GENERAL PROVISIONS AND SUPPLEMENTAL REGULATIONS GOVERNING CERTAIN USES, SECTION 200 AFFORDABLE HOUSING REGULATIONS, SECTION 200-237.2 ADMINISTRATIVE AGENT, TO ALLOW THE TOWNSHIP TO ESTABLISH MORE THAN ONE AFFORADABLE HOUSING ADMINISTRATIVE AGENT

WHEREAS, the Township of West Windsor wants to have the ability to establish more than one Affordable Housing Administrative Agent; and

WHEREAS, if the Township so choses to establish more than one Administrative Agent, one will be designated as the lead Administrative Agent.

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

Section 200-237.2 Administrative agent.

- A. Purpose. The purpose of this section is to create the administrative mechanisms needed for the execution of West Windsor Township's responsibility to promote and oversee the provision of affordable housing pursuant to the Fair Housing Act of 1985.
- B. Establishment of position; powers and duties. [An] Administrative agents may be an independent entity serving under contract to and reporting to the municipality. The fees of the administrative agents shall be paid by the owners of the affordable units for which the services of the administrative agents are required. The administrative agents shall perform the duties and responsibilities of [an] administrative agents as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:
 - (1) Affirmative marketing:
 - (a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of West Windsor Township and the provisions of N.J.A.C. 5:80-26.15; and
 - (b) Providing counseling or contracting to provide counseling services to low-and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 - (2) Household certification:
 - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;

- (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low or moderate-income unit;
 - (c) Providing written notification to each applicant as to the determination of eligibility or noneligibility;
 - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
 - (f) Employing a random selection process as provided in the affirmative marketing plan of West Windsor Township when referring households for certification to affordable units.
- (3) Affordability controls:
- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Mercer County Register of Deeds or Mercer County Clerk's office after the termination of the affordability controls for each restricted unit;
 - (d) Communicating with lenders regarding foreclosures; and
 - (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Resales and rentals:
- (a) Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental; and
 - (b) Instituting and maintaining an effective means of communicating information to low- (or very-low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (5) Processing requests from unit owners:

- (a) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this section;
- (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
- (c) Notifying the municipality of an owner's intent to sell a restricted unit; and
- (d) Making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement:
 - (a) Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent;
 - (c) Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent or other charges can be made;
 - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - (e) Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
 - (f) Creating and publishing a written operating manual for each affordable housing program administered by the administrative agent, to be approved by the Township Council and the Court, setting forth procedures for administering the affordability controls.
- (7) Additional responsibilities:
 - (a) The administrative agents shall have the authority to take all actions necessary and appropriate to carry out [its] their responsibilities hereunder.
 - (b) The administrative agents shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this section.
 - (c) The administrative agents shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

- C. Additional administrative agents. Any agreement that the municipality enters into with one or more administrative agents will address the areas of responsibility of each administrative agent as to each other and with respect to the municipality. The municipality may designate one of the administrative agents as the “lead” agent, and require that the other administrative agent(s) that may be established report to the lead agent and regularly provide information to the lead administrative agent about the affordable units that the other administrative agent is responsible for, so that the lead administrative agent has the same access to the information as if it was solely responsible for the affordable units and performing the duties described in this Section.
- D. Change of administrative agents. The municipality and administrative agents shall, to the extent necessary and applicable, comply with the provisions of N.J.A.C. 5:80-26.17 (Procedures for changing administrative agents).
- E. Choice of administrative agents. The selection of administrative agent is the municipality’s in its sole discretion.

This Ordinance shall take effect twenty (20) days after action or inaction by the Mayor as provided by law as an override of a mayoral veto by Council, whichever is applicable. Publication shall be in accordance with law.

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

Explanation – Matter underlines **thus** is new matter.

REQUEST FOR COUNCIL ACTION

Date of Request: July 24, 2024

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

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Introduction and adoption of an ordinance to request Township Council to authorize the Mayor and the Township Clerk to execute a contract (lease agreement) between West Windsor Township and the West Windsor Parking Authority for use of certain township property located at the north west corner of Wallace Road and Route 571 (Block 59, Lots 1 & 2) for a parking lot.

SOURCE OF FUNDING: NA

CONTRACT AMOUNT: NA

CONTRACT LENGTH: 50 years

OTHER SUPPORTING INFORMATION ATTACHED:

Ordinance
Contract (Lease Agreement) between West Windsor Parking Authority
Memorandum from Kevin McManimon, Esq.

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

[Signature] 7-25-24 [Signature]
Department/Division Head Date

APPROVED FOR AGENDA OF: August 12, 2024

By: [Signature] 08/05/2024
Marlena Schmid, Business Administrator

MEETING DATE: 8/12/24 Ordinance # 2024-22 Resolution # _____

Council Action Taken:

TO: West Windsor Township Council

CC: Hemant Marathe, Mayor
Marlena Schmid, Business Administrator
John Mauder, Chief Financial Officer
Samuel Surtees, Land Use Manager
Michael Herbert, Esq., Township Attorney
Gay Huber, Township Clerk

FROM: McManimon, Scotland & Baumann, LLC

SUBJECT: Parking Authority Agreement

DATE: July 25, 2024

Enclosed herewith is a proposed form of ordinance authorizing the Township to enter into an Agreement (the "**Agreement**") with the West Windsor Parking Authority (the "**Parking Authority**") relating to the property located at the intersection of Princeton-Hightstown and Wallace Roads, designated as Block 59, Lots 1 and 2 (the "**Project Area**").

The Township designated several areas near the Princeton Junction Train Station (the "**Train Station**") as redevelopment areas pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. Some of the goals of such redevelopment efforts are to provide more parking for Township residents, to address insufficient and disconnected parking in and around the Train Station, and to remediate contaminated sites. In particular, in 2005, the Township designated the area around the Train Station (the "**Princeton Junction Redevelopment Area**"), including the Project Area, as an area in need of redevelopment, and in 2009, the Township adopted a redevelopment plan for such area (the "**Princeton Junction Redevelopment Plan**").

Additional parking is necessary in and around the Train Station to meet the growing demands and needs of commuters. The Township owns the Project Area, which is underutilized, at a highly visible location, is of a size and proportions not readily adaptable for many uses and is environmentally contaminated (although it's being remediated). The Township and the Parking Authority propose the construction, on the Project Area, of a parking lot with approximately Thirty-Eight (38) spaces (this number is subject to change through the planning process) (the "**Parking Lot**"), which will be available to commuters and business patrons, and a passive "pocket park" intended to provide partial screening of the Amtrak electrical substation (the "**Project**").

The Township has the power to lease land to the Parking Authority to facilitate the construction of parking facilities. The Township proposes to lease the Project Area to the Parking Authority on terms set forth in the Agreement enclosed herewith, including terms relating to the construction of the Project. The Agreement is proposed to be effective upon the adoption, by the Township of: (a) an amendment to the Princeton Junction Redevelopment Plan, which governs the zoning in the Project Area, to permit the uses comprising the Project, (b) an amendment to the Land Use Element of the Township's Master Plan, and (c) an ordinance implementing such zoning changes.

Notably, the proposed deal structure is similar to that under which the Parking Authority constructed, and manages, the Vaughn Drive Lot.

If you have any questions, please contact Kevin McManimon at (973) 622-4869. Thank you.

ORDINANCE AUTHORIZING LEASE AGREEMENT WITH THE WEST WINDSOR PARKING AUTHORITY FOR CERTAIN REAL PROPERTY WITHIN THE TOWNSHIP OF WEST WINDSOR FOR PUBLIC PURPOSES

- WHEREAS, the Township of West Windsor (the “Township”) designated several areas generally located near the Princeton Junction Train Station (the “Train Station”) as redevelopment areas pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and
- WHEREAS, some of the goals of such redevelopment efforts are to provide more parking for Township residents, to address the insufficient and disconnected parking in and around the Train Station and to remediate contaminated sites; 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 Block 59, Lots 1 and 2 on the Official Tax Maps of the Township, as an area in need of redevelopment; 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”); and
- WHEREAS, the Township owns Block 59, Lots 1 and 2 on the Township’s Official Tax Maps, located at the intersection of Princeton-Hightstown Road and Wallace Road (the “Project Area”); and
- WHEREAS, the Project Area is underutilized, at a highly visible location within the Township, is of a size and proportions not readily adaptable for many uses, and is being environmentally remediated; and
- WHEREAS, the Township recognizes additional parking is necessary in and around the Train Station to meet the growing demands and needs of commuters; and
- WHEREAS, the West Windsor Parking Authority (the “Parking Authority”) was created pursuant to N.J.S.A. 40:11A-4 by the Township for the purposes, among others, of acquiring, operating, managing, and/or otherwise providing parking facilities particularly near the Train Station; and
- WHEREAS, the Parking Authority has constructed and operated its own parking facilities, and has managed parking facilities owned by NJ Transit, in and around the Train Station; and

WHEREAS, the Township and the Parking Authority propose the construction of a parking lot with approximately Thirty-Eight (38) spaces (this number is subject to change through the planning process) (the "Parking Lot"), available to commuters and business patrons, and a passive "pocket park" intended to provide partial screening of the Amtrak electrical substation (the "Project"); and

WHEREAS, pursuant to N.J.S.A. 40:11A-22, the Township may lease land to the Parking Authority that may be necessary or useful and convenient for the Parking Authority's purposes; and

WHEREAS, the Township intends to lease the Project Area to the Parking Authority on terms set forth in the Contract, attached hereto as Exhibit A (the "Agreement"), including terms relating to the construction of the Project; and

WHEREAS, the Township Council has determined that entering into the Agreement for construction of the Project is a public purpose and will promote the general health and welfare of the community; and

WHEREAS, the Agreement will be effective upon the adoption, by the Township of: (a) an amendment to the Princeton Junction Redevelopment Plan, which governs the zoning in the Project Area, to permit the uses comprising the Project, (b) an amendment to the Land Use Element of the Township's Master Plan, and (c) an ordinance implementing such zoning changes;

NOW THEREFORE, BE IT ORDAINED by the Township Council of West Windsor, County of Mercer, State of New Jersey, that the Township is hereby authorized to lease the Project Area to the Parking Authority on terms particularly described in the Agreement attached hereto as Exhibit A.

BE IT FURTHER ORDAINED that the Township is further authorized to execute the Agreement and enter into any agreement necessary to promote the objectives as outline in the Agreement.

INTRODUCTION:

PUBLIC HEARING:

ADOPTION DATE:

MAYORAL APPROVAL:

EFFECTIVE DATE:

Exhibit A
Agreement Between the Township and Parking Authority

CONTRACT BETWEEN

THE WEST WINDSOR PARKING AUTHORITY

AND

WEST WINDSOR TOWNSHIP

THIS AGREEMENT, (the "**Agreement**") is made and dated as of 25 day of July 2024, by and between:

The West Windsor Parking Authority (hereinafter referred to as "**Parking Authority**"), a body politic and corporate of the State of New Jersey, having a mailing address of 64 Princeton-Hightstown Road, Suite 24, Princeton Junction, New Jersey 08550,

And

West Windsor Township (hereinafter referred to as "**Township**" and, together with the Parking Authority, the "**Parties**"), a public body politic and corporate of the State of New Jersey, having a mailing address of 271 Clarksville Road, Princeton Junction, New Jersey 08550

WITNESSETH

WHEREAS, the Township owns Block 59, Lots 1 and 2 on the Township's Official Tax Maps located at the intersection of Princeton-Hightstown Road and Wallace Road (the "**Project Area**"); and

WHEREAS, the Project Area is within the Township's Princeton Junction Redevelopment Plan area around the Train Station (as defined below); and

WHEREAS, the Project Area is underutilized, at a highly visible location within the Township, is of a size and proportions to not be readily adaptable for many uses, and is being environmentally remediated; and

WHEREAS, the Parties recognize additional parking is necessary in and about the Princeton Junction/West Windsor Train Station (the "**Train Station**") to meet the growing demands and needs of commuters; and

WHEREAS, the Parking Authority was created pursuant to N.J.S.A. 40:11A-4 by the Township for the purpose, among others, of acquiring, operating, managing and/or otherwise providing parking particularly within the area in and about the Train Station; and

WHEREAS, the Parking Authority has constructed and operated its own parking facilities, as well as manages parking facilities owned by NJ Transit, in and around the Train Station; and

WHEREAS, the Parties propose the construction of a parking lot with approximately Thirty-Eight (38) spaces (the "**Parking Lot**"), available to commuters and business patrons, and a passive "pocket park" intended to provide partial screening of the Amtrak electrical substation (the "**Project**", as depicted in the Concept Plan attached hereto as **Exhibit A**); and

WHEREAS, the Parties desire to memorialize their respective rights and obligations, understandings and undertakings in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the Township and the Parking Authority hereby agree as follows:

1) The Township agrees to enter into a lease agreement with the Parking Authority for the Project Area for a period of 50 years for a consideration of \$1.00 per year.

2) The Parking Authority agrees, at its cost, to permit and develop the Parking Lot for approximately 38 vehicles. The Parking Authority shall also be responsible for the design of the Parking Lot, the submission of which, while not legally required to be made to the West Windsor Planning Board, will nevertheless be submitted for the Planning Board's comments as a matter of courtesy and in the interest of comity between all Parties. Such costs will include, but not be limited to, all reasonable costs associated with zoning changes necessary to permit the Project.

3) The Parties shall enter into a separate cost-sharing agreement pursuant to which the Township will reimburse the Parking Authority for the design, permitting and construction of the Parking Lot, but only to the extent the Township receives grant funds associated with such design, permitting and construction costs. The Township agrees to apply for a grant from the NJDEP Hazardous Discharge Site Remediation Fund (HDSRF).

4) The Township, as the property owner, shall remain responsible to fund the ongoing environmental remediation on the Property in accordance with the Remedial Action Work Plan to be developed by the Townships Licensed Site Remediation Professional ("LSRP"), as well as future investigation and remediation related to existing on-site environmental contamination.

5) The Township shall work with the New Jersey Department of Transportation and its professionals to dedicate a portion of the Project Area for the bridge replacement of State Highway Route 64 over

the railroad tracks. The Parking Authority shall reserve adequate area in its Project design for this to occur, as needed based on the NJDOT design plans to be provided to the Parking Authority by the Township, and for continued site environmental monitoring to occur as recommended by the LSRP, without negatively impacting the Project.

6) The Parking Authority will operate and maintain the Project as an adjunct to its operation of other parking facilities at the Train Station, including the pocket park and buffer landscaping, and will collect fees from commuters and other users of the Parking Lot. The Township shall have the right to utilize the Project Area each Saturday and Sunday for events as they so choose, using the parking spaces therein without payment. Notice of the Township's intent to utilize the Project Area should be given, by the Township to the Parking Authority, Fourteen (14) days in advance.

7) Until any lease agreement is approved, the Township shall maintain all insurance having to do with the Project Area, including but not limited to title insurance and liability insurance, with a responsible insurance company organized under the laws of the United States and qualified to do business in this State, which shall be sufficient to cover the Township's interest and demands.

8) Any notice(s) required or permitted to be given under the provisions of this Agreement shall be deemed given (i) three (3) days after same is deposited in the U.S. Mail as First class, certified, return receipt requested, postage prepaid, or (ii) when delivered by a reputable nationwide overnight delivery service, one (1) business day

after the date of delivery of such notice to the delivery service, or (iii) when transmitted by telecopy and/or electronically to the applicable telecopier number or email address, to the party intended to receive same, provided that such transmission is confirmed by duplicate notice in such manner as permitted above, upon receipt of such telecopier number and/or electronic confirmation.

9) The Township and the Parking Authority each represents and warrants to the other that each has all requisite power and authority to execute and deliver and perform its obligations under this Agreement and has taken all action required by law or otherwise to authorize, execute and deliver this Agreement and the consummation of the transactions contemplated hereby; provided, however, that, the effectiveness of this Agreement is subject to the Township's adoption of: (a) an amendment to the Princeton Junction Redevelopment Plan, which governs the zoning in the Project Area, to permit the uses comprising the Project, (b) an amendment to the Land Use Element of the Township's Master Plan, and (c) an ordinance implementing such zoning changes.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Parties hereto have caused this document to be signed as of the date appearing on the first page hereof.

ATTEST:

Township of West Windsor

Gay M. Huber, Township Clerk

Hemant Marathe, Mayor

ATTEST:

West Windsor Parking Authority





Andy Lupo, Chairman

Exhibit A

Concept Plan



Offices @ 64 Windsor Plaza
Suite 24

P.O. Box 58
Princeton Junction, NJ 08550

7/13/24

West Windsor Town Council,

The West Windsor Parking Authority requests that Municipal Parking Ordinances 168-39 A & B, as well as 168-40 A – E are amended with the changes shown on the attached document. These changes to the Ordinances are necessary as over the years of managing the parking operations at the Princeton Junction Train Station the procedures used in parking enforcement have changed with new technology. The amended areas made to the ordinances are due to these procedural changes as it will provide a clearer definition of the violation for someone who receives a ticket to ensure any confusion about exactly why the violation was issued is minimized.

Thank you

Scot MacPherson
Director of Operations
West Windsor Parking Authority

ORDINANCE 2024-23

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP
OF WEST WINDSOR, CHAPTER 168 "TRAFFIC AND PARKING,"
ARTICLE VI, "PARKING AUTHORITY PROPERTY", SECTION 168-39; 168-40 AND 168-41

WHEREAS, the West Windsor Parking Authority has recommended certain modifications to portions of Chapter 168, Traffic and Parking, that will improve the efficiency of parking enforcement in West Windsor Township; and

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

Section 1. Chapter 168 of the Code of the Township of West Windsor, "Traffic and Parking," Article VI, "Parking Authority Property," is amended in part to read as follows (deletions indicated with brackets[], supplemental material indicated with **bold underline:**)

§ 168-38 Parking allowed in accordance with regulations.

Lawful parking on premises owned, leased or operated by the Parking Authority of the Township of West Windsor shall be allowed in accordance with the regulations prescribed herein.

§ 168-39 General regulations.

- A. Parking shall be permitted only in those areas designated for parking by appropriate lines identifying the spaces and/or within a designated space or stall. Parking shall be prohibited in all other areas.
- B. Parking shall require either an unexpired permit, [decal or other type of marking] duly issued by the Parking Authority or payment of a daily fee as prescribed by the West Windsor Parking Authority through local ordinance.

§ 168-40 Definitions.

[Amended 6-26-2017 by Ord. No. 2017-24]

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

LICENSE PLATE RECOGNITION (LPR)

Scanning device used by authorized parking enforcement officers to read license plates on vehicles that are parked on premises owned and/or managed by the West Windsor Parking Authority. A database of information is created based on the information provided by parking customers when registering vehicles, and LPR allows enforcement officers to quickly identify unauthorized and/or unregistered vehicles on these premises.

PERMIT PARKING

The West Windsor Parking Authority [has completely phased out window decals and is in the process of phasing out all mirror hang-tag permits. Instead the WWPA] will rely upon a customer's registration of his or her vehicle, including license plate number and other identifiers. Parking enforcement officers shall use LPR scanning to determine whether cars parked in "permit parking only" areas are authorized and registered to do so.

§ 168-41 Permit parking.

[Amended 4-19-1999 by Ord. No. 99-07; 10-29-2012 by Ord. No. 2012-18]

- A. Permit parking area(s) established. There shall be various permit areas established by the West Windsor Parking Authority. These permit areas shall consist of the areas, streets or parts of streets and municipal parking lots described in the plan on file in the West Windsor Township Clerk's Office, with the West Windsor Parking Authority and with the West Windsor Police and New Jersey Department of Transportation, which shall include all parking permit areas owned and/or managed by the West Windsor Parking Authority which are hereby made a part of this chapter and incorporated herein by reference; provided, however, where an emergency or temporary condition is declared by the Township, all rules and regulations set forth hereinafter shall be subject to such changes as shall be provided.
- B. Operation and use; permit area. No person shall park a vehicle in any space in the areas established by this article unless: [Amended 6-26-2017 by Ord. No. 2017-24]
 - (1) A parking permit has been issued by the West Windsor Parking Authority for the designated vehicle whose designation shall be by motor vehicle registration and is kept on file with the West Windsor Parking Authority; or
 - (2) The **[designated]** vehicle has been properly registered with the West Windsor Parking Authority such that the vehicle can be positively identified as "permitted" or authorized to park in certain areas using LPR scanning.
- C. Persons who are authorized to park in designated off-street parking facilities owned and/or managed by the West Windsor Parking Authority shall park "head-first" to allow for effective scanning and identification by the LPR technology. Parking permits are not transferable to other motor vehicles unless authorized, in writing, by the West Windsor Parking Authority. [Amended 6-26-2017 by Ord. No. 2017-24]
- D. A person accepting parking privileges for a motor vehicle on property owned and/or managed by the West Windsor Parking Authority shall be subject to all rules, regulations, amendments and decisions issued or promulgated by the West Windsor Parking Authority and/or the Township of West Windsor. Parking on premises owned and/or managed by the West Windsor Parking Authority by an unauthorized or unregistered motor vehicle in violation of the rules and regulations or amendments hereunder shall be in violation of this article and shall be subject to fines and/or penalties promulgated by the West Windsor Parking Authority and/or the Township of West Windsor.
- E. A person parking with a vehicle that does not have a current valid and unexpired Parking Permit issued by the West Windsor Parking Authority must purchase a Daily parking permit. This person can park in Parking Lots that have signage designating the lot as allowing Daily Parking. The person, upon parking their vehicle, must pay for the full parking session at either a Paystation located in the parking lots or using the Parkmobile app (available for download on most Apple or Android devices app store). There must be an active and valid daily parking session for the entirety of the time the person's vehicle is parked on property owned and/or managed by the West Windsor Parking Authority.

Section 2. Repealer, Severability, and Effective Date.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed

to be invalid or unenforceable for any reason, then the Township Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

RESOLUTION

WHEREAS, the Township of West Windsor required professional engineering services on a consultant basis in conjunction with the project known as Penn Lyle & New Village Road Pedestrian Safety Improvements and Roberts Engineering Group, LLC was awarded the contract on July 15, 2024 for a total contract amount of \$19,500.00; and

WHEREAS, there is a need for additional work to provide similar improvements to an existing crosswalk on Village Road East fronting the Dutch Neck Elementary school and the amount of additional services is \$3,500.00 for a total revised contract amount of \$23,000.00; 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	405-2021-014 010	\$3,500.00
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WHEREAS, said Amendment #1 to the Agreement for Professional Services has been reviewed by the Township Engineer and he recommends it be executed.

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 #1 to the Agreement for Professional Engineering Services with Roberts Engineering Group, LLC 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 Roberts Engineering Group, LLC dated July 15, 2024 remain in full force and effect.
- 4) 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) business days of its passage.
- 5) An executed copy of the revised Agreement between the Township and Roberts Engineering Group, LLC and a copy of this Resolution shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: August 26, 2024

I hereby certify the above resolution was adopted by the West Windsor Township Council at their meeting held on the 26th day of August 2024

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

INDICATE ACTION REQUESTED (check one):

Date of Request: August 21, 2024

- Ordinance
- (Summary attached)
- Resolution**
- (Backup documents complete)
(Contracts require Affirmative Action Certificate)
- Item for Discussion only

Initiated By: Kenneth Jacobs Department of Human Services

ACTION REQUESTED:

Approve Resolution authorizing purchase and installation of new sports lighting at Conover Park through the ESCNJ co-op.

EXECUTIVE SUMMARY:

The West Windsor-Plainsboro Soccer Association is donating the money to the Township for the purchase and installation of new lighting systems at Conover Park. The existing lighting is well over 30 year old and the layout of the lights do not meet the needs of the soccer association. The equipment and installation is available under the ESCNJ co-op contract number 24/25-06.

OTHER SUPPORTING INFORMATION ATTACHED

Resolution
Contract

DISK & file name (OR) S:\AGENDA INBOX (ConoverLightsESCNJ)

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

K Jacobs 8/22/2024
 Department/Division Head Date

APPROVED FOR AGENDA OF: _____

By: *Marlena B Schmid*
 Marlena Schmid, Business Administrator
 08/22/2024

**** 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 BUSINESS MEETING.**

MEETING DATE: 8/26/24 Ordinance # _____ Resolution # 2024-R172
 Council Action Taken:
 Distributed:

RESOLUTION

WHEREAS, the West Windsor-Plainsboro Soccer Association (Soccer Association) has donated money to the Township to upgrade the lighting system at Conover Park; and

WHEREAS, West Windsor Township is a member of the Educational Services Commission of New Jersey (ESCNJ) Cooperative; and

WHEREAS, ESCNJ Co-Op #65MCESCCPS has contracted with Musco Sports Lighting, LLC, 100 1st Avenue West, Oskaloosa, IA 52577 under Contract # 24/25-06; and

WHEREAS, funding for the acquisition and installation of equipment is available through the aforementioned donation by the Soccer Association; and

WHEREAS, the costs of the project are as follows:

Purchase and installation of lighting system for 3 fields	\$702,000.00
<u>Non Contract Items</u>	
Transformer for receptacles on light poles	\$21,000.00
Provide 120 Volt power to 3 sheds up to 20 amps	\$30,000.00
Payment and Performance Bonding	<u>\$ 4,141.00</u>
 Total Cost	 \$757,141.00

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

Trust Other Bequests/Gifts – Conover Park Lighting Improvements 121214 \$757,141.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator Marlena A. Schmid is authorized to purchase the equipment and installation of a new lighting system and other items through Approved Co-Op #65MCESCCPS, Contract #ESCNJ 24/25-06 for a total of \$757,141.00 from Musco Sports Lighting, LLC, 100 1st Avenue West, Oskaloosa, IA 52577.

Adopted: August 26, 2024

I hereby certify the above resolution was adopted by the Township Council of the Township of West Windsor at their meeting held on the 26th day of August, 2024.

Gay M. Huber
Township Clerk
West Windsor Township