

**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**

April 29, 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
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

2024-07 ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) CHAPTER 113 "NOISE", SECTION 113-9 MOTOR VEHICLES TO ADD "D ENGINE BRAKING PROHIBITED"

2024-08 AN ORDINANCE TO REPLACE CHAPTER 170 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR (1999) BY MODIFYING PROVISIONS PERTAINING TO TREE REMOVAL AND MITIGATION DUE TO STATE OF NJ STORMWATER POLLUTION PREVENTION REGULATIONS

2024-09 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 82
"FEES" OF THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF WEST WINDSOR (1999) TO ADD SECTION
82-26 "TREE REMOVAL AND REPLACEMENT"

11. Consent Agenda

A. Resolutions

B. Minutes

January 29, 2024 - Business Session - As Amended
January 29, 2024 - Closed Session - As Amended
February 12, 2024 - Business Session - As Amended
March 7, 2024 - Closed Session Budget #1 - As
Amended
March 26, 2024 - Business Session - As Amended

C. Bills & Claims

12. Items Removed from Consent Agenda

13. Recommendations from Administration and Council/Clerk

2024-R105 Authorizing the Mayor and Clerk to Execute the
Renewal of a Shared Services Agreement with
Hamilton Township for the Provision of Sexually
Transmitted Disease STD Clinic Services

2024-R106 Authorizing the Mayor and Clerk to Execute
the Reimbursement Agreement with Windsor Woods
Luxury Apartments for Solid Waste Collection
Costs for 2022 - \$47,000.00

2024-R107 Authorizing the Mayor and Clerk to Execute the
Reimbursement Agreement with Princeton Greens
Homeowners Association and Windsor Ponds
Homeowners Association for Snow Removal Costs and
Refuse and Recycling Costs for 2022 - \$1,810.64

2024-R108 Authorizing the Business Administrator to
Purchase One (1) New Dump Body with Plow Package
for the Department of Public Works from Trius
Inc. Under the Educational Services Commission of
New Jersey (ESCNJ), Cooperative Pricing System
#65MCESCCPS, Bid #23/24-04 - \$117,428.48

- 2024-R109 Authorizing the Business Administrator to Purchase One (1) 2025 Conventional Cab From Houston Freightliner Inc., Under SBFA, SRA (PRL-20D) Houston-Galveston Area Council Purchasing Program (HGAC) HGAC Buy Contract HT06-20 - \$109,899.00
- 2024-R110 Authorizing the Business Administrator to Purchase Annual GPS Vehicle Tracking Licensing from SHI International Corp. Under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 with the County of Bergen - \$11,390.02
- 2024-R111 Authorizing the Business Administrator to Purchase Annual Cisco Enterprise Switching Software from SHI International Corp. Under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 with the County of Bergen - \$11,630.82
- 2024-R112 Authorizing the Business Administrator to Purchase Three (3) Large Monitors for the Construction Division from SHI International Corp. Under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 with the County of Bergen - \$929.17
- 2024-R113 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with StarNet Solutions, Inc. for Information Technology Support Services for the Municipal Network - \$14,400.00
- 2024-R114 Authorizing the Mayor and Clerk to Execute a Professional Services Agreement with Spiezle Architectural Group, Inc. for Architectural Services for the Senior Center Kitchen and Pavilion Improvements - \$48,440.00
- 2024-R115 Authorizing the Mayor and Clerk to Execute Amendment #5 to the Existing Lease Agreement with the West Windsor Arts Council Extending Lease to 2034

2024-R116 Authorizing the Business Administrator and Clerk to Execute the Temporary Access Agreement with Roman E&G Corp. for Use of the Gravel Lot on Municipal Property Around the Former Wallace Road Garage, Block 59, Lots 1 & 2, for Laydown Area and Access During Construction Under the AMTRAK Rail Lines

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

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) CHAPTER 113 "NOISE", SECTION 113-9 MOTOR VEHICLES TO ADD "D ENGINE BRAKING PROHIBITED"

WHEREAS, the Township Council of the Township of West Windsor wants to add a section to the code prohibiting engine breaking.

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 1.

Section 113-9 d.

No person shall use or operate a mechanical exhaust device designed to aid in braking, decompression, or deceleration of any motor vehicle that results in excessive, loud, unusual, or explosive noise from such vehicle. Engine Braking shall be prohibited in all of West Windsor Township by the driver of any motor vehicle, at any time and on any road, with any mechanical exhaust or decompression device.

Noise created by applying engine compression brakes, otherwise known as "engine braking", which is effectively muffled or if the application is necessary for the health, safety, and welfare of the community, is exempt from the provisions of this section. Sounds created by emergency equipment for emergency purposes are also exempt. The provisions of this subsection, shall not apply to the application of unmuffled compression brakes where necessary for the protection of persons and/or property that cannot be avoided by application of an alternative braking system.

Section 2.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3.

If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Section 4.

This ordinance shall take effect twenty(20) days after action or inaction by the Mayor as approved by law or an override of a mayoral veto by Council, whichever is applicable, and upon publication in accordance with law.

INTRODUCTION: April 8, 2024

PUBLIC HEARING:

ADOPTION:

MAYOR APPROVAL:

EFFECTIVE DATE:

To: Council

From: Council Vice President Andrea Mandel, Council Member Sonia Gawas

Subject: Engine Braking Ordinance Background Information

In 2023 Council members received complaints about truck noise from residents along several residential roads in West Windsor. Council members Sonia Gawas and Andrea Mandel took the lead in researching what could be done to help resolve this problem across the whole town. There is substantial truck traffic that goes through West Windsor due to large businesses in surrounding towns, as well as construction and other traffic from across Route 1.

One of the loudest and most annoying sounds comes from engine braking (also known as jake braking or compression braking), particularly from large diesel engines, as was pointed out by a resident on Princeton-Hightstown Road. A reduction or elimination in engine braking will be very helpful in reducing noise from trucks who use any roads within West Windsor.

After discussion and research, we learned that several towns, including adjacent East Windsor, have ordinances to limit engine braking. Trucks coming through Princeton-Hightstown Road and other East Windsor access points will already be aware of the law in East Windsor and will continue to follow the law as they travel through West Windsor roads. Signs can be put at entry points to town from all directions to make all truck drivers aware of the law.

As some sources indicated the need for truck drivers to use engine braking in special safety situations, the West Windsor ordinance provides for exceptions in these cases. Emergency vehicles and properly muffled engine braking systems are also exempted.

For reference, the following are links to engine breaking ordinances in two other NJ towns.

[Township of Lafayette, NJ Traffic: § 7-13 ENGINE BRAKING. \(ecode360.com\)](#)

[Township of East Windsor, NJ General Police Regulations: § 5-2.3.2.13 Engine braking prohibited. \(ecode360.com\)](#)

REQUEST FOR COUNCIL ACTION

Date of Request: March 27, 2024

Initiated By: Francis Guzik Division/Department: Comm. Dev./Engineering

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Ordinance for the adoption of an amendment to the West Windsor Township Code, Chapter 170, Trees. The NJDEP has issued draft standards for mitigation of tree loss by requiring the reporting of their removal, and in some instances, their replacement in alternate locations. The Township is required to adopt similar standards in order to remain in compliance with the Municipal Stormwater Discharge Permit re-authorized by the State in 2023. The proposed amendment builds on the existing tree removal permit process that has existed within the Township since the early 1980s.

SOURCE OF FUNDING: N/A

CONTRACT AMOUNT: N/A

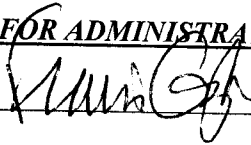
CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Draft Ordinance State DEP transmittal to West Windsor
Township Landscape Architect

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

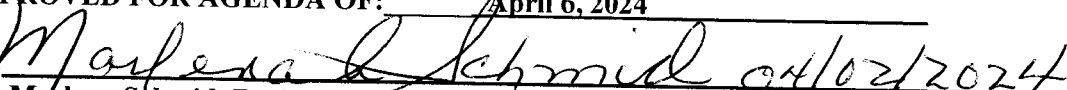
Department/Division Head

 3/26/24

Date

APPROVED FOR AGENDA OF: April 6, 2024

By:


Marlena Schmid, Business Administrator

MEETING DATE: 4/8/24 Ordinance # 2024-08 Resolution # _____

Council Action Taken:

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

ORDINANCE NO. 2024-08

**AN ORDINANCE TO REPLACE CHAPTER 170 OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR (1999) BY MODIFYING
PROVISIONS PERTAINING TO TREE REMOVAL AND MITIGATION
DUE TO STATE OF NJ STORMWATER POLLUTION PREVENTION REGULATIONS**

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) has developed the Municipal Stormwater Regulation Program as a result of the US Environmental Protection Agency's (USEPA) Phase II rules addressing pollutants entering into our water tributaries; and

WHEREAS, the Township was required to obtain a Tier "A" Municipal Stormwater Discharge Permit as part of these new regulations; and

WHEREAS, the Township was required to develop a Stormwater Pollution Prevention Program; and

WHEREAS, the Township is required to periodically adopted or amend certain Ordinances aimed to prevent Stormwater Pollution as the State reauthorizes the Municipal Stormwater Discharge Permit; and

WHEREAS, the State is requiring the adoption of regulations pertaining to tree removal and the potential impact upon the community forest, tree canopy cover, and related environmental impacts upon pollutants, soil erosion, and flooding.

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 1. Chapter 170, Trees (§ 170-1 -§ 170-7), of the Code of the Township of West Windsor (1999), is hereby deleted in its entirety and replaced by the following text:

Part II: General Legislation

Chapter 170 Trees

§ 170 Trees on Public and Private Property

Trees are a natural resource that provide environmental, aesthetic, health, and economic benefits to the municipality and its inhabitants. The proper care, management, and preservation of the community tree resource, both individual trees and woodlands including; the removal of dead, damaged, infested, or diseased trees; and the preservation of significant trees and

woodland, on both public and private property, can have a significant positive impact on individual properties, neighborhoods, and the municipality as a whole. The adoption of this code is consistent with the Township's State-approved Community Forestry Management Plan, and is appropriate to protect the environment, while promoting the public's health, safety, and welfare, including reduced soil erosion, reduction of air and water pollutants and increased infiltration of stormwater.

§ 170.1. Definitions:

For this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely directory.

APPLICANT

Any "person", as defined herein, who applies for approval to undertake the removal of a tree or trees regulated under this ordinance.

COMMERCIAL FARM

A farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.; or a farm management unit of less than five acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq. A farm management unit is a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

CRITICAL ROOT RADIUS (CRR)

The zone around the base of a tree, measured from the outer trunk bark. It is where the majority of the tree root system typically grows. This zone is calculated by multiplying the diameter, in inches, at breast height (DBH) of the tree by 1.5 feet/inch, the product is in feet. For example: a tree with a six-inch DBH would have a CRR = 6 inches x 1.5 feet/inch = 9 feet.

DIAMETER AT BREAST HEIGHT (DBH)

The diameter in inches of the trunk of a mature tree measured at a point four and a half feet above ground level, along a line parallel to the trunk, from the uphill side of the tree. A mature tree is a tree that measures six inches, or greater, at diameter breast height (DBH). For trees where the main trunk divides (multi-stem) below the four-and-a-half-foot height, but at least six inches above ground level, the DBH shall be measured at the highest point below any division, or shall be the average of the stems measured at breast height, whichever is less. Multi-stem trees that split or fork below six inches above grade shall be treated as multiple individual trees.

DANGEROUS TREE

A tree or limbs thereof that meet one or more of the criteria below, as determined by a Licensed Tree Expert reported in writing, based upon accepted Arboricultural standards. Trees or limbs that do not meet any of the criteria below and are proposed to be removed solely for aesthetic, tree or landscape growth, or any type of construction purpose do not meet the definition of a dangerous trees.

1. Has an infectious disease or insect infestation that is likely to lead to the demise of the tree and/or nearby trees;
2. Is dead, dying, severely declining, and /or severely damaged, including severely storm damaged and tree(s) felled by natural causes;
3. Obstructs the operation or operational view of traffic signals and signs, streetlights, fire hydrants, sanitary sewer pipes, potable water pipes, or the safe passage of pedestrians or vehicles, where pruning attempts or protective measures have not been effective, or will cause demise of the tree;
4. Is causing obvious damage to public or private structures and/or infrastructure, that cannot be pragmatically mitigated;
5. Is otherwise determined, by a New Jersey Licensed Tree Expert, Certified Arborist, or an appropriate municipal representative, to be a threat to public health, safety, and/or welfare, which cannot be otherwise mitigated by an appropriate and pragmatic protection.

LICENSED TREE EXPERT (LTE)

A person who has been examined and proven competent in the science and art of diagnosing, treating and preventing tree injuries. The State of New Jersey license is a document that insures that the named individual has the expertise required to be presented to the public as a Licensed Tree Expert as established by N.J.S.A. 45:15C-11 et seq. Licensed Tree Experts can perform tree expert services which means and includes: tree pruning, repairing, brush cutting or removal, tree removal, stump grinding or removal, tree establishment, fertilization, cabling and bracing, lightning protection, consulting, diagnosis, and treatment of tree problems or diseases, tree management during site planning and development, tree assessment and risk management, and lawful application of pesticides or any other form of tree maintenance.

LICENSED TREE CARE OPERATOR (LTCO)

A person who has been examined and proven to be competent in the science and skills to perform tree care operator services which means and includes tree pruning, repairing, brush cutting or removal, tree removal, and stump grinding or removal. The State of New Jersey license is a document that insures that the named individual has the expertise required to be presented to the public as a Licensed Tree Care Operator as established by N.J.S.A. 45:15C-11 et seq.

MULCH

The application of a ground treatment, e.g. shredded bark, wood chips, within the critical root radius of a tree. Over-mulch is the condition where mulch and/or soil is applied higher than four (4) inches in height above soil surface within the critical root radius, or against the tree trunk or stems. Maintain mulch 3 to 5 inches away from the stems of young plants or shrubs, and 8 to 12 inches away from mature tree trunks. Improper-mulch is where a substance which is harmful to the tree is applied within the critical root radius of a tree.

PERMITTEE

A "person" who has received a Tree Removal Permit from the Township.

PERSON

Any individual, resident, property owner, corporation, company, partnership, firm, property association, contractor, or subcontractor. Person shall not include a government agency or public utility, or the staff of these entities performing authorized work or actions on trees on property owned or operated by the agency or utility.

PLANTING STRIP OR TREE LAWN

The part of a public or private street right-of-way or easement between the right-of-way, property, or easement line(s), and the cartway or portion of the street designed for vehicular traffic, exclusive of any sidewalk and driveways.

PUBLIC PROPERTY

Real property owned by Federal, State, County or Local governments or their agencies or departments.

REPLACEMENT TREE

A tree of a species, cultivar, size and form appropriate for the location it will be planted and shall adhere to the American Standard of Nursey Stock (American National Standards Institute: ANSI Z60.1 most recent edition), published by the American Horticulture Industry Association, d/b/a AmericanHort, Columbus OH.

RESIDENT

An individual who resides on the residential property or a contractor hired by the property owner or individual who resides on the residential property, where a tree, subject to this ordinance, is proposed for removal or is removed.

STREET TREE

A tree located in the planting strip and/or in the public or private right-of-way or easement adjacent to the portion of the street designed for vehicular traffic. This also includes trees planted in planting strips within the street cartway, i.e., islands, medians, and pedestrian refuges. Trees

adjacent to public or private driveways and parking lots, and outside the planting strip or tree lawn, are not street trees.

TREE

A woody perennial plant (deciduous or coniferous), typically but not exclusively, having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground. Multi-stem trees that split or fork below six inches above grade shall be treated as multiple individual trees, otherwise they shall be considered one tree.

TREE CALIPER

The diameter in inches of the trunk of a young tree, measured six inches above the ground level for field grown trees; and measured from the soil line for container grown trees, which soil line should be at or near the top of the root flare, and six inches above the root flare for bare root plants, up to and including the four-inch caliper size interval (i.e., from four inches up to, but not including, four and one-half inches). If the caliper measured at six inches is four and one-half inches or more, then the caliper shall be measured at twelve inches above the ground level, soil line, or root flare, as appropriate. Multi-stem tree caliper shall be calculated as either one-half of the caliper of the three largest trunks, or the average caliper of all trunks.

TREE REMOVAL

To either purposefully kill or to cause irreparable damage that leads to the decline and/or death of a tree. Tree removal is typically the process of safely and methodically cutting down and removing a tree from its location. This can also include, but is not limited to, one or more of the following: digging, spading, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading, and/or soil compaction within the critical root radius (CRR) that leads to the decline and/or death of a tree.

Tree Removal does not include responsible pruning and maintenance of a tree, in accordance with industry accepted standards, the responsible application of treatments, and removal of exotic species intended to manage their spread pursuant to the "Prohibited Replacement Tree List," adopted by the West Windsor Township Shade Tree Commission, or findings and official publication of a State of New Jersey agency. The Prohibited Replacement Tree List shall be available from the Township and shall be posted on the Township internet web page.

TREE REMOVAL PERMIT

Approval, issued by West Windsor Township, to conduct tree removal or other regulated activities upon a tree or trees. Tree Removal Permit applications, information, forms, and standard details shall be available from the Township and shall be posted on the Township internet web page.

§ 170.2 Regulated Activities:

It shall be a violation of this code for any person to conduct purposeful tree removal, destruction, damage, injury, excavation, grinding, girdling, over-mulch, improper-mulch, soil compaction, fill

application, or construct structures within the critical root radius of any tree in West Windsor, not exempt from these regulations as described in Section 170.3, without first obtaining a Tree Removal Permit as provided herein:

A. Tree Removal Permit Required:

1. Any person planning actions that include or may result in tree removal of a tree with a DBH of six inches or greater, or any size street tree, shall submit a Tree Removal Permit Application, and the prescribed initial application fee, to the Township on a complete form to be provided for this purpose.
2. West Windsor shall review and approve or deny the application within twenty (20) business days (days that Township offices are officially open) of the date of receipt. If the application is determined to be incomplete, then the review period shall reset at (20) business days, from the date of re-submission. If not acted upon by the Township within (20) business days, the application will be considered approved. No regulated, non-emergency, tree removal shall take place without an approved Tree Removal Permit for the tree(s) involved.
3. If the applicant is the owner or operator of a commercial farm, as defined in the New Jersey Department of Agriculture regulations, then the Township may review the application with the Agricultural Advisory Committee, or appropriate staff liaison to the Agricultural Advisory Committee, to determine if the application is being made to benefit an anticipated land development proposal or application, in which case the Tree Removal Permit application shall be denied and the applicant shall be advised to submit a land use application to the Township.
4. Activities related to a land development project that requires a Zoning Permit, Planning Board and/or Zoning Board of Adjustment approval shall provide an inventory of existing tree resources and a tally of proposed tree removal; and replacement; or replanting; or planting; for review by the Township with the land development application. The land development application shall also include a calculation of anticipated applicable Additional Application Fees, as prescribed herein regarding tree removal. Issuance of the approved Zoning Permit to construct the approved land development work shall serve as the approved Tree Removal Permit for tree removal activities, as detailed in the land development application, and shall include the Additional Application Fees, calculated pursuant to Section 170.2. B, and C. Regulated tree removal shall not occur prior to the payment of applicable fees, including fees prescribed herein regarding tree removal, and the issuance of a Zoning Permit, or a separate Tree Removal Permit.
5. If Section 170.2.A.3 and/or 170.2.A.4 above is applicable to the Tree Removal Permit Application, the review periods detailed in Section 170.2.A.2 do not apply.

6. Tree care and removal are further regulated by the New Jersey Tree Experts and Tree Care Operators Licensing Act (N.J.S.A. 45:15C-11 et seq.). Businesses and individuals that provide tree care services are legally required to be appropriately insured, registered with the State, and must have individuals on staff that are licensed and appropriately trained to perform such services. Where Tree Removal Permit Application is filed by a property owner or resident it must include information for the LTCE/LTCO involved with the removal.

B. Tree Replacement Quantity Requirements:

Any person who removes one or more street trees of 2.5 inches or greater at DBH, or who removes one or more trees six (6) inches or greater DBH, unless exempt under Section 170.3, shall be subject to the Tree Replacement Requirements in Table 1. below.

Table 1. Tree Replacement Requirements

Category	Size of Tree to be Removed, In Inches DBH	Replacement trees to be planted In Inches Caliper
1	6 to 12.99 <u>DBH</u> and Street Tree 2.5 to 12.99 <u>DBH</u>	Plant one (1) tree with a minimum tree <u>caliper</u> of 1.5 for each tree removed
2	13 to 22.99 <u>DBH</u>	Plant two (2) trees with minimum tree <u>caliper</u> of 1.5 for each tree removed
3	23 to 32.99 <u>DBH</u>	Plant three (3) trees with minimum tree <u>caliper</u> 1.5 for each tree removed
4	33 or greater <u>DBH</u>	Plant four (4) trees with minimum tree <u>caliper</u> of 1.5 for each tree removed
		NOTE: A coniferous tree measuring 5 foot height shall be considered equal to a deciduous tree measuring 1.5 caliper for replacement requirement.

C. Tree Replacement Planting Requirements:

1. The species and type of replacement trees shall not be of a species, type, cultivar, or selection, known to be invasive, pursuant to the "Prohibited Replacement Tree List," adopted by the West Windsor Township Shade Tree Commission, or the findings and official publication of a State of New Jersey agency. The Prohibited Replacement Tree List shall be available from the Township and shall be posted on the Township internet web page.
2. Replacement trees shall be planted on the same property as the trees removed or at another location agreed upon by the Township, and shall be subject to post-planting observation by the Township to confirm compliance with this Chapter.
3. Replacement trees shall be planted, during an appropriate season and weather conditions, within twelve (12) months of the date of tree removal of the original tree(s) or at an alternative date agreed upon by the Township.

4. Replacement trees planted on private property shall be maintained and monitored by the permittee for a period of two (2) years from planting date. Any tree that does not survive for that two (2) year period, or that upon observation by the Township has been determined to have been planted improperly, shall be replaced consistent with the replacement requirements herein.
5. Replacement trees shall be planted in accordance with the standard Township tree planting detail. Replacement trees shall not be planted in temporary containers and shall be planted in soil in a manner that will support tree health and survival. The standard tree planting detail shall be available from the Township and shall be posted on the Township internet web page.
6. Replacement trees shall not be planted in planting strips or tree lawns that measure less than sixteen square feet in surface area, or less than three feet and six inches in any dimension.
7. Replacement trees planted within six feet of a paved sidewalk, path, or plaza, shall include the installation of a tree root barrier at least 12 inches in depth for a length of six feet, centered upon the trunk of the tree, along the edge of the paved walk, path or plaza.
8. If tree replacement on the Permittee's property is not feasible, then the fees listed below in Table 2 for each tree category shall be paid to the Township in the form of a Tree Removal Permit Additional Application Fee, to be deposited to a Township account or fund exclusively dedicated for the purposes of implementing community forestry arboricultural practices, including tree planting. When the Township plants trees with fees collected under this Section, every effort will be made by the Township to plant the replacement trees at locations where the trees will result in environmental protection or enhancement, reduce soil erosion or pollutant runoff, and improve stormwater transpiration and infiltration.

Table 2. Tree Removal Permit Additional Application Fee

Category	Size of Tree to be Removed, in Inches DBH	Additional Application Fee, Cumulative per tree
1	6 to 12.99 <u>DBH</u> and Street Tree 2.5 to 12.99 <u>DBH</u>	\$300.00
2	13 to 22.99 <u>DBH</u>	\$1,000.00
3	23 to 32.99 <u>DBH</u>	\$1,500.00
4	33 or greater <u>DBH</u>	\$2,000.00

D. Conservation Areas and Township Property:

No person shall purposefully cause to occur any disturbance to land or vegetation, including the harming, injuring, girdling, removing and destroying of living trees, on any Township property, or right-of-way, or in any area on private property designated for conservation by

an approval of a Township land use board, whether such area is established by specific delineation or by application of principles and processes set forth in the land use board approval and application documents, and in any other area for which conservation restrictions are in place by virtue of easements, deed restrictions, or other legal instruments. Conservation areas created by land use board approvals may be established by Greenbelt or other easement or deed restriction, but shall also be subject to this chapter and potential penalties pursuant to Chapter 200-254 of the Township code if no deed restrictions or easements are recorded, whether or not the intent of the approval was to have such instruments recorded.

§ 170.3. Exemptions:

All persons shall comply with the tree replacement and permit standards described within this Chapter, except in the cases detailed below. Justification shall be provided to the Township by all persons claiming an exemption, prior to undertaking any regulated activity.

- A. Tree removal within a residential property with one single-family or two-family dwelling, that involves the removal of up to three (3) trees that fall into categories 1, 2, or 3 of the Tree Replacement Requirements Table 1 on an individual property, or per acre of an individual property exceeding one acre in size, with any partial acreage being pro-rated accordingly, within a five-year period. The number of trees removed is a rolling count across any five-year period. For example, if three trees from category 1 are removed in July 2024, the 'count' resets to zero in July 2029. However, if one tree from category 1 is removed in July 2024 and another in July of 2026 the first tree will come off the count in July 2029 and the second in July 2031. A Tree Removal Permit Application and fee shall be required for these trees in order to justify and record the exemption.
- B. Dangerous trees shall not be counted in the determination of exemptions under Section 170.3.A and may be removed without incurring any replacement tree planting or Tree Removal Permit Application Fee requirement, pursuant to Sections 170.2.B and 170.2.C, respectively. Any tree(s) with a base located within 25' of the applicant's residential structure (home and garage) on residential property with one single-family or two-family dwelling will be considered a dangerous tree(s) for purposes of this Chapter. A Tree Removal Permit Application must be submitted to the Township to justify and record the removal of one or more dangerous trees. There shall be an exception from filing a Tree Removal Permit Application for dangerous trees located on residential property with one single-family or two-family dwelling, determined as dangerous by a Licensed Tree Expert in a written report, even in the cases of storm damaged trees and trees felled by natural causes. The written report must be retained at the property for a minimum of five years, in case verification is necessary to be provided.
- C. Educational Institution tree farms and Commercial Tree farms in active operation, including nurseries, fruit orchards, and garden centers.

- D. Properties used for the practice of silviculture under a State approved forest stewardship or woodland management plan that is active and on file with the Township.
- E. Any tree removal as part of a Township or State decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- F. Any tree removal pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan.
- G. State approved game management practices, as recommended by NJDEP.
- H. Tree removal, maintenance or land management by the Township or its authorized contractors or subcontractors.

§ 170.4. Enforcement, Appeals:

The Township shall designate staff to enforce Chapter 170. The designated staff person(s) may confer with the Township Administration and Shade Tree Commission regarding enforcement of this Chapter 170. Applicants are hereby granted the right to appeal the aforesaid determination by the enforcement staff person to the Business Administrator, in which event the applicant must submit a written notice of appeal to the Township within ten (10) days after receipt of the enforcement staff person's notification to the applicant. Thereupon, the Business Administrator will, upon notice to the applicant, proceed to hear the matter within thirty (30) days after receipt of the appeal by the Township. The decision of the Business Administrator may affirm, reverse or modify the aforesaid determination and shall constitute the final administrative determination of the application.

§ 170.5. Reporting:

Township staff shall report to the Township Administration, Township Council and the Shade Tree Commission on an annual basis all application fees collected, expenditures of such fees and the locations of replacement trees on public property, related to fees collected under this Chapter.

§ 170.6. Violations and Penalties:

Any person who is found to be in violation of the provisions of this ordinance shall, upon conviction, be liable to the penalty established in Township code Chapter 1, General Provisions, Article II, Penalty, 1-3., in addition to the applicable Tree Removal Permit application fee. The Township may, based upon individual circumstances, require the planting of additional trees in accordance with the provisions of this Chapter in lieu of a fine.

§ 170.7. Removal of Dangerous Trees:

If a tree becomes dangerous, or develops dangerous limbs, as established by the standard of this Chapter, than the owner of the property on which the tree stands, shall implement appropriate protections and/or barriers as soon as possible. The property owner shall also promptly act to cause safe removal of the tree or the dangerous part thereof on receipt of written notice to that effect from the Township Business Administrator or duly authorized personnel.

- A. Standard established; clear sight distance for vision at intersection. The owner or tenant of any lands lying within the Township shall keep all brush, hedges and other plant life, growing within 10 feet of any street and within 25 feet of the intersection of two streets, cut to a height of not more than 2-1/2 feet, as deemed necessary and expedient for the preservation of public safety after a determination by the Chief of Police or any subordinates acting under the Chief's direction.
- B. Removal by Township; If a property owner fails to remove the tree or portion thereof within thirty (30) days after receipt of written notice to do so, the work may be performed by the Township under the advisement of the Township Business Administrator who shall also certify the cost to the Mayor and Township Council.
- C. Costs charged against land, lien established; upon determining the certified costs, the Mayor or designee shall examine them and shall cause the reasonable cost to be charged against the lands. The amount so charged shall become a lien upon the lands and shall be added to and become part of the taxes next to be assessed and levied on the lands, the same to bear interest at the same rate as other taxes and be collected and enforced by the same officer and in the same manner as taxes.

§ 170.8. Severability:

Each Section, subsection, sentence, clause, and phrase of this Ordinance is declared an independent Section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

§ 170.9. Effective Date:

Section 1. This ordinance shall take effect one hundred and eighty (180) days after action or inaction by the Mayor as approved by law, or an override of a mayoral vote by the Council, whichever is applicable; and upon publication according to law.

Section 2. SEVERABILITY. Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

Section 3.

INTRODUCTION: April 8, 2024

PUBLIC HEARING:

ADOPTION:

MAYORAL APPROVAL:

EFFECTIVE DATE:



WEST WINDSOR TOWNSHIP

DEPARTMENT OF COMMUNITY DEVELOPMENT Shade Tree Commission

Date: March 26, 2024

To: **West Windsor Township Mayor and Administration**

From: **West Windsor Township Shade Tree Commission**
Staff Liasion, Dan Dobromilsky, LLA, PP, LTE

Subject: March 26, 2024 Draft of the West Windsor Township Shade Tree Commission
Proposed Revisions to Section 170 of the West Windsor Township Code,
Responding to NJDEP's Model Tree Removal – Replacement Ordinance (2023)

In the summer of 2023 the New Jersey Department of Environmental Protection (NJDEP) revised the Tier A Municipal Stormwater General Permit. The revised permit requirements included an obligation upon municipalities to adopt and enforce a community-wide ordinance covering tree removal/replacement, based upon a model ordinance, if towns did not already have an ordinance that met the requirements. The final model ordinance was issued on November 3, 2023.

West Windsor Township's current tree removal code, section 170, does not include provisions to meet the requirements offered in the NJDEP model. The significant differences generally include:

- Tree removal or all private property must be reviewed and appropriately regulated. Whereas the West Windsor code exempts the vast majority of single-family residential properties.
- The regulations must address replanting of replacement trees to mitigate tree removal. Whereas the West Windsor code does not include provisions for replacement of trees to be removed, with some exception regarding tree clearing associated with land development projects.
- If a property owner cannot plant replacement trees on the property subject of the tree removal, than Township should collect a fee to implement replacement tree planting and care on other Township properties to address the mitigation.

A May 1, 2024 deadline was established for municipalities to adopt a Tree Removal Ordinance that addresses the provisions offered in the NJDEP model.

The West Windsor Township Shade Tree Commission was made aware of this requirement by staff and initiated a draft revision to the West Windsor Township code, section 170, regarding trees. At the January 24, 2024 meeting of the Shade Tree Commission a draft revision of the Township tree code was finalized and submitted to the Township Administration and Governing Body for conceptual consideration. This current final draft includes adjustments in response to specific questions and comments offered as a result of the conceptual consideration.

This final draft is intended to replace section 170 of the West Windsor Township code in total, delete existing, adopt proposed.

End.

ORDINANCE 2024-09

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 82 "FEES" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR (1999) TO ADD SECTION 82-26 "TREE REMOVAL AND REPLACEMENT"

WHEREAS, Chapter 170 "TREES" is being revised to comply with new regulations from the New Jersey Department of Environmental Protection (NJDEP); and
WHEREAS, as part of this there are fees to be collected.

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 1.

82-26 Tree Removal and Replacement

- A. Tree Removal Permit Application Fee \$25.00
- B. Tree Removal Permit Additional Application Fees see section 170 C. Tree Replacement Planting Requirements Table 2.

Section 2.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 3.

If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Section 4.

This ordinance shall take effect twenty(20) days after action or inaction by the Mayor as approved by law or an override of a mayoral veto by Council, whichever is applicable, and upon publication in accordance with law.

INTRODUCTION: April 8, 2024

PUBLIC HEARING:

ADOPTION:

MAYORAL APPROVAL:

EFFECTIVE DATE:

REQUEST FOR COUNCIL ACTION

Date of Request: April 15, 2024

Initiated By: Jill Swanson Division/Department: Health

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Requesting a Resolution authorizing Mayor and Clerk to sign the renewal of the Shared Services Agreement with Hamilton Township Health Department for the provision of Sexually Transmitted Disease-STD clinic services for West Windsor Township Health Department to Township residents. This is the renewal of a long standing SSA to provide services mandated by state law.

SOURCE OF FUNDING:

Board of Health Operating Budget 10521248

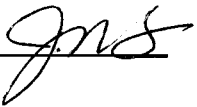
CONTRACT AMOUNT: \$100.00 per patient visit for STD services. West Windsor is billed based upon resident usage of services.

CONTRACT LENGTH: January 1, 2024 through December 31, 2024

OTHER SUPPORTING INFORMATION ATTACHED:

Shared Services Agreement and Hamilton Township Health Services Fee Schedule Memo

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Jill Swanson  Date 4/15/24
Department/Division Head

APPROVED FOR AGENDA OF: _____

By: Marlena Schmid 04/23/2024
Marlena Schmid, Business Administrator

MEETING DATE: 4/29/24 Ordinance # _____ Resolution # 2024-R105

Council Action Taken:

RESOLUTION

WHEREAS, West Windsor Township is in need of provision of certain local public health services (services related to STD's); and

WHEREAS, West Windsor Township is desirous of entering into a Shared Services Agreement for the provision of certain public health services (services related to STD's) from Hamilton Township; and

WHEREAS, a Shared Services Agreement has been drafted pursuant to N.J.S.A. 40A:65-1 et. seq. effectuating the intent of the parties and is annexed hereto.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that the Mayor and Clerk are hereby authorized to execute the Shared Services Agreement with Hamilton Township for the provision of certain public health services related to STD's.

Adopted: April 29, 2024

I hereby certify the above resolution was adopted by the West Windsor Township Council at their meeting held on the 29th day of April 2024

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: April 5, 2024

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

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Resolution providing for reimbursement of solid waste collection costs for the calendar year 2022 for Windsor Woods Luxury Apartments.

SOURCE OF FUNDING:

2022 Budget

CONTRACT AMOUNT:

\$47,000.00

CONTRACT LENGTH:

January 1, 2022 through December 31, 2022

OTHER SUPPORTING INFORMATION ATTACHED:

Resolution, Agreements and copy of Certification of Funds

S:\AGENDA INBOX (file name) 2024 Resolution-Apt-Kelly2022C

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

John V. Mauder Department/Division Head 4/16/24 Date

APPROVED FOR AGENDA OF: April 29, 2024

By: Marlena A. Schmid 04/23/2024
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 MEETING.**

MEETING DATE: 4/29/24 Ordinance # _____ Resolution # 2024-R106

Council Action Taken:

RESOLUTION

WHEREAS, N.J.S.A. 40:66 - 1 et seq. establishes a policy and schedule of the reimbursement of costs for solid waste collection services incurred by qualified multifamily dwellings as defined by the law; and

WHEREAS, The Windsor Woods Luxury Apartments qualifies as such a community; and

WHEREAS, the Township of West Windsor has agreed to reimburse Windsor Woods Luxury Apartments solid waste collection costs for the calendar year 2022;

WHEREAS, funds are available as evidenced by the Chief Financial Officer's certification of funds;

Windsor Woods Luxury Apartments	
Refuse Collection – Multi Family Reimbursement. 101001	<u>\$ 47,000.00</u>
Total	\$ 47,000.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, County of Mercer, and State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute an agreement with Windsor Woods Luxury Apartments to reimburse them for certain solid waste collection costs pursuant of N.J.S.A. 40:66 - 1 et. seq. in the following amounts for the calendar year 2022.

Windsor Woods Luxury Apartments	<u>\$ 47,000.00</u>
Total	\$ 47,000.00

A copy of said Agreement is attached herein.

Adopted:

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 29th day of April, 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: April 5, 2024

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

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Resolution providing for reimbursement of trash and recycling collection and disposal, and snow removal costs for various Condominium and Homeowner Associations for 2022. The Township is required to either provide certain services or reimburse Associations for trash and recycling collection and disposal, snow removal and street lighting costs.

SOURCE OF FUNDING:

2022 Budget and Snow Trust

CONTRACT AMOUNT:

\$1,810.64

CONTRACT LENGTH:

January 1, 2022 through December 31, 2022

OTHER SUPPORTING INFORMATION ATTACHED:

Resolution, Agreements and copy of Certification of Funds

S:\AGENDA INBOX (file name) 2024Resolution-2022KellyBill-B

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

John V. Mauder 4/17/24
Department/Division Head Date

APPROVED FOR AGENDA OF: April 29, 2024

By: Marlena A. Schmid 04/23/2024
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 MEETING.**

MEETING DATE: 4/29/24 Ordinance # _____ Resolution # 2024-1207

Council Action Taken:

RESOLUTION

WHEREAS, C.299 of P.L. 1989 (N.J.S.A. 40:67-23.2 et seq.) establishes a policy and schedule of the reimbursement of costs for refuse and recycling collection and disposal, snow removal and street lighting costs incurred by qualified private communities as defined by the law; and

WHEREAS, Princeton Greens Homeowners Association and Windsor Ponds Homeowners Association qualifies as such communities; and

WHEREAS, the Township of West Windsor has agreed to reimburse the above-mentioned Homeowners Associations for snow removal costs and refuse and recycling costs for 2022 ;

WHEREAS, funds are available as evidenced by the Chief Financial Officer's certification of funds;

Princeton Greens Homeowners Association			
Snow Trust -2022	121407	\$	438.73
The Windsor Ponds Homeowners Assoc.			
Snow Trust -2022	121407	\$	<u>1,371.91</u>
Total		\$	<u>1,810.64</u>

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor, County of Mercer, and State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute agreements with these Associations to reimburse them for certain snow removal and refuse and recycling costs pursuant of N.J.S.A. 40:67-23.2 et. seq. in the following amounts:

Princeton Greens Homeowners Association			
Snow Trust -2022	121407	\$	438.73
The Windsor Ponds Homeowners Assoc.			
Snow Trust -2022	121407	\$	<u>1,371.91</u>
Total		\$	<u>1,810.64</u>

A copy of said Agreements is attached herein.

Adopted: April 29, 2024

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 29th day of April, 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: 4/1/2024

Initiated By: Anthony Esposito

Division/Department: Department of Public Works

ACTION REQUESTED/ EXECUTIVE SUMMARY: Resolution approving the purchase of one (1) new Dump Body w/ Plow Package from Trius Inc., 5049 Industrial Rd., Farmingdale, NJ 07727 under the Educational Services Commission of New Jersey. Cooperative Pricing System #65MCECCPS, Bid #23/24-04.

SOURCE OF FUNDING: 405 2021 14028 \$36,269.00
405 2022 08030 \$ 6,570.23
405 2023 09038 \$94,362.35

CONTRACT AMOUNT: \$117,428.48

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Resolution 2024-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 04/23/2024
Marlena Schmid, Business Administrator

MEETING DATE: 4/29/24 Ordinance # _____ Resolution # 2024-R108

Council Action Taken:

RESOLUTION

WHEREAS, the Department of Public Works needs to purchase One (1) New Dump Body with Plow Package; and

WHEREAS, same is available from Trius Inc., 5049 Industrial Rd., Farmingdale, NJ 07727 under the Educational Services Commission of New Jersey (ESCNJ) Cooperative Pricing System #65MCESCCPS, Bid #23/24-04; and

WHEREAS, Trius Inc. has provided a proposal dated March 19, 2024 for one (1) new Dump Body with Snow Plow Package for a total price not to exceed \$117,428.48; and

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

Public Works - Acquisition of Vehicle

Account Code 405 2021 14028	\$ 36,269.00
405 2022 08030	\$ 6,570.23
405 2023 09038	\$ 74,589.25

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that Marlana Schmid, the Business Administrator, is authorized to purchase of one (1) new Dump Body with Snow Plow Package from Trius Inc., 5049 Industrial Rd., Farmingdale, NJ 07727 under the Educational Services Commission of New Jersey (ESCNJ), New Jersey State Cooperative Pricing System # 65MCESCCPS, Bid #24/24-04 for a total price not to exceed \$117,428.48.

Adopted: April 29, 2024

I hereby certify the above resolution was adopted by the West Windsor Township Council at their meeting held on the 29 day of April 2024.

Gay M. Huber,
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: April 1, 2024

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

ACTION REQUESTED/ EXECUTIVE SUMMARY: Resolution approving the purchase of one (1) 2025 Conventional Cab from Houston Freightliner Inc., 9550 North Loop, East Houston, TX 77029 under SBFA, SRA (PRL-20D) Houston-Galveston Area Council Purchasing Program (HGAC) HGAC Buy Contract HT06-20.

SOURCE OF FUNDING: 405 2023 09 038

CONTRACT AMOUNT: \$109,899.00

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Resolution 2024-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 04/23/2024
Marlena Schmid, Business Administrator

MEETING DATE: 4/24/24 **Ordinance #** _____ **Resolution #** 2024-1209

Council Action Taken:

RESOLUTION

WHEREAS, the Department of Public Works needs to purchase One (1) 2025 Conventional Cab; and West Windsor Township is a member of the Houston Galveston Area Council National Cooperative (HGAC-Buy) pursuant to statutory and regulatory requirements of the State of New Jersey; and

WHEREAS, Houston Freightliner, 9550 North Loop, East Houston, TX 77029 is an authorized vendor under Houston-Galveston Area Council (HGAC-Buy) Contract HT06-20 and the availability of this contract best serves the needs of the Township of West Windsor; and

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

Public Works - Acquisition of Vehicle

Account Code 405 2023 09038 \$109,899.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that Marlana Schmid, the Business Administrator, is authorized to purchase from Houston Freightliner, 95500 North Loop, East Houston, TX 77029 of one (1) 2025 Freightliner, Model 108SD, Conventional Cab, SBFA, SRA (PRL-20D) for a total price not to exceed \$109,899.00.

Adopted: April 29, 2024

I hereby certify the above resolution was adopted by the West Windsor Township Council at their meeting held on the 29th day of April 2024

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

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

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

WHEREAS, the Township needs to purchase annual licensing of Intellishift GPS Vehicle Tracking licensing from SHI International Corp. as an Authorized Vendor of Computer Equipment & Peripherals (2022-2024) under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 with the County of Bergen in the amount of \$11,390.02; and

WHEREAS, as of April 29, 2024 the Township’s total aggregate spending with SHI International Corp. as an Authorized Vendor of Computer Equipment & Peripherals (2022-2024) under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 with the County of Bergen was as follows:

Purchase Order No.	61297	\$ 49.40
Purchase Order No.	61308	\$ 9,887.90
Purchase Order No.	61336	\$ 1,098.60
Resolution No.	2024-R063	\$ 9,025.20
Resolution No.	2024-R064	\$ 107,370.99
Resolution No.	2024-R065	\$ 12,000.00
<u>Resolution No.</u>	<u>2024-R091</u>	<u>\$ 651.29</u>
		\$ 140,083.38

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

Administration Technology/Computer Services	105 04 268	\$11,390.02
---------------------------------------------	------------	-------------

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator Marlana A. Schmid is hereby authorized to purchase the above from SHI International Corp. as an Authorized Vendor of Computer Equipment & Peripherals (2022-2024) under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 with the County of Bergen for a total not to exceed of \$151,473.40

Adopted: April 29, 2024

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 29th day of April, 2024.

Gay M. Huber
 Township Clerk
 West Windsor Township

RESOLUTION

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

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

WHEREAS, the Township needs to purchase annual licensing renewals of Cisco Enterprise Switching software from SHI International Corp. as an Authorized Vendor of Computer Equipment & Peripherals (2022-2024) under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 with the County of Bergen in the amount of \$11,630.82; and

WHEREAS, as of April 29, 2024 the Township’s total aggregate spending with SHI International Corp. as an Authorized Vendor of Computer Equipment & Peripherals (2022-2024) under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 with the County of Bergen was as follows:

Purchase Order No.	61297	\$ 49.40
Purchase Order No.	61308	\$ 9,887.90
Purchase Order No.	61336	\$ 1,098.60
Resolution No.	2024-R063	\$ 9,025.20
Resolution No.	2024-R064	\$ 107,370.99
Resolution No.	2024-R065	\$ 12,000.00
Resolution No.	2024-R091	\$ 651.29
<u>Resolution No.</u>	<u>2024-R110</u>	<u>\$ 11,390.02</u>
		\$ 151,473.40

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

Administration Technology/Computer Services	105 04 268	\$11,630.82
---------------------------------------------	------------	-------------

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator Marlana A. Schmid is hereby authorized to purchase the above from SHI International Corp. as an Authorized Vendor of Computer Equipment & Peripherals (2022-2024) under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 with the County of Bergen for a total not to exceed of \$163,104.22.

Adopted: April 29, 2024

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 29th day of April, 2024.

Gay M. Huber
Township Clerk
West Windsor Township

RESOLUTION

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

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

WHEREAS, the Township needs to purchase 3 large monitors for the Construction Division from SHI International Corp. as an Authorized Vendor of Computer Equipment & Peripherals (2022-2024) under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 with the County of Bergen in the amount of \$929.17; and

WHEREAS, as of April 29, 2024 the Township’s total aggregate spending with SHI International Corp. as an Authorized Vendor of Computer Equipment & Peripherals (2022-2024) under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 with the County of Bergen was as follows:

Purchase Order No.	61297	\$ 49.40
Purchase Order No.	61308	\$ 9,887.90
Purchase Order No.	61336	\$ 1,098.60
Resolution No.	2024-R063	\$ 9,025.20
Resolution No.	2024-R064	\$ 107,370.99
Resolution No.	2024-R065	\$ 12,000.00
Resolution No.	2024-R091	\$ 651.29
Resolution No.	2024-R110	\$ 11,390.02
<u>Resolution No.</u>	<u>2024-R111</u>	<u>\$ 11,630.82</u>
		\$ 163,104.22

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

Technical and Specialized Equipment	105 38 420	\$929.17
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NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor that the Business Administrator Marlana A. Schmid is hereby authorized to purchase the above from SHI International Corp. as an Authorized Vendor of Computer Equipment & Peripherals (2022-2024) under the New Jersey Cooperative Purchasing Alliance Contract CK04, Subcontract 22-24 with the County of Bergen for a total not to exceed of \$164,033.39.

Adopted: April 29, 2024

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 29th day of April, 2024.

Gay M. Huber
 Township Clerk
 West Windsor Township

RESOLUTION

WHEREAS, the Township of West Windsor has a need to acquire professional information technology support services; and

WHEREAS, StarNet Solutions, Inc. has submitted a proposal dated March 27, 2024 indicating they will provide a 120-hour retainer for on-site, phone or remote support for maintenance, trouble shooting and general support of the Municipal Network for \$14,400.00; and

WHEREAS, the Township wishes to enter into an agreement with StarNet Solutions, Inc. for the aforesaid services; and

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

Administration Technology/Computer Services	105-04-268	\$14,400.00
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NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Windsor as follows:

(1) The Mayor and Clerk are hereby authorized to execute, on behalf of the Township a Professional Services Agreement with StarNet Solutions Inc., for an amount not to exceed Fourteen Thousand, Four Hundred Dollars (\$14,400.00).

(2) The Agreement so authorized shall require the Provider to provide a 120 hour retainer for on-site, phone or remote support for maintenance, trouble shooting and general support of the Municipal Network for \$14,400.00. The contract may be awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a) because the services are professional in nature.

(3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.

(4) An executed copy of the Agreement between the Township and StarNet Solutions, Inc. and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: April 29, 2024

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 29th day of April 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: April 10, 2024

Initiated By: Brian E. Aronson **Division/Department:** Buildings & Grounds/Admin.

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Adoption of a resolution authorizing execution of a professional services agreement with the Spiezle Architectural Group, Inc. to provide professional architectural services associated with kitchen and pavilion improvements at the Township Senior Center. The Township Facilities Maintenance Manager is recommending a contract be awarded to the Spiezle Architectural Group, Inc. of Hamilton, NJ.

<u>SOURCE OF FUNDING:</u>	Senior Center - General Improvements	405-2017-21014
	Senior Center - General Improvements	405-2020-14019
	Senior Center - General Improvements	405-2022-08020
	Senior Center - General Improvements	405-2023-09025

CONTRACT AMOUNT: \$48,440.00

CONTRACT LENGTH: from the date of project initiation to project completion

OTHER SUPPORTING INFORMATION ATTACHED:

Proposal	Certification of Funds.
Affirmative Action Contract	Stockholder Disclosure
Business Entity Disclosure	Contribution Disclosure
Professional Services Agreement	

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Brian Aronson 4-15-2024
Department/Division Head Date

APPROVED FOR AGENDA OF: APRIL 29, 2024

By: Marlena A. Schmid 04/23/2024
Marlena Schmid, Business Administrator

MEETING DATE: 4/29/24 **Ordinance #** _____ **Resolution #** 2024-R114

Council Action Taken:

RESOLUTION

WHEREAS, the Township of West Windsor has a need to acquire professional architectural services; and

WHEREAS, Spiezle Architectural Group, Inc. has submitted a proposal dated April 10, 2024 indicating they will provide professional architectural services in conjunction with kitchen and pavilion improvements at the Township Senior Center for \$48,440.00; and

WHEREAS, the Township wishes to enter into an agreement with Spiezle Architectural Group, Inc. for the aforesaid services; and

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

Senior Center - General Improvements	405-2017-21014
Senior Center - General Improvements	405-2020-14019
Senior Center - General Improvements	405-2022-08020
Senior Center - General Improvements	405-2023-09025

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor as follows:

- (1) The Mayor and Clerk are hereby authorized to execute, on behalf of the Township a Professional Services Agreement with the Spiezle Architectural Group, Inc., for an amount not to exceed \$48,440.00.
- (2) The Agreement so authorized shall require the Provider to provide professional architectural design services pursuant to its proposal dated April 10, 2024. The contract may be awarded without competitive bidding as authorized by the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(a) because the services are professional in nature.
- (3) A notice of this action shall be published in the newspaper used by the Township for legal publications as required by law within ten (10) days of its passage.
- (4) An executed copy of the Agreement between the Township and the Spiezle Architectural Group, Inc. and a copy of this Resolution, shall be on file and available for public inspection in the office of the Township Clerk.

Adopted: April 29, 2024

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 29th day of April 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: April 12, 2024

Initiated By: Brian E. Aronson Division/Department: Buildings & Grounds/Admin.

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Adoption of a resolution authorizing an amendment to the lease agreement between the West Windsor Arts Council and the Township of West Windsor for the land commonly known as 952 Alexander Road, Block 75, Lot 6 (a.k.a. Arts Center or the Old PJ Volunteer Fire Station). The current lease agreement expired on December 31, 2023 and this new lease extension will provide an additional ten (10) year period of time beginning on May 1, 2024 and terminating on April 30, 2034.

SOURCE OF FUNDING:

Current Fund – General Revenues – Rent from Lease – Arts Center

CONTRACT AMOUNT: \$12/year - \$120 Total

CONTRACT LENGTH: 10 Years - May 1, 2024 to April 30, 2034

OTHER SUPPORTING INFORMATION ATTACHED:

- | | |
|--------------------------------------------|-----------------------|
| Resolution | Lease Amendment No. 5 |
| Resolution 2010-R166A | Resolution 2020-R141 |
| Resolution 2020-R240 | Resolution 2021-R200 |
| Resolution 2022-R064 | |
| Facilities Maintenance Managers Memorandum | |

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Brian Aronson 4-12-2024
 Department/Division Head Date

APPROVED FOR AGENDA OF: APRIL 29, 2024

By: Marlena Schmid 04/23/2024
 Marlena Schmid, Business Administrator

MEETING DATE: 4/29/24 Ordinance # _____ Resolution # 2024-R115

Council Action Taken:

TOWNSHIP OF WEST WINDSOR
MERCER COUNTY, NEW JERSEY

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN
THE WEST WINDSOR ARTS COUNCIL AND THE TOWNSHIP OF WEST WINDSOR FOR
THE LANDS COMMONLY KNOWN AS 952 ALEXANDER ROAD, BLOCK 75, LOT 6 (A.K.A. ARTS
CENTER OR THE OLD PJ VOLUNTEER FIRE STATION), WEST WINDSOR, NEW JERSEY

- WHEREAS, the Township of West Windsor originally entered into a ten (10) year Lease Agreement with the West Windsor Arts Council, a not-for-profit 501(c) (3) organization on August 2, 2010 for utilization of a Township owned facility via Resolution No. 2010-R166A; and
- WHEREAS, the Township Council of West Windsor adopted Amendment No. 1 on July 13, 2020 via Resolution 2020-R141 which extended the existing Lease Agreement for five (5) months and terminated on December 31, 2020; and
- WHEREAS, the Township Council of West Windsor adopted Amendment No. 2 on November 30, 2020 via Resolution 2020-R240 which extended the existing Lease Agreement for twelve (12) months beginning on January 1, 2021 and terminating on December 31, 2021; and
- WHEREAS, the Township Council of West Windsor adopted Amendment No. 3 on November 22, 2021 via Resolution 2021-R200 which extended the existing Lease Agreement for twelve (12) months beginning on January 1, 2022 and terminating on December 31, 2022; and
- WHEREAS, the Township Council of West Windsor adopted Amendment No. 4 on February 14, 2022 via Resolution 2022-R064 which extended the existing Lease Agreement for twelve (12) months beginning on January 1, 2023 and terminating on December 31, 2023; and
- WHEREAS, the Property (“Property”) owned by the Township and leased under the Agreement is located at Block 75, Lot 6 on the official Tax Map of West Windsor Township, and is commonly known as 952 Alexander Road (a.k.a. Arts Center or Old PJ Volunteer Fire Station); and
- WHEREAS, it would be in the best interest of both parties to execute a ten (10) year extension of the existing Lease Agreement; and
- WHEREAS, the Township is empowered to lease municipally-owned property, to the West Windsor Arts Council pursuant to N.J.S.A. 40:60-25.51, so long as the governing body determines same to be “desirable for the public convenience and welfare.”
- NOW, THEREFORE, BE IT RESOLVED the Township Council of the Township of West Windsor, does hereby approve Amendment No. 5 to the existing Lease Agreement with the West Windsor Arts Council for a ten (10) year extension, beginning May 1, 2024 and terminating on April 30, 2034, in exchange for the monthly rental rate of \$1.00.
- BE IT FURTHERED RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute and record any document(s) necessary in the fulfillment of this Resolution, specifically, and amendment to the initial Lease Agreement.

BE IT FINALLY RESOLVED that, upon final execution, the amendment to the initial Lease Agreement shall be incorporated by reference into this Resolution and shall be attached hereto as Amendment No.5.

Adopted: April 29, 2024

I hereby certify the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 29th day of April 2024.

Gay M. Huber
Township Clerk
West Windsor Township

REQUEST FOR COUNCIL ACTION

Date of Request: April 17, 2024

Initiated By: Francis Guzik Division/Department: Comm. Dev./Engineering

ACTION REQUESTED/ EXECUTIVE SUMMARY:

Adoption of a resolution authorizing the execution of a Temporary Access Agreement with Roman E&G Corp., as contractor for Public Service Electric and Gas Company (PSE&G). The Agreement will allow Roman E&G Corp. to use the gravel lot on the municipal property around the former Wallace Road Garage (Block 59, Lots 1 & 2) for laydown area and access during the construction of the utility crossing under the AMTRAK rail lines, from Old Washington Road to Wallace Road, for PSE&G.

SOURCE OF FUNDING: N/A

CONTRACT AMOUNT: N/A

CONTRACT LENGTH: N/A

OTHER SUPPORTING INFORMATION ATTACHED:

Resolution
Map
Temporary Access Agreement w/ Exhibits
Engineer's Memorandum

COMPLETE AND READY FOR ADMINISTRATOR'S REVIEW

Department/Division Head

Date

APPROVED FOR AGENDA OF: April 29, 2024

By: Marlena Schmid 04/23/2024
Marlena Schmid, Business Administrator

MEETING DATE: 4/29/24 Ordinance # _____ Resolution # 2024-R116

Council Action Taken:

RESOLUTION AUTHORIZING EXECUTION OF
TEMPORARY ACCESS AGREEMENT WITH ROMAN E&G CORP.

- WHEREAS, Roman E&G Corp. is a contractor at 14 Ogden St, Newark, NJ 07104 retained by PUBLIC SERVICE ELECTRIC AND GAS COMPANY, a corporation of the State of New Jersey, having its principal office at 80 Park Plaza, Newark, New Jersey 07102 (hereinafter called "PSE&G"); and
- WHEREAS, PSE&G is continuing infrastructure improvements in the region, including the extension of 69kV electric service lines along the Washington Road and Cranbury Road corridors, and a planned crossing of utilities beneath the AMTRAK Train Lines; and
- WHEREAS, Roman E&G Corp. has requested the consent of the Township for a temporary right of use over the portion of the existing gravel lot, near Wallace Rd, within property owned by West Windsor Township (Block 59, Lots 1&2 hereinafter "Property") so as to provide construction access for Roman E&G Corp. to perform a Guided Auger Bore tunnel underneath the AMTRAK Train Lines, as well as allow AMTRAK to continue access to their facilities located at Block 59, Lot 3, during the execution of the work; and
- WHEREAS, Roman E&G Corp. desires to enter into a Temporary Access Agreement with the Township of West Windsor that sets forth the terms of use, occupancy and manner in which Roman E&G Corp. will utilize the municipal Property ("Access Agreement"); and
- WHEREAS, the Access Agreement shall be effective for an initial four (4) month term and contains provisions for three 1-month extensions, if necessary; and
- WHEREAS, annexed hereto is a copy of the Temporary Access Agreement to be entered into by and between the Township of West Windsor and Roman E&G Corp.;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Windsor that:

1. Non-exclusive consent is hereby granted to PSE&G for a temporary right of use over the existing gravel lot, near Wallace Rd, within property owned by West Windsor Township (Block 59, Lots 1&2) to provide construction access for Roman E&G Corp. to perform an Guided Auger Bore tunnel underneath the AMTRAK Train Lines, as well as allow AMTRAK to continue access to their facilities located at Block 59, Lot 3, during the execution of the work, for an initial four (4) month term and up to three 1-month extensions, if necessary.
2. The within granted permission is conditioned upon Roman E&G Corp. entering into the attached Access Agreement with the Township of West Windsor, and providing proof of the required general liability and property damage insurance coverages.
3. The Business Administrator and the Township Clerk be and hereby are authorized to execute the annexed Access Agreement between the Township of West Windsor and Roman E&G Corp. The Business Administrator is also authorized to execute subsequent and related applications as may be needed for Roman E&G Corp.'s use of the Township's gravel lot.
4. A Copy of this Resolution and the executed Access Agreement shall be kept on file in the Office of the Township Clerk.

2024-R116

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Adopted: April 29, 2024

I hereby certify that the above resolution was adopted by the West Windsor Township Council at their meeting held on the 29th day of April 2024.

Gay M. Huber
Township Clerk
West Windsor Township